

116TH CONGRESS
2D SESSION

S. 4772

To establish the Future of Local News Commission to examine and report on the role of local news gathering in sustaining democracy in the United States and the factors contributing to the demise of local journalism, and to propose policies and mechanisms that could reinvigorate local news to meet the critical information needs of the people of the United States in the 21st century.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 30 (legislative day, SEPTEMBER 29), 2020

Mr. SCHATZ (for himself, Mr. BENNET, and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To establish the Future of Local News Commission to examine and report on the role of local news gathering in sustaining democracy in the United States and the factors contributing to the demise of local journalism, and to propose policies and mechanisms that could reinvigorate local news to meet the critical information needs of the people of the United States in the 21st century.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Future of Local News
3 Commission Act of 2020”.

4 **SEC. 2. FINDINGS AND PURPOSE.**

5 Congress finds and declares the following:

6 (1) The United States of America was founded
7 on the press freedom principle enshrined in the First
8 Amendment to the Constitution, declaring that
9 “Congress shall make no law . . . abridging the
10 freedom of speech, or of the press . . .”.

11 (2) Democracy demands wisdom and vision in
12 its citizens, and an informed citizenry depends on
13 accurate and unbiased news reporting to inform the
14 people’s judgments.

15 (3) Thomas Jefferson famously and wisely
16 wrote, “[W]ere it left to me to decide whether we
17 should have a government without newspapers or
18 newspapers without a government, I should not hesi-
19 tate a moment to prefer the latter.”.

20 (4)(A) According to research by the University
21 of North Carolina School of Media and Journalism,
22 Center for Innovation and Sustainability in Local
23 Media:

24 (i) The United States has lost more than
25 2,100 local print outlets since 2004.

1 (ii) More than 200 counties in the United
2 States have no newspaper at all, creating a
3 news shortage for the 3,200,000 residents of
4 those counties.

5 (iii) Of the remaining counties, more than
6 half, or 1,528, have only one newspaper, often
7 a weekly newspaper, to cover populations rang-
8 ing from under 1,000 to more than 1,000,000
9 residents.

10 (iv) More than half of all United States
11 newspapers have changed owners in the past
12 decade, and in 2018 just 25 companies owned
13 two-thirds of all daily newspapers.

14 (v) Of the surviving 6,700 newspapers in
15 the United States, at least 1,000 qualify as
16 “ghost newspapers”, or newspapers “whose re-
17 porting staffs are so significantly reduced that
18 they can no longer provide much of the break-
19 ing news or public service journalism that once
20 informed readers about vital issues in their
21 communities”.

22 (vi) Rural counties are among the counties
23 most deeply impacted. More than 500 of the
24 2,100 newspapers that have closed or merged
25 since 2004 have been in rural counties.

1 (B) According to the Pew Research Center,
2 total newsroom employment (meaning in news-
3 papers, television, radio, and digital) dropped by
4 roughly 25 percent from 2008 to 2018, while the
5 plunge in newspaper newsrooms alone was much
6 worse, at 47 percent.

7 (C) According to the program “On the Media”
8 of WNYC Studios, beat reporting, meaning the day-
9 to-day coverage of a particular field that allows a
10 journalist to develop expertise and cultivate sources,
11 has been gutted.

12 (D) Freedom of Information Act requests sub-
13 mitted by local newspapers to local, State, and Fed-
14 eral agencies fell by nearly 50 percent between 2005
15 and 2010, demonstrating a significant drop in the
16 extent to which reporters request government
17 records.

18 (E) According to the Pew Research Center,
19 newspapers alone lost more than \$35,000,000,000 in
20 advertising revenue between 2004 and 2018.

21 (F) A 2018 study by American Indian Media
22 Today found that the number of American Indian
23 print media sources has shrunk dramatically in re-
24 cent years, from 700 media outlets in 1998 to only
25 200 in 2018.

1 (5) According to the Native American Journal-
2 ists Association, Tribal news outlets are often de-
3 pendent on Tribal governments for funding, but
4 most Tribal news outlets lack the policy structure
5 necessary to fully protect journalistic independence.

6 (6) As a result, freedoms of speech and press
7 among Tribal nations are inconsistent, as Tribal
8 media journalists report experiencing punitive budg-
9 etary restrictions, censorship, required prior ap-
10 proval of content, and workplace harassment in pur-
11 suit of Tribal reporting.

12 (7) In its 2019 call-to-action report, “Losing
13 the News: The Decimation of Local Journalism and
14 the Search for Solutions”, PEN America proposed
15 “a major reimagining of the local news space, in
16 which local reporting is re-conceptualized as a public
17 good”, calling on society and government to urgently
18 address the alarming demise of local journalism.

19 (8) Half a century ago, Congress perceived that
20 the commercial television industry would not on its
21 own provide the educational and public interest
22 broadcasting that was appropriate and necessary for
23 the country, and, informed by an independent report
24 prepared by the Carnegie Commission on Edu-
25 cational Television, saw fit to create the Corporation

1 for Public Broadcasting, which has since ensured
2 that radio and television include public interest edu-
3 cational and reporting programs, using annually ap-
4 propriated funds.

5 (9) In order to determine an appropriate course
6 of action to preserve and sustain local news across
7 the United States, including in all States, territories,
8 insular communities, and Tribal areas, it is desirable
9 to establish a Federal advisory commission on the
10 future of local news to prepare a report that would
11 make recommendations to Congress.

12 **SEC. 3. FUTURE OF LOCAL NEWS COMMISSION.**

13 (a) ESTABLISHMENT.—There is established a com-
14 mission to be known as the “Future of Local News Com-
15 mission” (in this section referred to as the “Commis-
16 sion”).

17 (b) PURPOSE.—The purpose of the Commission is
18 to—

19 (1) examine the state of local news and the
20 ability of local news to sustain democracy by meet-
21 ing the critical information needs of the people of
22 the United States; and

23 (2) provide recommendations on mechanisms
24 that the Federal Government can create and effec-
25 tively implement to support production of profes-

sional, independent, and high-quality local news to meet the needs of the public, which recommendations, in addition to any other proposals deemed appropriate, may explore the possible creation of a new national endowment for local journalism, or the reform and expansion of the Corporation for Public Broadcasting or another appropriate institution, to make public funds a part of a multi-faceted approach to sustaining local news.

(c) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 13 members, of whom—

(A) 2 shall be appointed by the majority leader of the Senate;

(B) 2 shall be appointed by the minority leader of the Senate;

(C) 2 shall be appointed by the Speaker of the House of Representatives;

(D) 2 shall be appointed by the minority leader of the House of Representatives;

(E) 2 shall be appointed by the Chairman of the Board of Directors of the Corporation for Public Broadcasting;

1 (F) 2 shall be appointed by the Chair-
 2 person of the National Endowment for the Hu-
 3 manities; and

4 (G) 1 shall be appointed by the Chief Ex-
 5 ecutive Officer of the United States Agency for
 6 Global Media.

7 (2) CRITERIA FOR SERVICE ON THE COMMIS-
 8 SION.—To the extent practical, the Commission shall
 9 include members with relevant expertise, such as in-
 10 dividuals in the following positions:

11 (A) Print media news editor.

12 (B) Digital-native or digital-first news edi-
 13 tor.

14 (C) Broadcast news editor.

15 (D) Local county editor or journalist of a
 16 news outlet with circulation or readership of not
 17 more than 75,000.

18 (E) Print media journalist or editor for a
 19 news outlet that serves national readership.

20 (F) Nonprofit news outlet journalist or edi-
 21 tor.

22 (G) Broadcast news reporter who works
 23 for a local broadcast outlet serving a single
 24 community or geographic area.

1 (H) A research expert on the state of local
 2 news and the phenomenon of the industry's rev-
 3 enue loss and overall contraction during the last
 4 10 or more years.

5 (I) Business leader in the media industry.

6 (J) Labor union leader in the media indus-
 7 try.

8 (K) Dean or professor at a university
 9 school of journalism.

10 (L) Civil society representative from a non-
 11 partisan organization that examines the nature
 12 of the local news crisis.

13 (M) Editor or other senior professional of
 14 a regional ethnic media outlet serving commu-
 15 nities in which English is a second language.

16 (N) Editor or other senior professional of
 17 a Tribal news outlet or a news outlet serving
 18 American Indian, Alaska Native, or Native Ha-
 19 waiian communities.

20 (3) DIVERSITY.—To the extent practical, the
 21 Commission shall—

22 (A) include members from diverse regions
 23 of the country and reflect the experience of
 24 rural, urban, suburban, insular, and Tribal
 25 communities; and

1 (B) reflect the gender and racial diversity
2 of the United States.

3 (4) DESIGNATION OF ALTERNATES.—If a mem-
4 ber of the Commission is unable to serve on the
5 Commission for the duration of the Commission, the
6 official who had appointed the resigning commis-
7 sioner shall appoint an alternate not later than 30
8 days after the member withdraws or becomes unable
9 to serve.

10 (5) CHAIRPERSON.—The chairperson of the
11 Commission shall be elected by the Commission from
12 among the members by a majority vote at the initial
13 meeting.

14 (6) TERM OF MEMBERSHIP.—Members of the
15 Commission shall serve until the date on which the
16 Commission terminates under subsection (h).

17 (7) COMPENSATION.—Members of the Commis-
18 sion shall not be compensated for membership on
19 the Commission but may be allowed reimbursement
20 for travel and incidental expenses, including per
21 diem in lieu of subsistence, in the same manner as
22 persons employed intermittently in the Government
23 service are allowed expenses under section 5703(b)
24 of title 5, United States Code.

1 (d) DUTIES.—The duties of the Commission are as
2 follows:

3 (1) To examine the implications for the democ-
4 racy of the United States of the disappearance of so
5 many local newspapers, digital news outlets, and
6 broadcasting outlets—

7 (A) in every State and territory;

8 (B) in rural, urban, suburban, insular, and
9 Tribal communities, of the United States; and

10 (C) that serve Black communities and non-
11 English-speaking communities.

12 (2) To assess—

13 (A) the impact the coronavirus pandemic
14 has had on the demise of the news industry;
15 and

16 (B) whether the Paycheck Protection Pro-
17 gram set forth in section 7(a)(36) of the Small
18 Business Act (15 U.S.C. 636(a)(36)) has had
19 beneficial effects on local news organizations.

20 (3) To assess the effectiveness of existing Fed-
21 eral statutes (including the Internal Revenue Code
22 of 1986 and the antitrust laws), regulations, institu-
23 tions (including the Corporation for Public Broad-
24 casting), and programs in supporting the production
25 of local news.

1 (4) To examine potential new mechanisms for
2 public funding for the production of local news to
3 meet the critical information needs of the people of
4 the United States and address systemic inequities in
5 media coverage and representation throughout the
6 country.

7 (5) To consider issues of transparency and
8 other guardrails, such as editorial independence
9 from government actors and a distinct, independent
10 legal and financial structure for the funding institu-
11 tion, which must be addressed if public funding is
12 viewed in principle as one path forward to support
13 production of local news.

14 (e) POWERS OF THE COMMISSION.—

15 (1) HEARINGS.—The Commission may, for the
16 purpose of carrying out this section, hold hearings,
17 sit and act at times and places, take testimony, and
18 receive evidence as the Commission considers appro-
19 priate.

20 (2) POWERS OF MEMBERS AND AGENTS.—Any
21 member of the Commission may, upon authorization
22 by the Commission, take any action that the Com-
23 mission is authorized to take under this section.

24 (3) OBTAINING OFFICIAL DATA.—Subject to ap-
25 plicable privacy laws and relevant regulations, the

1 Commission may secure directly from any depart-
2 ment or agency of the United States information
3 and data necessary to enable it to carry out this sec-
4 tion. Upon written request of the chairperson of the
5 Commission, the head or acting representative of
6 that department or agency shall furnish the re-
7 requested information to the Commission not later
8 than 30 days after receipt of the request.

9 (f) OPERATING RULES AND PROCEDURE.—

10 (1) INITIAL MEETING.—The Commission shall
11 meet not later than 30 days after the date on which
12 a majority of the members of the Commission have
13 been appointed.

14 (2) MEETINGS.—The Commission shall convene
15 some of its public meetings in various regions of the
16 country.

17 (3) VOTING.—Each member of the Commission
18 shall have 1 vote.

19 (4) RECOMMENDATIONS.—The Commission
20 shall adopt recommendations only upon a majority
21 vote.

22 (5) QUORUM.—A majority of the members of
23 the Commission shall constitute a quorum, but a
24 lesser number of members may hold meetings, gath-

1 er information and evidence, and review draft re-
2 ports from staff.

3 (g) STAFF.—

4 (1) PERSONNEL.—The chairperson of the Com-
5 mission may appoint staff to inform, support, and
6 enable commissioners in the fulfillment of their re-
7 sponsibilities. A staff member may not be a local,
8 State, or Federal elected official or be affiliated with
9 or employed by such an elected official during the
10 duration of the Commission.

11 (2) EXPERT CONSULTANTS.—As needed, the
12 Commission may commission intermittent research
13 or other information from experts and provide sti-
14 pends for engagement consistent with relevant stat-
15 utes and regulations.

16 (h) DURATION.—The Commission shall terminate 60
17 days after the date on which the Commission presents the
18 findings, conclusions, and recommendations of the Com-
19 mission at the public hearing described in subsection
20 (i)(3).

21 (i) REPORT.—

22 (1) SUBMITTAL OF REPORT.—Not later than 1
23 year after the date of the initial meeting of the Com-
24 mission, the chairperson of the Commission shall
25 submit to Congress a comprehensive report on the

1 findings, conclusions, and recommendations of the
2 Commission in furtherance of the purpose of the
3 Commission under subsection (b).

4 (2) PUBLIC ACCESS TO REPORT.—The report
5 submitted to Congress under paragraph (1) shall be
6 publicly available online for free.

7 (3) HEARING AND IMPLEMENTATION.—After
8 the Commission submits the report under paragraph
9 (1), the appropriate committees of Congress may
10 hold hearings at which the Commission may present
11 the findings, conclusions, and recommendations of
12 the Commission as laid out in the report.

13 (j) APPLICABILITY OF FACA.—Except as provided in
14 subsection (h), the Federal Advisory Committee Act (5
15 U.S.C. App.) shall apply to the Commission.

16 (k) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to the Commission
18 \$1,000,000 to carry out this section.

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