

116TH CONGRESS
1ST SESSION

S. 941

To amend the Communications Act of 1934 to clarify the obligations of licensees under section 331 of that Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 28, 2019

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

A BILL

To amend the Communications Act of 1934 to clarify the obligations of licensees under section 331 of that Act, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Section 331 Obligation
5 Clarification Act”.

6 **SEC. 2. LICENSEE REQUIREMENTS.**

7 (a) IN GENERAL.—Section 331 of the Communica-
8 tions Act of 1934 (47 U.S.C. 331) is amended by striking
9 subsection (a) and inserting the following:

1 “(a) TELEVISION STATIONS IN UNDERSERVED
2 STATES.—

3 “(1) CHANNEL ALLOCATION.—

4 “(A) COMMISSION POLICY.—It shall be the
5 policy of the Commission to allocate channels
6 for commercial television broadcasting in a
7 manner which ensures that not less than 1 very
8 high frequency channel and not less than 1
9 ultra high frequency channel shall be allocated
10 to each State, if technically feasible.

11 “(B) REALLOCATION OF VERY HIGH FRE-
12 QUENCY CHANNELS AND ULTRA HIGH FRE-
13 QUENCY CHANNELS.—In any case in which a li-
14 censee of a very high frequency commercial tele-
15 vision broadcast station or an ultra high fre-
16 quency commercial television broadcast station
17 notifies the Commission to the effect that such
18 licensee will agree to the reallocation of its
19 channel to a community within a State in
20 which, at the time of such notification, there is
21 allocated no very high frequency commercial tel-
22 evision broadcast channel or ultra high fre-
23 quency commercial television broadcast channel,
24 as applicable, the Commission shall, notwith-
25 standing any other provision of law, order such

1 reallocation and issue a license to such licensee
2 for that purpose under section 307.

3 “(2) LICENSEE REQUIREMENTS.—Each licensee
4 of a commercial television broadcast station that re-
5 ceives a license under paragraph (1)(B) shall—

6 “(A) broadcast on the channel of the li-
7 censee not fewer than 14 hours of common local
8 programming per week, not fewer than 7 hours
9 of which shall be broadcast between the hours
10 of 6:00 p.m. and midnight;

11 “(B) include as part of the common local
12 programming broadcast under subparagraph
13 (A) a substantial amount of particularized local
14 content;

15 “(C) maintain a broadcast studio in the
16 station’s community of license for each license
17 so received;

18 “(D) file with the Commission a quarterly
19 disclosure of all programming broadcast under
20 subparagraph (A) during the period covered by
21 the disclosure, which—

22 “(i) shall include a separate list of
23 programming included under subparagraph
24 (B) with a detailed explanation of how that

1 programming satisfies the requirements of
2 subparagraph (B); and

3 “(ii) the Commission shall make pub-
4 licly available; and

5 “(E) when developing the programming de-
6 scribed in subparagraphs (A) and (B), or any
7 public service announcement broadcast on the
8 channel of the licensee, consult with community
9 leaders and members of the general public in
10 the market served by the station.

11 “(3) EFFECT OF CHANGES TO ULTRA HIGH
12 FREQUENCY STATION.—If a licensee that holds a li-
13 cense issued under paragraph (1)(B) changes from
14 a very high frequency commercial television broad-
15 cast station to an ultra high frequency commercial
16 television broadcast station—

17 “(A) the licensee shall ensure that the
18 change does not affect any special service obli-
19 gation imposed on the licensee because of the
20 fact that the licensee received the license under
21 that paragraph, without regard to whether the
22 Commission imposed the obligation—

23 “(i) by rule or order; or

24 “(ii) as part of the grant or renewal
25 of the license; and

1 “(B) the Commission may not directly or
 2 indirectly reduce or eliminate the special service
 3 obligation described in subparagraph (A) be-
 4 cause of that change.

5 “(4) DEFINITION.—In this subsection, the term
 6 ‘particularized local content’ means programming—

7 “(A) aired on a commercial television
 8 broadcast channel by a licensee that receives a
 9 license under paragraph (1)(B); and

10 “(B) that—

11 “(i) has specific, articulable, and par-
 12 ticularized appeal for the community to
 13 which the channel described in subpara-
 14 graph (A) is reallocated under paragraph
 15 (1)(B) that is separate and distinct from
 16 the general national or local television mar-
 17 ket appeal;

18 “(ii) includes news or public affairs
 19 information about the State, or the region
 20 of the State, in which the community de-
 21 scribed in clause (i) is located; and

22 “(iii) is responsive to the unique con-
 23 cerns of the community described in clause
 24 (i) as part of a State that lacks a television
 25 market that is centered in that State.”.

1 (b) RULEMAKING.—

2 (1) DEFINITIONS.—In this subsection—

3 (A) the term “Commission” means the
4 Federal Communications Commission; and

5 (B) the term “section 331” means section
6 331 of the Communications Act of 1934 (47
7 U.S.C. 331), as amended by subsection (a).

8 (2) RULES.—Not later than 1 year after the
9 date of enactment of this Act, the Commission shall
10 issue final rules to implement the amendments made
11 by subsection (a).

12 (3) REQUIREMENTS.—The rules required under
13 paragraph (2) shall—

14 (A) contain specific procedures and re-
15 quirements for how an individual who lives in a
16 community to which a commercial television
17 broadcast channel is reallocated under sub-
18 section (a)(1)(B) of section 331 can challenge
19 whether the licensee with respect to that chan-
20 nel has satisfied the requirements of the li-
21 censee under section 331, particularly when
22 that licensee seeks to renew the license with re-
23 spect to that channel;

24 (B) include guidance regarding what type
25 of evidence the Commission shall accept and re-

1 view in determining whether a licensee de-
2 scribed in subparagraph (A) is satisfying the re-
3 quirements of the licensee under section 331;
4 and

5 (C) ensure that the procedure by which an
6 individual described in subparagraph (A) can
7 participate in the review by the Commission of
8 a licensee described in that subparagraph—

9 (i) is simple and straightforward; and

10 (ii) includes holding community fo-
11 rums as necessary.

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