

117TH CONGRESS
2D SESSION

S. 4796

To repeal the limitations on multiple ownership of radio and television stations imposed by the Federal Communications Commission, to prohibit the Federal Communications Commission from limiting common ownership of daily newspapers and full-power broadcast stations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 7, 2022

Mr. PAUL introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To repeal the limitations on multiple ownership of radio and television stations imposed by the Federal Communications Commission, to prohibit the Federal Communications Commission from limiting common ownership of daily newspapers and full-power broadcast stations, 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 “Local News and
5 Broadcast Media Preservation Act of 2022”.

1 **SEC. 2. REGULATION OF BROADCAST OWNERSHIP BY THE**
 2 **FEDERAL COMMUNICATIONS COMMISSION.**

3 (a) REPEAL OF MULTIPLE BROADCAST STATION
 4 OWNERSHIP RULES.—

5 (1) IN GENERAL.—The Federal Communica-
 6 tions Commission may not impose any limitation on
 7 the number of radio or television stations—

8 (A) that a person or entity may directly or
 9 indirectly own, operate, or control; or

10 (B) in which a person or entity may have
 11 a cognizable interest.

12 (2) REGULATIONS.—In accordance with para-
 13 graph (1), the Federal Communications Commission
 14 shall repeal section 73.3555 of title 47, Code of Fed-
 15 eral Regulations.

16 (3) TECHNICAL AND CONFORMING AMEND-
 17 MENT.—Section 202 of the Telecommunications Act
 18 of 1996 (Public Law 104–104; 110 Stat. 108) is
 19 amended by striking subsections (a) through (d) and
 20 (h).

21 (b) PROHIBITION ON LIMITATION OF NEWSPAPER
 22 AND BROADCAST STATION CROSS-OWNERSHIP.—The
 23 Federal Communications Commission may not impose any
 24 limitation on the ability of a person or entity to own 1
 25 or more daily newspapers and 1 or more full-power broad-
 26 cast stations.

1 **SEC. 3. CLAYTON ACT.**

2 Section 7 of the Clayton Act (15 U.S.C. 18) is
3 amended by adding at the end the following:

4 “For purposes of an acquisition described in this sec-
5 tion, the market share in any geographic market of the
6 television broadcasting market, the radio broadcasting
7 market, or the daily newspaper publication market (or any
8 relevant product market within such markets) of the ac-
9 quiring person as a result of the acquisition shall not be
10 considered to substantially lessen competition or to tend
11 to create a monopoly.”.

12 **SEC. 4. SAFE HARBOR FOR CERTAIN COLLECTIVE NEGOTIATIONS.**

14 (a) DEFINITIONS.—In this section:

15 (1) ANTITRUST LAWS.—The term “antitrust
16 laws”—

17 (A) has the meaning given the term in
18 subsection (a) of the first section of the Clayton
19 Act (15 U.S.C. 12); and

20 (B) includes—

21 (i) section 5 of the Federal Trade
22 Commission Act (15 U.S.C. 45) to the ex-
23 tent that section applies to unfair methods
24 of competition; and

25 (ii) any State law (including regula-
26 tions) that prohibits or penalizes the con-

1 duct described in, or is otherwise incon-
2 sistent with, subsection (b).

3 (2) NEWS CONTENT CREATOR.—The term
4 “news content creator” means—

5 (A) any print, broadcast, or digital news
6 organization that—

7 (i) has a dedicated professional edi-
8 torial staff that creates and distributes
9 original news and related content con-
10 cerning local, national, or international
11 matters of public interest on at least a
12 weekly basis; and

13 (ii) is commercially marketed through
14 subscriptions, advertising, or sponsorship;
15 and

16 (B)(i) provides original news and related
17 content, with the editorial content consisting of
18 not less than 25 percent current news and re-
19 lated content; or

20 (ii) broadcasts original news and related
21 content pursuant to a license granted by the
22 Federal Communications Commission under
23 title III of the Communications Act of 1934 (47
24 U.S.C. 301 et seq.).

1 (3) ONLINE CONTENT DISTRIBUTOR.—The
2 term “online content distributor” means any entity
3 that—

4 (A) operates a website or other online serv-
5 ice that displays, distributes, or directs users to
6 news articles, works of journalism, or other con-
7 tent on the internet that is generated by third-
8 party news content creators; and

9 (B) has not fewer than 1,000,000,000
10 monthly active users, in the aggregate, of all of
11 its websites or online services worldwide.

12 (b) LIMITATION OF LIABILITY.—A news content cre-
13 ator may not be held liable under the antitrust laws for
14 engaging in negotiations with any other news content cre-
15 ator during the 4-year period beginning on the date of en-
16 actment of this Act to collectively withhold content from,
17 or negotiate with, an online content distributor regarding
18 the terms on which the news content of the news content
19 creator may be distributed by the online content dis-
20 tributor, if—

21 (1) the negotiations with the online content dis-
22 tributor—

23 (A) are not limited to price;

24 (B) are nondiscriminatory as to similarly
25 situated news content creators;

1 (C) directly relate to the quality, accuracy,
2 attribution or branding, and interoperability of
3 news; and

4 (D) pertain to terms that would be avail-
5 able to all news content creators;

6 (2) the coordination between the news content
7 creators is directly related to and reasonably nec-
8 essary for negotiations with an online content dis-
9 tributor that are otherwise consistent with this Act;
10 and

11 (3) the negotiations do not involve any person
12 that is not a news content creator or an online con-
13 tent distributor.

14 (c) RULE OF CONSTRUCTION.—Except as provided in
15 this Act, this Act shall not be construed to modify, impair,
16 or supersede the operation of the antitrust laws.

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