

115TH CONGRESS
1ST SESSION

H. R. 3347

To establish an additional fund in the Treasury to ensure consumers do not lose access to over-the-air broadcast television as a result of the reorganization of broadcast television spectrum, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 20, 2017

Mr. PALLONE (for himself, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. RUSH, Mr. GENE GREEN of Texas, Ms. DEGETTE, Mr. BUTTERFIELD, Mr. MCNERNEY, Mr. WELCH, Ms. CLARKE of New York, Mrs. DINGELL, and Mrs. NAPOLITANO) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To establish an additional fund in the Treasury to ensure consumers do not lose access to over-the-air broadcast television as a result of the reorganization of broadcast television spectrum, 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 “Viewer Protection Act
5 of 2017”.

1 **SEC. 2. CONSUMER OUTREACH CAMPAIGN.**

2 There is authorized to be appropriated to the Com-
3 mission \$90,000,000 to conduct a consumer outreach
4 campaign to raise awareness of changes to the television
5 channels available to such consumers as a result of the
6 reorganization of broadcast television spectrum carried out
7 pursuant to section 6403(b) of the Middle Class Tax Re-
8 lief and Job Creation Act of 2012 (47 U.S.C. 1452(b)).

9 **SEC. 3. VIEWER PROTECTION FUND.**

10 (a) ESTABLISHMENT.—There is established in the
11 Treasury of the United States a fund to be known as the
12 Viewer Protection Fund.

13 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated \$1,000,000,000 to the
15 Viewer Protection Fund.

16 (c) RESERVE SOURCE IF TV BROADCASTER RELOCA-
17 TION FUND INSUFFICIENT.—

18 (1) AVAILABILITY OF FUNDS.—If the Commis-
19 sion makes the certification described in paragraph
20 (2), amounts in the Viewer Protection Fund shall be
21 available to the Commission to make reimburse-
22 ments pursuant to subsection (b)(4)(A)(i) of section
23 6403 of the Middle Class Tax Relief and Job Cre-
24 ation Act of 2012 (47 U.S.C. 1452) in order to pre-
25 vent a substantial number of consumers from losing
26 access to the signals of broadcast television licensees

1 that are reassigned from one channel to another
2 channel under subsection (b)(1)(B) of such section.

3 (2) CERTIFICATION.—The certification de-
4 scribed in this paragraph is a certification from the
5 Commission to the Secretary of the Treasury that
6 the funds available in the TV Broadcaster Reloca-
7 tion Fund established under subsection (d) of such
8 section are likely to be insufficient to reimburse rea-
9 sonably incurred costs described in subsection
10 (b)(4)(A)(i) of such section.

11 (d) RELOCATION COSTS OF RADIO STATIONS FOR
12 DISPLACEMENT OF CO-LOCATED EQUIPMENT.—

13 (1) AVAILABILITY OF FUNDS.—If the Commis-
14 sion makes the certification described in paragraph
15 (2), amounts in the Viewer Protection Fund shall be
16 available to the Commission to reimburse FM radio
17 stations, in order to prevent a substantial number of
18 consumers from losing access to such stations, for
19 reasonable relocation costs that are incurred because
20 of the displacement of co-located equipment from a
21 tower or similar transmission facility due to the re-
22 organization of television broadcast spectrum under
23 subsection (b) of section 6403 of the Middle Class
24 Tax Relief and Job Creation Act of 2012 (47 U.S.C.
25 1452).

1 (2) CERTIFICATION.—The certification de-
2 scribed in this paragraph is a certification from the
3 Commission to the Secretary of the Treasury that—

4 (A) a substantial number of consumers will
5 lose access to FM radio stations unless such
6 stations are reimbursed for reasonable reloca-
7 tion costs described in paragraph (1); and

8 (B) the Commission has made all nec-
9 essary reimbursements under subsection (c) of
10 this section, or no such reimbursements are
11 necessary, in order to prevent a substantial
12 number of consumers from losing access to the
13 signals of broadcast television licensees that are
14 reassigned from one channel to another channel
15 under subsection (b)(1)(B) of such section
16 6403.

17 (e) REASONABLE COSTS OF MVPDS.—

18 (1) AVAILABILITY OF FUNDS.—If the Commis-
19 sion makes the certification described in paragraph
20 (2), amounts in the Viewer Protection Fund shall be
21 available to the Commission to reimburse multi-
22 channel video programming distributors, in order to
23 prevent a substantial number of consumers from los-
24 ing access to signals of broadcast television licensees
25 carried by such distributors, for reasonable costs in-

1 curred by such distributors in order to continue to
2 carry such signals due to the reorganization of tele-
3 vision broadcast spectrum under subsection (b) of
4 section 6403 of the Middle Class Tax Relief and Job
5 Creation Act of 2012 (47 U.S.C. 1452).

6 (2) CERTIFICATION.—The certification de-
7 scribed in this paragraph is a certification from the
8 Commission to the Secretary of the Treasury that—

9 (A) a substantial number of consumers will
10 lose access to signals of broadcast television li-
11 censees carried by multichannel video program-
12 ming distributors unless such distributors are
13 reimbursed for reasonable costs described in
14 paragraph (1); and

15 (B) the Commission has made all nec-
16 essary reimbursements under subsection (c) of
17 this section, or no such reimbursements are
18 necessary, in order to prevent a substantial
19 number of consumers from losing access to the
20 signals of broadcast television licensees that are
21 reassigned from one channel to another channel
22 under subsection (b)(1)(B) of such section
23 6403.

1 (f) LIMITATION.—Funds made available to the Com-
2 mission under this section shall only be available until the
3 end of fiscal year 2022.

4 (g) UNUSED FUNDS.—

5 (1) LOW-POWER TELEVISION AND TELEVISION
6 TRANSLATOR RELOCATION COSTS.—If the Commis-
7 sion makes the certification described in paragraph
8 (2) of subsection (c), after the Commission makes
9 the reimbursements under paragraph (1) of such
10 subsection, amounts in the Viewer Protection Fund
11 shall be available to the Commission to reimburse
12 low-power television stations and television trans-
13 lator stations, in order to prevent a substantial num-
14 ber of consumers from losing access to such stations,
15 for reasonable relocation costs that are incurred—

16 (A) because of assignment of displacement
17 channels to such stations by the Commission in
18 the reorganization of television broadcast spec-
19 trum under section 6403(b) of the Middle Class
20 Tax Relief and Job Creation Act of 2012 (47
21 U.S.C. 1452(b)); and

22 (B) after such assignment.

23 (2) TRANSFER TO GENERAL FUND.—If any
24 amounts remain in the Viewer Protection Fund after
25 the end of fiscal year 2022, the Secretary of the

1 Treasury shall transfer such amounts to the general
2 fund of the Treasury.

3 (3) LOW-POWER TELEVISION AND TELEVISION
4 TRANSLATOR USAGE RIGHTS.—Nothing in this sub-
5 section shall be construed to alter the spectrum
6 usage rights of low-power television stations or tele-
7 vision translator stations.

8 **SEC. 4. TRANSITION PERIOD.**

9 Not later than 30 days after the date of enactment
10 of this Act, the Commission shall, by order, delegate to
11 the Media Bureau of the Commission the authority to—

12 (1) modify the transition period for relocation
13 of specific broadcast television licensees in accord-
14 ance with the reassignments of television channels
15 made under section 6403(b) of the Middle Class Tax
16 Relief and Job Creation Act of 2012 (47 U.S.C.
17 1452(b)), if the Bureau determines that such modi-
18 fication is necessary to ensure that no licensee is
19 forced to stop broadcasting due to reasons outside
20 the licensee's control; and

21 (2) impose appropriate penalties should a li-
22 censee fail or refuse to complete relocation within
23 such transition period (as modified under paragraph
24 (1)) other than for reasons outside the licensee's
25 control.

1 **SEC. 5. DEFINITIONS.**

2 In this Act:

3 (1) **BROADCAST TELEVISION LICENSEE.**—The
4 term “broadcast television licensee” has the meaning
5 given such term in section 6001 of the Middle Class
6 Tax Relief and Job Creation Act of 2012 (47 U.S.C.
7 1401).

8 (2) **COMMISSION.**—The term “Commission”
9 means the Federal Communications Commission.

10 (3) **MULTICHANNEL VIDEO PROGRAMMING DIS-**
11 **TRIBUTOR.**—The term “multichannel video program-
12 ming distributor” has the meaning given such term
13 in section 602 of the Communications Act of 1934
14 (47 U.S.C. 522).

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