

[DISCUSSION DRAFT]113TH CONGRESS
2^D SESSION**H. R.** _____

To amend the Communications Act of 1934 to extend expiring provisions relating to the retransmission of signals of television broadcast stations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M____. _____ introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Communications Act of 1934 to extend expiring provisions relating to the retransmission of signals of television 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 [“_____ Act
5 of 2014”].

6 **SEC. 2. EXTENSION OF AUTHORITY.**

7 Section 325(b) of the Communications Act of 1934
8 (47 U.S.C. 325(b)) is amended—

1 (1) in paragraph (2)(C), by striking “December
2 31, 2014” and inserting “December 31, 2019”; and

3 (2) in paragraph (3)(C), by striking “January
4 1, 2015” each place it appears and inserting “Janu-
5 ary 1, 2020”.

6 **SEC. 3. RETRANSMISSION CONSENT NEGOTIATIONS.**

7 (a) IN GENERAL.—Section 325(b)(3)(C) of the Com-
8 munications Act of 1934 (47 U.S.C. 325(b)(3)(C)) is
9 amended—

10 (1) in clause (ii), by striking “and” at the end;

11 (2) in clause (iii), by striking the period at the
12 end and inserting “; and”; and

13 (3) by adding at the end the following:

14 “(iv) prohibit a television broadcast station
15 from negotiating on a joint basis with another tele-
16 vision broadcast station in the same local market (as
17 defined in section 122(j) of title 17, United States
18 Code) to grant retransmission consent under this
19 section to a multichannel video programming dis-
20 tributor, unless—

21 “(I) such stations are considered to be di-
22 rectly or indirectly owned, operated, or con-
23 trolled by the same entity for purposes of sec-
24 tion 73.3555(b) of title 47, Code of Federal
25 Regulations, or any successor regulation; or

1 “(II) such multichannel video program-
2 ming distributor agrees to negotiate on such
3 joint basis.”.

4 (b) MARGIN CORRECTION.—Section 325(b)(3)(C) of
5 the Communications Act of 1934 (47 U.S.C.
6 325(b)(3)(C)) is further amended by moving the margin
7 of clause (iii) 4 ems to the left.

8 (c) DEADLINE FOR REGULATIONS.—Not later than
9 9 months after the date of the enactment of this Act, the
10 Commission shall promulgate regulations to implement
11 the amendments made by this section.

12 **SEC. 4. NO ATTRIBUTION RESULTING FROM CERTAIN TELE-**
13 **VISION BROADCAST STATION AGREEMENTS**
14 **PENDING REVIEW.**

15 The Commission may not modify its rules to treat
16 any shared service agreement, local news service agree-
17 ment, local marketing agreement, or joint sales agreement
18 (as such terms are discussed by the Commission at para-
19 graphs 195 and 196 of the Notice of Proposed Rule-
20 making adopted on December 22, 2011 (FCC 11–186)),
21 or any similar agreement between television broadcast sta-
22 tions in the same local market, as resulting in the attribu-
23 tion of a cognizable interest in, or ownership, operation,
24 or control of, a television broadcast station for purposes
25 of the Commission’s local television multiple ownership

1 rule (47 CFR 73.3555(b)) until the Commission issues a
2 single order that—

3 (1) addresses all of the Commission’s media
4 ownership rules that are required to be reviewed
5 quadrennially under section 202(h) of the Tele-
6 communications Act of 1996; and

7 (2) closes the proceeding relating to the 2010
8 quadrennial review under such section.

9 **SEC. 5. DELETION OR REPOSITIONING OF STATIONS DUR-**
10 **ING CERTAIN PERIODS.**

11 (a) **IN GENERAL.**—Section 614(b)(9) of the Commu-
12 nications Act of 1934 (47 U.S.C. 534(b)(9)) is amended
13 by striking the second sentence.

14 (b) **REVISION OF RULES.**—Not later than 90 days
15 after the date of the enactment of this Act, the Commis-
16 sion shall revise section 76.1601 of its rules (47 CFR
17 76.1601) and any note to such section by removing the
18 prohibition against deletion or repositioning of a local
19 commercial television station during a period in which
20 major television ratings services measure the size of audi-
21 ences of local television stations.

22 **SEC. 6. REPEAL OF INTEGRATION BAN.**

23 (a) **IN GENERAL.**—Section 629 of the Communica-
24 tions Act of 1934 (47 U.S.C. 549) is amended—

1 (1) in subsection (f), by striking “Nothing” and
2 inserting “Except as provided in subsection (g),
3 nothing”; and

4 (2) by adding at the end the following new sub-
5 section:

6 “(g) INTEGRATED DEVICES.—Nothing in this section
7 or any other provision of this Act authorizes the Commis-
8 sion to adopt any rule or policy that prohibits a multi-
9 channel video programming distributor from placing into
10 service navigation devices for sale, lease, or use that per-
11 form both conditional access and other functions in a sin-
12 gle integrated device. Any such rule or policy adopted by
13 the Commission prior to the date of enactment of this sub-
14 section shall cease to be effective on such date of enact-
15 ment, and the Commission shall remove any such rule or
16 policy from the rules of the Commission.”.

17 (b) RULE OF CONSTRUCTION.—Except as provided
18 in subsection (g) of section 629 of the Communications
19 Act of 1934, as added by subsection (a), nothing in this
20 section or the amendments made by this section shall be
21 construed to affect the authority of the Commission under
22 such section 629.

1 **SEC. 7. REPORT ON COMMUNICATIONS IMPLICATIONS OF**
2 **STATUTORY LICENSING MODIFICATIONS.**

3 (a) **STUDY.**—The Comptroller General of the United
4 States shall conduct a study that analyzes and evaluates
5 the changes to the carriage requirements currently im-
6 posed on multichannel video programming distributors
7 under the Communications Act of 1934 (47 U.S.C. 151
8 et seq.) and the regulations promulgated by the Commis-
9 sion that would be required or beneficial to consumers,
10 and such other matters as the Comptroller General con-
11 siders appropriate, if Congress implemented a phase-out
12 of the current statutory licensing requirements set forth
13 under sections 111, 119, and 122 of title 17, United
14 States Code. Among other things, the study shall consider
15 the impact such a phase-out and related changes to car-
16 riage requirements would have on consumer prices and ac-
17 cess to programming.

18 (b) **REPORT.**—Not later than 18 months after the
19 date of the enactment of this Act, the Comptroller General
20 shall submit to the appropriate congressional committees
21 a report on the results of the study conducted under sub-
22 section (a), including any recommendations for legislative
23 or administrative actions. Such report shall also include
24 a discussion of any differences between such results and
25 the results of the study conducted under section 303 of

1 the Satellite Television Extension and Localism Act of
2 2010 (124 Stat. 1255).

3 **SEC. 8. LOCAL NETWORK CHANNEL BROADCAST REPORTS.**

4 (a) REQUIREMENT.—

5 (1) IN GENERAL.—On the 270th day after the
6 date of the enactment of this Act, and on each suc-
7 ceeding anniversary of such 270th day, each satellite
8 carrier shall submit an annual report to the Com-
9 mission setting forth—

10 (A) each local market in which it—

11 (i) retransmits signals of 1 or more
12 television broadcast stations with a com-
13 munity of license in that market;

14 (ii) has commenced providing such
15 signals in the preceding 1-year period; and

16 (iii) has ceased to provide such signals
17 in the preceding 1-year period; and

18 (B) detailed information regarding the use
19 and potential use of satellite capacity for the re-
20 transmission of local signals in each local mar-
21 ket.

22 (2) TERMINATION.—The requirement under
23 paragraph (1) shall cease after each satellite carrier
24 has submitted 5 reports under such paragraph.

25 (b) DEFINITIONS.—In this section—

1 (1) the terms “local market” and “satellite car-
2 rier” have the meaning given such terms in section
3 339(d) of the Communications Act of 1934 (47
4 U.S.C. 339(d)); and

5 (2) the term “television broadcast station” has
6 the meaning given such term in section 325(b)(7) of
7 the Communications Act of 1934 (47 U.S.C.
8 325(b)(7)).

9 **SEC. 9. DEFINITIONS.**

10 In this Act:

11 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
12 **TEES.**—The term “appropriate congressional com-
13 mittees” means the Committee on Energy and Com-
14 merce **【and the Committee on the Judiciary】** of the
15 House of Representatives and the Committee on
16 Commerce, Science, and Transportation **【and the**
17 **Committee on the Judiciary】** of the Senate.

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