

Suspend the Rules and Pass the Bill, H.R. 4572, with Amendments

(The amendments strike all after the enacting clause and insert a new text and a new title)

113TH CONGRESS
2^D SESSION

H. R. 4572

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

MAY 6, 2014

Mr. WALDEN (for himself, Mr. UPTON, Mr. WAXMAN, and Ms. ESHOO) introduced the following bill; which was referred to the Committee on Energy and Commerce

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “STELA Reauthorization Act of 2014”.

1 (b) TABLE OF CONTENTS.—The table of contents for
2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. No additional appropriations authorized.

TITLE I—COMMUNICATIONS PROVISIONS

- Sec. 101. Extension of authority.
- Sec. 102. Retransmission consent negotiations.
- Sec. 103. Delayed application of JSA attribution rule in case of waiver petition.
- Sec. 104. Deletion or repositioning of stations during certain periods.
- Sec. 105. Repeal of integration ban.
- Sec. 106. Report on communications implications of statutory licensing modifications.
- Sec. 107. Local network channel broadcast reports.
- Sec. 108. Report on designated market areas.
- Sec. 109. Definitions.

TITLE II—COPYRIGHT PROVISIONS

- Sec. 201. Reauthorization.
- Sec. 202. Termination of license.

3 **SEC. 2. NO ADDITIONAL APPROPRIATIONS AUTHORIZED.**

4 No additional funds are authorized to carry out this
5 Act, or the amendments made by this Act. This Act, and
6 the amendments made by this Act, shall be carried out
7 using amounts otherwise authorized or appropriated.

8 **TITLE I—COMMUNICATIONS**
9 **PROVISIONS**

10 **SEC. 101. EXTENSION OF AUTHORITY.**

11 Section 325(b) of the Communications Act of 1934
12 (47 U.S.C. 325(b)) is amended—

13 (1) in paragraph (2)(C), by striking “December
14 31, 2014” and inserting “December 31, 2019”; and

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

4 **SEC. 102. RETRANSMISSION CONSENT NEGOTIATIONS.**

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

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

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

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

12 “(iv) prohibit a television broadcast station
13 from coordinating negotiations or negotiating on a
14 joint basis with another television broadcast station
15 in the same local market (as defined in section
16 122(j) of title 17, United States Code) to grant re-
17 transmission consent under this section to a multi-
18 channel video programming distributor, unless such
19 stations are directly or indirectly under common de
20 jure control permitted under the regulations of the
21 Commission.”.

22 (b) MARGIN CORRECTION.—Section 325(b)(3)(C) of
23 the Communications Act of 1934 (47 U.S.C.
24 325(b)(3)(C)) is further amended by moving the margin
25 of clause (iii) 4 ems to the left.

1 (c) DEADLINE FOR REGULATIONS.—Not later than
2 9 months after the date of the enactment of this Act, the
3 Commission shall promulgate regulations to implement
4 the amendments made by this section.

5 **SEC. 103. DELAYED APPLICATION OF JSA ATTRIBUTION**
6 **RULE IN CASE OF WAIVER PETITION.**

7 In the case of a party to a joint sales agreement (as
8 defined in Note 2(k) to section 73.3555 of title 47, Code
9 of Federal Regulations) that is in effect on the effective
10 date of the amendment to Note 2(k)(2) to such section
11 made by the Further Notice of Proposed Rulemaking and
12 Report and Order adopted by the Commission on March
13 31, 2014 (FCC 14–28), and who, not later than 90 days
14 after the date of the enactment of this Act, submits to
15 the Commission a petition for a waiver of the application
16 to such agreement of the rule in such Note 2(k)(2) (as
17 so amended), such party shall not be considered to be in
18 violation of the ownership limitations of such section by
19 reason of the application of such rule to such agreement
20 until the later of—

- 21 (1) the date that is 18 months after the date
22 on which the Commission denies such petition; or
23 (2) December 31, 2016.

1 **SEC. 104. DELETION OR REPOSITIONING OF STATIONS DUR-**
2 **ING CERTAIN PERIODS.**

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

6 (b) REVISION OF RULES.—Not later than 90 days
7 after the date of the enactment of this Act, the Commis-
8 sion shall revise section 76.1601 of its rules (47 CFR
9 76.1601) and any note to such section by removing the
10 prohibition against deletion or repositioning of a local
11 commercial television station during a period in which
12 major television ratings services measure the size of audi-
13 ences of local television stations.

14 **SEC. 105. REPEAL OF INTEGRATION BAN.**

15 (a) NO FORCE OR EFFECT.—The second sentence of
16 section 76.1204(a)(1) of title 47, Code of Federal Regula-
17 tions, shall have no force or effect after the date of the
18 enactment of this Act.

19 (b) REMOVAL FROM RULES.—Not later than 180
20 days after the date of the enactment of this Act, the Com-
21 mission shall complete all actions necessary to remove the
22 sentence described in subsection (a) from its rules.

23 **SEC. 106. REPORT ON COMMUNICATIONS IMPLICATIONS OF**
24 **STATUTORY LICENSING MODIFICATIONS.**

25 (a) STUDY.—The Comptroller General of the United
26 States shall conduct a study that analyzes and evaluates

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

14 (b) REPORT.—Not later than 18 months after the
15 date of the enactment of this Act, the Comptroller General
16 shall submit to the appropriate congressional committees
17 a report on the results of the study conducted under sub-
18 section (a), including any recommendations for legislative
19 or administrative actions. Such report shall also include
20 a discussion of any differences between such results and
21 the results of the study conducted under section 303 of
22 the Satellite Television Extension and Localism Act of
23 2010 (124 Stat. 1255).

1 **SEC. 107. LOCAL NETWORK CHANNEL BROADCAST RE-**
2 **PORTS.**

3 (a) REQUIREMENT.—

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

9 (A) each local market in which it—

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

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

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

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

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

24 (b) DEFINITIONS.—In this section—

25 (1) the terms “local market” and “satellite car-
26 rier” have the meaning given such terms in section

1 339(d) of the Communications Act of 1934 (47
2 U.S.C. 339(d)); and

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

7 **SEC. 108. REPORT ON DESIGNATED MARKET AREAS.**

8 Not later than 18 months after the date of the enact-
9 ment of this Act, the Commission shall submit to the ap-
10 propriate congressional committees a report containing an
11 analysis of—

12 (1) the extent to which consumers in each local
13 market (as defined in section 122(j) of title 17,
14 United States Code) have access to broadcast pro-
15 gramming from television broadcast stations (as de-
16 fined in section 325(b)(7) of the Communications
17 Act of 1934 (47 U.S.C. 325(b)(7))) located outside
18 their local market, including through carriage by
19 cable operators and satellite carriers of signals that
20 are significantly viewed (within the meaning of sec-
21 tion 340 of such Act (47 U.S.C. 340)); and

22 (2) whether there are technologically and eco-
23 nomically feasible alternatives to the use of des-
24 ignated market areas (as defined in section 122(j) of
25 title 17, United States Code) to define markets that

1 would provide consumers with more programming
2 options and the potential impact such alternatives
3 could have on localism and on broadcast television
4 locally, regionally, and nationally.

5 **SEC. 109. DEFINITIONS.**

6 In this title:

7 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
8 **TEES.**—The term “appropriate congressional com-
9 mittees” means the Committee on Energy and Com-
10 merce and the Committee on the Judiciary of the
11 House of Representatives and the Committee on
12 Commerce, Science, and Transportation and the
13 Committee on the Judiciary of the Senate.

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

16 **TITLE II—COPYRIGHT**
17 **PROVISIONS**

18 **SEC. 201. REAUTHORIZATION.**

19 Chapter 1 of title 17, United States Code, is amend-
20 ed—

21 (1) in section 111(d)(3)—

22 (A) in the matter preceding subparagraph
23 (A), by striking “clause” and inserting “para-
24 graph”; and

1 (B) in subparagraph (B), by striking
2 “clause” and inserting “paragraph”; and
3 (2) in section 119—

4 (A) in subsection (c)(1)(E), by striking
5 “2014” and inserting “2019”; and

6 (B) in subsection (e), by striking “2014”
7 and inserting “2019”.

8 **SEC. 202. TERMINATION OF LICENSE.**

9 (a) IN GENERAL.—Section 119 of title 17, United
10 States Code, as amended in section 201, is amended by
11 adding at the end the following:

12 “(h) TERMINATION OF LICENSE.—This section shall
13 cease to be effective on December 31, 2019.”.

14 (b) CONFORMING AMENDMENT.—Section 107(a) of
15 the Satellite Television Extension and Localism Act of
16 2010 (17 U.S.C. 119 note) is repealed.

Amend the title so as to read: “A bill to amend the Communications Act of 1934 and title 17, United States Code, to extend expiring provisions relating to the retransmission of signals of television broadcast stations, and for other purposes.”.