

Mr. Doyle

AMENDMENT TO H.R. 5035
OFFERED BY MR. Walden of Oregon

[Page and line numbers refer to STELAR_02, dated
November 12, 2019, 11:19 a.m.]

Page 2, strike lines 5 through 7 and insert the following:

1 (2) in paragraph (3)(C), by striking “until Jan-
2 uary 1, 2020,” each place it appears.

Page 2, strike line 20 and all that follows through
page 3, line 6, and insert the following:

3 “(vi) not later than 90 days after the
4 date of the enactment of the Television
5 Viewer Protection Act of 2019, specify
6 that—

7 “(I) a multichannel video pro-
8 gramming distributor may satisfy its
9 obligation to negotiate in good faith
10 under clause (iii) with respect to a ne-
11 gotiation for retransmission consent
12 under this section with a large station
13 group by designating a qualified
14 MVPD buying group to negotiate on
15 its behalf, so long as the qualified

1 MVPD buying group itself negotiates
2 in good faith in accordance with such
3 clause;

4 “(II) it is a violation of the obli-
5 gation to negotiate in good faith
6 under clause (iii) for the qualified
7 MVPD buying group to disclose the
8 prices, terms, or conditions of an on-
9 going negotiation or the final terms of
10 a negotiation to a member of the
11 qualified MVPD buying group that is
12 not intending, or is unlikely, to enter
13 into the final terms negotiated by the
14 qualified MVPD buying group; and

15 “(III) a large station group has
16 an obligation to negotiate in good
17 faith under clause (ii) with respect to
18 a negotiation for retransmission con-
19 sent under this section with a quali-
20 fied MVPD buying group.”.

Page 3, line 22, strike “1,000,000” and insert
“500,000”.

Page 3, line 25, strike “35” and insert “25”.

Page 5, strike lines 4 through 10 and insert the following:

1 “(iii) include only television broadcast
2 stations that have a national audience
3 reach of more than 20 percent;

Page 6, after line 3, insert the following:

4 (d) EFFECTIVE DATE.—The amendments made by
5 this section, and the regulations promulgated by the Fed-
6 eral Communications Commission under such amend-
7 ments, shall not take effect before January 1 of the cal-
8 endar year after the calendar year in which this Act is
9 enacted.

Page 6, strike line 4 and all that follows through
page 11, line 25, and insert the following:

10 **SEC. 4. REQUIREMENTS RELATING TO CHARGES FOR COV-**
11 **ERED SERVICES.**

12 (a) IN GENERAL.—Part IV of title VI of the Commu-
13 nications Act of 1934 (47 U.S.C. 551 et seq.) is amended
14 by adding at the end the following:

15 **“SEC. 642. REQUIREMENTS RELATING TO CHARGES FOR**
16 **COVERED SERVICES.**

17 “(a) CONSUMER RIGHTS IN SALES.—

18 “(1) RIGHT TO TRANSPARENCY.—Before enter-
19 ing into a contract with a consumer for the provision

1 of a covered service, a provider of a covered service
2 shall provide the consumer, by phone, in person, on-
3 line, or by other reasonable means, the total monthly
4 charge for the covered service, whether offered indi-
5 vidually or as part of a bundled service, selected by
6 the consumer (explicitly noting the amount of any
7 applicable promotional discount reflected in such
8 charge and when such discount will expire), includ-
9 ing any related administrative fees, equipment fees,
10 or other charges, a good faith estimate of any tax,
11 fee, or charge imposed by the Federal Government
12 or a State or local government (whether imposed on
13 the provider or imposed on the consumer but col-
14 lected by the provider), and a good faith estimate of
15 any fee or charge that is used to recover any other
16 assessment imposed on the provider by the Federal
17 Government or a State or local government.

18 “(2) RIGHT TO FORMAL NOTICE.—A provider
19 of a covered service that enters into a contract de-
20 scribed in paragraph (1) shall, not later than 24
21 hours after entering into the contract, send the con-
22 sumer, by email, online link, or other reasonably
23 comparable means, a copy of the information de-
24 scribed in such paragraph.

1 “(3) RIGHT TO CANCEL.—A provider of a cov-
2 ered service that enters into a contract described in
3 paragraph (1) shall permit the consumer to cancel
4 the contract, without paying early cancellation fees
5 or other disconnection fees or penalties, during the
6 24-hour period beginning when the provider of the
7 covered service sends the copy required by para-
8 graph (2).

9 “(b) CONSUMER RIGHTS IN E-BILLING.—If a pro-
10 vider of a covered service provides a bill to a consumer
11 in an electronic format, the provider shall include in the
12 bill—

13 “(1) an itemized statement that breaks down
14 the total amount charged for or relating to the pro-
15 vision of the covered service by the amount charged
16 for the provision of the service itself and the amount
17 of all related taxes, administrative fees, equipment
18 fees, or other charges;

19 “(2) the termination date of the contract for
20 the provision of the covered service entered into be-
21 tween the consumer and the provider; and

22 “(3) the termination date of any applicable pro-
23 motional discount.

24 “(c) CONSUMER RIGHTS TO ACCURATE EQUIPMENT
25 CHARGES.—A provider of a covered service or fixed

1 broadband internet access service may not charge a con-
2 sumer for—

3 “(1) using covered equipment provided by the
4 consumer; or

5 “(2) renting, leasing, or otherwise providing to
6 the consumer covered equipment if—

7 “(A) the provider has not provided the
8 equipment to the consumer; or

9 “(B) the consumer has returned the equip-
10 ment to the provider, except to the extent that
11 the charge relates to the period beginning on
12 the date when the provider provided the equip-
13 ment to the consumer and ending on the date
14 when the consumer returned the equipment to
15 the provider.

16 “(d) DEFINITIONS.—In this section:

17 “(1) BROADBAND INTERNET ACCESS SERV-
18 ICE.—The term ‘broadband internet access service’
19 has the meaning given such term in section 8.1(b)
20 of title 47, Code of Federal Regulations, or any suc-
21 cessor regulation.

22 “(2) COVERED EQUIPMENT.—The term ‘cov-
23 ered equipment’ means equipment (such as a router)
24 employed on the premises of a person (other than a
25 provider of a covered service or fixed broadband

1 internet access service) to provide a covered service
2 or to provide fixed broadband internet access service.

3 “(3) COVERED SERVICE.—The term ‘covered
4 service’ means service provided by a multichannel
5 video programming distributor, to the extent such
6 distributor is acting as a multichannel video pro-
7 gramming distributor.”.

8 (b) EFFECTIVE DATE.—Section 642 of the Commu-
9 nications Act of 1934, as added by subsection (a) of this
10 section, shall apply beginning on the date that is 6 months
11 after the date of the enactment of this Act. The Federal
12 Communications Commission may grant an additional 6-
13 month extension if the Commission finds that good cause
14 exists for such an additional extension.



