

Lofgren #2

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AMENDMENT TO H.R. 5140
OFFERED BY MS. Lofgren

Page 2, line 9, strike "and".

Page 2, line 13, strike "; and" and insert a semi-colon.

Page 2, after line 13, insert the following:

1 (III) by adding at the end the
 2 following new sentence: "Failure to
 3 reach an agreement with network sta-
 4 tions to retransmit their signals shall
 5 not be construed to affect compliance
 6 with providing local-into-local service
 7 to all DMAs if the satellite carrier has
 8 the capability to retransmit such sig-
 9 nals when an agreement is reached.";
 10 and

Page 3, line 2, strike the semicolon and insert "; and".

Page 3, after line 2, insert the following:

11 (iii) by adding at the end the fol-
 12 lowing:

1 “(D) TEMPORARY AND LIMITED USE OF
2 LICENSE.—

3 “(i) IN GENERAL.—Notwithstanding
4 the requirement under subparagraph (A)
5 that a satellite carrier provide local-into-
6 local service to all DMAs before making a
7 secondary transmission under the license
8 under this section, a satellite carrier that
9 does not provide local-into-local service to
10 all DMAs may make a covered trans-
11 mission under such license if not later than
12 180 days after the date of the enactment
13 of the Satellite Television Community Pro-
14 tection and Promotion Act of 2019 the sat-
15 ellite carrier—

16 “(I) demonstrates that it has
17 acted reasonably and made a good
18 faith effort to provide local-into-local
19 service to all DMAs and that it will
20 continue to make a good faith effort
21 to provide local-into-local service to all
22 DMAs; and

23 “(II) files a Notice of Temporary
24 Limited Use with the Copyright Office
25 in accordance with clause (ii).

1 “(ii) NOTICE OF TEMPORARY LIMITED
2 USE.—A Notice of Temporary Limited Use
3 filed with the Copyright Office under this
4 subparagraph shall contain—

5 “(I) an affirmation that the car-
6 rier intends to make covered trans-
7 missions under the license under this
8 section despite not providing local-
9 into-local service to all DMAs;

10 “(II) a signed statement that the
11 satellite carrier acted reasonably and
12 made good faith efforts to provide
13 local-into-local service to all DMAs;

14 “(III) a list of the designated
15 market areas with respect to which no
16 local-into-local service is provided by
17 the satellite carrier; and

18 “(IV) a summary of actions
19 taken by the satellite carrier to make
20 arrangements to provide local-into-
21 local service to all DMAs.

22 “(iii) PERIOD OF TEMPORARY AND
23 LIMITED LICENSE.—

24 “(I) INITIAL 90-DAY PERIOD.—A
25 satellite carrier that meets the re-

1 quirements of this subparagraph may
2 use the license under this section to
3 make covered transmissions for a 90-
4 day period beginning on the date such
5 carrier files a Notice of Temporary
6 Limited Use with the Copyright Of-
7 fice.

8 “(II) ADDITIONAL PERIODS.—
9 The initial 90-day period described
10 under clause (I) may be extended for
11 additional periods of 90 days if the
12 satellite carrier files a new Notice of
13 Temporary Limited Use with the
14 Copyright Office on or before the last
15 day of such initial period, and each
16 successive 90-day period thereafter.

17 “(iv) AUDIT AND VERIFICATION OF
18 NOTICES.—The Register of Copyrights
19 shall issue regulations that are similar in
20 nature to the regulations issued under sub-
21 section (b)(2) to permit interested parties
22 to verify and audit Notices of Temporary
23 Limited Use filed by satellite carriers
24 under this subparagraph.

1 “(v) CHALLENGE.—Any owner of a
2 network station for which the primary
3 stream or multicast stream of that network
4 would have been transmitted by a satellite
5 carrier under the license under this section
6 but for the failure of that satellite carrier
7 to provide local-into-local service to all
8 DMAs may bring a civil action to challenge
9 the sufficiency of the reasonable actions
10 and good faith efforts of that satellite car-
11 rier to provide local-into-local service to all
12 DMAs, as such actions and efforts are de-
13 scribed in the applicable Notice of Tem-
14 porary Limited Use.

15 “(vi) COVERED TRANSMISSION DE-
16 FINED.—In this subparagraph, the term
17 ‘covered transmission’ means a secondary
18 transmission of a primary transmission
19 made by a network station to an unserved
20 household.”.

Page 5, line 16, strike “120” and insert “180”.



