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

Page 2, line 9, strike “and”.

Page 2, line 13, strike “; and” and insert a semicolon.

Page 2, after line 13, insert the following:

(III) by adding at the end the following new sentence: “Failure to reach an agreement with network stations to retransmit their signals shall not be construed to affect compliance with providing local-into-local service to all DMAs if the satellite carrier has the capability to retransmit such signals when an agreement is reached.”;

and

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

Page 3, after line 2, insert the following:

(iii) by adding at the end the following:
"(D) TEMPORARY AND LIMITED USE OF LICENSE.—

"(i) IN GENERAL.—Notwithstanding the requirement under subparagraph (A) that a satellite carrier provide local-into-local service to all DMAs before making a secondary transmission under the license under this section, a satellite carrier that does not provide local-into-local service to all DMAs may make a covered transmission under such license if not later than 180 days after the date of the enactment of the Satellite Television Community Protection and Promotion Act of 2019 the satellite carrier—

"(I) demonstrates that it has acted reasonably and made a good faith effort to provide local-into-local service to all DMAs and that it will continue to make a good faith effort to provide local-into-local service to all DMAs; and

"(II) files a Notice of Temporary Limited Use with the Copyright Office in accordance with clause (ii).
(ii) Notice of temporary limited use.—A Notice of Temporary Limited Use filed with the Copyright Office under this subparagraph shall contain—

"(I) an affirmation that the carrier intends to make covered transmissions under the license under this section despite not providing local-into-local service to all DMAs;

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

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

"(IV) a summary of actions taken by the satellite carrier to make arrangements to provide local-into-local service to all DMAs.

(iii) Period of temporary and limited license.—

"(I) Initial 90-day period.—A satellite carrier that meets the re-
requirements of this subparagraph may use the license under this section to make covered transmissions for a 90-day period beginning on the date such carrier files a Notice of Temporary Limited Use with the Copyright Office.

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

"(iv) AUDIT AND VERIFICATION OF NOTICES.—The Register of Copyrights shall issue regulations that are similar in nature to the regulations issued under subsection (b)(2) to permit interested parties to verify and audit Notices of Temporary Limited Use filed by satellite carriers under this subparagraph.
“(v) CHALLENGE.—Any owner of a network station for which the primary stream or multicast stream of that network would have been transmitted by a satellite carrier under the license under this section but for the failure of that satellite carrier to provide local-into-local service to all DMAs may bring a civil action to challenge the sufficiency of the reasonable actions and good faith efforts of that satellite carrier to provide local-into-local service to all DMAs, as such actions and efforts are described in the applicable Notice of Temporary Limited Use.

“(vi) COVERED TRANSMISSION DEFINED.—In this subparagraph, the term ‘covered transmission’ means a secondary transmission of a primary transmission made by a network station to an unserved household.”.

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