H. R. 5140

To amend title 17, United States Code, to narrow the category of households eligible to receive signals under a distant-signal satellite license, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2019

Mr. Nadler introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 17, United States Code, to narrow the category of households eligible to receive signals under a distant-signal satellite license, and for other purposes.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Satellite Television Community Protection and Promotion Act of 2019”.

SEC. 2. ELIGIBILITY TO RECEIVE SIGNALS UNDER A DISTANT-SIGNAL SATELLITE LICENSE.

(a) In General.—Section 119 of title 17, United States Code, is amended—
(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking “signals, and” and inserting “signals,”; and

(II) by inserting “, and the carrier provides local-into-local service to all DMAs” after “receiving the secondary transmission”; and

(ii) in subparagraph (B)—

(I) by striking clauses (ii) and (iii); and

(II) by adding at the end the following:

“(ii) SHORT MARKETS.—In the case of secondary transmissions to households located in short markets, subject to clause (i), the statutory license shall be further limited to secondary transmissions of only those primary transmissions of network stations that embody the programming of networks not offered on the primary stream or the multicast stream transmitted by any network station in that market.”;
(B) by striking paragraphs (3), (6)(E), (9), (10), and (13); and

(C) by redesignating paragraphs (4), (5), (6), (7), (8), (11), (12), and (14) as paragraphs (3) through (10), respectively;

(2) in subsection (c)(1)(E)—

(A) by striking the comma after “in the agreement”;

(B) by striking “until December 31, 2019, or”; and

(C) by striking “, whichever is later” and inserting “until the subscriber for which the royalty is payable is no longer eligible to receive a secondary transmission pursuant to the license under this section”;

(3) in subsection (d)—

(A) in paragraph (10)—

(i) in subparagraph (D), by striking “subsection (a)(11)” and inserting “subsection (a)(8)”;

(ii) by striking subparagraphs (A), (B), (C), and (E);

(iii) by redesignating subparagraph (D) as subparagraph (A); and
(iv) by adding at the end the following:

“(B) is a subscriber located in a short market.”;

(B) by striking paragraph (13);

(C) by redesignating paragraphs (14) and (15) as paragraphs (13) and (14), respectively;

and

(D) by adding at the end the following:

“(15) LOCAL-INTO-LOCAL SERVICE TO ALL DMAS.—The term ‘local-into-local service to all DMAs’ has the meaning given such term in subsection (f)(7).

“(16) SHORT MARKET.—The term ‘short market’ means a local market in which programming of one or more of the four most widely viewed television networks nationwide is not offered on either the primary stream or multicast stream transmitted by any network station in that market.”;

(4) by striking subsections (e) and (h); and

(5) by redesignating subsections (f) and (g) as subsections (e) and (f).

(b) PREVIOUSLY COVERED SUBSCRIBERS UNDER THE STELA REAUTHORIZATION ACT OF 2014.—
(1) IN GENERAL.—A subscriber of a satellite carrier who receives the secondary transmission of a network station under the statutory license in section 119 of title 17, United States Code, as in effect on the day before the date of the enactment of this Act, and to whom subsection (a)(2)(B) of such section, as amended by subsection (a), does not apply, shall continue to be eligible to receive that secondary transmission from such carrier under such license, and at the royalty rate established for such license by the Copyright Royalty Board or voluntary agreement, as applicable, until the date that is the earlier of—

(A) 120 days after the date of the enactment of this Act; or

(B) the date on which such carrier provides local-into-local service to all DMAs.

(2) DEFINITIONS.—In this subsection, the terms “satellite carrier”, “subscriber”, “secondary transmission”, “network station”, and “local-into-local service to all DMAs” have the meaning given those terms in section 119 of title 17, United States Code.

(c) CONFORMING AMENDMENTS.—Title 17, United States Code, is further amended—
(1) in section 119, as amended by subsection (a)—

(A) in subsection (a)—

(i) in paragraph (1), by striking “paragraphs (4), (5), and (7)” and inserting “paragraphs (3), (4), and (6)”;

(ii) in paragraph (2), by striking “paragraphs (4), (5), (6), and (7)” and inserting “paragraphs (3), (4), (5), and (6)”;

and

(B) in subsection (g), by striking “subsection (a)(7)(B)” each place it appears and inserting “subsection (a)(5)(B)”;

(2) in section 501(e), by striking “section 119(a)(5)” and inserting “section 119(a)(3)”.

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