

Union Calendar No. 389

113TH CONGRESS
2^D SESSION

H. R. 4572

[Report No. 113-518]

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

JULY 11, 2014

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on May 6, 2014]

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.**

4 *This Act may be cited as the “STELA Reauthorization*
5 *Act of 2014”.*

6 **SEC. 2. EXTENSION OF AUTHORITY.**

7 *Section 325(b) of the Communications Act of 1934 (47*
8 *U.S.C. 325(b)) is amended—*

9 *(1) in paragraph (2)(C), by striking “December*
10 *31, 2014” and inserting “December 31, 2019”; and*

11 *(2) in paragraph (3)(C), by striking “January*
12 *1, 2015” each place it appears and inserting “Janu-*
13 *ary 1, 2020”.*

14 **SEC. 3. RETRANSMISSION CONSENT NEGOTIATIONS.**

15 *(a) IN GENERAL.—Section 325(b)(3)(C) of the Com-*
16 *munications Act of 1934 (47 U.S.C. 325(b)(3)(C)) is*
17 *amended—*

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

19 *(2) in clause (iii), by striking the period at the*
20 *end and inserting “; and”; and*

21 *(3) by adding at the end the following:*

22 *“(iv) prohibit a television broadcast station from*
23 *coordinating negotiations or negotiating on a joint*
24 *basis with another television broadcast station in the*
25 *same local market (as defined in section 122(j) of title*

1 17, United States Code) to grant retransmission con-
2 sent under this section to a multichannel video pro-
3 gramming distributor, unless such stations are di-
4 rectly or indirectly under common de jure control
5 permitted under the regulations of the Commission.”.

6 (b) *MARGIN CORRECTION.*—Section 325(b)(3)(C) of the
7 Communications Act of 1934 (47 U.S.C. 325(b)(3)(C)) is
8 further amended by moving the margin of clause (iii) 4 ems
9 to the left.

10 (c) *DEADLINE FOR REGULATIONS.*—Not later than 9
11 months after the date of the enactment of this Act, the Com-
12 mission shall promulgate regulations to implement the
13 amendments made by this section.

14 **SEC. 4. DELAYED APPLICATION OF JSA ATTRIBUTION RULE**
15 **IN CASE OF WAIVER PETITION.**

16 In the case of a party to a joint sales agreement (as
17 defined in Note 2(k) to section 73.3555 of title 47, Code
18 of Federal Regulations) that is in effect on the effective date
19 of the amendment to Note 2(k)(2) to such section made by
20 the Further Notice of Proposed Rulemaking and Report and
21 Order adopted by the Commission on March 31, 2014 (FCC
22 14–28), and who, not later than 90 days after the date of
23 the enactment of this Act, submits to the Commission a peti-
24 tion for a waiver of the application to such agreement of
25 the rule in such Note 2(k)(2) (as so amended), such party

1 *shall not be considered to be in violation of the ownership*
2 *limitations of such section by reason of the application of*
3 *such rule to such agreement until the later of—*

4 *(1) the date that is 18 months after the date on*
5 *which the Commission denies such petition; or*

6 *(2) December 31, 2016.*

7 **SEC. 5. DELETION OR REPOSITIONING OF STATIONS DUR-**
8 **ING CERTAIN PERIODS.**

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

12 *(b) REVISION OF RULES.—Not later than 90 days after*
13 *the date of the enactment of this Act, the Commission shall*
14 *revise section 76.1601 of its rules (47 CFR 76.1601) and*
15 *any note to such section by removing the prohibition*
16 *against deletion or repositioning of a local commercial tele-*
17 *vision station during a period in which major television*
18 *ratings services measure the size of audiences of local tele-*
19 *vision stations.*

20 **SEC. 6. REPEAL OF INTEGRATION BAN.**

21 *(a) NO FORCE OR EFFECT.—The second sentence of*
22 *section 76.1204(a)(1) of title 47, Code of Federal Regula-*
23 *tions, shall have no force or effect after the date of the enact-*
24 *ment of this Act.*

1 (b) *REMOVAL FROM RULES.*—Not later than 180 days
2 after the date of the enactment of this Act, the Commission
3 shall complete all actions necessary to remove the sentence
4 described in subsection (a) from its rules.

5 **SEC. 7. REPORT ON COMMUNICATIONS IMPLICATIONS OF**
6 **STATUTORY LICENSING MODIFICATIONS.**

7 (a) *STUDY.*—The Comptroller General of the United
8 States shall conduct a study that analyzes and evaluates
9 the changes to the carriage requirements currently imposed
10 on multichannel video programming distributors under the
11 Communications Act of 1934 (47 U.S.C. 151 et seq.) and
12 the regulations promulgated by the Commission that would
13 be required or beneficial to consumers, and such other mat-
14 ters as the Comptroller General considers appropriate, if
15 Congress implemented a phase-out of the current statutory
16 licensing requirements set forth under sections 111, 119,
17 and 122 of title 17, United States Code. Among other
18 things, the study shall consider the impact such a phase-
19 out and related changes to carriage requirements would
20 have on consumer prices and access to programming.

21 (b) *REPORT.*—Not later than 18 months after the date
22 of the enactment of this Act, the Comptroller General shall
23 submit to the appropriate congressional committees a report
24 on the results of the study conducted under subsection (a),
25 including any recommendations for legislative or adminis-

1 *trative actions. Such report shall also include a discussion*
2 *of any differences between such results and the results of*
3 *the study conducted under section 303 of the Satellite Tele-*
4 *vision Extension and Localism Act of 2010 (124 Stat.*
5 *1255).*

6 **SEC. 8. LOCAL NETWORK CHANNEL BROADCAST REPORTS.**

7 *(a) REQUIREMENT.—*

8 *(1) IN GENERAL.—On the 270th day after the*
9 *date of the enactment of this Act, and on each suc-*
10 *ceeding anniversary of such 270th day, each satellite*
11 *carrier shall submit an annual report to the Commis-*
12 *sion setting forth—*

13 *(A) each local market in which it—*

14 *(i) retransmits signals of 1 or more tel-*
15 *evision broadcast stations with a commu-*
16 *nity of license in that market;*

17 *(ii) has commenced providing such sig-*
18 *nals in the preceding 1-year period; and*

19 *(iii) has ceased to provide such signals*
20 *in the preceding 1-year period; and*

21 *(B) detailed information regarding the use*
22 *and potential use of satellite capacity for the re-*
23 *transmission of local signals in each local mar-*
24 *ket.*

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

4 (b) *DEFINITIONS.*—*In this section—*

5 (1) *the terms “local market” and “satellite car-*
6 *rier” have the meaning given such terms in section*
7 *339(d) of the Communications Act of 1934 (47 U.S.C.*
8 *339(d)); and*

9 (2) *the term “television broadcast station” has*
10 *the meaning given such term in section 325(b)(7) of*
11 *the Communications Act of 1934 (47 U.S.C.*
12 *325(b)(7)).*

13 **SEC. 9. REPORT ON DESIGNATED MARKET AREAS.**

14 *Not later than 18 months after the date of the enact-*
15 *ment of this Act, the Commission shall submit to the appro-*
16 *priate congressional committees a report containing an*
17 *analysis of—*

18 (1) *the extent to which consumers in each local*
19 *market (as defined in section 122(j) of title 17,*
20 *United States Code) have access to broadcast pro-*
21 *gramming from television broadcast stations (as de-*
22 *defined in section 325(b)(7) of the Communications Act*
23 *of 1934 (47 U.S.C. 325(b)(7))) located outside their*
24 *local market, including through carriage by cable op-*
25 *erators and satellite carriers of signals that are sig-*

1 *nificantly viewed (within the meaning of section 340*
2 *of such Act (47 U.S.C. 340)); and*

3 *(2) whether there are technologically and eco-*
4 *nomically feasible alternatives to the use of designated*
5 *market areas (as defined in section 122(j) of title 17,*
6 *United States Code) to define markets that would pro-*
7 *vide consumers with more programming options and*
8 *the potential impact such alternatives could have on*
9 *localism and on broadcast television locally, region-*
10 *ally, and nationally.*

11 **SEC. 10. DEFINITIONS.**

12 *In this Act:*

13 *(1) APPROPRIATE CONGRESSIONAL COMMIT-*
14 *TEES.—The term “appropriate congressional commit-*
15 *tees” means the Committee on Energy and Commerce*
16 *and the Committee on the Judiciary of the House of*
17 *Representatives and the Committee on Commerce,*
18 *Science, and Transportation and the Committee on*
19 *the Judiciary of the Senate.*

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

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