frontpay awards received on account of such claims, and for other purposes.

S. 1235

At the request of Mr. WYDEN, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 1235, a bill to restrict any State or local jurisdiction from imposing a new discriminatory tax on cell phone services, providers, or property.

S. 1312

At the request of Mr. COBURN, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 1312, a bill to amend title 5, United States Code, to limit the circumstances in which official time may be used by a Federal employee.

S. 1320

At the request of Mr. DONNELLY, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of S. 1320, a bill to establish a tiered hiring preference for members of the reserve components of the armed forces.

S. 1361

At the request of Mr. MURPHY, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1361, a bill to direct the Secretary of Homeland Security to accept additional documentation when considering the application for veterans status of an individual who performed service as a coastwise merchant seaman during World War II, and for other purposes.

S. 1431

At the request of Mr. WYDEN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1431, a bill to permanently extend the Internet Tax Freedom Act.

S. 1462

At the request of Mr. THUNE, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 1462, a bill to extend the positive train control system implementation deadline, and for other purposes.

S. 1505

At the request of Mr. THUNE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1505, a bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting good articles, and to exempt those articles from definition under that Act.

S. 1523

At the request of Mr. ROCKEFELLER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1523, a bill to amend the Internal Revenue Code to make permanent qualified school construction bonds and qualified zone academy bonds, to treat qualified zone academy bonds as specified tax credit bonds, and to modify the private business contribution requirement for qualified zone academy bonds.

S. 1557

At the request of Mr. CASEY, the names of the Senator from New York (Mr. SCHUMER), the Senator from Colorado (Mr. BENNET), the Senator from Massachusetts (Mr. MARKEY), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1557, a bill to amend the Public Health Service Act to reauthorize support for graduate medical education programs in children's hospitals.

S. 1590

At the request of Mr. ALEXANDER, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1590, a bill to amend the Patient Protection and Affordable Care Act to require transparency in the operation of American Health Benefit Exchanges.

S. 1592

At the request of Mr. RUBIO, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1592, a bill to provide for a delay of the individual mandate under the Patient Protection and Affordable Care Act until the American Health Benefit Exchanges are functioning properly.

S. 1610

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 1610, a bill to delay the implementation of certain provisions of the Biggert-Waters Flood Insurance Reform Act of 2012, and for other purposes.

S. 1635

At the request of Mr. CASEY, the names of the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Minnesota (Mr. FRANKEN) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1635, a bill to amend the American Recovery and Reinvestment Act of 2009 to extend the period during which supplemental nutrition assistance program benefits are temporarily increased.

S. 1642

At the request of Ms. LANDRIEU, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 1642, a bill to permit the continuation of certain health plans.

S. 1667

At the request of Mr. VITTER, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Wisconsin (Mr. JOHNSON) were added as cosponsors of S. 1667, a bill to amend the Consumer Financial Protection Act of 2010 to provide consumers with a free annual disclosure of information the Bureau of Consumer Financial Protection maintains on them, and for other purposes.

S. 1670

At the request of Mr. GRAHAM, the names of the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 1670, a bill to amend title 18, United States Code, to protect pain-capable unborn children, and for other purposes.

S. RES. 26

At the request of Mr. MORAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 26, a resolution recognizing that access to hospitals and other health care providers for patients in rural areas of the United States is essential to the survival and success of communities in the United States.

S. RES. 270

At the request of Mr. KIRK, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. Res. 270, a resolution supporting the goals and ideals of World Polio Day and commending the international community and others for their efforts to prevent and eradicate polio.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER:

S. 1680. A bill to amend the Communications Act of 1934 to increase consumer choice and competition in the online video programming distribution marketplace, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. ROCKEFELLER. Mr. President, two decades ago, Congress passed the Cable Television and Consumer Protection Act of 1992 in part to stop cable companies from leveraging their market power to block competition from satellite television providers. Congress did so with the realization that market forces alone did not act to create true competition in video services, mainly because the entrenched interests held dominant control over the content necessary for new services to compete effectively. As a result, regulation in the name of competition was necessary to empower consumers and facilitate the development of new innovative video services. Twenty years later, DirecTV and Dish Network have become the second and third largest pay TV providers in the Nation, respectively.

The legislation that I am introducing today, the Consumer Choice in Online Video Act, builds upon the legacy, and the promise, of the 1992 Cable Act. More needs to be done.

Simply put, the video marketplace today, even with a variety of cable and satellite television providers, still is one of ever-escalating rates and of limited choice in terms of programming packages. Consumers find themselves paying more and more each year for their pay TV service, and those yearly rate increases often far exceed inflation. Even though consumers have at their fingertips hundreds of channels of programming, most homes watch very few of those channels and would prefer to have more choice in what they pay for each month.

We have all heard the familiar complaint that we have five hundred channels, but there is nothing to watch. My

legislation aims to enable the ultimate a la carte—to give consumers the ability to watch the programming they want to watch, when they want to watch it, how they want to watch it, and pay only for what they actually watch.

Key to that goal is online video. The Internet has revolutionized many aspects of American life, from the economy, to health care, to education. It has proven to be a disruptive and transformative technology. It has forever changed the way Americans live their lives. Consumers now use the Internet, for example, to purchase airline tickets, to reserve rental cars and hotel rooms, to do their holiday shopping. The Internet gives them the ability to identify prices and choices and offers an endless supply of competitive offerings that strive to meet individual consumer's needs.

But that type of choice, with full transparency and real competition, has not been fully realized in today's video marketplace. The core policy question is how to nurture new technologies and services, and make sure incumbents cannot simply perpetuate the status quo of ever-increasing bills and limited choice through exercise of their market power.

Broadband-based online video today stands at a crossroads. It promises to become the video delivery platform that can truly bring consumer-centric video services to the marketplace. Consumers clearly have an appetite for online video and the choice and flexibility it affords, and innovative companies have risen to tap into that demand. But their ability to fully compete and maximize the benefits of broadband-based online video have been compromised.

Consumers do not really care whether they access their favorite video programming through a traditional cable line, fiber, satellite, or broadband wireless technology. What they are most frustrated by today, though, is that some cable or broadcast programming is sometimes not accessible in an ''over the top'' online format, or that their experience with online video is somehow degraded. And disturbing reports suggest that one of the reasons that the consumers have these experiences is due to anticompetitive activity on the part of incumbent media companies and broadband providers.

As both the Federal Communications Commission, FCC, and the Department of Justice have noted, the nature of broadband-delivered video makes it uniquely susceptible to anticompetitive activity. Online video distributors do not own their distribution platform, and their viability depends on the ability to acquire sought-after programming from content companies on competitive terms. Yet, given their relationships with both content companies and Internet service providers, traditional cable and satellite providers have the incentive and ability to try to limit the growth of innovative, competitive online video distribution companies.

Press reports make clear that video marketplace incumbents are using their market positions to limit online video companies from entering the market and competing on a level playing field. Incumbent media companies, who control both the delivery platform and the content necessary for a robust online video service, are putting up barriers to protect their current services from new competition. Other reports indicate that some pay-TV operators are offering incentives to media companies that agree to withhold content from Web-based entertainment services.

My legislation would bar these and other anticompetitive practices in the online video marketplace, while offering regulatory parity to online video services that offer services similar to those presently provided by cable and satellite companies. It also would remedy lingering issues surrounding the regulatory treatment of online video services by the FCC. Finally, the bill would empower consumers with more information about their broadband Internet service, and give the FCC the authority to oversee the use of metered broadband Internet billing practices that could be used to stifle use of data-intensive online video services.

I offer this legislation to begin an overdue conversation about the best way that Congress can protect and promote a consumer-centric online video marketplace. I recognize that this bill is not perfect. That is why I invite discussion and comments from my colleagues and others on ways to improve it as we move forward. While I am sure that we can find ways to improve this legislation, we should not stand aside in the name of the free market while the innovation and choice that can come from online video for West Virginia and around the country is stifled.

It is time for Congress to act to maximize the promise of today's online world, and improve the consumer experience in the video marketplace. Consumers must be able to benefit from online video's promise of decreased costs for video services, more choice over the types of programming that their families consume, and higher-quality video content that educates and entertains. I strongly believe that the breathing room provided to online video distributors by my legislation is one of the keys to fostering a consumer-centric revolution in the video marketplace.

Mr. President I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1680

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Consumer Choice in Online Video Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. FINDINGS; STATEMENT OF POLICY.

(a) FINDINGS.—Congress makes the following findings:

(1) Online video distribution has the potential to increase consumer choice in video programming, lower prices for video services, bring innovative services to the video distribution marketplace, and disrupt the traditional multichannel video distribution marketplace.

(2) Evolving consumer demand, improving technology, and increased choice of viewing devices can make online video distributors stronger competitors to multichannel video programming distributors for an increasing number of viewers.

(3) Unlike traditional multichannel video programming distributors, online video distributors do not own distribution facilities and are dependent upon Internet service providers (many of which are affiliated with multichannel video programming distributors) for the delivery of their content to viewers.

(4) Internet service providers' management and pricing of broadband services affects online video distributors. Because online video distribution consumes significant amounts of Internet bandwidth, Internet service providers' use of usage-based billing practices can negatively impact the competitive position of online video distributors and the appeal of their services to consumers.

(5) Internet service providers that are affiliated with a multichannel video programming distributor or an online video distributor have an increased incentive to degrade the delivery of, or block entirely, traffic from the websites of other online video distributors, or speed up or favor access to the content and aggregation websites of their affiliates, because online video distributors pose a threat to those affiliates' video programming distribution businesses.

(6) Similarly, multichannel video programming distributors who are affiliated with Internet service providers, online video distributors who are affiliated with Internet service providers, or video programming vendors with significant market power have the incentive and ability to use their competitive position to engage in unfair methods of competition meant to hinder competition from online video distributors.

(7) Growth of online video distribution alternatives also will depend, in part, on the distributor's ability to acquire programming from content producers. Without access to content on competitive terms, an online

video distributor suffers a distinct competitive harm.

(8) Some traditional multichannel video programming distributors have admitted to taking steps to limit the ability of online video distributors to access content or otherwise effectively compete in the video distribution marketplace.

(9) Traditional multichannel video programming distributors and even other online video distributors have the incentive and ability to convince their video programming vendor partners not to sell content to online video distributors or to sell content to them at competitively-disadvantageous prices, terms, and conditions. They also have the incentive and ability to retaliate against a video programming vendor that sells content to an online video distributor.

(10) Traditional multichannel video programming distributors have the incentive and ability to use their relationships with manufacturers of television sets, set-top boxes, and other customer premises equipment to favor their own services over offerings from online video distributors.

(11) There is a substantial governmental and First Amendment interest in—

(A) requiring Internet service providers to provide consumers with accurate information about their Internet service, and to ensure that data usage monitoring systems are accurate, effective, and not used for an anticompetitive purpose;

(B) promoting a diversity of views provided through multiple technology media;

(C) promoting the development of online video distribution platforms and fair competition amongst all distributors and vendors of video programming;

(D) preventing Internet service providers that are affiliated with a multichannel video programming distributor or an online video distributor from discriminating against unaffiliated content and distributors in its exercise of control over consumers' broadband connections;

(E) encouraging and protecting consumer choice and innovation in online video distribution, including with respect to distribution of broadcast television content; and

(F) providing consumers with the ability to choose to receive local broadcast television content from various markets.

(b) STATEMENT OF POLICY.—It is the policy of the Congress that—

(1) consumers should be fully informed about the terms and conditions related to the purchase of Internet service from an Internet service provider;

(2) usage-based billing systems used by an Internet service provider should not be used in a way that harms development and use of high-bandwidth consuming Internet applications and services that might compete with that Internet service provider's own services;

(3) the availability of a diversity of views and information should be promoted to the public through various video programming distribution platforms, including those providing service by utilizing the Internet or other IP-based transmission paths;

(4) existing multichannel video programming distributors and video programming vendors should not have or exercise undue market power with respect to online video distributors; and

(5) Internet service providers should not hinder through anticompetitive behavior the ability of online video distributors to provide services to their subscribers.

SEC. 3. DEFINITIONS.

In this Act:

(1) BROADCAST TELEVISION LICENSEE.—The term ''broadcast television licensee'' means the licensee of a full-power television station or a low-power television station.

(2) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(3) INTERNET SERVICE PROVIDER.—The term ''Internet service provider'' means any provider of Internet service to an end user, regardless of the technology used to provide that service.

(4) NON-FACILITIES BASED MULTICHANNEL VIDEO PROGRAMMING DISTRIBUTOR.—The term ''non-facilities based multichannel video programming distributor'' means an online video distributor that has made the election permitted under section 672.

(5) ONLINE VIDEO DISTRIBUTOR.—The term ''online video distributor'' means any entity, including a non-facilities based multichannel video programming distributor, that—

(A) has its principal place of business in the United States; and

(B) distributes video programming in the United States by means of the Internet or another IP-based transmission path provided by a person other than that entity.

(6) TELEVISION NETWORK.—The term ''television network'' means a television network in the United States which offers an interconnected program service on a regular basis for 15 or more hours per week to at least 25 affiliated broadcast stations in 10 or more States.

(7) USAGE-BASED BILLING.—

(A) IN GENERAL.—The term ''usage-based billing'' means a system of charging a consumer for Internet service or the use of an IP-based transmission path provided by an Internet service provider or other entity that is based upon the amount of data the consumer uses over a period of time.

(B) INCLUSIONS.—The term ''usage-based billing'' includes—

(i) imposing a cap on the amount of data the consumer can use based on the price the consumer is willing to pay for service;

(ii) charging a consumer varying amounts each billing cycle based on a per-megabyte, per-gigabyte, or similar rate; and

(iii) establishing different tiers of prices based on the amount of data the consumer elects to consume in a billing cycle, whether or not the amount acts as a cap on the consumer's service.

(8) VIDEO PROGRAMMING.—The term ''video programming'' means programming provided by, or generally considered comparable to programming provided by, a television broadcast station, whether or not such programming is delivered using a portion of the electromagnetic frequency spectrum.

(9) VIDEO PROGRAMMING VENDOR.—The term ''video programming vendor'' means a person engaged in the production, creation, or wholesale distribution of video programming for sale.

TITLE I—BILLING FOR INTERNET SERVICE

SEC. 101. CONSUMER PROTECTIONS.

Title VII of the Communications Act of 1934 (47 U.S.C. 601 et seq.) is amended—

(1) by inserting before section 701 the following:

''PART I—GENERAL PROVISIONS''; and

(2) by adding at the end the following:

''PART II—INTERNET SERVICES BILLING

''SEC. 721. CONSUMER PROTECTIONS.

''(a) GENERAL DISCLOSURES.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Consumer Choice in Online Video Act, the Commission shall promulgate regulations requiring Internet service providers to disclose certain information that will assist a consumer in making an informed decision about the purchase of Internet service.

''(2) REQUIREMENTS.—The regulations under paragraph (1) shall require, at a minimum, that—

''(A) any advertising related to Internet service include plain language disclosure of any information the Commission considers necessary for a consumer to make an informed decision about the purchase of that Internet service;

''(B) an Internet service provider provide a plain language disclosure to a consumer prior to the purchase of Internet service that includes—

''(i) the length of the contract;

''(ii) the terms of renewal;

''(iii) a projected monthly bill, including all fees and costs associated with the Internet service;

''(iv) if the consumer is receiving promotional pricing for service, a projected monthly bill for service once that promotional pricing period has ended;

''(v) the procedures to cancel the Internet service, including any policies related to early termination fees;

''(vi) the average actual data transmission speeds, including both upload and download speeds;

''(vii) any policies or practices regarding network management, including limiting service speeds or prioritizing content; and

''(viii) any other information that the Commission considers necessary for the consumer to make an informed decision about the purchase of the Internet service.

''(b) SPECIAL DISCLOSURES FOR USAGE-BASED BILLING.—

''(1) IN GENERAL.—As part of the rulemaking under subsection (a), the Commission shall promulgate regulations to protect consumers in the use of usage-based billing by Internet service providers.

''(2) PLAIN LANGUAGE DISCLOSURE OF TERMS AND CONDITIONS.—

''(A) IN GENERAL.—The regulations under paragraph (1) shall require an Internet service provider to provide a plain language disclosure of all terms and conditions associated with its use of usage-based billing to a consumer prior to the purchase of Internet service.

''(B) CONTENTS.—The plain language disclosure under this paragraph shall include—

''(i) an explanation of how usage-based billing will be applied to the consumer;

''(ii) a complete list of the tiers of service;

''(iii) comparisons of how much data of varying types, including video programming in standard and high-definition, the consumer would be able to consume each month under each tier;

''(iv) the procedure for providing the consumer the notifications under paragraph (4);

''(v) an explanation of the consequences, if any, to a consumer for exceeding the consumer's data usage amount, including any fees that may be charged and any options a consumer may have to avoid those fees;

''(vi) if the Internet service provider provides a tool for a consumer to monitor the consumer's data usage, a description of the tool and how to use it;

''(vii) the appeals procedure under paragraph (5); and

''(viii) any other information that the Commission considers necessary to protect consumers in the use of usage-based billing by Internet service providers.

''(3) MONTHLY DISCLOSURE OF DATA USAGE.—

''(A) DATA USAGE.—An Internet service provider that uses usage-based billing shall provide a plain language disclosure to a consumer of the consumer's data usage during each billing cycle as part of the consumer's bill.

''(B) DATA USAGE TRENDS.—An Internet service provider that uses usage-based billing shall include in the consumer's bill information documenting the consumer's data usage over the prior 6 monthly bills or over

a period beginning on the date that the consumer contracted for the Internet service, whichever is shorter.

''(4) NOTIFICATIONS.—

''(A) IN GENERAL.—An Internet service provider that uses usage-based billing shall provide to a consumer notification of the amount of data the consumer has remaining at the midpoint of a billing cycle, and at any other increments the Commission finds are in the public interest.

''(B) FORM.—The Commission may determine the form of the notifications required under this paragraph.

''(5) CONSUMER APPEALS.—Each Internet service provider that uses usage-based billing shall establish an appeals procedure for a consumer to obtain more detailed information about the consumer's Internet data usage and to challenge the Internet service provider's determination of that consumer's data usage.

''(c) TRUTH-IN-BILLING FOR INTERNET SERVICES.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Consumer Choice in Online Video Act, the Commission shall update its truth-in-billing rules to extend the rules to Internet service providers.

''(2) BUNDLED SERVICES.—As part of the rulemaking under paragraph (1), the Commission shall consider whether it is in the public interest to establish truth-in-billing rules for bundled communications service packages.

''(d) EXEMPTION.—The Commission may exempt an Internet service provider serving 20,000 or fewer subscribers from the requirements of this section

''(e) SPECIAL CONSIDERATION.—The Commission may take into account the special considerations in an Internet service provider's delivery technology, including wireless, when implementing this section.

''SEC. 722. CERTIFICATION OF DATA USAGE MONITORING SYSTEMS.

''(a) INDEPENDENT CERTIFICATION REQUIRED.—

''(1) IN GENERAL.—An Internet service provider may not use a data usage monitoring system as part of usage-based billing unless the data usage monitoring system is certified under this section.

''(2) DEVELOPMENT OF STANDARDS.—The Commission, after consultation with the National Institute of Standards and Technology, shall develop standards to ensure that a data usage monitoring system accurately measures a consumer's usage of data.

''(3) CERTIFICATION PROCESS.—The Commission may certify a data usage monitoring system for use in usage-based billing if it determines that the data usage monitoring system accurately measures consumer data usage and is in material compliance with the standards under paragraph (2).

''(4) PERMISSIBLE DELEGATION.—The Commission may designate 1 or more impartial third parties to conduct the certification of a data usage monitoring system under this section.

''(b) PERIODIC REVIEW.—The Commission shall determine how to ensure that an Internet service provider's data usage monitoring system remains in compliance with this section.

''(c) DEFINITION OF DATA USAGE MONITORING SYSTEM.—In this section, the term 'data usage monitoring system' means a system of monitoring and calculating the amount of data a user has consumed—

''(1) while accessing the Internet;

''(2) while using hardware, software, or applications that consume data transmitted over the Internet; or

''(3) while accessing another IP-based transmission path provided by an Internet service provider or another entity.

''(d) PENALTIES.—The Commission is authorized to assess penalties against any Internet service provider that fails to comply with this section.

''(e) RULEMAKING.—

''(1) IN GENERAL.—The Commission shall promulgate regulations to implement this section not later than 1 year after the date of enactment of the Consumer Choice in Online Video Act.

''(2) EXEMPTION.—The regulations under paragraph (1) may provide an exemption from the regulations for an Internet service provider serving 20,000 or fewer subscribers.

''(3) SPECIAL CONSIDERATIONS.—The Commission may take into account the special considerations in an Internet service provider's delivery technology, including wireless, when implementing this section.''.

TITLE II—ONLINE VIDEO DISTRIBUTION ALTERNATIVES

SEC. 201. PROTECTIONS FOR ONLINE VIDEO DISTRIBUTORS.

Title VI of the Communications Act of 1934 (47 U.S.C. 521 et seq.) is amended by adding at the end the following:

''PART VI—ONLINE VIDEO DISTRIBUTORS

''SEC. 661. DEFINITIONS.

''In this part:

''(1) AFFILIATED WITH.—For purposes of sections 663, 664, and 667, the term 'affiliated with' means that the Internet service provider, multichannel video programming distributor, online video distributor, or video programming vendor, as appropriate, directly or indirectly, is owned or controlled by, owns or controls, or is under common ownership or control with another Internet service provider, multichannel video programming distributor, online video distributor, or video programming vendor, as appropriate. For purposes of this paragraph, the term 'own' means to own an equity interest, or the equivalent thereof, of more than 10 percent.

''(2) VIDEO PROGRAMMING.—The term 'video programming' means programming provided by, or generally considered comparable to programming provided by, a television broadcast station, whether or not such programming is delivered using a portion of the electromagnetic frequency spectrum.

''SEC. 662. ENHANCEMENT OF CONSUMER CHOICE IN ONLINE VIDEO.

''The purposes of this part are

''(1) to promote the public interest, convenience, and necessity by increasing competition, innovation, and diversity in the video programming marketplace;

''(2) to enhance consumer access to online video distribution platforms and consumer choice in online video programming; and

''(3) to increase the availability of video programming on all platforms, including Internet-based platforms.

''SEC. 663. DEVELOPMENT OF COMPETITION AND DIVERSITY IN ONLINE VIDEO DISTRIBUTION.

''(a) PROHIBITION.—It shall be unlawful for a designated distributor to engage in unfair methods of competition or unfair or deceptive acts or practices, the purpose or effect of which are to hinder significantly or prevent an online video distributor from providing video programming to consumers, including over any platform or device capable of delivering that online video distributor's content to consumers.

''(b) REGULATIONS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Consumer Choice in Online Video Act, the Commission shall promulgate regulations to implement this section.

''(2) MINIMUM CONTENTS.—At a minimum, the regulations under this section shall—

''(A) specify the conduct that constitutes a prima facie violation of subsection (a); and

''(B) establish effective safeguards to prevent a designated distributor from—

''(i) unduly or improperly influencing the decision of any other entity to make a television set or other customer premises equipment incompatible with the services provided by any online video distributor;

''(ii) unduly or improperly using its own customer premises equipment to discriminate against, or otherwise favor its own services over, the service provided by any online video distributor;

''(iii) unduly or improperly influencing the decision of any other entity to sell, or the prices, terms, and conditions of the sale of, video programming to any online video distributor; and

''(iv) providing an incentive to any entity in an attempt to deny video programming to an online video distributor.

''(c) EXCEPTIONS.—

''(1) IN GENERAL.—Subject to paragraph (2), a designated distributor shall not be prohibited from—

''(A) imposing reasonable requirements for creditworthiness, offering of service, and financial stability and standards regarding character and technical quality;

''(B) establishing different prices, terms, and conditions to take into account economies of scale, cost savings, or other direct and legitimate economic benefits reasonably attributable to the number of subscribers served by the online video distributor; and

''(C) imposing reasonable requirements to ensure the security of the video programming being provided to the online video distributor, including means to authenticate the right of the distributor's subscribers to access the programming.

''(2) LIMITATIONS.—An exception under paragraph (1)—

''(A) shall be related to the substantial, real, and legitimate business concerns of the designated distributor; and

''(B) may not be used in an anticompetitive manner.

''(d) DEFINITION OF DESIGNATED DISTRIBUTOR.—

''(1) IN GENERAL.—In this section, the term 'designated distributor' means—

''(A) a multichannel video programming distributor affiliated with an Internet service provider;

''(B) an online video distributor affiliated with an Internet service provider; or

''(C) a video programming vendor with significant market power.

''(2) SIGNIFICANT MARKET POWER.—The Commission shall establish rules for determining whether a video programming vendor has significant market power under paragraph (1)(C).

''SEC. 664. ACCESS TO VIDEO PROGRAMMING.

''(a) PROHIBITIONS.—It shall be unlawful for a multichannel video programming distributor or an online video distributor—

''(1) to include in a contract with any video programming vendor a provision that serves as a substantial disincentive for the video programming vendor to sell its content to an online video distributor;

''(2) to use any practice, understanding, arrangement, or other agreement with a video programming vendor that has the effect of causing the video programming vendor to face a substantial disincentive to sell its content to an online video distributor; or

''(3) to enter into a contract with a video programming vendor that has the effect of preventing an online video distributor from making the video programming vendor's content available on any platform or device capable of delivering that distributor's content to its subscribers.

''(b) CONTRACT LIMITATIONS.—A multichannel video programming distributor or an online video distributor may not include in any contract with a video programming vendor any provision that requires the multichannel video programming distributor or online video distributor, as applicable, to be treated in material parity with other similarly situated multichannel video programming distributors or online video distributors with regard to pricing or other terms and conditions of carriage of video programming.

''(c) RETALIATION PROHIBITED.—A multichannel video programming distributor or an online video distributor may not retaliate against—

''(1) any video programming vendor for making its video programming available to an online video distributor;

''(2) any online video distributor for obtaining video programming from a video programming vendor; or

''(3) any entity for exercising a right under this Act.

''(d) EXCEPTION.—Notwithstanding subsection (a) or any other provision of this part, a multichannel video programming distributor or an online video distributor may enter into an exclusive contract with a video programming vendor for video programming provided by that video programming vendor if the contract does not exceed the limits or violate the prohibitions under subsection (e).

''(e) PUBLIC INTEREST LIMITATIONS ON EXCLUSIVE CONTRACTS.—

''(1) IN GENERAL.—The Commission shall adopt limits on—

''(A) the ability of a multichannel video programming distributor or an online video distributor to enter into any contract for video programming that includes an exclusivity provision that substantially deters the development of an online video distribution alternative; and

''(B) the ability of an online video distributor to enter into any contract for video programming that includes an exclusivity provision that substantially deters the development of an online video distribution alternative.

''(2) PROHIBITED CONTRACTS.—The Commission shall prohibit—

''(A) a multichannel video programming distributor from entering into an exclusive contract with a video programming vendor that is affiliated with the multichannel video programming distributor; and

''(B) an online video distributor from entering into an exclusive contract with a video programming vendor that is affiliated with the online video distributor.

''(3) LIMITATIONS ON OTHER EXCLUSIVE CONTRACTS FOR VIDEO PROGRAMMING.—

''(A) IN GENERAL.—The Commission shall establish criteria for determining whether an exclusive contract for programming substantially deters the development of an online video distribution alternative.

''(B) CONSIDERATIONS.—In establishing the criteria under subparagraph (A), the Commission shall consider the totality of the circumstances surrounding the contract, including—

''(i) the duration of the exclusivity period;

''(ii) the effect of the exclusive contract on capital investment in the production and distribution of video programming;

''(iii) the time period after initial first-day distribution of video programming to consumers when the multichannel video programming distributor or the online video distributor is granted exclusive access to distribute the programming; and

''(iv) the likelihood that the exclusive contract will enhance diversity in programming on video distribution platforms.

''(f) ONLINE DISTRIBUTION OF CONTENT BY A VIDEO PROGRAMMING VENDOR.—

''(1) IN GENERAL.—A multichannel video programming distributor or an online video distributor may not enter into an agreement that limits or prohibits a video programming vendor from making its video content available to consumers free over the Internet.

''(2) EXCEPTION.—The prohibition under paragraph (1) shall not apply if the duration of the agreement is 30 days or less.

''(g) PRICES, TERMS, AND CONDITIONS FOR PROGRAMMING.—A video programming vendor may establish different prices, terms, and conditions for its video programming if, taking into account economies of scale, cost savings, or other direct and legitimate economic benefits that are reasonably attributable to the number of subscribers served by an online video distributor, the prices, terms, and conditions—

''(1) are related to substantial, real, and legitimate business concerns of the video programming vendor; and

''(2) are not used in an anticompetitive manner.

''(h) REGULATIONS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Consumer Choice in Online Video Act, the Commission shall promulgate regulations to specify particular conduct that is prohibited by this section.

''(2) MINIMUM CONTENTS.—The regulations under this section shall establish, at a minimum—

''(A) effective safeguards to prevent any activity prohibited by this section; and

''(B) complaint and contract review procedures to facilitate the Commission's ability to determine if a multichannel video programming distributor, a video programming vendor, or an online video distributor has violated this section.

''(i) EXISTING CONTRACTS.—

''(1) IN GENERAL.—Subject to paragraph (2), nothing in this section shall affect any contract, understanding, or arrangement that was entered into on or before December 1, 2013.

''(2) EXCEPTIONS.—No contract, understanding, or arrangement entered into on or before December 1, 2013, that violates this section shall be enforceable by any person after the date that is 3 years after the date of enactment of the Consumer Choice in Online Video Act.

''(3) LIMITATION ON RENEWALS.—A contract, understanding, or arrangement that was entered into on or before December 1, 2013, but that is renewed or extended after the date of enactment of the Consumer Choice in Online Video Act shall not be exempt under paragraph (1).

''SEC. 665. FOSTERING ACCESS TO VIDEO PROGRAMMING.

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of the Consumer Choice in Online Video Act, the Commission shall commence a proceeding to determine the additional steps it should take, in the public interest, to foster the ability of online video distributors to gain access to video programming, offer innovative services, and compete with multichannel video programming distributors.

''(b) LIMITATION.—The Commission shall not compel a video programming vendor to sell its video programming to an online video distributor as part of any rules adopted under this section.

''SEC. 666. BROADCAST TELEVISION LICENSEES AND TELEVISION NETWORKS.

''(a) DUTY TO NEGOTIATE.—It shall be unlawful for a broadcast television licensee or television network—

''(1) to refuse to negotiate with an online video distributor for carriage of the broadcast television licensee's or the television network's content, as applicable; or

''(2) to place any restriction on an online video distributor's ability to make the broadcast television licensee's or the television network's content, as applicable, available on any platform or device that is capable of delivering the online video distributor's content to its subscribers.

''(b) REFUSAL TO NEGOTIATE; COMMISSION DETERMINATION.—The Commission shall determine what constitutes a refusal to negotiate under subsection (a). The Commission may require a broadcast television licensee or television network to engage in good faith negotiations with an online video distributor. The Commission shall define good faith for purposes of this subsection.

''(c) ONLINE RETRANSMISSION OF IN-MARKET BROADCAST SIGNALS.—

''(1) SIGNAL PARITY.—

''(A) IN GENERAL.—It shall be unlawful for a broadcast television licensee to provide an over-the-air signal that differs from a retransmission of that signal provided to a multichannel video programming distributor or an online video distributor.

''(B) EXCEPTION.—Subparagraph (A) shall not apply if—

''(i) the variation in the 2 signals consists of a change to 1 or more commercial advertisements of not more than 60 seconds in duration embedded in a broadcast television licensee's signal; and

''(ii) the broadcast television licensee is not using the variation under clause (i) to increase the overall amount of advertising time in its over-the-air signal.

''(2) ANTENNA RENTAL SERVICES.—

''(A) IN GENERAL.—Notwithstanding any other provision of this Act, except subparagraph (C), an entity may rent to a consumer access to an individual antenna to view over-the-air broadcast television signals transmitted from that antenna—

''(i) directly to the consumer over the Internet or another IP-based transmission path; or

''(ii) to an individual data storage system, including an online remote data storage system, for recording and then made accessible to that consumer through the Internet or another IP-based transmission path.

''(B) RETRANSMISSION CONSENT FEES.—An antenna rental service described under subparagraph (A) shall be exempt from paying retransmission consent fees under section 325 of this Act to any broadcast television station whose signal is received by the individual antenna and retransmitted to the subscriber.

''(C) CONDITIONS OF RENTAL SERVICES.—An antenna rental service described under subparagraph (A) shall—

''(i) only provide a subscriber with access to over-the-air broadcast television signals received by an individual antenna located in the same designated market area (as defined in section 671 of this Act) in which that subscriber resides; and

''(ii) make available to a subscriber all over-the-air broadcast signals that are received by the individual antenna rented by that subscriber, unless a signal is of such poor quality that it cannot be transmitted to the consumer in a reasonably viewable form.

''(d) LIMITS IN EXISTING PROGRAMMING AND AFFILIATION CONTRACTS.—

''(1) IN GENERAL.—It shall be unlawful for any entity selling or otherwise providing video programming to be transmitted by a broadcast television licensee or television network to include in any contract, agreement, understanding, or arrangement with that licensee or network a limitation on the ability of that licensee or network to comply with the requirements of this section.

''(2) EXISTING CONTRACTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), nothing in this section shall affect any

contract, understanding, or arrangement that was entered into on or before December 1, 2013.

''(B) EXCEPTIONS.—No contract, understanding, or arrangement entered into on or before December 1, 2013, that violates this section shall be enforceable by any person after the date that is 3 years after the date of enactment of the Consumer Choice in Online Video Act.

''(C) LIMITATION ON RENEWALS.—A contract, understanding, or arrangement that was entered into on or before December 1, 2013, but that is renewed or extended after the date of enactment of the Consumer Choice in Online Video Act shall not be exempt under subparagraph (A).

''(e) REGULATIONS.—Not later than 1 year after the date of enactment of the Consumer Choice in Online Video Act, the Commission shall promulgate regulations to implement this section. The Commission shall not compel a broadcast television licensee or television network to sell its video programming to an online video distributor as part of any rules adopted under this section.

''SEC. 667. CONSUMER ACCESS TO CONTENT.

''(a) IN GENERAL.—It shall be unlawful for a designated Internet service provider to engage in unfair methods of competition or unfair or deceptive acts or practices, the purpose or effect of which are to hinder significantly or to prevent an online video distributor from providing video programming to a consumer.

''(b) REGULATIONS.—Not later than 1 year after the date of enactment of the Consumer Choice in Online Video Act, the Commission shall promulgate regulations to specify particular conduct that is prohibited by subsection (a). The Commission's regulations under this section shall ensure, at a minimum, that a designated Internet service provider does not—

''(1) block, degrade, or otherwise impair any content provided by an online video distributor;

''(2) unreasonably discriminate in transmitting the content of an unaffiliated online video distributor over the designated Internet service provider's network;

''(3) provide benefits in the transmission of the video content of any company affiliated with the Internet service provider through specialized services or other means, or otherwise leverage its ownership of the physical delivery architecture to benefit that affiliated company in a way that has the effect of harming competition from an unaffiliated online video distributor; or

''(4) use billing systems, such as usage-based billing, in a way that deters competition from unaffiliated online video distributors that may be in competition with the Internet service provider's or its affiliate's services.

''(c) DEFINITION OF DESIGNATED INTERNET SERVICE PROVIDER.—In this section, the term 'designated Internet service provider' means an Internet service provider that is affiliated with a multichannel video programming distributor, an online video distributor, or a video programming vendor.

''SEC. 668. BLOCKING CONSUMER ACCESS TO ONLINE VIDEO PROGRAMMING.

''(a) IN GENERAL.—No video programming vendor that has made available its video programming to consumers online may restrict access to that online video programming for a subscriber of a multichannel video programming distributor or its affiliate, or an online video distributor or its affiliate, during the time that vendor is involved in a dispute with such distributor.

''(b) EXCEPTION.—

''(1) IN GENERAL.—If a video programming vendor requires a consumer to purchase access to its online video programming through a contract with a multichannel video programming distributor or an online video distributor then that vendor may restrict access to that online video programming during the time that the vendor is involved in a dispute with that distributor.

''(2) LIMITATION.—The exception under this subsection shall apply only to a subscriber to video services provided by a multichannel video programming distributor or an online video distributor involved in the dispute and not to a subscriber to any other service provided by that distributor or its affiliate.

''(c) REMEDIES.—

''(1) IN GENERAL.—Any entity that is aggrieved by a violation of this section may bring a civil action in a United States district court or in any other court of competent jurisdiction.

''(2) AUTHORITY.—The court may—

''(A) grant a temporary or final injunction on such terms as it may deem reasonable to prevent or restrain violations of this section;

''(B) award any damages it deems appropriate; and

''(C) direct the recovery of full costs, including awarding reasonable attorneys' fees to an aggrieved party who prevails.

''(d) DEFINITIONS.—In this section:

''(1) AVAILABLE ONLINE.—The term 'available online' means both available over the Internet and through applications, software, or other similar services on a mobile device.

''(2) DISPUTE.—The term 'dispute' includes—

''(A) a dispute over carriage of the programming provided by a video programming vendor to a multichannel video programming distributor or online video distributor; and

''(B) a dispute over carriage of the programming provided by a television licensee or television network under section 325(b) of this Act.

''(3) ENTITY THAT IS AGGRIEVED.—The term 'entity that is aggrieved' includes—

''(A) a consumer whose access to online video programming has been restricted in violation of this section; and

''(B) a multichannel video programming distributor or its affiliate, or an online video distributor or its affiliate, that has had a subscriber's access to online video programming restricted in violation of this section.

''SEC. 669. REMEDIES AND ADJUDICATIONS.

''(a) ADJUDICATORY PROCEEDINGS.—Any online video distributor aggrieved by conduct that it alleges constitutes a violation of this part, or the regulations of the Commission under this part, may commence an adjudicatory proceeding at the Commission.

''(b) REMEDIES.—

''(1) REMEDIES AUTHORIZED.—

''(A) INTERIM REMEDIES.—The Commission may authorize interim remedies during the pendency of a complaint.

''(B) APPROPRIATE REMEDIES.—Upon completion of an adjudicatory proceeding under this section, the Commission shall have the power to order appropriate remedies, including, if necessary, the power to establish prices, terms, and conditions of sale of programming to the aggrieved online video distributor.

''(2) ADDITIONAL REMEDIES.—The remedies provided in paragraph (1) are in addition to and not in lieu of the remedies available under title V or any other provision of this Act.

''(c) PROCEDURES.—In promulgating regulations to implement this part, the Commission shall—

''(1) provide for an expedited review of any complaint made under this part, including a procedural timeline to conclude the review of each complaint not later than 180 days after the date the complaint is filed;

''(2) establish procedures for the Commission to collect any data, including the right to obtain copies of all contracts and documents reflecting any practice, understanding, arrangement, or agreement alleged to violate this part, as the Commission requires to carry out this part; and

''(3) provide for penalties to be assessed against any person filing a frivolous complaint under this part.''.

SEC. 202. FEDERAL COMMUNICATIONS COMMISSION REPORT ON PEERING.

(a) IN GENERAL.—The Commission shall study—

(1) the status of peering, transit, and interconnection agreements related to the transport and delivery of content over the Internet and other IP-based transmission paths; and

(2) what impact the agreements under paragraph (1) or disputes about the agreements under paragraph (1) have on consumers and competition with respect to online video.

(b) REPORT.—Not later than 3 years after the date of enactment of this Act, the Commission shall report the findings of the study under subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

TITLE III—NON-FACILITIES BASED MULTICHANNEL VIDEO PROGRAMMING DISTRIBUTORS

SEC. 301. NON-FACILITIES BASED MULTICHANNEL VIDEO PROGRAMMING DISTRIBUTORS.

Title VI of the Communications Act of 1934 (47 U.S.C. 521 et seq.), as amended by title II of this Act, is further amended by adding at the end the following:

''PART VII—NON-FACILITIES BASED MULTICHANNEL VIDEO PROGRAMMING DISTRIBUTORS

''SEC. 671. DEFINITIONS.

''In this part:

''(1) DESIGNATED MARKET AREA.—The term 'designated market area' means a designated market area as determined by Nielsen Media Research or by any successor system of dividing broadcast television licensees into local markets that the Commission determines is equivalent to the designated market area system created by Nielsen Media Research.

''(2) LOCAL COMMERCIAL TELEVISION STATION.—The term 'local commercial television station' means, with respect to a subscriber to a non-facilities based multichannel video programming distributor, any full power commercial television station licensed and operating on a channel regularly assigned to a community in the same designated market area as the subscriber.

''(3) LOCAL NONCOMMERCIAL EDUCATIONAL TELEVISION STATION.—The term 'local noncommercial educational television station' means, with respect to a subscriber to a non-facilities based multichannel video programming distributor, a television broadcast station that is a noncommercial educational broadcast station (as defined in section 397 of this Act), licensed and operating on a channel regularly assigned to a community in the same designated market area as the subscriber.

''(4) NON-LOCAL COMMERCIAL TELEVISION STATION.—The term 'non-local commercial television station' means, with respect to a subscriber to a non-facilities based multichannel video programming distributor, any full power commercial television station licensed and operating on a channel regularly assigned to a community not located in the same designated market area as the subscriber.

''(5) VIDEO PROGRAMMING.—The term 'video programming' means programming provided by, or generally considered comparable to programming provided by, a television broadcast station, whether or not such programming is delivered using a portion of the electromagnetic frequency spectrum.

"SEC. 672. RIGHT TO ELECT STATUS.

''(a) IN GENERAL.—Any online video distributor that provides programming in a manner reasonably equivalent to a multichannel video programming distributor may elect to be treated as a non-facilities based multichannel video programming distributor under this part.

''(b) PROCEDURE FOR ELECTION.—Not later than 1 year after the date of enactment of the Consumer Choice in Online Video Act, the Commission shall establish the form and procedures for an online video distributor to make the election permitted under subsection (a).

''(c) DEFINITION OF REASONABLY EQUIVALENT.—For purposes of this section, the term 'reasonably equivalent'—

''(1) means providing multiple channels of video programming that allow a subscriber to watch that programming in a fashion comparable to the services provided by multichannel video programming distributors, regardless of the means used to transmit the multiple channels of video programming;

''(2) shall be based upon the subscriber experience in using the service provided by the online video distributor, and not the underlying technology used by the online video distributor; and

''(3) may include services that include the ability for a subscriber to record video programming and watch recorded programming at another time if the underlying video programming service being recorded conforms to this subsection.

"SEC. 673. EFFECT OF ELECTION.

''Any online video distributor that elects to be treated as a non-facilities based multichannel video programming distributor under section 672 shall have all of the rights and responsibilities under this part.

"SEC. 674. FEDERAL COMMUNICATIONS COMMISSION PROCEEDING.

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of the Consumer Choice in Online Video Act, the Commission shall—

''(1) determine whether any of its rules and regulations applicable to a multichannel video programming distributor shall also be applied, in the public interest, to a non-facilities based multichannel video programming distributor;

''(2) require a non-facilities based multichannel video programming distributor to comply with the access to broadcast time requirement under section 312(a)(7) of this Act and the use of facilities requirements under section 315 of this Act;

''(3) consider whether it is in the public interest for the Commission to adopt minimum technical quality standards for a non-facilities based multichannel video programming distributor; and

''(4) adopt any other rules the Commission considers necessary to implement this part.

''(b) LIMITATION.—The Commission shall not require, as part of its rulemaking under subsection (a), a non-facilities based multichannel video programming distributor to comply with the basic tier and tier buy-through requirement under section 623(b)(7).

"SEC. 675. PROGRAM ACCESS FOR NON-FACILITIES BASED MULTICHANNEL VIDEO PROGRAMMING DISTRIBUTORS.

''(a) IN GENERAL.—The Commission shall prohibit practices, understandings, arrangements, and activities, including any exclusive contract for video programming between a multichannel video programming distributor and a video programming vendor or an online video distributor and a video programming vendor that prevents a non-facilities based multichannel video programming distributor from obtaining programming from any video programming vendor.

''(b) SPECIFIC ACTIONS PROHIBITED.—

''(1) MATERIAL PARITY RESTRICTIONS.—A multichannel video programming distributor or an online video distributor may not include in any contract with a video programming vendor any provision that requires the multichannel video programming distributor or online video distributor, as applicable, to be treated in material parity with other similarly situated multichannel video programming distributors or online video distributors with regard to pricing or other terms and conditions of carriage of video programming.

''(2) RETALIATION PROHIBITED.—A multichannel video programming distributor or an online video distributor may not retaliate against—

''(A) any video programming vendor for making its video programming available to a non-facilities based multichannel video programming distributor;

''(B) any non-facilities based multichannel video programming distributor for obtaining video programming from a video programming vendor; or

''(C) any entity for exercising a right under this Act.

"SEC. 676. CONSUMER CHOICE IN VIDEO PROGRAMMING.

''(a) IN GENERAL.—As part of the rulemaking required by section 674, the Commission shall determine what, if any, additional steps it should take, in the public interest, to allow a non-facilities based multichannel video programming vendor to offer a subscriber greater choice over the video programming that is part of the subscriber's service.

''(b) CONSIDERATIONS.—As part of the proceeding under subsection (a), the Commission shall consider whether to limit a video programming vendor's use of certain contractual terms and conditions that disincentivize or impede the ability of a subscriber to have greater choice over the video programming packages or options the subscriber can purchase from a non-facilities based multichannel video programming vendor.

''(c) LIMITATION.—The Commission shall not compel a video programming vendor to sell its video programming to a non-facilities based multichannel video programming vendor as part of any rules adopted under this section.

"SEC. 677. CARRIAGE OF COMMERCIAL BROADCAST TELEVISION SIGNALS.

''(a) IN-MARKET BROADCAST TELEVISION SIGNALS.—

''(1) IN GENERAL.—At the request of a non-facilities based multichannel video programming distributor serving a designated market area, a local commercial television broadcast station located in that designated market area shall enter into negotiations for carriage of its content over that distributor's system.

''(2) GOOD FAITH REQUIREMENTS.—A local commercial television station subject to the duty to negotiate under paragraph (1) shall engage in good faith negotiations for carriage of its signal in the designated marketed area where the station is located. The Commission shall define good faith for purposes of this paragraph.

''(3) GOOD SIGNAL REQUIREMENTS.—A local commercial television broadcast station being carried by a non-facilities based multichannel video programming distributor under this subsection shall be responsible for delivering a good quality signal suitable for distribution by that distributor.

''(b) OUT-OF-MARKET BROADCAST TELEVISION SIGNALS.—

''(1) IN GENERAL.—In addition to any signal carried under subsection (a), a non-facilities based multichannel video programming distributor also may deliver to a subscriber the signal of a non-local commercial broadcast television station under this subsection and subsection (c).

''(2) DEEMED SIGNIFICANTLY VIEWED.—

''(A) IN GENERAL.—A signal of a non-local commercial broadcast television station delivered by a non-facilities based multichannel video programming distributor under this section shall be deemed to be significantly viewed within the meaning of section 76.54 of title 47, Code of Federal Regulations.

''(B) EXEMPTIONS.—The following regulations shall not apply to a signal that is eligible to be carried under this subsection:

''(i) Section 76.92 of title 47, Code of Federal Regulations (relating to cable network non-duplication).

''(ii) Section 76.122 of title 47, Code of Federal Regulations (relating to satellite network non-duplication).

''(iii) Section 76.101 of title 47, Code of Federal Regulations (relating to cable syndicated program exclusivity).

''(iv) Section 76.123 of title 47, Code of Federal Regulations (relating to satellite syndicated program exclusivity).

''(v) Section 76.111 of title 47, Code of Federal Regulations (relating to cable sports blackout).

''(vi) Section 76.127 of title 47, Code of Federal Regulations (relating to satellite sports blackout).

''(3) SUBSCRIBER PREFERENCE.—In delivering a non-local commercial broadcast television station signal to a subscriber under this subsection, and consistent with subsection (c)—

''(A) the non-facilities based multichannel video programming distributor shall provide the subscriber with information regarding all signals that the distributor is capable of making available to the subscriber under this subsection;

''(B) the non-facilities based multichannel video programming distributor shall offer a subscriber the option to choose each non-local commercial television station signal the subscriber wants to receive as part of the subscriber's service; and

''(C) if a subscriber does not make a choice under subparagraph (B), the non-facilities based multichannel video programming distributor shall take reasonable steps to deliver to the subscriber the signal of each non-local commercial television station that is closest in proximity.

''(4) DEFINITION OF CLOSEST IN PROXIMITY.—

''(A) IN GENERAL.—For purposes of paragraph (3), the term 'closest in proximity' means the non-local commercial television station whose community of license is the closest in distance to the subscriber's place of residence.

''(B) INCLUSIONS.—For purposes of paragraph (3), the term 'closest in proximity' includes a non-local commercial television station located in a State other than the State of the subscriber's place of residence.

''(c) SUBSCRIBER RIGHTS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, a subscriber to a non-facilities based multichannel video programming distributor shall be entitled to receive programming from not more than 2 commercial television stations that are affiliates of the same television network and not more than 1 of the affiliates may be located in a

designated market area where the subscriber does not reside.

''(2) LOCAL SIGNAL NOT REQUIRED.—A non-facilities based multichannel video programming distributor shall not be required to carry the signal of a local commercial television station under subsection (a) as a condition to carrying and delivering to a consumer a non-local commercial broadcast television signal under subsection (b).

''(3) MOBILE PLATFORMS.—A subscriber shall have the right to view any commercial television station signal provided to that subscriber under this section at any time and on any device, including a mobile device and any other device not permanently located in the subscriber's place of residence, that a non-facilities based multichannel video programming distributor has made capable of delivering the distributor's service to that subscriber.

''(d) LIMITS IN EXISTING PROGRAMMING AND AFFILIATION CONTRACTS.—

''(1) IN GENERAL.—It shall be unlawful for any entity selling or otherwise providing video programming to be transmitted by a local or non-local commercial television station to include in any contract, agreement, understanding, or arrangement with that station a limitation on the ability of the station to comply with the requirements of this section.

''(2) EXISTING CONTRACTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), nothing in this section shall affect any contract, understanding, or arrangement that was entered into on or before December 1, 2013.

''(B) EXCEPTIONS.—No contract, understanding, or arrangement entered into on or before December 1, 2013, that violates this section shall be enforceable by any person after the date that is 3 years after the date of enactment of the Consumer Choice in Online Video Act.

''(C) LIMITATION ON RENEWALS.—A contract, understanding, or arrangement that was entered into on or before December 1, 2013, but that is renewed or extended after the date of enactment of the Consumer Choice in Online Video Act shall not be exempt under subparagraph (A).

''SEC. 678. CARRIAGE OF NONCOMMERCIAL, EDUCATIONAL, AND INFORMATIONAL PROGRAMMING.

''(a) LOCAL NONCOMMERCIAL EDUCATIONAL TELEVISION STATIONS.—

''(1) IN GENERAL.—If a non-facilities based multichannel video programming distributor elects to carry a local commercial broadcast television signal under section 677(a), that non-facilities based multichannel video programming distributor shall carry, upon request, the signal of a local noncommercial educational television station located in the same designated market area of the local commercial television broadcast station being carried under that section.

''(2) CARRIAGE ONLY IN LOCAL MARKET.—

''(A) IN GENERAL.—A local noncommercial educational television station shall be entitled to carriage only in the designated market area to which that station is assigned.

''(B) SYSTEMS OF NONCOMMERCIAL EDUCATIONAL BROADCAST STATIONS.—In the case of a system of 3 or more noncommercial educational broadcast stations licensed to a single State, public agency, or political, educational, or special purpose subdivision of a State, the carriage right under this subsection shall apply to any designated market area in the State where that system is located.

''(3) GOOD SIGNAL REQUIREMENTS.—A local noncommercial educational television station that requests to be carried by a non-facilities based multichannel video programming distributor under paragraph (1) shall be responsible for delivering a good quality signal suitable for distribution by that distributor.

''(b) CHANNEL RESERVATION REQUIREMENTS.—

''(1) IN GENERAL.—The Commission shall require a non-facilities based multichannel video programming distributor to reserve a portion of its channel capacity, equal to not less than 3.5 percent or not more than 7 percent, exclusively for noncommercial programming of an educational or informational nature.

''(2) USE OF UNUSED CHANNEL CAPACITY.—A non-facilities based multichannel video programming distributor may use for any purpose any unused channel capacity required to be reserved under this subsection pending the actual use of that channel capacity for noncommercial programming of an educational or informational nature.

''(3) PRICES, TERMS, AND CONDITIONS.—A non-facilities based multichannel video programming distributor shall meet the requirements of this subsection by making channel capacity available to each national educational programming supplier, upon reasonable prices, terms, and conditions, as determined by the Commission under paragraph (5).

''(4) EDITORIAL CONTROL.—A non-facilities based multichannel video programming distributor may not exercise any editorial control over any video programming provided under this subsection.

''(5) LIMITATIONS.—In determining reasonable prices under paragraph (3)—

''(A) the Commission, among other considerations, shall consider the nonprofit character of the programming provider and any Federal funds used to support that programming;

''(B) the Commission shall not permit the prices to exceed, for any channel capacity made available under this subsection, 50 percent of the total direct costs of making the channel capacity available; and

''(C) in the calculation of total direct costs, the Commission shall exclude—

''(i) the marketing costs, general administrative costs, and similar overhead costs of the non-facilities based multichannel video programming distributor; and

''(ii) the revenue that the non-facilities based multichannel video programming distributor might have obtained by making that channel capacity available to a video programming vendor.

''(6) DEFINITION OF CHANNEL CAPACITY.—In this section, the term 'channel capacity' means the total number of channels of video programming provided to a subscriber by the non-facilities based multichannel video programming distributor, without regard to whether that non-facilities based multichannel video programming distributor uses a portion of the electromagnetic frequency spectrum to deliver that channel of video programming.

''SEC. 679. LICENSING.

''(a) IN GENERAL.—A non-facilities based multichannel video programming distributor that is carrying any broadcast television station signal under section 677 or section 678 shall—

''(1) be considered to be a cable system under section 111 of title 17, United States Code; and

''(2) be subject to—

''(A) the statutory licensing requirements set forth in sections 111(c) and 111(e) of that title;

''(B) payment of the fees required by section 111(d) of that title; and

''(C) the penalties under section 111 of that title for failure to pay the fees required by that section.

''(b) LOCAL SERVICE AREA OF A PRIMARY TRANSMITTER.—For purposes of the application of section 111 of title 17, United States Code, to a non-facilities based multichannel video programming distributor under this section—

''(1) a local commercial television station's local service area of a primary transmitter shall consist of the entirety of that station's designated market area; and

''(2) a local noncommercial educational television station's local service area of a primary transmitter shall consist of the entirety of that station's designated market area.

''SEC. 680. EXCLUSION FROM FRANCHISE REQUIREMENTS.

''A non-facilities based multichannel video programming distributor shall not be subject to local franchising requirements under section 621 of this Act or otherwise be regulated by any franchising authority.

''SEC. 681. PRIVACY PROTECTIONS.

''(a) IN GENERAL.—A non-facilities based multichannel video programming distributor shall comply with the privacy protections applicable to satellite services as set forth in section 338(i) of this Act and the Commission's regulations under that section.

''(b) PENALTIES.—Any non-facilities based multichannel video programming distributor that fails to comply with the provisions under section 338(i) of this Act, and the Commission's regulations under that section, shall be subject to the penalties set forth in section 338(i)(7) of this Act.

''SEC. 682. CONSUMER EQUIPMENT.

''Not later than 1 year after the date of enactment of the Consumer Choice in Online Video Act, the Commission shall commence a proceeding to consider whether to adopt rules—

''(1) to establish standards to ensure that services and platforms provided by a non-facilities based multichannel video programming distributor can interconnect and interface with—

''(A) any Internet-capable television and television receiver; and

''(B) any other Internet-capable consumer electronics equipment that facilitates the viewing of video programming on a television receiver; and

''(2) to promote the commercial availability of other devices that will permit a consumer to access non-facilities based multichannel video programming distribution services and platforms over equipment of the consumer's choice.

''SEC. 683. EFFECTIVE COMPETITION STANDARD.

''The number of households subscribing to a non-facilities based multichannel video programming distributor in a franchise area under this part shall not be considered for purposes of a determination by the Commission of whether a cable system is subject to effective competition in that franchise area under section 623 of this Act.

''SEC. 684. REMEDIES AND ADJUDICATIONS.

''(a) ADJUDICATORY PROCEEDINGS.—Any entity aggrieved by conduct that it alleges constitutes a violation of this part, or the regulations of the Commission under this part, may commence an adjudicatory proceeding at the Commission.

''(b) REMEDIES.—

''(1) REMEDIES AUTHORIZED.—

''(A) INTERIM REMEDIES.—The Commission may authorize interim remedies during the pendency of a complaint.

''(B) APPROPRIATE REMEDIES.—Upon completion of an adjudicatory proceeding under this section, the Commission shall have the power to order appropriate remedies, including, if necessary, the power to establish

prices, terms, and conditions of sale of programming to, or prices, terms, and conditions of the transport of the content of, the aggrieved entity.

''(2) ADDITIONAL REMEDIES.—The remedies provided in paragraph (1) are in addition to and not in lieu of the remedies available under title V or any other provision of this Act.

''(c) PROCEDURES.—In promulgating regulations to implement this part, the Commission shall—

''(1) provide for an expedited review of any complaint made under this part, including a procedural timeline to conclude the review of each complaint not later than 180 days after the date the complaint is filed;

''(2) establish procedures for the Commission to collect any data, including the right to obtain copies of all contracts and documents reflecting any practice, understanding, arrangement, or agreement alleged to violate this part, as the Commission requires to carry out this part; and

''(3) provide for penalties to be assessed against any person filing a frivolous complaint under this part.''.

TITLE IV—MISCELLANEOUS

SEC. 401. TECHNICAL AND CONFORMING AMENDMENTS.

Section 602(20) of title VI of the Communications Act of 1934 (47 U.S.C. 522(20)) is amended by inserting ''unless expressly provided otherwise,'' before ''the term 'video programming' means''.

SEC. 402. PROVISIONS AS COMPLEMENTARY.

The provisions of this Act are in addition to, and shall not affect the operation of, other Federal, State, or local laws or regulations regulating billing for Internet service, online video distribution, or non-facilities based multichannel video programming distributors, except if the provisions of any other law are inconsistent with the provisions of this Act, the provisions of this Act shall be controlling.

SEC. 403. APPLICABILITY OF ANTITRUST LAWS.

Nothing in this Act or the amendments made by this Act shall be construed to alter or restrict in any manner the applicability of any Federal or State antitrust law.

SEC. 404. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held invalid, the remainder of this Act, the amendments made by this Act, and the application of such provision or amendment to any person or circumstance shall not be affected thereby.

By Mrs. FEINSTEIN (for herself and Mr. GRASSLEY):

S. 1686. A bill to amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to re-introduce, along with Senator Grassley, the Saving Kids From Dangerous Drugs Act of 2013.

For years, law enforcement has seen drug dealers flavor and market their illegal drugs to entice minors, using techniques like combining drugs with chocolate and fruit flavors, and even packaging them to look like actual candy and soda. This bill would address this serious and dangerous problem by providing stronger penalties when drug dealers alter controlled substances by combining them with beverages or candy products, marketing or packaging them to resemble legitimate products, or flavoring or coloring them, all with the intent to sell the drugs to minors.

Recent media reports demonstrate the need for this legislation. In January of this year, the Drug Enforcement Administration seized THC-laden soft drinks, cookies, brownies, and candy from two phony medical marijuana dispensaries in my home state of California that grossed an estimated $3.5 million annually. The names of the products seized show how the purveyors of these drugs marketed them under names that resembled popular soda and candy products: bottles were labeled ''7 High,'' ''Dr. Feelgood,'' and ''Laughing Lemonade''; cookies and brownies had such names as ''White Chip Hash Brownie'' and ''Reese's Crumbled Hash Brownie''; and candy was named ''Jolly Stones THC Medicated Hard Candies'' and ''Stone Candy.''

Less than two weeks ago, police seized more than 40 pounds of THC-laced candy from a campus apartment at West Chester University, outside of Philadelphia. This candy was vividly colored, in a virtual rainbow assortment—pink, yellow, orange, blue, and red. When college students are peddling these drugs, it is not hard to see how minors can become targets of the operation.

Many recent incidents involve methamphetamine, a drug whose users face a ''very high'' risk of ''developing psychotic symptoms—hallucinations and delusions,'' according to a recent Harvard Medical School publication. A 2007 article in USA Today entitled ''DEA: Flavored meth use on the rise'' stated that ''[r]eports of candy-flavored methamphetamine are emerging around the nation, stirring concern among police and abuse prevention experts that drug dealers are marketing the drug to younger people.'' In March of last year, police in Chicago warned parents about a drug that ''looks and smells like candy,'' called ''strawberry quick'' or ''strawberry meth.'' Because of the drug's similarity to candy, police urged parents to tell their children not to take candy from anyone, not even a classmate.

Regrettably, this is a problem that has persisted for many years, with drug dealers trying various methods to lure kids to try many dangerous drugs. The dealers' logic is simple: the best way to create a life-long customer is to hook that person when he or she is young. According to an Indiana sheriff quoted in a 2007 article entitled ''Fruity meth aimed at kids,'' flavoring a drug like methamphetamine makes it ''more attractive to teens, because it takes away meth's normally bitter taste, and some dealers will tell potential users this meth is safer, and has less side effects.''

That is why the practice of flavoring or coloring drugs to entice youth is so dangerous—it deceives the young customer into believing that he or she is not actually ingesting drugs, or at least not ingesting drugs that are as potent as non-flavored drugs. One in three teens already believes there is ''only a slight or no risk in trying [methamphetamine],'' according to the 2007 National Meth Use & Attitudes Survey. When you flavor methamphetamine or market it as candy or soda, the number of teens who believe that the drug is not harmful is surely higher.

The size and sophistication of some of these operations is particularly alarming. In March of 2006, DEA discovered large-scale marijuana cultivation and production facilities in Emeryville and Oakland, California. Thousands of marijuana plants, and hundreds of marijuana-related soda, candy, and other products were seized from the drug dealers' facilities. The products were designed and packaged to look like legitimate products, including an item called ''Munchy Way'' candy bars.

Similarly, in March of 2008, Drug Enforcement Administration, DEA, agents seized cocaine near Modesto, California, that was valued at $272,400; a significant quantity had been flavored like cinnamon, coconut, lemon, or strawberry. After that raid, one DEA agent stated that ''[a]ttempting to lure new, younger customers to a dangerous drug by adding candy 'flavors' is an unconscionable marketing technique.''

I completely agree. That is why we need to act now to stop those who alter drugs to make them more appealing to youth.

Under current federal law, there is no enhanced penalty for a person who alters a controlled substance to make the drug more appealing to youth. Someone who alters a controlled substance in ways prohibited by the legislation we are introducing today would be subject to an additional penalty of up to ten years, in addition to the penalty for the underlying offense. If someone is convicted of a second offense that is prohibited by the act, that person would face an additional penalty of up to 20 years.

This bill sends a strong and clear message to drug dealers—if you flavor or candy up your drugs to try to entice our children, there will be a very heavy price to pay. It will help stop drug dealers from engaging in these activities, and punish them appropriately if they don't.

The Senate passed a similar version of this legislation in the 111th Congress, but it was not considered in the House. This year, I am pleased to have the support of many of the leading national law enforcement organizations as we try to get this bill over the finish line: the Major Cities Chiefs Association, the Fraternal Order of Police, the Community Anti-Drug Coalitions of America, the Major County Sheriffs' Association, the Federal Law Enforcement Officers Association, the National HIDTA Directors Association,

and the National District Attorneys Association have endorsed the legislation. They are on the front lines working to keep these drugs out of our communities, and I am proud to have their support.

I urge my colleagues to join me in supporting this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1686

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Saving Kids From Dangerous Drugs Act of 2013''.

SEC. 2. OFFENSES INVOLVING CONTROLLED SUBSTANCES MARKETED TO MINORS.

Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended by adding at the end the following:

''(i) OFFENSES INVOLVING CONTROLLED SUBSTANCES MARKETED TO MINORS.—

''(1) UNLAWFUL ACT.—Except as authorized under this title, including paragraph (3), it shall be unlawful for any person at least 18 years of age to—

''(A) knowingly or intentionally manufacture or create a controlled substance listed in schedule I or II that is—

''(i) combined with a beverage or candy product;

''(ii) marketed or packaged to appear similar to a beverage or candy product; or

''(iii) modified by flavoring or coloring; and

''(B) know, or have reasonable cause to believe, that the combined, marketed, packaged, or modified controlled substance will be distributed, dispensed, or sold to a person under 18 years of age.

''(2) PENALTIES.—Except as provided in section 418, 419, or 420, any person who violates paragraph (1) of this subsection shall be subject to—

''(A) an additional term of imprisonment of not more than 10 years for a first offense involving the same controlled substance and schedule; and

''(B) an additional term of imprisonment of not more than 20 years for a second or subsequent offense involving the same controlled substance and schedule.

''(3) EXCEPTIONS.—Paragraph (1) shall not apply to any controlled substance that—

''(A) has been approved by the Secretary under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), if the contents, marketing, and packaging of the controlled substance have not been altered from the form approved by the Secretary; or

''(B) has been altered at the direction of a practitioner who is acting for a legitimate medical purpose in the usual course of professional practice.''.

SEC. 3. SENTENCING GUIDELINES.

Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review its guidelines and policy statements to ensure that the guidelines provide an appropriate additional penalty increase to the sentence otherwise applicable in Part D of the Guidelines Manual if the defendant was convicted of a violation of section 401(i) of the Controlled Substances Act, as added by section 2 of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 290—COMMEMORATING THE 75TH ANNIVERSARY OF KRISTALLNACHT, OR THE NIGHT OF THE BROKEN GLASS

Mr. CARDIN (for himself, Mr. WICKER, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. MURRAY, Mr. SCHATZ, Mr. MARKEY, Mrs. HAGAN, and Mr. SCHUMER) submitted the following resolution; which was considered and agreed to.:

S. RES. 290

Whereas November 9, 2013, through November 10, 2013, marks the 75th anniversary of Kristallnacht, or the Night of Broken Glass;

Whereas Kristallnacht began as a pogrom authorized by Nazi party officials and carried out by members of the Sturmabteilungen (SA), Schutzstaffel (SS), and Hitler Youth, marking the Nazi party's first large-scale anti-Semitic operation and a crucial turning point in Nazi anti-Semitic policy;

Whereas, during Kristallnacht, synagogues, homes, and businesses in Jewish communities were attacked, resulting in murders and arrests of Jewish people in Germany and in Austrian and Czechoslovakian territories controlled by the Nazis;

Whereas the events of Kristallnacht resulted in the burning and destruction of 267 synagogues, the looting of thousands of businesses and homes, the desecration of Jewish cemeteries, the murder of 91 Jews, and the arrest and deportation of 30,000 Jewish men to concentration camps;

Whereas the shards of broken glass from the windows of synagogues, Jewish homes, and Jewish-owned businesses ransacked during the violence that littered the streets gave the pogrom its name: Kristallnacht, commonly translated as the ''Night of Broken Glass'';

Whereas Kristallnacht proved to be a crucial turning point in the Holocaust, marking a shift from a policy of removing Jews from Germany and German-occupied lands to murdering millions of people, and was a tragic precursor to the Second World War;

Whereas, despite numerous global efforts to eradicate hate, manifestations of anti-Semitism and other forms of intolerance continue to harm our societies on a global scale; and

Whereas Kristallnacht teaches us how hate can proliferate and erode our societies and serves as a reminder that we must advance global efforts to ensure such barbarism and mass murder never occur again: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 75th anniversary of Kristallnacht;

(2) pays tribute to the over 6,000,000 Jewish people killed during the Holocaust and the families affected by the tragedy;

(3) continues to support United States efforts to address the horrible legacy of the Holocaust and combat manifestations of anti-Semitism domestically and globally;

(4) will continue to raise awareness and act to eradicate the continuing scourge of anti-Semitism at home and abroad, including through work with international partners such as the Organization for Security and Cooperation in Europe's Personal Representative on Combating Anti-Semitism and Tolerance and Non-Discrimination Unit; and

(5) requests that the Secretary of the Senate prepare an enrolled version of this resolution for presentation to the United States Holocaust Memorial Museum in Washington, D.C.

SENATE RESOLUTION 291—EXPRESSING THE SENSE OF THE SENATE ON A NATIONWIDE MOMENT OF REMEMBRANCE ON MEMORIAL DAY EACH YEAR, IN ORDER TO APPROPRIATELY HONOR UNITED STATES PATRIOTS LOST IN THE PURSUIT OF PEACE AND LIBERTY AROUND THE WORLD

Mr. TOOMEY submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 291

Whereas the preservation of basic freedoms and world peace has always been a valued objective of the United States;

Whereas thousands of United States men and women have selflessly given their lives in service as peacemakers and peacekeepers;

Whereas the American people should continue to demonstrate the appreciation and gratitude these patriots deserve and to commemorate the ultimate sacrifice they made;

Whereas Memorial Day is the day of the year for the United States to appropriately remember United States heroes by inviting the people of the United States to respectfully honor them at a designated time; and

Whereas the playing of ''Taps'' symbolizes the solemn and patriotic recognition of those Americans who died in service to the United States: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the people of the United States should, as part of a moment of remembrance on Memorial Day each year, observe that moment with the playing of ''Taps'' in honor of the people of the United States who gave their lives in the pursuit of freedom and peace; and

(2) that playing of ''Taps'' should take place at widely-attended public events on Memorial Day, including sporting events and civic ceremonies.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on November 12, 2013, at 2:30 p.m., to conduct a hearing entitled ''The Consumer Financial Protection Bureau's Semi-Annual Report to Congress.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on November 12, 2013, in room S–216, the President's room at 5:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet,