

113TH CONGRESS  
1ST SESSION

# H. R. 3720

To repeal certain provisions of the Communications Act of 1934, title 17 of the United States Code, and the regulations of the Federal Communications Commission that intervened in the television marketplace, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 12, 2013

Mr. SCALISE (for himself and Mr. GARDNER) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

## A BILL

To repeal certain provisions of the Communications Act of 1934, title 17 of the United States Code, and the regulations of the Federal Communications Commission that intervened in the television marketplace, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Next Generation Tele-  
5 vision Marketplace Act”.

1 **SEC. 2. REPEAL OF REGULATORY INTERVENTION IN THE**  
2 **TELEVISION MARKETPLACE UNDER THE**  
3 **COMMUNICATIONS ACT OF 1934.**

4 (a) IN GENERAL.—The following sections of the  
5 Communications Act of 1934 (47 U.S.C. 151 et seq.) are  
6 hereby repealed:

7 (1) Section 339 (47 U.S.C. 339).

8 (2) Section 340 (47 U.S.C. 340).

9 (3) Section 341 (47 U.S.C. 341).

10 (4) Section 342 (47 U.S.C. 342).

11 (5) Section 612 (47 U.S.C. 532).

12 (6) Section 614 (47 U.S.C. 534).

13 (7) Section 712 (47 U.S.C. 612).

14 (b) ADDITIONAL REPEAL.—Section 325 of the Com-  
15 munications Act of 1934 (47 U.S.C. 325) is amended—

16 (1) by striking subsections (b) and (e); and

17 (2) by redesignating subsections (c) and (d) as  
18 subsections (b) and (c), respectively.

19 (c) AMENDMENTS.—

20 (1) SECTION 338.—Section 338 of the Commu-  
21 nications Act of 1934 (47 U.S.C. 338) is amended  
22 to read as follows:

23 **“SEC. 338. CARRIAGE OF LOCAL TELEVISION SIGNALS BY**  
24 **SATELLITE CARRIERS.**

25 **“(a) CARRIAGE OBLIGATIONS.—**

1           “(1) IN GENERAL.—Each satellite carrier pro-  
2           viding signals of a qualified noncommercial edu-  
3           cational television station in that station’s local mar-  
4           ket shall carry upon request the signals of all quali-  
5           fied noncommercial educational television stations lo-  
6           cated within that local market.

7           “(2) LOW POWER STATION CARRIAGE OP-  
8           TIONAL.—No low power television station shall be  
9           entitled to insist on carriage under this section, nor  
10          shall any such carriage be considered in connection  
11          with the requirements of subsection (c).

12          “(b) GOOD SIGNAL REQUIRED.—A qualified non-  
13          commercial educational television station asserting its  
14          right to carriage under subsection (a) shall be required  
15          to bear the costs associated with delivering a good quality  
16          signal to the designated local receive facility of the satellite  
17          carrier or to another facility that is acceptable to at least  
18          one-half the stations asserting the right to carriage in the  
19          local market.

20          “(c) DUPLICATION NOT REQUIRED.—The Commis-  
21          sion shall prescribe regulations limiting the carriage re-  
22          quirements under subsection (a) of satellite carriers with  
23          respect to the carriage of multiple qualified noncommercial  
24          educational television stations. To the extent possible,  
25          such regulations shall provide the same degree of carriage

1 by satellite carriers of such multiple stations as is provided  
2 by cable systems under section 615.

3       “(d) CHANNEL POSITIONING.—No satellite carrier  
4 shall be required to provide the signal of a qualified non-  
5 commercial educational television station to subscribers in  
6 that station’s local market on any particular channel num-  
7 ber or to provide the signals in any particular order, ex-  
8 cept that the satellite carrier shall retransmit the signal  
9 of the qualified noncommercial educational television sta-  
10 tion to subscribers in the station’s local market on chan-  
11 nels reasonably contiguous with other television broadcast  
12 channels and provide access to such station’s signals at  
13 a nondiscriminatory price and in a nondiscriminatory  
14 manner on any navigational device, on-screen program  
15 guide, or menu.

16       “(e) COMPENSATION FOR CARRIAGE.—A satellite  
17 carrier shall not accept or request monetary payment or  
18 other valuable consideration in exchange either for car-  
19 riage of qualified noncommercial educational television  
20 stations in fulfillment of the requirements of this section  
21 or for channel positioning rights provided to such stations  
22 under this section, except that any such station may be  
23 required to bear the costs associated with delivering a good  
24 quality signal to the local receive facility of the satellite  
25 carrier.

1 “(f) REMEDIES.—

2 “(1) COMPLAINTS BY BROADCAST STATIONS.—

3 Whenever a qualified noncommercial educational tel-  
4 evision station believes that a satellite carrier has  
5 failed to meet its obligations under subsections (b)  
6 through (e), such station shall notify the carrier, in  
7 writing, of the alleged failure and identify its rea-  
8 sons for believing that the satellite carrier failed to  
9 comply with such obligations. The satellite carrier  
10 shall, within 30 days after such written notification,  
11 respond in writing to such notification and comply  
12 with such obligations or state its reasons for believ-  
13 ing that it is in compliance with such obligations. A  
14 qualified noncommercial educational television sta-  
15 tion that disputes a response by a satellite carrier  
16 that it is in compliance with such obligations may  
17 obtain review of such denial or response by filing a  
18 complaint with the Commission. Such complaint  
19 shall allege the manner in which such satellite car-  
20 rier has failed to meet its obligations and the basis  
21 for such allegations.

22 “(2) OPPORTUNITY TO RESPOND.—The Com-  
23 mission shall afford the satellite carrier against  
24 which a complaint is filed under paragraph (1) an  
25 opportunity to present data and arguments to estab-

1       lish that there has been no failure to meet its obliga-  
2       tions under this section.

3           “(3) REMEDIAL ACTIONS; DISMISSAL.—Within  
4       120 days after the date a complaint is filed under  
5       paragraph (1), the Commission shall determine  
6       whether the satellite carrier has met its obligations  
7       under subsections (b) through (e). If the Commis-  
8       sion determines that the satellite carrier has failed  
9       to meet such obligations, the Commission shall order  
10      the satellite carrier to take appropriate remedial ac-  
11      tion. If the Commission determines that the satellite  
12      carrier has fully met the requirements of such sub-  
13      sections, the Commission shall dismiss the com-  
14      plaint.

15      “(g) PRIVACY RIGHTS OF SATELLITE SUB-  
16      SCRIBERS.—

17           “(1) NOTICE.—At the time of entering into an  
18      agreement to provide any satellite service or other  
19      service to a subscriber and at least once a year  
20      thereafter, a satellite carrier shall provide notice in  
21      the form of a separate, written statement to such  
22      subscriber that clearly and conspicuously informs  
23      the subscriber of—

24           “(A) the nature of personally identifiable  
25      information collected or to be collected with re-

1           spect to the subscriber and the nature of the  
2           use of such information;

3           “(B) the nature, frequency, and purpose of  
4           any disclosure which may be made of such in-  
5           formation, including an identification of the  
6           types of persons to whom the disclosure may be  
7           made;

8           “(C) the period during which such infor-  
9           mation will be maintained by the satellite car-  
10          rier;

11          “(D) the times and place at which the sub-  
12          scriber may have access to such information in  
13          accordance with paragraph (5); and

14          “(E) the limitations provided by this sub-  
15          section with respect to the collection and dislo-  
16          sure of information by a satellite carrier and  
17          the right of the subscriber under paragraphs  
18          (7) and (9) to enforce such limitations.

19          In the case of subscribers who have entered into  
20          such an agreement before February 6, 2005, such  
21          notice shall be provided within 180 days of such date  
22          and at least once a year thereafter.

23          “(2) DEFINITIONS.—For purposes of this sub-  
24          section, other than paragraph (9)—

1           “(A) the term ‘personally identifiable infor-  
2 mation’ does not include any record of aggre-  
3 gate data which does not identify particular  
4 persons;

5           “(B) the term ‘other service’ includes any  
6 wire or radio communications service provided  
7 using any of the facilities of a satellite carrier  
8 that are used in the provision of satellite serv-  
9 ice; and

10           “(C) the term ‘satellite carrier’ includes, in  
11 addition to persons within the definition of sat-  
12 ellite carrier, any person who—

13                   “(i) is owned or controlled by, or  
14                   under common ownership or control with,  
15                   a satellite carrier; and

16                   “(ii) provides any wire or radio com-  
17                   munications service.

18           “(3) PROHIBITIONS.—

19                   “(A) CONSENT TO COLLECTION.—Except  
20 as provided in subparagraph (B), a satellite  
21 carrier shall not use any facilities used by the  
22 satellite carrier to collect personally identifiable  
23 information concerning any subscriber without  
24 the prior written or electronic consent of the  
25 subscriber concerned.



1           “(B) EXCEPTIONS.—A satellite carrier  
2 may use such facilities to collect such informa-  
3 tion in order to—

4           “(i) obtain information necessary to  
5 render a satellite service or other service  
6 provided by the satellite carrier to the sub-  
7 scriber; or

8           “(ii) detect unauthorized reception of  
9 satellite communications.

10       “(4) DISCLOSURE.—

11       “(A) CONSENT TO DISCLOSURE.—Except  
12 as provided in subparagraph (B), a satellite  
13 carrier shall not disclose personally identifiable  
14 information concerning any subscriber without  
15 the prior written or electronic consent of the  
16 subscriber concerned and shall take such ac-  
17 tions as are necessary to prevent unauthorized  
18 access to such information by a person other  
19 than the subscriber or satellite carrier.

20       “(B) EXCEPTIONS.—A satellite carrier  
21 may disclose such information if the disclosure  
22 is—

23       “(i) necessary to render, or conduct a  
24 legitimate business activity related to, a

1 satellite service or other service provided  
2 by the satellite carrier to the subscriber;

3 “(ii) subject to paragraph (9), made  
4 pursuant to a court order authorizing such  
5 disclosure, if the subscriber is notified of  
6 such order by the person to whom the  
7 order is directed;

8 “(iii) a disclosure of the names and  
9 addresses of subscribers to any satellite  
10 service or other service, if—

11 “(I) the satellite carrier has pro-  
12 vided the subscriber the opportunity  
13 to prohibit or limit such disclosure;  
14 and

15 “(II) the disclosure does not re-  
16 veal, directly or indirectly, the—

17 “(aa) extent of any viewing  
18 or other use by the subscriber of  
19 a satellite service or other service  
20 provided by the satellite carrier;  
21 or

22 “(bb) the nature of any  
23 transaction made by the sub-  
24 scriber over any facilities used by  
25 the satellite carrier; or

1           “(iv) to a government entity as au-  
2           thorized under chapter 119, 121, or 206 of  
3           title 18, United States Code, except that  
4           such disclosure shall not include records  
5           revealing satellite subscriber selection of  
6           video programming from a satellite carrier.

7           “(5) ACCESS BY SUBSCRIBER.—A satellite sub-  
8           scriber shall be provided access to all personally  
9           identifiable information regarding that subscriber  
10          which is collected and maintained by a satellite car-  
11          rier. Such information shall be made available to the  
12          subscriber at reasonable times and at a convenient  
13          place designated by such satellite carrier. A satellite  
14          subscriber shall be provided reasonable opportunity  
15          to correct any error in such information.

16          “(6) DESTRUCTION OF INFORMATION.—A sat-  
17          ellite carrier shall destroy personally identifiable in-  
18          formation if the information is no longer necessary  
19          for the purpose for which it was collected and there  
20          are no pending requests or orders for access to such  
21          information under paragraph (5) or pursuant to a  
22          court order.

23          “(7) PENALTIES.—Any person aggrieved by  
24          any act of a satellite carrier in violation of this sub-

1 section may bring a civil action in a United States  
2 district court. The court may award—

3 “(A) actual damages but not less than liq-  
4 uidated damages computed at the rate of \$100  
5 a day for each day of violation or \$1,000,  
6 whichever is higher;

7 “(B) punitive damages; and

8 “(C) reasonable attorneys’ fees and other  
9 litigation costs reasonably incurred.

10 The remedy provided by this subsection shall be in  
11 addition to any other lawful remedy available to a  
12 satellite subscriber.

13 “(8) RULE OF CONSTRUCTION.—Nothing in  
14 this subsection shall be construed to prohibit any  
15 State from enacting or enforcing laws consistent  
16 with this subsection for the protection of subscriber  
17 privacy.

18 “(9) COURT ORDERS.—Except as provided in  
19 paragraph (4)(B)(iv), a governmental entity may ob-  
20 tain personally identifiable information concerning a  
21 satellite subscriber pursuant to a court order only if,  
22 in the court proceeding relevant to such court  
23 order—

24 “(A) such entity offers clear and con-  
25 vincing evidence that the subject of the infor-

1           mation is reasonably suspected of engaging in  
2           criminal activity and that the information  
3           sought would be material evidence in the case;  
4           and

5                   “(B) the subject of the information is af-  
6           forded the opportunity to appear and contest  
7           such entity’s claim.

8           “(h) REGULATIONS BY COMMISSION.—The regula-  
9           tions prescribed under this section shall include require-  
10          ments on satellite carriers that are comparable to the re-  
11          quirements on cable operators under paragraphs (1) and  
12          (2) of section 615(g).

13          “(i) DEFINITIONS.—As used in this section:

14                   “(1) DISTRIBUTOR.—The term ‘distributor’  
15           means an entity that contracts to distribute sec-  
16           ondary transmissions from a satellite carrier and, ei-  
17           ther as a single channel or in a package with other  
18           programming, provides the secondary transmission  
19           either directly to individual subscribers or indirectly  
20           through other program distribution entities.

21                   “(2) LOCAL RECEIVE FACILITY.—The term  
22           ‘local receive facility’ means the reception point in  
23           each local market which a satellite carrier designates  
24           for delivery of the signal of the station for purposes  
25           of retransmission.

1 “(3) LOCAL MARKET.—

2 “(A) IN GENERAL.—The term ‘local mar-  
3 ket’, in the case of a qualified noncommercial  
4 educational television station, means the des-  
5 ignated market area in which a station is lo-  
6 cated and includes any station that is licensed  
7 to a community within the same designated  
8 market area as such station.

9 “(B) COUNTY OF LICENSE.—In addition to  
10 the area described in subparagraph (A), a sta-  
11 tion’s local market includes the county in which  
12 the station’s community of license is located.

13 “(C) DESIGNATED MARKET AREA.—For  
14 purposes of subparagraph (A), the term ‘des-  
15 ignated market area’ means a designated mar-  
16 ket area, as determined by Nielsen Media Re-  
17 search and published in the 1999–2000 Nielsen  
18 Station Index Directory and Nielsen Station  
19 Index United States Television Household Esti-  
20 mates or any successor publication.

21 “(D) CERTAIN AREAS OUTSIDE OF ANY  
22 DESIGNATED MARKET AREA.—Any census area,  
23 borough, or other area in the State of Alaska  
24 that is outside of a designated market area, as  
25 determined by Nielsen Media Research, shall be

1           deemed to be part of one of the local markets  
2           in the State of Alaska. A satellite carrier may  
3           determine which local market in the State of  
4           Alaska will be deemed to be the relevant local  
5           market in connection with each subscriber in  
6           such census area, borough, or other area.

7           “(4) LOW POWER TELEVISION STATION.—The  
8           term ‘low power television station’ means a low  
9           power television station as defined under section  
10          74.701(f) of title 47, Code of Federal Regulations,  
11          as in effect on June 1, 2004. For purposes of this  
12          paragraph, the term ‘low power television station’ in-  
13          cludes a low power television station that has been  
14          accorded primary status as a Class A television li-  
15          censee under section 73.6001(a) of title 47, Code of  
16          Federal Regulations.

17          “(5) QUALIFIED NONCOMMERCIAL EDU-  
18          CATIONAL TELEVISION STATION.—The term ‘quali-  
19          fied noncommercial educational television station’  
20          has the meaning given such term in section 615.

21          “(6) SATELLITE CARRIER.—The term ‘satellite  
22          carrier’ has the meaning given such term in section  
23          111(c) of title 17, United States Code.

24          “(7) SUBSCRIBER.—The term ‘subscriber’  
25          means a person or entity that receives a secondary

1 transmission service from a satellite carrier and pays  
2 a fee for the service, directly or indirectly, to the sat-  
3 ellite carrier or to a distributor.”.

4 (2) SECTION 623.—Section 623 of the Commu-  
5 nications Act of 1934 (47 U.S.C. 543) is amended  
6 to read as follows:

7 **“SEC. 623. REGULATION OF RATES AND BROADCAST SIG-**  
8 **NAL CARRIAGE.**

9 “No Federal agency, State, or franchising authority  
10 may regulate—

11 “(1) the rates for the provision of the service of  
12 a multichannel video programming distributor; or

13 “(2) the retransmission of television broadcast  
14 signals by a multichannel video programming dis-  
15 tributor except in accordance with the requirements  
16 of sections 338 and 615 related to qualified non-  
17 commercial educational television stations.”.

18 (d) CONFORMING AMENDMENTS.—

19 (1) SECTION 309.—Section 309(c)(2)(F) of the  
20 Communications Act of 1934 (47 U.S.C.  
21 309(c)(2)(F)) is amended by striking “section  
22 325(c)” and inserting “section 325(b)”.

23 (2) SECTION 336.—Section 336(b)(3) of the  
24 Communications Act of 1934 (47 U.S.C. 336(b)(3))  
25 is amended by striking “614 or”.



1           (3) SECTION 613.—Section 613 of the Commu-  
2           nications Act of 1934 (47 U.S.C. 533) is amended  
3           by striking subsection (a).

4           (4) SECTION 615.—Section 615 of the Commu-  
5           nications Act of 1934 (47 U.S.C. 535) is amended—

6                   (A) in subsection (a), by striking “In addi-  
7                   tion to the carriage requirements set forth in  
8                   section 614, each” and inserting “Each”;

9                   (B) by striking subsection (f); and

10                   (C) in subsection (l), by striking paragraph  
11                   (1) and inserting the following:

12                   “(1) QUALIFIED NONCOMMERCIAL EDU-  
13                   CATIONAL TELEVISION STATION.—

14                   “(A) IN GENERAL.—The term ‘qualified  
15                   noncommercial educational television station’  
16                   means any full-power television broadcast sta-  
17                   tion which—

18                           “(i) under the rules and regulations of  
19                           the Commission in effect on March 29,  
20                           1990, is licensed by the Commission as a  
21                           noncommercial educational television  
22                           broadcast station and is owned and oper-  
23                           ated by a public agency, nonprofit founda-  
24                           tion, nonprofit corporation, or nonprofit  
25                           association; or

1           “(ii) is owned and operated by a mu-  
2           nicipality and transmits predominantly  
3           noncommercial programs for educational  
4           purposes.

5           “(B) INCLUSIONS.—Such term includes—

6           “(i) the translator of any noncommer-  
7           cial educational television station with five  
8           watts or higher power serving the franchise  
9           area;

10          “(ii) a full-service station or trans-  
11          lator if such station or translator is li-  
12          censed to a channel reserved for non-  
13          commercial educational use pursuant to  
14          section 73.606 of title 47, Code of Federal  
15          Regulations, or any successor regulations  
16          thereto; and

17          “(iii) such stations and translators op-  
18          erating on channels not so reserved as the  
19          Commission determines are qualified as  
20          noncommercial educational stations.”.

21           (5) SECTION 621.—Section 621(b)(3)(D) of the  
22           Communications Act of 1934 (47 U.S.C.  
23           541(b)(3)(D)) is amended by striking “sections 611  
24           and 612” and inserting “section 611”.

1           (6) SECTION 622.—Section 622(c) of the Com-  
2           munications Act of 1934 (47 U.S.C. 542(c)) is  
3           amended by striking “pursuant to section 623”.

4           (7) SECTION 625.—Section 625 of the Commu-  
5           nications Act of 1934 (47 U.S.C. 545) is amended—

6                   (A) in subsection (c)—

7                           (i) by striking “rearrange, replace,”  
8                           and inserting “replace”;

9                           (ii) in paragraph (1), by striking “;  
10                           or” and inserting a period;

11                           (iii) by striking paragraph (2); and

12                           (iv) by striking “franchise if—” and  
13                           all that follows through “such service is no  
14                           longer” and inserting “franchise if such  
15                           service is no longer”; and

16                   (B) in subsection (d), by striking “, if the  
17                   rates” and all that follows and inserting a pe-  
18                   riod.

19           (8) SECTION 632.—Section 632(c) of the Com-  
20           munications Act of 1934 (47 U.S.C. 552(c)) is  
21           amended by striking “section 623(b)(6) or”.

22           (9) SECTION 635.—Section 635(c) of the Com-  
23           munications Act of 1934 (47 U.S.C. 555(c)) is  
24           amended by striking “614 or” each place it appears.

1           (10) SECTION 638.—Section 638 of the Commu-  
2           nications Act of 1934 (47 U.S.C. 558) is amended  
3           by striking “or on any other channel obtained under  
4           section 612 or under similar arrangements”.

5           (11) SECTION 653.—Section 653 of the Commu-  
6           nications Act of 1934 (47 U.S.C. 573) is amended—

7                   (A) in subsection (b)(1)—

8                           (i) in subparagraph (A), by striking “,  
9                           614,”;

10                           (ii) in subparagraph (C), by adding  
11                           “and” at the end; and

12                           (iii) by striking subparagraph (D) and  
13                           redesignating subparagraph (E) as sub-  
14                           paragraph (D); and

15                   (B) in subsection (c)(1)—

16                           (i) in subparagraph (A)—

17                                   (I) by striking “(other than sub-  
18                                   section (a) thereof)”; and

19                                   (II) by striking “623(f),”;

20                           (ii) in subparagraph (B)—

21                                   (I) by striking “, 614,”; and

22                                   (II) by striking “, and section  
23                                   325 of title III,”; and

24                           (iii) in subparagraph (C)—

1 (I) by striking “sections 612 and  
2 617” and inserting “section 617”;  
3 and

4 (II) by striking “623(f),”.

5 **SEC. 3. REPEAL OF REGULATORY INTERVENTION IN THE**  
6 **TELEVISION MARKETPLACE UNDER THE**  
7 **COPYRIGHT ACT.**

8 (a) IN GENERAL.—

9 (1) REPEAL.—Sections 119, 122, and 510 of  
10 title 17, United States Code, are hereby repealed.

11 (2) CONFORMING AMENDMENTS.—The table of  
12 sections at the beginning of—

13 (A) chapter 1 of title 17, United States  
14 Code, is amended by striking the items related  
15 to sections 119 and 122; and

16 (B) chapter 5 of title 17, United States  
17 Code, is amended by striking the item related  
18 to section 510.

19 (b) AMENDMENTS.—Section 111 of title 17, United  
20 States Code, is amended—

21 (1) in subsection (a)—

22 (A) in paragraph (1)—

23 (i) by striking “local service area of  
24 such station” and inserting “designated

1 market area (as defined in section  
2 501(f)(2))”; and

3 (ii) by striking “or” after the semi-  
4 colon;

5 (B) in paragraph (2) by striking “or” after  
6 the semicolon; and

7 (C) by amending paragraph (4) to read as  
8 follows:

9 “(4) the secondary transmission—

10 “(A) is made by—

11 “(i) a cable system in accordance with  
12 section 615 of the Communications Act of  
13 1934 (47 U.S.C. 535); or

14 “(ii) a satellite carrier in accordance  
15 with section 338 of the Communications  
16 Act of 1934 (47 U.S.C. 338); and

17 “(B) is consistent with the rules, regula-  
18 tions, and authorizations of the Federal Com-  
19 munications Commission; or”;

20 (2) in subsection (b) by striking “subsections  
21 (a) and (c)” and inserting “subsection (a)”;

22 (3) by striking subsections (c), (d), and (e);

23 (4) by redesignating subsection (f) as sub-  
24 section (c); and

25 (5) in subsection (c), as so redesignated—

1 (A) in paragraph (3), by striking the sec-  
2 ond sentence;

3 (B) by striking paragraphs (4) through  
4 (13); and

5 (C) by adding at the end the following new  
6 paragraphs:

7 “(4) SATELLITE CARRIER.—The term ‘satellite  
8 carrier’ means an entity that uses the facilities of a  
9 satellite or satellite service licensed by the Federal  
10 Communications Commission and operates in the  
11 Fixed-Satellite Service or the Direct Broadcast Sat-  
12 ellite Service under part 25 of title 47, Code of Fed-  
13 eral Regulations, to establish and operate a channel  
14 of communications for point-to-multipoint distribu-  
15 tion of television station signals, and that owns or  
16 leases a capacity or service on a satellite in order to  
17 provide such point-to-multipoint distribution, except  
18 to the extent that such entity provides such distribu-  
19 tion pursuant to tariff under the Communications  
20 Act of 1934 (47 U.S.C. 151 et seq.), other than for  
21 private home viewing.

22 “(5) PRIVATE HOME VIEWING.—The term ‘pri-  
23 vate home viewing’ means the viewing, for private  
24 use in a household by means of satellite reception  
25 equipment that is operated by an individual in that

1 household and that serves only such household, of a  
2 secondary transmission delivered by a satellite car-  
3 rier of a primary transmission of a television station  
4 licensed by the Federal Communications Commis-  
5 sion.”.

6 (c) CONFORMING AMENDMENTS.—Title 17, United  
7 States Code, is amended—

8 (1) in section 106, by striking “122” and in-  
9 serting “121”;

10 (2) in section 110(8), by striking “section  
11 111(f)” and inserting “section 111(c)”;

12 (3) in section 114(d)(1)(B)(iii), by striking  
13 “section 111(f)” and inserting “section 111(c)”;

14 (4) in section 501—

15 (A) in subsection (a), by striking “122”  
16 and inserting “121”;

17 (B) by striking subsections (c), (d), and  
18 (e); and

19 (C) by amending subsection (f) to read as  
20 follows:

21 “(f)(1) With respect to any secondary transmission  
22 that is made by a cable system or by a satellite carrier  
23 of a performance or display of a work embodied in a pri-  
24 mary transmission and is actionable as an act of infringe-  
25 ment under section 111, a television broadcast station



1 holding a copyright or other license to transmit or perform  
2 the same version of that work shall, for purposes of sub-  
3 section (b), be treated as a legal or beneficial owner if such  
4 secondary transmission occurs within the designated mar-  
5 ket area of that station.

6 “(2) For purposes of this subsection, the term ‘des-  
7 ignated market area’ means a designated market area, as  
8 determined by Nielsen Media Research and published in  
9 the 1999–2000 Nielsen Station Index Directory and  
10 Nielsen Station Index United States Television Household  
11 Estimates or any successor publication.”;

12 (5) in section 511(a), by striking “122” and in-  
13 serting “121”;

14 (6) in section 708(a)—

15 (A) in paragraph (8), by inserting “and”  
16 after the semicolon;

17 (B) in paragraph (9), by striking the semi-  
18 colon and inserting a period;

19 (C) by striking paragraphs (10) and (11);  
20 and

21 (D) by striking “Fees established under  
22 paragraphs (10) and (11) shall be reasonable  
23 and may not exceed one-half of the cost nec-  
24 essary to cover reasonable expenses incurred by  
25 the Copyright Office for the collection and ad-

1           ministration of the statements of account and  
2           any royalty fees deposited with such state-  
3           ments.”;

4           (7) in section 801—

5                 (A) in subsection (b)—

6                     (i) in paragraph (1) by striking  
7                     “119,”;

8                     (ii) by striking paragraph (2);

9                     (iii) by redesignating paragraphs (3),  
10                    (4), (5), (6), (7), and (8) as paragraphs  
11                    (2), (3), (4), (5), (6), and (7), respectively;  
12                    and

13                    (iv) in paragraph (2), as so redesign-  
14                    ated—

15                         (I) in subparagraph (A), by strik-  
16                         ing “, as the case may be,”;

17                         (II) in subparagraph (B), by  
18                         striking “, as the case may be”; and

19                         (III) in subparagraph (C), by  
20                         striking “section 804(b)(8)” and in-  
21                         serting “section 804(b)(7)”;

22                    (B) by striking “sections 111, 119, and”  
23                    each place it appears and inserting “section”;  
24                    and

1 (C) by striking “111, 119, or” each place  
2 it appears;

3 (8) in section 803—

4 (A) in subsection (b)(1)(A)(i)—

5 (i) by striking “111,”;

6 (ii) by striking “119,”; and

7 (iii) in subclause (V), by striking “,  
8 except that the publication of notice re-  
9 quirement shall not apply in the case of  
10 proceedings under section 111 that are  
11 scheduled to commence in 2005”;

12 (B) in subsection (d)(2)(C)(i)—

13 (i) by striking “111,”; and

14 (ii) by striking “119,”; and

15 (C) in subsection (e)(2)—

16 (i) by striking “111,”; and

17 (ii) by striking “118, or 119” and in-  
18 serting “or 118”; and

19 (9) in section 804—

20 (A) in subsection (a)—

21 (i) by striking “paragraphs (1) and  
22 (2)” and inserting “paragraph (1)”;

23 (ii) by striking “111,”; and

24 (iii) by striking “119,”; and

25 (B) in subsection (b)—

- 1 (i) by striking paragraph (1);
- 2 (ii) by redesignating paragraphs (2),
- 3 (3), (4), (5), (6), (7), and (8) as para-
- 4 graphs (1), (2), (3), (4), (5), (6), and (7),
- 5 respectively; and
- 6 (iii) in paragraph (7), as so redesign-
- 7 nated—
- 8 (I) by striking “section
- 9 801(b)(3)” and inserting “section
- 10 801(b)(2)”;
- 11 (II) by striking “111, 119, or”.

12 **SEC. 4. REPEAL OF COMMISSION’S RULES RELATED TO**

13 **REGULATORY INTERVENTION.**

14 The Federal Communications Commission shall take

15 all actions necessary to—

- 16 (1) repeal section 73.658 of the Commission’s
- 17 rules (47 CFR 73.658);
- 18 (2) repeal subpart D of part 76 of the Commis-
- 19 sion’s rules, except to the extent such subpart re-
- 20 lates to the carriage of qualified noncommercial edu-
- 21 cational television stations consistent with the
- 22 amendments made by this Act;
- 23 (3) repeal subpart F of part 76 of the Commis-
- 24 sion’s rules;

1           (4) modify subpart S of part 76 of the Commis-  
2           sion’s rules by eliminating any requirements relating  
3           to network nonduplication, syndicated exclusivity,  
4           and sports blackout for open video systems; and

5           (5) modify the broadcast ownership limitations  
6           set forth in section 73.3555 of the Commission’s  
7           rules (47 CFR 73.3555) by eliminating—

8           (A) the restrictions on the number of  
9           broadcast television stations that a person or  
10          entity may directly or indirectly own, operate,  
11          or control in the same designated market area  
12          (as such term is defined under section 501(f)(2)  
13          of title 17, United States Code), as described in  
14          paragraph (b) of such section 73.3555;

15          (B) the radio-television cross-ownership  
16          rule, as described in paragraph (c) of such sec-  
17          tion 73.3555; and

18          (C) the limitations on the direct or indirect  
19          ownership, operation, or control of a broadcast  
20          television station by a person or entity that di-  
21          rectly or indirectly owns, operates, or controls a  
22          daily newspaper, as that term was defined in  
23          note 6 to section 73.3555 of the Commission’s  
24          rules (47 CFR 73.3555) in effect on October 1,

1           2011, as described in paragraph (d) of such  
2           section 73.3555.

3 **SEC. 5. EFFECTIVE DATE.**

4           Except as provided in section 6, this Act, and the  
5 amendments made by this Act, shall take effect on Janu-  
6 ary 1, 2018.

7 **SEC. 6. CONTINUED COLLECTION AND DISTRIBUTION OF**  
8                                   **PREVIOUSLY DUE ROYALTIES.**

9           Notwithstanding section 5, the collection and dis-  
10 tribution of royalties due for secondary transmissions  
11 made pursuant to sections 111 and 119 of title 17, United  
12 States Code, prior to January 1, 2018, shall continue to  
13 be governed by such title and the rules of the Register  
14 of Copyrights and Copyright Royalty Judges as in effect  
15 prior to the date of enactment of this Act until such time  
16 as the Register certifies that all royalties collected pursu-  
17 ant to such provisions have been distributed.

○