

[DISCUSSION DRAFT]113TH CONGRESS
1ST SESSION**H. R.** _____

To amend the Communications Act of 1934 to facilitate retransmission consent negotiations between television broadcast stations and multichannel video programming distributors, to provide greater subscriber choice in cable service tiers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend the Communications Act of 1934 to facilitate retransmission consent negotiations between television broadcast stations and multichannel video programming distributors, to provide greater subscriber choice in cable service tiers, 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 “Video Consumers Have
5 Options in Choosing Entertainment Act of 2013” or the
6 “Video CHOICE Act of 2013”.

1 **SEC. 2. CARRIAGE DURING RETRANSMISSION CONSENT NE-**
2 **GOTIATION IMPASSE.**

3 Section 325(b)(3) of the Communications Act of
4 1934 (47 U.S.C. 325(b)(3)) is amended by adding at the
5 end the following:

6 “(D) If a retransmission consent agreement between
7 a television broadcast station and a multichannel video
8 programming distributor expires and the Commission de-
9 termines that such station and such distributor have
10 reached an impasse in negotiating a new agreement, the
11 Commission may, notwithstanding paragraph (1)(A), au-
12 thorize interim carriage of such station by such distributor
13 pending the conclusion of a new agreement.”.

14 **SEC. 3. PROHIBITION OF AGREEMENTS CONDITIONED ON**
15 **CARRIAGE OF AFFILIATED PROGRAMMING.**

16 (a) IN GENERAL.—Section 325(b) of the Commu-
17 nications Act of 1934 (47 U.S.C. 325(b)) is amended by
18 redesignating paragraph (7) as paragraph (8) and insert-
19 ing after paragraph (6) the following:

20 “(7) A television broadcast station that elects to exer-
21 cise its right to grant retransmission consent under this
22 subsection may not enter into a retransmission consent
23 agreement with a multichannel video programming dis-
24 tributor that is directly or indirectly conditioned on car-
25 riage of any other programming affiliated with such sta-
26 tion (or with a person who owns or controls, is owned or

1 controlled by, or is under common ownership or control
2 with such station).”.

3 (b) NO EFFECT ON PRIOR AGREEMENTS.—The
4 amendment made by subsection (a) shall apply with re-
5 spect to retransmission consent agreements entered into
6 after the date of the enactment of this Act.

7 **SEC. 4. RULEMAKING ON BLOCKING OF ONLINE CONTENT**
8 **DURING NEGOTIATIONS.**

9 Not later than 6 months after the date of the enact-
10 ment of this Act, the Federal Communications Commis-
11 sion shall complete a rulemaking proceeding to determine
12 whether the blocking during retransmission consent nego-
13 tiations of online content owned by or affiliated with a
14 television broadcast station (or a person who owns or con-
15 trols, is owned or controlled by, or is under common own-
16 ership or control with such station) constitutes a failure
17 to negotiate in good faith under section 325(b)(3)(C)(ii)
18 of the Communications Act of 1934 (47 U.S.C.
19 325(b)(3)(C)(ii)).

20 **SEC. 5. CABLE SERVICE TIERS.**

21 (a) CONTENTS OF BASIC SERVICE TIER.—Section
22 623(b)(7)(A) of the Communications Act of 1934 (47
23 U.S.C. 543(b)(7)(A)) is amended by striking clause (iii).

24 (b) RETRANSMISSION CONSENT SERVICE TIER.—

1 (1) IN GENERAL.—Section 623(b) of the Com-
2 munications Act of 1934 (47 U.S.C. 543(b)) is
3 amended by adding at the end the following:

4 “(9) RETRANSMISSION CONSENT SERVICE
5 TIER.—

6 “(A) IN GENERAL.—Each cable operator
7 of a cable system shall offer its subscribers a
8 separately available retransmission consent
9 service tier that consists only of the signal of
10 each television broadcast station electing re-
11 transmission consent under section 325(b) that
12 is carried on the cable system.

13 “(B) SUBJECT TO RATE REGULATION.—
14 The retransmission consent service tier de-
15 scribed in subparagraph (A) shall be subject to
16 rate regulation under this Act to the same ex-
17 tent as the basic service tier described in para-
18 graph (7).”.

19 (2) PROHIBITION ON CERTAIN BUNDLING.—
20 Section 623(b)(8)(A) of the Communications Act of
21 1934 (47 U.S.C. 543(b)(8)(A)) is amended to read
22 as follows:

23 “(A) PROHIBITION.—A cable operator may
24 not require the subscription to any tier other
25 than the basic service tier required by para-

1 graph (7) as a condition of access to, or dis-
2 criminate between subscribers to the basic serv-
3 ice tier and other subscribers with regard to the
4 rates charged for—

5 “(i) video programming offered on a
6 per channel or per program basis; or

7 “(ii) the retransmission consent serv-
8 ice tier described in paragraph (9).”.

9 (3) CONFORMING AMENDMENT.—Section
10 623(a)(2)(A) of the Communications Act of 1934
11 (47 U.S.C. 543(a)(2)(A)) is amended by striking
12 “basic cable service” and inserting “the basic service
13 tier described in subsection (b)(7)”.

14 (c) EFFECTIVE DATE.—The amendments made by
15 this section shall take effect on the date that is 6 months
16 after the date of the enactment of this Act.

17 **SEC. 6. FCC STUDY OF SPORTS PROGRAMMING COSTS.**

18 For the first year that begins after the date that is
19 6 months after the date of the enactment of this Act and
20 each year thereafter, the Federal Communications Com-
21 mission shall conduct a study and submit to Congress a
22 report on the costs paid by multichannel video program-
23 ming distributors (as defined in section 602 of the Com-
24 munications Act of 1934 (47 U.S.C. 522)) for carriage
25 of regional and national television sports networks in the

- 1 top 20 regional sports markets, as determined by the Com-
- 2 mission.