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113TH CONGRESS
2D SESSION

S. 2799

To extend the authority of satellite carriers to retransmit certain television broadcast station signals, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 11, 2014

Mr. ROCKEFELLER (for himself and Mr. THUNE) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

SEPTEMBER 17 (legislative day, SEPTEMBER 16), 2014

Reported by Mr. ROCKEFELLER, with an amendment

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

A BILL

To extend the authority of satellite carriers to retransmit certain television broadcast station signals, 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 Satellite Television Ac-
5 cess and Viewer Rights Act.

1 **SEC. 2. REFERENCES TO COMMUNICATIONS ACT OF 1934.**

2 Except as otherwise expressly provided, wherever in
 3 this Act an amendment or repeal is expressed in terms
 4 of an amendment to, or repeal of, a section or other provi-
 5 sion, the reference shall be considered to be made to a
 6 section or other provision of the Communications Act of
 7 1934 (47 U.S.C. 151 et seq.).

8 **TITLE I—SATELLITE**
 9 **TELEVISION**

10 **SEC. 101. EXTENSION OF AUTHORITY.**

11 Section 325(b) (47 U.S.C. 325(b)) is amended—

12 (1) in paragraph (2)(C), by striking “December
 13 31, 2014” and inserting “December 31, 2019”; and

14 (2) in paragraph (3)(C), by striking “January
 15 1, 2015” each place it appears and inserting “Janu-
 16 ary 1, 2020”.

17 **SEC. 102. MODIFICATION OF TELEVISION MARKETS TO**
 18 **FURTHER CONSUMER ACCESS TO RELEVANT**
 19 **TELEVISION PROGRAMMING.**

20 (a) **IN GENERAL.**—Section 338 (47 U.S.C. 338) is
 21 amended—

22 (1) in subsection (k)—

23 (A) by redesignating paragraphs (1)
 24 through (10) as paragraphs (2) through (11),
 25 respectively;

1 (B) by inserting before paragraph (2), as
2 redesignated, the following:

3 “(1) DESIGNATED MARKET AREA.—The term
4 ‘designated market area’ means a designated market
5 area as determined by Nielsen Media Research or by
6 any successor system of assigning television broad-
7 cast stations to local markets adopted by the Com-
8 mission.”; and

9 (C) by amending paragraph (5), as redес-
10 ignated, to read as follows:

11 “(5) LOCAL MARKET.—The term ‘local market’,
12 in the case of both commercial and noncommercial
13 television broadcast stations, means the designated
14 market area in which a television broadcast station
15 is located.”; and

16 (2) by adding at the end the following:

17 “(1) MARKET DETERMINATIONS.—

18 “(1) IN GENERAL.—Following a written re-
19 quest, the Commission may, with respect to a par-
20 ticular television broadcast station, include addi-
21 tional communities within its local market or exclude
22 communities from such station’s local market to bet-
23 ter effectuate the purposes of this section.

24 “(2) CONSIDERATIONS.—In considering re-
25 quests filed under paragraph (1), the Commission—

1 “(A) may determine that particular com-
2 munities are part of more than one local mar-
3 ket; and

4 “(B) shall afford particular attention to
5 the value of localism, including promoting a
6 consumer’s access to television signals that
7 originate in the consumer’s State of residence,
8 by taking into account such factors as—

9 “(i) whether the station, or other sta-
10 tions located in the same area—

11 “(I) have been historically carried
12 on the cable system or systems within
13 such community; and

14 “(II) have been historically ear-
15 ried on the satellite carrier or carriers
16 serving such community;

17 “(ii) whether the television station
18 provides coverage or other local service to
19 such community;

20 “(iii) whether any other television sta-
21 tion that is eligible to be carried by a sat-
22 ellite carrier in such community in fulfill-
23 ment of the requirements of this section
24 provides news coverage of issues of concern
25 to such community or provides carriage or

1 coverage of sporting and other events of
2 interest to the community; and

3 “(iv) evidence of viewing patterns in
4 households that subscribe and do not sub-
5 scribe to the services offered by multi-
6 channel video programming distributors
7 within the areas served by such multi-
8 channel video programming distributors in
9 such community.

10 “(3) CARRIAGE OF SIGNALS.—A satellite carrier
11 shall not delete from carriage the signal of a com-
12 mercial television station during the pendency of any
13 proceeding under this subsection.

14 “(4) DETERMINATIONS.—Not later than 120
15 days after the date that a written request is filed
16 under paragraph (1), the Commission shall grant or
17 deny the request.”.

18 (b) CONFORMING AMENDMENTS.—Section
19 614(h)(1)(C) (47 U.S.C. 534(h)(1)(C)) is amended—

20 (1) in clause (ii)—

21 (A) in the matter preceding subclause (I),
22 by striking “localism” and inserting “localism,
23 including promoting consumer access to tele-
24 vision signals that originate in a consumer’s
25 State of residence,”;

1 (B) in subclause (II), by striking “commu-
 2 nity” and inserting “community or on the sat-
 3 ellite carrier or carriers serving such commu-
 4 nity”; and

5 (C) by amending subclause (IV) to read as
 6 follows:

7 “(IV) evidence of viewing pat-
 8 terns in households that subscribe and
 9 do not subscribe to the services of-
 10 fered by multichannel video program-
 11 ming distributors within the areas
 12 served by such multichannel video
 13 programming distributors in such
 14 community.”; and

15 (2) by moving the margin of clause (iv) 4 ems
 16 to the left.

17 (e) IMPLEMENTATION.—As part of the rulemaking to
 18 implement the amendments made by this section, the Fed-
 19 eral Communications Commission shall ensure that proce-
 20 dures for the filing and consideration of a written request
 21 under sections 338(l) and 614(h)(1)(C) of the Commu-
 22 nications Act of 1934 (47 U.S.C. 338, 534) fully effec-
 23 tuate the purposes of the amendments made by this sec-
 24 tion. As part of that process, the Federal Communications
 25 Commission shall update what it considers to be a commu-

1 nity for purposes of a modification of a market under sec-
 2 tion 338(l) or 614(h)(1)(C) of the Communications Act
 3 of 1934 (47 U.S.C. 338, 534).

4 **TITLE II—VIDEO POLICY** 5 **REFORMS**

6 **SEC. 201. CONSUMER PROTECTIONS IN RETRANSMISSION**

7 **CONSENT.**

8 (a) **JOINT RETRANSMISSION CONSENT NEGOTIA-**
 9 **TIONS.**—Section 325(b)(3)(C) (47 U.S.C. 325(b)(3)(C)) is
 10 amended—

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

12 (2) in clause (iii), by striking the period at the
 13 end and inserting “; and”; and

14 (3) by adding at the end the following:

15 “(iv) prohibit a television broadcast
 16 station from coordinating negotiations or
 17 negotiating on a joint basis with another
 18 television broadcast station to grant re-
 19 transmission consent under this section to
 20 a multichannel video programming dis-
 21 tributor, unless such stations are directly
 22 or indirectly under common de jure control
 23 permitted by the Federal Communications
 24 Commission.”.

1 (b) PROTECTIONS FOR SIGNIFICANTLY VIEWED AND
2 OTHER TELEVISION SIGNALS.—Section 325(b)(3)(C) (47
3 U.S.C. 325(b)(3)(C)), as amended, is further amended by
4 adding at the end the following:

5 “(v) prohibit a television broadcast
6 station from limiting the ability of a multi-
7 channel video programming distributor to
8 carry a television signal that has been
9 deemed significantly viewed, within the
10 meaning of section 76.54 of title 47, Code
11 of Federal Regulations, or any successor
12 regulation, or any other television broad-
13 cast signal such distributor is authorized
14 to carry under section 338 or 614 of this
15 Act, into the local market of such station,
16 unless such stations are directly or indi-
17 rectly under common de jure control per-
18 mitted by the Commission; and”.

19 (c) PER SE VIOLATIONS.—Section 325(b)(3)(C) (47
20 U.S.C. 325(b)(3)(C)), as amended, is further amended by
21 adding at the end the following:

22 “(vi) following an expiration of a re-
23 transmission consent agreement between a
24 television broadcast station and a multi-
25 channel video programming distributor

1 under this section, permit the Commis-
 2 sion—

3 “(I) to request from the parties
 4 such information as it deems nec-
 5 essary to ensure that neither party
 6 has committed a per se violation of its
 7 duty to negotiate in good faith under
 8 this paragraph; and

9 “(II) to determine, based on the
 10 information collected under subclause
 11 (I) and in accordance with this Act,
 12 that a party to a retransmission con-
 13 sent negotiation has committed a per
 14 se violation of its duty to negotiate in
 15 good faith.”.

16 (d) GOOD FAITH.—Section 325(b)(3) (47 U.S.C.
 17 325(b)(3)) is amended by adding at the end the following:

18 “(D) UPDATE TO GOOD FAITH RULES.—

19 The Commission shall commence a rulemaking
 20 to revise the regulations issued pursuant to sub-
 21 paragraph (C). That rulemaking shall—

22 “(i) consider whether each of the fol-
 23 lowing constitutes a failure to negotiate in
 24 good faith as required by this paragraph—

1 “(I) the blocking of online con-
2 tent owned or controlled by a tele-
3 vision broadcast station or a television
4 network, or the act of soliciting, en-
5 couraging, or otherwise seeking to
6 have another entity block access to
7 online content, during retransmission
8 consent negotiations or after the expi-
9 ration of a retransmission consent
10 agreement; and

11 “(II) allowing a television net-
12 work to review and approve the rates,
13 terms, and conditions of a retrans-
14 mission consent agreement, or the
15 material terms of such agreement, for
16 any television broadcast station not
17 wholly owned by such network; and

18 “(ii) review and update the Commis-
19 sion’s totality of the circumstances test to
20 ensure that such test encourages parties to
21 a retransmission consent negotiation to
22 present bona fide proposals on the material
23 terms of a retransmission consent agree-
24 ment during negotiations and engage in

1 timely negotiations to reach an agree-
2 ment.”.

3 (e) CONFORMING AMENDMENT.—Section 325(b)(7)
4 (~~47 U.S.C. 325(b)(7)~~) is amended—

5 (1) in subparagraph (A), by striking “and” at
6 the end;

7 (2) in subparagraph (B), by striking the period
8 at the end and inserting “; and”; and

9 (3) by adding at the end the following:

10 “(C) ‘television network’ means a television
11 network in the United States which offers an
12 interconnected program service on a regular
13 basis for 15 or more hours per week to at least
14 25 affiliated broadcast stations in 10 or more
15 States.”.

16 (f) MARGIN CORRECTIONS.—

17 (1) Section 325(b)(3)(C) (~~47 U.S.C.~~
18 ~~325(b)(3)(C)~~) is further amended by moving the
19 margin of clause (iii) 4 ems to the left.

20 (2) Section 325(b) (~~47 U.S.C. 325(b)~~) is
21 amended by moving the margin of paragraph (7), as
22 amended by this section, 4 ems to the left.

23 **SEC. 202. UPDATE TO CABLE RATES REPORT.**

24 Section 623(k) (~~47 U.S.C. 543(k)~~) is amended to
25 read as follows:

1 “(k) REPORTS ON AVERAGE PRICES.—

2 “(1) IN GENERAL.—The Commission shall an-
 3 nually publish statistical reports on the average
 4 rates for basic cable service and other cable pro-
 5 gramming, and for converter boxes, remote control
 6 units, and other equipment of cable systems that the
 7 Commission has found are subject to effective com-
 8 petition under subsection (a)(2) compared with cable
 9 systems that the Commission has found are not sub-
 10 ject to such effective competition.

11 “(2) INCLUSION IN ANNUAL REPORT.—The
 12 Commission shall include in its report under para-
 13 graph (1), the aggregate average total amount paid
 14 by cable systems per community in compensation
 15 under section 325.”

16 **SEC. 203. COMPETITIVE DEVICE AVAILABILITY.**

17 (a) TERMINATION OF EFFECTIVENESS.—

18 (1) NEW NAVIGATION DEVICES.—The authority
 19 provided by the second sentence of section
 20 76.1204(a)(1) of title 47, Code of Federal Regula-
 21 tions, terminates effective on the date that is 2 years
 22 after the date of enactment of this Act.

23 (2) REVISION OF REGULATIONS.—Not later
 24 than 910 days after the date of enactment of this
 25 Act, the Federal Communications Commission shall

1 revise its regulations to strike the sentence described
2 in paragraph (1) and make any necessary con-
3 forming revisions to its regulations.

4 (b) WORKING GROUP.—

5 (1) IN GENERAL.—Not later than 60 days after
6 the date of enactment of this Act, the Chairman of
7 the Federal Communications Commission shall con-
8 vene a working group of technical experts rep-
9 resenting a wide range of stakeholders, to identify
10 and report performance objectives, technical capa-
11 bilities, and technical standards of a non-burden-
12 some, uniform, and technology- and platform-neutral
13 software-based downloadable security system de-
14 signed to promote the competitive availability of
15 navigation devices in furtherance of section 629 of
16 the Communications Act of 1934 (47 U.S.C. 549).

17 (2) REPORT.—Not later than 540 days after
18 the date of enactment of this Act, the working group
19 shall file a report with the Federal Communications
20 Commission on its work under paragraph (1).

21 (3) COMMISSION ASSISTANCE.—The Chair-
22 person of the Federal Communications Commission
23 may appoint a member of the Commission's staff—

24 (A) to moderate and direct the work of the
25 working group under this subsection; and

1 (B) to provide technical assistance to mem-
2 bers of the working group, as appropriate.

3 (4) INITIAL MEETING.—The initial meeting of
4 the working group shall take place not later than
5 180 days after the date of the enactment of this Act.

6 **SEC. 204. ADMINISTRATIVE REFORMS TO EFFECTIVE COM-**
7 **PETITION PETITIONS.**

8 Section 623 (47 U.S.C. 543) is amended by adding
9 at the end the following:

10 “(o) STREAMLINED PETITION PROCESS FOR SMALL
11 CABLE OPERATORS.—

12 “(1) IN GENERAL.—Not later than 180 days
13 after the date of enactment of the Satellite Tele-
14 vision Access and Viewer Rights Act, the Commis-
15 sion shall complete a rulemaking to establish a
16 streamlined process for filing of an effective competi-
17 tion petition pursuant to this section for small cable
18 operators, particularly those who serve primarily
19 rural areas.

20 “(2) CONSTRUCTION.—Nothing in this sub-
21 section shall be construed to have any effect on the
22 duty of a small cable operator to prove the existence
23 of effective competition under this section.

24 “(3) DEFINITION OF SMALL CABLE OPER-
25 ATOR.—In this subsection, the term ‘small cable op-

1 erator' has the meaning given the term in subsection
 2 (m).''.

3 **TITLE III—MISCELLANEOUS**

4 **SEC. 301. IMPLEMENTATION.**

5 Except as otherwise expressly provided, the Federal
 6 Communications Commission shall prescribe regulations
 7 to implement the requirements of this Act, and any
 8 amendments made by this Act, not later than 270 days
 9 after the date of enactment.

10 **SEC. 302. SEVERABILITY.**

11 If any provision of this Act, an amendment made by
 12 this Act, or the application of such provision or amend-
 13 ment to any person or circumstance is held to be unconsti-
 14 tutional, the remainder of the Act, the amendments made
 15 by the Act, and the application of such provision or
 16 amendment to any person or circumstance shall not be af-
 17 fected thereby.

18 **SECTION 1. SHORT TITLE.**

19 *This Act may be cited as the Satellite Television Access*
 20 *and Viewer Rights Act.*

21 **SEC. 2. REFERENCES TO COMMUNICATIONS ACT OF 1934.**

22 *Except as otherwise expressly provided, wherever in*
 23 *this Act an amendment or repeal is expressed in terms of*
 24 *an amendment to, or repeal of, a section or other provision,*
 25 *the reference shall be considered to be made to a section or*

1 *other provision of the Communications Act of 1934 (47*
 2 *U.S.C. 151 et seq.).*

3 **TITLE I—SATELLITE TELEVISION**

4 **SEC. 101. EXTENSION OF AUTHORITY.**

5 *Section 325(b) (47 U.S.C. 325(b)) is amended—*

6 *(1) in paragraph (2)(C), by striking “December*
 7 *31, 2014” and inserting “December 31, 2019”; and*

8 *(2) in paragraph (3)(C), by striking “January*
 9 *1, 2015” each place it appears and inserting “Janu-*
 10 *ary 1, 2020”.*

11 **SEC. 102. MODIFICATION OF TELEVISION MARKETS TO FUR-**

12 **THER CONSUMER ACCESS TO RELEVANT TEL-** 13 **VISION PROGRAMMING.**

14 *(a) IN GENERAL.—Section 338 (47 U.S.C. 338) is*
 15 *amended—*

16 *(1) in subsection (k)—*

17 *(A) by redesignating paragraphs (1)*
 18 *through (10) as paragraphs (2) through (11), re-*
 19 *spectively;*

20 *(B) by inserting before paragraph (2), as*
 21 *redesignated, the following:*

22 *“(1) DESIGNATED MARKET AREA.—The term*
 23 *‘designated market area’ means a designated market*
 24 *area as determined by Nielsen Media Research.”; and*

1 (C) by amending paragraph (5), as redesignated,
2 to read as follows:

3 “(5) LOCAL MARKET.—The term ‘local market’,
4 in the case of both commercial and noncommercial
5 television broadcast stations, means the designated
6 market area in which a television broadcast station is
7 located, including with respect to a commercial tele-
8 vision broadcast station any modifications to such
9 market pursuant to subsection (l).”; and

10 (2) by adding at the end the following:

11 “(l) MARKET DETERMINATIONS.—

12 “(1) IN GENERAL.—Following a written request,
13 the Commission may, with respect to a particular
14 commercial television broadcast station, include addi-
15 tional communities within its local market or exclude
16 communities from such station’s local market to better
17 effectuate the purposes of this section.

18 “(2) CONSIDERATIONS.—In considering requests
19 filed under paragraph (1), the Commission—

20 “(A) may determine that particular com-
21 munities are part of more than one local market;

22 “(B) shall afford particular attention to the
23 value of localism by taking into account such
24 factors as—

1 “(i) whether the station, or other sta-
2 tions located in the same area—

3 “(I) have been historically carried
4 on the cable system or systems within
5 such community; or

6 “(II) have been historically car-
7 ried on the satellite carrier or carriers
8 serving such community;

9 “(ii) whether the television station pro-
10 vides coverage or other local service to such
11 community;

12 “(iii) whether modifying the local mar-
13 ket of the television station would promote
14 consumers’ access to television broadcast
15 station signals that originate in their State
16 of residence;

17 “(iv) whether any other television sta-
18 tion that is eligible to be carried by a sat-
19 ellite carrier in such community in fulfill-
20 ment of the requirements of this section pro-
21 vides news coverage of issues of concern to
22 such community or provides carriage or
23 coverage of sporting and other events of in-
24 terest to the community; and

1 “(v) evidence of viewing patterns in
2 households that subscribe and do not sub-
3 scribe to the services offered by multichannel
4 video programming distributors within the
5 areas served by such multichannel video
6 programming distributors in such commu-
7 nity.

8 “(3) CARRIAGE OF SIGNALS.—

9 “(A) CARRIAGE OBLIGATION.—A market de-
10 termination under this subsection shall not cre-
11 ate additional carriage obligations for a satellite
12 carrier if it is not technically and economically
13 feasible for such carrier to accomplish such car-
14 riage by means of its satellites in operation at
15 the time of the determination.

16 “(B) DELETION OF SIGNALS.—A satellite
17 carrier shall not delete from carriage the signal
18 of a commercial television broadcast station dur-
19 ing the pendency of any proceeding under this
20 subsection.

21 “(4) DETERMINATIONS.—Not later than 120
22 days after the date that a written request is filed
23 under paragraph (1), the Commission shall grant or
24 deny the request.

1 “(5) *NO EFFECT ON ELIGIBILITY TO RECEIVE*
 2 *DISTANT SIGNALS.—No modification of a commercial*
 3 *broadcast television station’s local market pursuant to*
 4 *this subsection shall have any effect on the eligibility*
 5 *of households in the community affected by such*
 6 *modification to receive distant signals pursuant to*
 7 *section 339 of this Act.”.*

8 (b) *CONFORMING AMENDMENTS.—Section*
 9 *614(h)(1)(C) (47 U.S.C. 534(h)(1)(C)) is amended—*

10 *(1) in subclause (ii)—*

11 *(A) in subclause (II), by striking “commu-*
 12 *nity” and inserting “community or on the sat-*
 13 *ellite carrier or carriers serving such commu-*
 14 *nity”;*

15 *(B) by redesignating subclauses (III) and*
 16 *(IV) as subclauses (IV) and (V), respectively;*

17 *(C) by inserting after subclause (II) the fol-*
 18 *lowing:*

19 *“(III) whether modifying the local*
 20 *market of the television station would*
 21 *promote consumers’ access to television*
 22 *broadcast station signals that originate*
 23 *in their State of residence;”;* and

24 *(D) by amending subclause (V), as redesign-*
 25 *ated, to read as follows:*

1 “(V) *evidence of viewing patterns*
2 *in households that subscribe and do not*
3 *subscribe to the services offered by mul-*
4 *tichannel video programming distribu-*
5 *tors within the areas served by such*
6 *multichannel video programming dis-*
7 *tributors in such community.”; and*

8 (2) *by moving the margin of clause (iv) 4 ems*
9 *to the left.*

10 (c) *IMPLEMENTATION.—As part of the rulemaking to*
11 *implement the amendments made by this section, the Fed-*
12 *eral Communications Commission shall ensure that proce-*
13 *dures for the filing and consideration of a written request*
14 *under sections 338(l) and 614(h)(1)(C) of the Communica-*
15 *tions Act of 1934 (47 U.S.C. 338, 534) fully effectuate the*
16 *purposes of the amendments made by this section. As part*
17 *of that process, the Federal Communications Commission*
18 *shall update what it considers to be a community for pur-*
19 *poses of a modification of a market under section 338(l)*
20 *or 614(h)(1)(C) of the Communications Act of 1934 (47*
21 *U.S.C. 338, 534).*

22 (d) *MARKET MODIFICATION PROCESS.—The Federal*
23 *Communications Commission shall make information*
24 *available to consumers on its website that explains the mar-*
25 *ket modification process, including—*

1 (1) *who may petition to include additional com-*
 2 *munities within, or exclude communities from, a—*

3 (A) *local market (as defined in section*
 4 *338(k) (47 U.S.C. 338(k)); or*

5 (B) *television market (as determined under*
 6 *section 614(h)(1)(C) (47 U.S.C. 534(h)(1)(C));*

7 *and*

8 (2) *the factors that the Commission takes into*
 9 *account when responding to a petition described in*
 10 *paragraph (1).*

11 **TITLE II—VIDEO POLICY**
 12 **REFORMS**

13 **SEC. 201. CONSUMER PROTECTIONS IN RETRANSMISSION**

14 **CONSENT.**

15 (a) *JOINT RETRANSMISSION CONSENT NEGOTIA-*
 16 *TIONS.—Section 325(b)(3)(C) (47 U.S.C. 325(b)(3)(C)) is*
 17 *amended—*

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

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

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

22 *“(iv) prohibit a television broadcast*
 23 *station from coordinating negotiations or*
 24 *negotiating on a joint basis with another*
 25 *television broadcast station in the same*

1 local market (as defined in section 338 of
2 this Act) to grant retransmission consent
3 under this section to a multichannel video
4 programming distributor, unless such sta-
5 tions are directly or indirectly under com-
6 mon de jure control permitted under the
7 regulations of the Federal Communications
8 Commission; and”.

9 (b) *PROTECTIONS FOR SIGNIFICANTLY VIEWED AND*
10 *OTHER TELEVISION SIGNALS.*—Section 325(b)(3)(C) (47
11 *U.S.C. 325(b)(3)(C)*), as amended, is further amended by
12 *adding at the end the following:*

13 “(v) prohibit a television broadcast sta-
14 tion from limiting the ability of a multi-
15 channel video programming distributor to
16 carry a television signal that has been
17 deemed significantly viewed, within the
18 meaning of section 76.54 of title 47, Code of
19 Federal Regulations, or any successor regu-
20 lation, or any other television broadcast sig-
21 nal such distributor is authorized to carry
22 under section 338, 339, 340, or 614 of this
23 Act, into the local market of such station,
24 unless such stations are directly or indi-

1 *rectly under common de jure control per-*
 2 *mitted by the Commission.”.*

3 (c) *GOOD FAITH.*—Section 325(b)(3) (47 U.S.C.
 4 325(b)(3)) *is amended by adding at the end the following:*

5 “(D) *UPDATE TO GOOD FAITH RULES.*—*The*
 6 *Commission shall commence a rulemaking to re-*
 7 *view and update its totality of the circumstances*
 8 *test for good faith negotiations. As part of that*
 9 *rulemaking, the Commission shall ensure that*
 10 *such test encourages parties to a retransmission*
 11 *consent negotiation to present bona fide pro-*
 12 *posals on the material terms of a retransmission*
 13 *consent agreement during negotiations and en-*
 14 *gage in timely negotiations to reach an agree-*
 15 *ment.”.*

16 (d) *MARGIN CORRECTIONS.*—

17 (1) Section 325(b)(3)(C) (47 U.S.C.
 18 325(b)(3)(C)) *is further amended by moving the mar-*
 19 *gin of clause (iii) 4 ems to the left.*

20 (2) Section 325(b) (47 U.S.C. 325(b)) *is amend-*
 21 *ed by moving the margin of paragraph (7), 4 ems to*
 22 *the left.*

23 **SEC. 202. UPDATE TO CABLE RATES REPORT.**

24 Section 623(k) (47 U.S.C. 543(k)) *is amended to read*
 25 *as follows:*

1 “(k) *REPORTS ON AVERAGE PRICES.*—

2 “(1) *IN GENERAL.*—*The Commission shall annu-*
 3 *ally publish statistical reports on the average rates for*
 4 *basic cable service and other cable programming, and*
 5 *for converter boxes, remote control units, and other*
 6 *equipment of cable systems that the Commission has*
 7 *found are subject to effective competition under sub-*
 8 *section (a)(2) compared with cable systems that the*
 9 *Commission has found are not subject to such effective*
 10 *competition.*

11 “(2) *INCLUSION IN ANNUAL REPORT.*—

12 “(A) *IN GENERAL.*—*The Commission shall*
 13 *include in its report under paragraph (1), the*
 14 *aggregate average total amount paid by cable*
 15 *systems in compensation under section 325.*

16 “(B) *FORM.*—*The Commission shall publish*
 17 *information under this paragraph in a manner*
 18 *substantially similar to the way other com-*
 19 *parable information is published in such re-*
 20 *port.”.*

21 **SEC. 203. COMPETITIVE DEVICE AVAILABILITY.**

22 “(a) *TERMINATION OF EFFECTIVENESS.*—

23 “(1) *NEW NAVIGATION DEVICES.*—*The second sen-*
 24 *tence of section 76.1204(a)(1) of title 47, Code of Fed-*

1 *eral Regulations, terminates effective on the date that*
2 *is 2 years after the date of enactment of this Act.*

3 (2) *REVISION OF REGULATIONS.*—Not later than
4 *910 days after the date of enactment of this Act, the*
5 *Federal Communications Commission shall revise its*
6 *regulations to strike the sentence described in para-*
7 *graph (1) and make any necessary conforming revi-*
8 *sions to its regulations.*

9 (b) *WORKING GROUP.*—

10 (1) *IN GENERAL.*—Not later than 60 days after
11 *the date of enactment of this Act, the Chairman of the*
12 *Federal Communications Commission shall convene a*
13 *working group of technical experts representing a*
14 *wide-range of stakeholders, to identify, report, and*
15 *recommend performance objectives, technical capabili-*
16 *ties, and technical standards of a not unduly burden-*
17 *some, uniform, and technology- and platform-neutral*
18 *software-based downloadable security system designed*
19 *to promote the competitive availability of navigation*
20 *devices in furtherance of section 629 of the Commu-*
21 *nications Act of 1934 (47 U.S.C. 549).*

22 (2) *REPORT.*—Not later than 540 days after the
23 *date of enactment of this Act, the working group shall*
24 *file a report with the Federal Communications Com-*
25 *mission on its work under paragraph (1).*

1 (3) *COMMISSION ASSISTANCE.*—*The Chairperson*
 2 *of the Federal Communications Commission may ap-*
 3 *point a member of the Commission’s staff—*

4 (A) *to moderate and direct the work of the*
 5 *working group under this subsection; and*

6 (B) *to provide technical assistance to mem-*
 7 *bers of the working group, as appropriate.*

8 (4) *INITIAL MEETING.*—*The initial meeting of*
 9 *the working group shall take place not later than 180*
 10 *days after the date of the enactment of this Act.*

11 **SEC. 204. ADMINISTRATIVE REFORMS TO EFFECTIVE COM-**
 12 **PETITION PETITIONS.**

13 Section 623 (47 U.S.C. 543) is amended by adding
 14 *at the end the following:*

15 “(o) *STREAMLINED PETITION PROCESS FOR SMALL*
 16 *CABLE OPERATORS.*—

17 “(1) *IN GENERAL.*—*Not later than 180 days*
 18 *after the date of enactment of the Satellite Television*
 19 *Access and Viewer Rights Act, the Commission shall*
 20 *complete a rulemaking to establish a streamlined*
 21 *process for filing of an effective competition petition*
 22 *pursuant to this section for small cable operators,*
 23 *particularly those who serve primarily rural areas.*

24 “(2) *CONSTRUCTION.*—*Nothing in this subsection*
 25 *shall be construed to have any effect on the duty of*

1 *a small cable operator to prove the existence of effective*
 2 *competition under this section.*

3 *“(3) DEFINITION OF SMALL CABLE OPERATOR.—*

4 *In this subsection, the term ‘small cable operator’ has*
 5 *the meaning given the term in subsection (m)(2).”.*

6 **SEC. 205. REPORT ON DESIGNATED MARKET AREAS.**

7 *(a) IN GENERAL.—Not later than 18 months after the*
 8 *date of enactment of this Act, the Federal Communications*
 9 *Commission shall submit to the Committee on Commerce,*
 10 *Science, and Transportation of the Senate, the Committee*
 11 *on the Judiciary of the Senate, the Committee on Energy*
 12 *and Commerce of the House of Representatives, and the*
 13 *Committee on the Judiciary of the House of Representatives*
 14 *a report that contains—*

15 *(1) an analysis of—*

16 *(A) the extent to which consumers in each*
 17 *local market have access to broadcast program-*
 18 *ming from television broadcast stations located*
 19 *outside their local market; and*

20 *(B)(i) whether there are alternatives to the*
 21 *use of designated market areas to define markets*
 22 *that would provide consumers with more local*
 23 *programming options; and*

24 *(ii) the potential impact the alternatives de-*
 25 *scribed in clause (i) could have on localism and*

1 *on broadcast television locally, regionally, and*
 2 *nationally; and*

3 (2) *recommendations on how to foster increased*
 4 *localism in counties served by out-of-State designated*
 5 *market areas.*

6 (b) *CONSIDERATIONS FOR FOSTERING INCREASED LO-*
 7 *CALISM.—In making recommendations under subsection*
 8 *(a)(2), the Commission shall consider—*

9 (1) *the impact that designated market areas that*
 10 *cross State lines have on access to local programming;*

11 (2) *the impact that designated market areas have*
 12 *on local programming in rural areas; and*

13 (3) *the state of local programming in States*
 14 *served exclusively by out-of-State designated market*
 15 *areas.*

16 **TITLE III—MISCELLANEOUS**

17 **SEC. 301. IMPLEMENTATION.**

18 *Except as otherwise expressly provided, the Federal*
 19 *Communications Commission shall prescribe regulations to*
 20 *implement the requirements of this Act, and any amend-*
 21 *ments made by this Act, not later than 270 days after the*
 22 *date of enactment of this Act.*

23 **SEC. 302. SEVERABILITY.**

24 *If any provision of this Act, an amendment made by*
 25 *this Act, or the application of such provision or amendment*

1 *to any person or circumstance is held to be unconstitu-*
2 *tional, the remainder of the Act, the amendments made by*
3 *the Act, and the application of such provision or amend-*
4 *ment to any person or circumstance shall not be affected*
5 *thereby.*

Calendar No. 569

113TH CONGRESS
2^D SESSION

S. 2799

A BILL

To extend the authority of satellite carriers to re-transmit certain television broadcast station signals, and for other purposes.

SEPTEMBER 17 (legislative day, SEPTEMBER 16), 2014

Reported with an amendment