

117TH CONGRESS
1ST SESSION

H. R. 1856

To repeal certain provisions of the Communications Act of 1934, title 17 of the United States Code, and certain regulations, to allow for interim carriage of television broadcast signals, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 2021

Mr. SCALISE (for himself and Ms. ESHOO) 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 certain regulations, to allow for interim carriage of television broadcast 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 “Modern Television Act
5 of 2021”.

1 **SEC. 2. AGREEMENTS FOR CARRIAGE OF BROADCAST PRO-**
2 **GRAMMING.**

3 (a) AGREEMENTS FOR CARRIAGE OF BROADCAST
4 PROGRAMMING.—Section 325 of the Communications Act
5 of 1934 (47 U.S.C. 325) is amended—

6 (1) in subsection (b)(3)(C)—

7 (A) by striking clauses (ii), (iii), and (iv);

8 and

9 (B) by redesignating clauses (v) and (vi)

10 as clauses (ii) and (iii), respectively; and

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

12 “(f) REQUIREMENTS FOR MARKETPLACE AGREE-
13 MENTS.—

14 “(1) NEGOTIATION REQUIREMENTS.—

15 “(A) IN GENERAL.—Not later than 90
16 days after the date of the enactment of the
17 Modern Television Act of 2021, the Commission
18 shall, by regulation—

19 “(i) require a television broadcast sta-
20 tion and multichannel video programming
21 distributor (and any large station group or
22 qualified MVPD buying group negotiating
23 for a marketplace agreement on behalf of
24 a television broadcast station or multi-
25 channel video programming distributor, re-
26 spectively) to negotiate in good faith in any

1 effort to reach a marketplace agreement;
2 and

3 “(ii) prohibit a television broadcast
4 station from coordinating negotiations or
5 negotiating on a joint basis with another
6 television broadcast station in the same
7 local market in an effort to reach a mar-
8 ketplace agreement with a multichannel
9 video programming distributor, unless such
10 stations are directly or indirectly under
11 common de jure control permitted under
12 the regulations of the Commission.

13 “(B) GOOD FAITH REQUIREMENTS.—The
14 regulations promulgated under paragraph
15 (1)(A) shall provide—

16 “(i) that it is a violation of the re-
17 quirement under paragraph (1)(A)(i)—

18 “(I) for a multichannel video pro-
19 gramming distributor, a qualified
20 MVPD buying group, a television
21 broadcast station, or a large station
22 group to refuse to declare an impasse
23 for the sole purpose of avoiding bind-
24 ing arbitration under subsection (g),

1 as added by the Modern Television
2 Act of 2021; or

3 “(II) for a large station group to
4 prohibit a qualified MVPD buying
5 group from permitting a multichannel
6 video programming distributor with
7 which the large station group has an
8 existing marketplace agreement to
9 join a new marketplace agreement ne-
10 gotiated by the large station group
11 and the qualified MVPD buying group
12 upon the expiration of the existing
13 marketplace agreement, if the multi-
14 channel video programming dis-
15 tributor was unable to join the new
16 marketplace agreement at the time of
17 the execution of the agreement be-
18 cause of the existing marketplace
19 agreement;

20 “(ii) that is not a violation of the re-
21 quirement under paragraph (1)(A)(i)—

22 “(I) for a television broadcast
23 station or large station group to enter
24 into marketplace agreements con-
25 taining different terms and conditions,

1 including price terms and royalty fees,
2 with different multichannel video pro-
3 gramming distributors or with dif-
4 ferent qualified MVPD buying groups
5 if such different terms and conditions
6 are based on competitive marketplace
7 considerations; or

8 “(II) for a multichannel video
9 programming distributor or a quali-
10 fied MVPD buying group to enter into
11 marketplace agreements containing
12 different terms and conditions, includ-
13 ing price terms and royalty fees, with
14 different television broadcast stations
15 or with different large station groups
16 if such different terms and conditions
17 are based on competitive marketplace
18 considerations;

19 “(iii) that a multichannel video pro-
20 gramming distributor may satisfy its obli-
21 gations under paragraph (1)(A)(i) by des-
22 ignating a qualified MVPD buying group
23 to negotiate on its behalf, so long as the
24 qualified MVPD buying group itself nego-
25 tiates in good faith; and

1 “(iv) that a qualified MVPD buying
2 group may satisfy any obligations under
3 paragraph (1)(A)(i) to designate a rep-
4 resentative with authority to make binding
5 representations by designating such a rep-
6 resentative that can make binding rep-
7 resentations on the qualified MVPD buy-
8 ing group’s behalf.

9 “(2) INTERIM CARRIAGE.—Not later than 90
10 days after the date of the enactment of the Modern
11 Television Act of 2021, the Commission shall, by
12 regulation, require a multichannel video program-
13 ming distributor to retransmit a signal of a tele-
14 vision broadcast station and the television broadcast
15 station to permit the retransmission of that signal—

16 “(A) for a period not longer than 60 days
17 beginning on the date on which a marketplace
18 agreement entered into by the television broad-
19 cast station and the multichannel video pro-
20 gramming distributor (or by any large station
21 group or qualified MVPD buying group negoti-
22 ating for a marketplace agreement on behalf of
23 a television broadcast station or multichannel
24 video programming distributor, respectively) ex-
25 pires; and

1 “(B) under the terms and conditions of
2 such expired agreement.

3 “(3) RETROACTIVITY OF MARKETPLACE AGREE-
4 MENT.—Not later than 90 days after the date of the
5 enactment of the Modern Television Act of 2021, the
6 Commission shall require, by regulation, each mar-
7 ketplace agreement entered into on or after such
8 date of enactment by a television broadcast station
9 and a multichannel video programming distributor
10 (or by any large station group or qualified MVPD
11 buying group negotiating for a marketplace agree-
12 ment on behalf of a television broadcast station or
13 multichannel video programming distributor, respec-
14 tively) to include a clause making the terms of the
15 agreement retroactive to the expiration date of the
16 most recent marketplace agreement entered into by
17 or on behalf of the station and the distributor if the
18 station and the distributor—

19 “(A) had previously entered into a market-
20 place agreement; and

21 “(B) are required to retransmit a signal or
22 permit the retransmission of a signal, as the
23 case may be, under paragraph (2) or subsection
24 (g), as added by the Modern Television Act of
25 2021.

1 “(4) PROHIBITION ON REQUIRING CERTAIN
2 PAYMENTS.—Not later than 90 days after the date
3 of the enactment of the Modern Television Act of
4 2021, the Commission shall, by regulation, prohibit
5 a television broadcast station from requiring pay-
6 ment, either directly or indirectly, from a multi-
7 channel video programming distributor for cus-
8 tomers of the multichannel video programming dis-
9 tributor who do not receive the signals of the tele-
10 vision broadcast station from that distributor.

11 “(5) LIMITATION.—The requirements under
12 this subsection do not apply with respect to manda-
13 tory carriage of the signal of a television broadcast
14 station that elects mandatory carriage under section
15 338, 614, or 615.

16 “(6) DEFINITIONS.—In this subsection:

17 “(A) LARGE STATION GROUP.—The term
18 ‘large station group’ means a group of tele-
19 vision broadcast stations that—

20 “(i) are directly or indirectly under
21 common de jure control permitted by the
22 regulations of the Commission;

23 “(ii) generally negotiate agreements
24 for retransmission consent under this sec-
25 tion as a single entity; and

1 “(iii) include only television broadcast
2 stations that collectively have a national
3 audience reach of more than 20 percent.

4 “(B) LOCAL MARKET.—The term ‘local
5 market’ has the meaning given such term in
6 section 122(j) of title 17, United States Code.

7 “(C) MARKETPLACE AGREEMENT.—The
8 term ‘marketplace agreement’ means an agree-
9 ment, or agreements, for—

10 “(i) the exclusive right under section
11 106 of title 17, United States Code, to
12 transmit a performance or display of a
13 work embodied in primary transmission (as
14 defined in section 111(f) of such title) of
15 a television broadcast station and the roy-
16 alty fee payable; or

17 “(ii) retransmission consent under
18 subsection (b), as in effect before the re-
19 peal made by the Modern Television Act of
20 2021.

21 “(D) MULTICHANNEL VIDEO PROGRAM-
22 MING DISTRIBUTOR.—The term ‘multichannel
23 video programming distributor’ has the mean-
24 ing given such term in section 602.

1 “(E) QUALIFIED MVPD BUYING GROUP.—

2 The term ‘qualified MVPD buying group’
3 means an entity that, with respect to a negotia-
4 tion with a large station group for retrans-
5 mission consent under this section—

6 “(i) negotiates on behalf of two or
7 more multichannel video programming dis-
8 tributors—

9 “(I) none of which is a multi-
10 channel video programming dis-
11 tributor that serves more than
12 500,000 subscribers nationally; and

13 “(II) that do not collectively
14 serve more than 25 percent of all
15 households served by multichannel
16 video programming distributors in any
17 single local market in which the appli-
18 cable large station group operates;
19 and

20 “(ii) negotiates agreements for such
21 retransmission consent—

22 “(I) that contain standardized
23 contract provisions, including billing
24 structures and technical quality stand-
25 ards, for each multichannel video pro-

1 programming distributor on behalf of
2 which the entity negotiates; and

3 “(II) under which the entity as-
4 sumes liability to remit to the applica-
5 ble large station group all fees re-
6 ceived from the multichannel video
7 programming distributors on behalf of
8 which the entity negotiates.

9 “(F) TELEVISION BROADCAST STATION.—

10 The term ‘television broadcast station’ means
11 an over-the-air commercial or noncommercial
12 television broadcast station licensed by the
13 Commission under subpart E of part 73 of title
14 47, Code of Federal Regulations, except that
15 such term does not include a low-power or
16 translator television station.”.

17 (b) EFFECTIVE DATE.—This section, and the amend-
18 ments made by this section, shall take effect on the date
19 that is 90 days after the date of the enactment of this
20 Act.

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

4 (a) REPEAL.—The following sections of the Commu-
5 nications Act of 1934 (47 U.S.C. 151 et seq.) are hereby
6 repealed:

- 7 (1) Section 325(b) (47 U.S.C. 325(b)).
8 (2) Section 325(e) (47 U.S.C. 325(e)).
9 (3) Section 339 (47 U.S.C. 339).
10 (4) Section 340 (47 U.S.C. 340).
11 (5) Section 341 (47 U.S.C. 341).
12 (6) Section 342 (47 U.S.C. 342).
13 (7) Section 612 (47 U.S.C. 532).
14 (8) Section 712 (47 U.S.C. 612).

15 (b) ADDITIONAL AMENDMENTS.—

16 (1) SECTION 338.—Section 338 of the Commu-
17 nications Act of 1934 (47 U.S.C. 338) is amended—

18 (A) in subsection (a)—

19 (i) in paragraph (1)—

20 (I) by inserting “or under a mar-
21 ketplace agreement (as that term is
22 defined in section 325),” after
23 “Code,”; and

24 (II) by striking “, subject to sec-
25 tion 325(b)”;

1 (ii) in paragraph (2), by striking
2 “501(f)” each place it appears and insert-
3 ing “501(e)”;

4 (iii) in paragraph (3)—

5 (I) by striking “whose signals”
6 and all that follows through “of title
7 17, United States Code,”; and

8 (II) by inserting “or a market-
9 place agreement” after “such title”;

10 (iv) by amending paragraph (5) to
11 read as follows:

12 “(5) NONDISCRIMINATION IN CARRIAGE OF
13 HIGH DEFINITION SIGNALS OF NONCOMMERCIAL
14 EDUCATIONAL TELEVISION STATIONS.—If, on or
15 after the date of enactment of the Satellite Tele-
16 vision Extension and Localism Act of 2010, an eligi-
17 ble satellite carrier initiates the provision of any sec-
18 ondary transmission in high definition format to
19 subscribers located within the local market of a tele-
20 vision broadcast station of a primary transmission
21 made by that station, then such satellite carrier shall
22 carry the signals in high-definition format of all
23 qualified noncommercial educational television sta-
24 tions located within that local market.”; and

1 (B) in subsection (d), by inserting “seeking
2 carriage under subsection (a)(1)” after “signal
3 of a local television broadcast station”;

4 (C) by striking subsection (h);

5 (D) by redesignating subsections (i), (j),
6 (k), and (l) as subsections (h), (i), (j), and (k),
7 respectively;

8 (E) in subsection (j), as so redesignated—

9 (i) by striking paragraph (1);

10 (ii) by redesignating paragraphs (2),
11 (3), (4), (5), (6), (7), (8), (9), and (10) as
12 paragraphs (1), (2), (3), (4), (5), (6), (7),
13 (8), and (9), respectively;

14 (iii) in paragraph (3), as so redesign-
15 ated, by striking “122(j)” and inserting
16 “122(g)”;

17 (iv) in paragraph (6), as so redesign-
18 ated, by striking “119(d)” and inserting
19 “111(f)”;

20 (v) in paragraph (7), as so redesign-
21 ated, by striking “119(d)” and inserting
22 “111(f)”;

23 (vi) in paragraph (8), as so redesign-
24 ated, by striking “122(j)” and inserting
25 “122(g)”;

1 (vii) in paragraph (9), as so redesignig-
2 nated, by striking “325(b)(7)” and insert-
3 ing “325”; and

4 (F) in subsection (k), as so redesignated,
5 by striking paragraph (5).

6 (2) SECTION 623.—Section 623 of the Commu-
7 nications Act of 1934 (47 U.S.C. 543) is amended—

8 (A) by striking subsections (a), (b), (c),
9 (d), (g), (h), (i), (j), (k), (l), (m), (n), and (o);

10 (B) by redesignating subsections (e) and
11 (f) as subsections (a) and (b), respectively; and

12 (C) by adding at the end the following:

13 “(c) REGULATION OF RATES AND BROADCAST SIG-
14 NAL CARRIAGE.—No Federal agency, State, or fran-
15 chising authority may regulate—

16 “(1) the rates for the provision of multichannel
17 video programming services of a multichannel video
18 programming distributor; or

19 “(2) the retransmission of television broadcast
20 signals by a multichannel video programming dis-
21 tributor except in accordance with the requirements
22 of sections 325, 338, 614, and 615.”.

23 (c) CONFORMING AMENDMENTS.—

1 (1) SECTION 343.—Section 343 of the Commu-
2 nications Act of 1934 (47 U.S.C. 343) is redesign-
3 nated as section 339 of such Act.

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

6 (A) by striking subsection (f); and

7 (B) in subsection (l), by striking para-
8 graph (1) and inserting the following:

9 “(1) QUALIFIED NONCOMMERCIAL EDU-
10 CATIONAL TELEVISION STATION.—

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

15 “(i) under the rules and regulations of
16 the Commission in effect on March 29,
17 1990, is licensed by the Commission as a
18 noncommercial educational television
19 broadcast station and is owned and oper-
20 ated by a public agency, nonprofit founda-
21 tion, nonprofit corporation, or nonprofit
22 association; or

23 “(ii) is owned and operated by a mu-
24 nicipality and transmits predominantly

1 noncommercial programs for educational
2 purposes.

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

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

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

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

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

23 (4) SECTION 622.—Section 622(c) of the Com-
24 munications Act of 1934 (47 U.S.C. 542(c)) is
25 amended by striking “pursuant to section 623”.

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

3 (A) in subsection (c)—

4 (i) by striking “rearrange, replace,”
5 and inserting “replace”;

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

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

9 (iv) by striking “franchise if—” and
10 all that follows through “such service is no
11 longer” and inserting “franchise if such
12 service is no longer”; and

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

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

19 (7) SECTION 638.—Section 638 of the Commu-
20 nications Act of 1934 (47 U.S.C. 558) is amended
21 by striking “governmental use or on any other chan-
22 nel obtained under section 612 or under similar ar-
23 rangements” and inserting “or governmental use”.

24 (8) SECTION 653.—Section 653 of the Commu-
25 nications Act of 1934 (47 U.S.C. 573) is amended—

- 1 (A) in subsection (b)(1)—
- 2 (i) in subparagraph (C), by adding
- 3 “and” at the end; and
- 4 (ii) by striking subparagraph (D) and
- 5 redesignating subparagraph (E) as sub-
- 6 paragraph (D); and
- 7 (B) in subsection (c)(1)—
- 8 (i) in subparagraph (A)—
- 9 (I) by striking “(other than sub-
- 10 section (a) thereof)”; and
- 11 (II) by striking “623(f)” and in-
- 12 serting “623(b)”;
- 13 (ii) in subparagraph (B), by striking
- 14 “, and section 325 of title III,”; and
- 15 (iii) in subparagraph (C)—
- 16 (I) by striking “sections 612 and
- 17 617” and inserting “section 617”;
- 18 and
- 19 (II) by striking “623(f)” and in-
- 20 serting “623(b)”.

21 **SEC. 4. BINDING ARBITRATION.**

22 Section 325 of the Communications Act of 1934, as

23 amended by sections 2 and 3, is further amended by add-

24 ing at the end the following:

25 “(g) BINDING ARBITRATION.—

1 “(1) REQUIREMENT.—Beginning on the date
2 that is 90 days after the date on which this sub-
3 section takes effect, the Commission shall, by regula-
4 tion—

5 “(A) provide that the Commission may re-
6 quire a television broadcast station and multi-
7 channel video programming distributor negoti-
8 ating a marketplace agreement (and any large
9 station group or qualified MVPD buying group
10 negotiating for a marketplace agreement on be-
11 half of a television broadcast station or multi-
12 channel video programming distributor, respec-
13 tively) to submit to binding arbitration—

14 “(i) upon—

15 “(I) a declaration of an impasse
16 in negotiations by all parties negoti-
17 ating the agreement;

18 “(II) a preliminary finding by the
19 Commission of a violation of the good
20 faith requirement under subsection
21 (f)(1)(A)(i); or

22 “(III) the failure of the television
23 broadcast station and multichannel
24 programming distributor (or any large
25 station group or qualified MVPD buy-

1 ing group negotiating for a market-
2 place agreement on behalf of a tele-
3 vision broadcast station or multi-
4 channel video programming dis-
5 tributor, respectively) to reach a mar-
6 ketplace agreement by the date that is
7 60 days after the date on which a
8 marketplace agreement entered into
9 by the television broadcast station and
10 the multichannel video programming
11 distributor (or by any large station
12 group or qualified MVPD buying
13 group negotiating for a marketplace
14 agreement on behalf of a television
15 broadcast station or multichannel
16 video programming distributor, re-
17 spectively) expires; and

18 “(ii) in a form substantially similar to
19 that imposed in Section VII of Appendix A
20 of the Memorandum Opinion and Order in
21 the matter of Applications of Comcast Cor-
22 poration, General Electric Company and
23 NBC Universal, Inc. For Consent to As-
24 sign Licenses and Transfer Control of Li-
25 censes that was adopted by the Commis-

1 sion on January 18, 2011 (FCC 11–4);
2 and

3 “(B) provide that the Commission may re-
4 quire a multichannel video programming dis-
5 tributor to retransmit a signal of a television
6 broadcast station and the television broadcast
7 station to permit the retransmission of that sig-
8 nal—

9 “(i) during any period in which the
10 television broadcast station and the multi-
11 channel video programming distributor (or
12 any large station group or qualified MVPD
13 buying group negotiating for a marketplace
14 agreement on behalf of a television broad-
15 cast station or multichannel video pro-
16 gramming distributor, respectively) are re-
17 quired to submit to binding arbitration
18 under subparagraph (A); and

19 “(ii) in accordance with the interim
20 carriage provisions imposed in Section VII
21 of Appendix A of the Memorandum Opin-
22 ion and Order described under subpara-
23 graph (A)(ii).

24 “(2) DEFINITIONS.—In this subsection, the
25 terms ‘large station group’, ‘marketplace agreement’,

1 ‘multichannel video programming distributor’, ‘quali-
2 fied MVPD buying group’, and ‘television broadcast
3 station’ have the meaning given those terms in sub-
4 section (f).”.

5 **SEC. 5. REPEAL OF REGULATORY INTERVENTION IN THE**
6 **COPYRIGHT ACT.**

7 (a) IN GENERAL.—

8 (1) REPEAL.—Section 119 of title 17, United
9 States Code, is hereby repealed.

10 (2) CONFORMING AMENDMENT.—The table of
11 sections at the beginning of chapter 1 of title 17,
12 United States Code, is amended by striking the item
13 related to section 119.

14 (b) SECTION 111.—Section 111 of title 17, United
15 States Code, is amended—

16 (1) in subsection (a)(4), by striking “section
17 119 or”;

18 (2) in subsection (c)—

19 (A) by striking “broadcast station licensed
20 by the Federal Communications Commission or
21 by an appropriate governmental authority of
22 Canada or Mexico” and inserting “qualified
23 broadcast station” each place it appears; and

1 (B) in paragraph (1), by striking “where
2 the carriage” and all that follows before the pe-
3 riod at the end;

4 (3) in subsection (d)(1)(A), by striking the sec-
5 ond sentence; and

6 (4) in subsection (f)—

7 (A) in paragraph (4), by striking
8 “122(j)(2)(C)” and inserting “122(g)(2)(C)”;
9 and

10 (B) by adding at the end, the following:

11 “(14) QUALIFIED BROADCAST STATION.—The
12 term ‘qualified broadcast station’ means a broadcast
13 station licensed by the Federal Communications
14 Commission, or by an appropriate governmental au-
15 thority of Canada or Mexico, that elects mandatory
16 carriage under section 614 or 615 of the Commu-
17 nications Act of 1934.

18 “(15) SATELLITE CARRIER.—The term ‘sat-
19 ellite carrier’ means an entity that uses the facilities
20 of a satellite or satellite service licensed by the Fed-
21 eral Communications Commission and operates in
22 the Fixed-Satellite Service or the Direct Broadcast
23 Satellite Service under part 25 of title 47, Code of
24 Federal Regulations, to establish and operate a
25 channel of communications for point-to-multipoint

1 distribution of television station signals, and that
2 owns or leases a capacity or service on a satellite in
3 order to provide such point-to-multipoint distribu-
4 tion, except to the extent that such entity provides
5 such distribution pursuant to tariff under the Com-
6 munications Act of 1934 (47 U.S.C. 151 et seq.),
7 other than for private home viewing.”.

8 (c) SECTION 122.—Section 122 of title 17, United
9 States Code, is amended—

10 (1) by striking “television broadcast stations”
11 each place it appears and inserting “qualified tele-
12 vision broadcast stations”;

13 (2) by striking “television broadcast station”
14 each place it appears and inserting “qualified tele-
15 vision broadcast station”;

16 (3) in subsection (a)—

17 (A) in paragraph (1)—

18 (i) in subparagraph (A), by striking
19 the semicolon at the end and inserting “;
20 and”;

21 (ii) by striking subparagraph (B); and

22 (iii) by redesignating subparagraph
23 (C) as subparagraph (B);

24 (B) by striking paragraphs (2), (3), and
25 (5);

1 (C) by redesignating paragraph (4) as
2 paragraph (2); and

3 (D) in paragraph (2), as so redesignated,
4 by striking “SPECIAL EXCEPTIONS.—A sec-
5 ondary transmission of a performance or dis-
6 play” and all that follows through “In the case
7 of a system” and inserting “SPECIAL EXCEP-
8 TION.—In the case of a system”;

9 (4) by striking subsections (b), (f), and (g);

10 (5) by redesignating subsections (c), (d), (e),
11 (h), (i), and (j) as subsections (b), (c), (d), (e), (f),
12 and (g), respectively;

13 (6) in subsection (c), as so redesignated—

14 (A) by striking “television broadcast sta-
15 tion” each place it appears and inserting
16 “qualified television broadcast station”;

17 (B) by striking “television broadcast sig-
18 nals” and inserting “signal of a qualified tele-
19 vision broadcast stations”; and

20 (C) by striking “, if the satellite carrier”
21 and all that follows before the period at the
22 end;

23 (7) in subsection (d), as so redesignated, by
24 striking “television broadcast station” each place it

1 appears and inserting “qualified television broadcast
2 station”;

3 (8) in subsection (f), as so redesignated, by
4 striking “and section 119”; and

5 (9) in subsection (g), as so redesignated—

6 (A) in paragraph (2)(E), by striking
7 “338(l)” and inserting “338(k)”;

8 (B) by amending paragraph (4) to read as
9 follows:

10 “(4) NETWORK STATION.—The term ‘network
11 station’ means—

12 “(A) a television station licensed by the
13 Federal Communications Commission, including
14 any translator station or terrestrial satellite sta-
15 tion that rebroadcasts all or substantially all of
16 the programming broadcast by a network sta-
17 tion, that is owned or operated by, or affiliated
18 with, one or more of the television networks in
19 the United States that offer an interconnected
20 program service on a regular basis for 15 or
21 more hours per week to at least 25 of its affili-
22 ated television licensees in 10 or more States;
23 or

1 “(B) a noncommercial educational broad-
2 cast station (as defined in section 397 of the
3 Communications Act of 1934);
4 except that the term does not include the signal of
5 the Alaska Rural Communications Service, or any
6 successor entity to that service.”.

7 (C) by redesignating paragraphs (5), (6),
8 and (7) as paragraphs (6), (7), and (8), respec-
9 tively;

10 (D) by inserting after paragraph (4), the
11 following:

12 “(5) NON-NETWORK STATION.—The term ‘non-
13 network station’ means a television station, other
14 than a network station, licensed by the Federal
15 Communications Commission, that is secondarily
16 transmitted by a satellite carrier.”; and

17 (E) in paragraph (8), as so redesignated—

18 (i) in the heading, by striking “TELE-
19 VISION BROADCAST STATION” and insert-
20 ing “QUALIFIED TELEVISION BROADCAST
21 STATION”;

22 (ii) in subparagraph (A), by inserting
23 “, that elects mandatory carriage pursuant
24 to section 338 of the Communications Act
25 of 1934” after “Regulations”; and

1 (iii) in subparagraph (B)—

2 (I) by inserting “that elects man-
3 datory carriage pursuant to section
4 338 of the Communications Act of
5 1934,” after “Mexico”; and

6 (II) by striking “as defined in
7 section 119(d)(2)(A)”.

8 (d) CONFORMING AMENDMENTS.—Title 17, United
9 States Code, is amended—

10 (1) in section 501—

11 (A) by striking “local service area” each
12 place it appears and inserting “designated mar-
13 ket area”;

14 (B) by striking subsection (e);

15 (C) by redesignating subsection (f) as sub-
16 section (e); and

17 (D) by adding at the end the following:

18 “(f) In this section, the term ‘designated market
19 area’ means a designated market area, as determined by
20 Nielsen Media Research and published in the 1999–2000
21 Nielsen Station Index Directory and Nielsen Station Index
22 United States Television Household Estimates or any suc-
23 cessor publication.”;

24 (2) in section 708(a)(10), by striking “119 or”;

25 (3) in section 801—

1 (A) in subsection (b)(1), by striking
2 “119,”; and

3 (B) by striking “, 119,” each place it ap-
4 pears;

5 (4) in section 803—

6 (A) in subsection (b)(1)(A)(i), in the mat-
7 ter preceding subclause (I), by striking “, 119”;

8 (B) in subsection (d)(2)(C)(i), by striking
9 “, 119”;

10 (C) in subsection (e)(2), by striking “118,
11 or 119” and inserting “or 118”; and

12 (5) in section 804—

13 (A) in subsection (a), by striking “, 119”;
14 and

15 (B) in subsection (b)(8), by striking “,
16 119,”.

17 **SEC. 6. REPEAL OF COMMISSION’S RULES RELATED TO**
18 **REGULATORY INTERVENTION.**

19 The Federal Communications Commission shall take
20 all actions necessary to—

21 (1) repeal section 73.658 of the Commission’s
22 rules (47 CFR 73.658);

23 (2) repeal subpart F of part 76 of the Commis-
24 sion’s rules; and

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

5 **SEC. 7. REPORT.**

6 Section 13 of the Communications Act of 1934 (47
7 U.S.C. 163) is amended—

8 (1) in subsection (b)—

9 (A) in paragraph (4), by striking “; and”
10 and inserting a semicolon;

11 (B) in paragraph (5), by striking the pe-
12 riod at the end and inserting “; and”; and

13 (C) by adding at the end the following:

14 “(6) if the Commission determines under sub-
15 section (e)(2) that the totality of the measurements
16 have presented a net negative impact in the two
17 years preceding the report, include specific policies
18 to improve market functioning.”; and

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

20 “(e) **COMPTROLLER GENERAL STUDY.**—

21 “(1) **STUDY.**—Not later than 4 years after the
22 date of the enactment of the Modern Television Act
23 of 2021, and every two years thereafter, the Comp-
24 troller General of the United States, in consultation
25 with the Commission, shall study the effect of the

1 regime established under such Act, and the amend-
2 ments made by such Act, by measuring—

3 “(A) the price consumers pay for video
4 programming, adjusted to reflect national mon-
5 etary inflation or deflation;

6 “(B) the satisfaction of consumers with
7 the quality of video programming and the serv-
8 ices of multichannel video programming dis-
9 tributors;

10 “(C) the—

11 “(i) number of interruptions to the
12 distribution of programming to consumers
13 because of impasses in negotiations be-
14 tween multichannel video programming
15 distributors and television broadcast sta-
16 tions;

17 “(ii) duration of each interruption;

18 and

19 “(iii) number of consumers impacted
20 by each interruption; and

21 “(D) consumer access to local program-
22 ming, including news, weather, sports, and pub-
23 lic, educational, and governmental program-
24 ming.

1 “(2) DETERMINATION BY COMMISSION.—The
2 Commission shall determine under the study de-
3 scribed in paragraph (1) if the totality of the meas-
4 urements described in such paragraph present a net
5 positive, net negative, or indeterminate impact to
6 consumers and to the marketplace.

7 “(3) DEFINITIONS.—In this subsection, the
8 terms ‘video programming’ and ‘multichannel video
9 programming distributor’ have the meaning given
10 those terms in section 602.”.

11 **SEC. 8. SEVERABILITY.**

12 If any provision of this Act or any amendment made
13 by this Act, or any application of such provision or amend-
14 ment to any person or circumstance, is held to be uncon-
15 stitutional, the remainder of the provisions of this Act and
16 the amendments made by this Act, and the application of
17 the provision or amendment to any other person or cir-
18 cumstance, shall not be affected.

19 **SEC. 9. EFFECTIVE DATE.**

20 Except as provided in section 2, this Act, and the
21 amendments made by this Act, shall take effect on the
22 date that is 42 months after the date of the enactment
23 of this Act.

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