

115TH CONGRESS
2D SESSION

H. R. 6465

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

JULY 23, 2018

Mr. SCALISE 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6 hereby repealed: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 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 (4) SECTION 613.—Section 613 of the Commu-
5 nications Act of 1934 (47 U.S.C. 533) is amended
6 by striking subsection (a).

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

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

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

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

15 “(1) QUALIFIED NONCOMMERCIAL EDU-
16 CATIONAL TELEVISION STATION.—

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

21 “(i) under the rules and regulations of
22 the Commission in effect on March 29,
23 1990, is licensed by the Commission as a
24 noncommercial educational television
25 broadcast station and is owned and oper-

1 ated by a public agency, nonprofit founda-
2 tion, nonprofit corporation, or nonprofit
3 association; or

4 “‘(ii) is owned and operated by a mu-
5 nicipality and transmits predominantly
6 noncommercial programs for educational
7 purposes.

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

9 “‘(i) the translator of any noncommer-
10 cial educational television station with five
11 watts or higher power serving the franchise
12 area;

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

20 “‘(iii) such stations and translators op-
21 erating on channels not so reserved as the
22 Commission determines are qualified as
23 noncommercial educational stations.”.

24 (6) SECTION 621.—Section 621(b)(3)(D) of the
25 Communications Act of 1934 (47 U.S.C.

1 541(b)(3)(D)) is amended by striking “sections 611
2 and 612” and inserting “section 611”.

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

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

8 (A) in subsection (c)—

9 (i) by striking “rearrange, replace,”
10 and inserting “replace”;

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

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

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

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

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

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

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

9 (12) SECTION 653.—Section 653 of the Commu-
10 nications Act of 1934 (47 U.S.C. 573) is amended—

11 (A) in subsection (b)(1)—

12 (i) in subparagraph (A), by striking “,
13 614,”;

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

16 (iii) by striking subparagraph (D) and
17 redesignating subparagraph (E) as sub-
18 paragraph (D); and

19 (B) in subsection (c)(1)—

20 (i) in subparagraph (A)—

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

23 (II) by striking “623(f),”;

24 (ii) in subparagraph (B)—

25 (I) by striking “, 614,”; and

- 1 (II) by striking “, and section
2 325 of title III,”; and
3 (iii) in subparagraph (C)—
4 (I) by striking “sections 612 and
5 617” and inserting “section 617”;
6 and
7 (II) by striking “623(f),”.

8 **SEC. 3. REPEAL OF REGULATORY INTERVENTION IN THE**
9 **TELEVISION MARKETPLACE UNDER THE**
10 **COPYRIGHT ACT.**

11 (a) IN GENERAL.—

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

14 (2) CONFORMING AMENDMENTS.—The table of
15 sections at the beginning of—

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

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

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

24 (1) in subsection (a)—

25 (A) in paragraph (1)—

1 (i) by striking “local service area of
2 such station” and inserting “designated
3 market area (as defined in section
4 501(c)(2))”; and

5 (ii) by striking “or” after the semi-
6 colon;

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

9 (C) by amending paragraph (4) to read as
10 follows:

11 “(4) the secondary transmission—

12 “(A) is made by—

13 “(i) a cable system in accordance with
14 section 615 of the Communications Act of
15 1934 (47 U.S.C. 535); or

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

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

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

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

1 (4) by redesignating subsection (f) as sub-
2 section (c); and

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

4 (A) in paragraph (3), by striking the sec-
5 ond sentence;

6 (B) by striking paragraphs (4) through
7 (13); and

8 (C) by adding at the end the following new
9 paragraphs:

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

1 “(5) PRIVATE HOME VIEWING.—The term ‘pri-
2 vate home viewing’ means the viewing, for private
3 use in a household by means of satellite reception
4 equipment that is operated by an individual in that
5 household and that serves only such household, of a
6 secondary transmission delivered by a satellite car-
7 rier of a primary transmission of a television station
8 licensed by the Federal Communications Commis-
9 sion.”.

10 (c) CONFORMING AMENDMENTS.—Title 17, United
11 States Code, is amended—

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

14 (2) in section 110(8), by striking “section
15 111(f)” and inserting “section 111(c)”;

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

18 (4) in section 501—

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

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

23 (C) by amending subsection (f) to read as
24 follows:

1 “(c)(1) With respect to any secondary transmission
2 that is made by a cable system or by a satellite carrier
3 of a performance or display of a work embodied in a pri-
4 mary transmission and is actionable as an act of infringe-
5 ment under section 111, a television broadcast station
6 holding a copyright or other license to transmit or perform
7 the same version of that work shall, for purposes of sub-
8 section (b), be treated as a legal or beneficial owner if such
9 secondary transmission occurs within the designated mar-
10 ket area of that station.

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

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

19 (6) in section 708(a)—

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

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

24 (C) by striking paragraphs (10) and (11);

25 and

1 (D) by striking “Fees established under
2 paragraphs (10) and (11) shall be reasonable
3 and may not exceed one-half of the cost nec-
4 essary to cover reasonable expenses incurred by
5 the Copyright Office for the collection and ad-
6 ministration of the statements of account and
7 any royalty fees deposited with such state-
8 ments.”;

9 (7) in section 801—

10 (A) in subsection (b)—

11 (i) in paragraph (1) by striking
12 “119,”;

13 (ii) by striking paragraph (2);

14 (iii) by redesignating paragraphs (3),
15 (4), (5), (6), (7), and (8) as paragraphs
16 (2), (3), (4), (5), (6), and (7), respectively;
17 and

18 (iv) in paragraph (2), as so redesign-
19 nated—

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

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

1 (III) in subparagraph (C), by
2 striking “section 804(b)(8)” and in-
3 sserting “section 804(b)(7)”;

4 (B) by striking “sections 111, 119, and”
5 each place it appears and inserting “section”;
6 and

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

9 (8) in section 803—

10 (A) in subsection (b)(1)(A)(i)—

11 (i) by striking “111,”;

12 (ii) by striking “119,”; and

13 (iii) in subclause (V), by striking “,
14 except that the publication of notice re-
15 quirement shall not apply in the case of
16 proceedings under section 111 that are
17 scheduled to commence in 2005”;

18 (B) in subsection (d)(2)(C)(i)—

19 (i) by striking “111,”; and

20 (ii) by striking “119,”; and

21 (C) in subsection (e)(2)—

22 (i) by striking “111,”; and

23 (ii) by striking “118, or 119” and in-
24 sserting “or 118”; and

25 (9) in section 804—

- 1 (A) in subsection (a)—
- 2 (i) by striking “paragraphs (1) and
- 3 (2)” and inserting “paragraph (1)”;
- 4 (ii) by striking “111,”; and
- 5 (iii) by striking “119,”; and
- 6 (B) in subsection (b)—
- 7 (i) by striking paragraph (1);
- 8 (ii) by redesignating paragraphs (2),
- 9 (3), (4), (5), (6), (7), and (8) as para-
- 10 graphs (1), (2), (3), (4), (5), (6), and (7),
- 11 respectively; and
- 12 (iii) in paragraph (7), as so redesign-
- 13 nated—
- 14 (I) by striking “section
- 15 801(b)(3)” and inserting “section
- 16 801(b)(2)”;
- 17 (II) by striking “111, 119, or”.

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

19 **REGULATORY INTERVENTION.**

20 (a) IN GENERAL.—The Federal Communications

21 Commission shall take all actions necessary to—

- 22 (1) repeal section 73.658 of the Commission’s
- 23 rules (47 CFR 73.658);
- 24 (2) repeal subpart D of part 76 of the Commis-
- 25 sion’s rules, except to the extent such subpart re-

1 lates to the carriage of qualified noncommercial edu-
2 cational television stations consistent with the
3 amendments made by this Act;

4 (3) repeal subpart F of part 76 of the Commis-
5 sion's rules;

6 (4) modify subpart S of part 76 of the Commis-
7 sion's rules by eliminating any requirements relating
8 to network nonduplication and syndicated exclusivity
9 for open video systems; and

10 (5) modify the broadcast ownership limitations
11 set forth in section 73.3555 of the Commission's
12 rules (47 CFR 73.3555) by eliminating the restric-
13 tions on the number of broadcast television stations
14 that a person or entity may directly or indirectly
15 own, operate, or control in the same designated mar-
16 ket area (as such term is defined under section
17 501(c)(2) of title 17, United States Code), as de-
18 scribed in paragraph (b) of such section 73.3555.

19 (b) PROHIBITION ON REIMPOSING CERTAIN ELIMI-
20 NATED RULES.—The Federal Communications Commis-
21 sion may not reimpose—

22 (1) the radio-television cross-ownership rule, as
23 described in paragraph (c) of section 73.3555 of the
24 Commission's rules (47 CFR 73.3555), as in effect
25 on November 15, 2017; or

1 (2) the newspaper/broadcast cross-ownership
2 rule, as described in paragraph (d) of section
3 73.3555 of the Commission's rules (47 CFR
4 73.3555), as in effect on November 15, 2017.

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

6 Except as provided in section 6, this Act, and the
7 amendments made by this Act, shall take effect on Janu-
8 ary 1, 2023.

9 **SEC. 6. CONTINUED COLLECTION AND DISTRIBUTION OF**
10 **PREVIOUSLY DUE ROYALTIES.**

11 Notwithstanding section 5, the collection and dis-
12 tribution of royalties due for secondary transmissions
13 made pursuant to sections 111 and 119 of title 17, United
14 States Code, prior to January 1, 2023, shall continue to
15 be governed by such title and the rules of the Register
16 of Copyrights and Copyright Royalty Judges as in effect
17 prior to the date of enactment of this Act until such time
18 as the Register certifies that all royalties collected pursu-
19 ant to such provisions have been distributed.

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