

Union Calendar No. 265

116TH CONGRESS
1ST SESSION

H. R. 5035

[Report No. 116–329]

To amend the Communications Act of 1934 to extend expiring provisions relating to the retransmission of signals of television broadcast stations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 12, 2019

Mr. MICHAEL F. DOYLE of Pennsylvania introduced the following bill; which was referred to the Committee on Energy and Commerce

DECEMBER 9, 2019

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on November 12, 2019]

A BILL

To amend the Communications Act of 1934 to extend expiring provisions relating to the retransmission of signals of television broadcast stations, 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 “Television Viewer Pro-*
 5 *tection Act of 2019”.*

6 **SEC. 2. EXTENSION OF AUTHORITY.**

7 *Section 325(b) of the Communications Act of 1934 (47*
 8 *U.S.C. 325(b)) is amended—*

9 *(1) in paragraph (2)(C), by striking “December*
 10 *31, 2019” and inserting “the expiration date, if any,*
 11 *described in section 119(h) of title 17, United States*
 12 *Code”; and*

13 *(2) in paragraph (3)(C), by striking “until Jan-*
 14 *uary 1, 2020,” each place it appears.*

15 **SEC. 3. SATISFACTION OF GOOD FAITH NEGOTIATION RE-**
 16 **QUIREMENT BY MULTICHANNEL VIDEO PRO-**
 17 **GRAMMING DISTRIBUTORS.**

18 *(a) SATISFACTION OF GOOD FAITH NEGOTIATION RE-*
 19 *QUIREMENT.—Section 325(b)(3)(C) of the Communications*
 20 *Act of 1934 (47 U.S.C. 325(b)(3)(C)) is amended—*

21 *(1) in clause (iv), by striking “; and” and in-*
 22 *serting a semicolon;*

23 *(2) in clause (v), by striking the period at the*
 24 *end and inserting “; and”; and*

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

1 “(vi) not later than 90 days after the date of the
2 *enactment of the Television Viewer Protection Act of*
3 *2019, specify that—*

4 “(I) a multichannel video programming
5 *distributor may satisfy its obligation to negotiate*
6 *in good faith under clause (iii) with respect to*
7 *a negotiation for retransmission consent under*
8 *this section with a large station group by design-*
9 *ating a qualified MVPD buying group to nego-*
10 *tiate on its behalf, so long as the qualified*
11 *MVPD buying group itself negotiates in good*
12 *faith in accordance with such clause;*

13 “(II) it is a violation of the obligation to
14 *negotiate in good faith under clause (iii) for the*
15 *qualified MVPD buying group to disclose the*
16 *prices, terms, or conditions of an ongoing nego-*
17 *tiation or the final terms of a negotiation to a*
18 *member of the qualified MVPD buying group*
19 *that is not intending, or is unlikely, to enter into*
20 *the final terms negotiated by the qualified*
21 *MVPD buying group; and*

22 “(III) a large station group has an obliga-
23 *tion to negotiate in good faith under clause (ii)*
24 *with respect to a negotiation for retransmission*

1 *consent under this section with a qualified*
 2 *MVPD buying group.”.*

3 **(b) DEFINITIONS.**—*Section 325(b)(7) of the Commu-*
 4 *nications Act of 1934 (47 U.S.C. 325(b)(7)) is amended—*

5 *(1) in subparagraph (A), by striking “; and”*
 6 *and inserting a semicolon;*

7 *(2) in subparagraph (B), by striking the period*
 8 *at the end and inserting a semicolon; and*

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

10 *“(C) ‘qualified MVPD buying group’ means an*
 11 *entity that, with respect to a negotiation with a large*
 12 *station group for retransmission consent under this*
 13 *section—*

14 *“(i) negotiates on behalf of two or more*
 15 *multichannel video programming distributors—*

16 *“(I) none of which is a multichannel*
 17 *video programming distributor that serves*
 18 *more than 500,000 subscribers nationally;*
 19 *and*

20 *“(II) that do not collectively serve more*
 21 *than 25 percent of all households served by*
 22 *a multichannel video programming dis-*
 23 *tributor in any single local market in which*
 24 *the applicable large station group operates;*
 25 *and*

1 “(ii) negotiates agreements for such retrans-
2 mission consent—

3 “(I) that contain standardized contract
4 provisions, including billing structures and
5 technical quality standards, for each multi-
6 channel video programming distributor on
7 behalf of which the entity negotiates; and

8 “(II) under which the entity assumes
9 liability to remit to the applicable large sta-
10 tion group all fees received from the multi-
11 channel video programming distributors on
12 behalf of which the entity negotiates;

13 “(D) ‘large station group’ means a group of tele-
14 vision broadcast stations that—

15 “(i) are directly or indirectly under com-
16 mon de jure control permitted by the regulations
17 of the Commission;

18 “(ii) generally negotiate agreements for re-
19 transmission consent under this section as a sin-
20 gle entity; and

21 “(iii) include only television broadcast sta-
22 tions that have a national audience reach of
23 more than 20 percent;

1 “(E) ‘local market’ has the meaning given such
2 term in section 122(j) of title 17, United States Code;
3 and

4 “(F) ‘multichannel video programming dis-
5 tributor’ has the meaning given such term in section
6 602.”.

7 (c) *CONFORMING AMENDMENTS*.—Section 325(b) of the
8 Communications Act of 1934 (47 U.S.C. 325(b)) is amend-
9 ed—

10 (1) in paragraph (2)—

11 (A) by inserting “and” after “1992,”; and

12 (B) by striking “, and the term ‘local mar-
13 ket’ has the meaning given that term in section
14 122(j) of such title”; and

15 (2) in paragraph (3)(C), by striking “(as defined
16 in section 122(j) of title 17, United States Code)”
17 each place it appears.

18 (d) *EFFECTIVE DATE*.—The amendments made by this
19 section, and the regulations promulgated by the Federal
20 Communications Commission under such amendments,
21 shall not take effect before January 1 of the calendar year
22 after the calendar year in which this Act is enacted.

1 **SEC. 4. REQUIREMENTS RELATING TO CHARGES FOR COV-**
 2 **ERED SERVICES.**

3 (a) *IN GENERAL.*—Part IV of title VI of the Commu-
 4 nications Act of 1934 (47 U.S.C. 551 et seq.) is amended
 5 by adding at the end the following:

6 **“SEC. 642. REQUIREMENTS RELATING TO CHARGES FOR**
 7 **COVERED SERVICES.**

8 “(a) *CONSUMER RIGHTS IN SALES.*—

9 “(1) *RIGHT TO TRANSPARENCY.*—Before entering
 10 into a contract with a consumer for the provision of
 11 a covered service, a provider of a covered service shall
 12 provide the consumer, by phone, in person, online, or
 13 by other reasonable means, the total monthly charge
 14 for the covered service, whether offered individually or
 15 as part of a bundled service, selected by the consumer
 16 (explicitly noting the amount of any applicable pro-
 17 motional discount reflected in such charge and when
 18 such discount will expire), including any related ad-
 19 ministrative fees, equipment fees, or other charges, a
 20 good faith estimate of any tax, fee, or charge imposed
 21 by the Federal Government or a State or local govern-
 22 ment (whether imposed on the provider or imposed on
 23 the consumer but collected by the provider), and a
 24 good faith estimate of any fee or charge that is used
 25 to recover any other assessment imposed on the pro-

1 *vider by the Federal Government or a State or local*
2 *government.*

3 *“(2) RIGHT TO FORMAL NOTICE.—A provider of*
4 *a covered service that enters into a contract described*
5 *in paragraph (1) shall, not later than 24 hours after*
6 *entering into the contract, send the consumer, by*
7 *email, online link, or other reasonably comparable*
8 *means, a copy of the information described in such*
9 *paragraph.*

10 *“(3) RIGHT TO CANCEL.—A provider of a cov-*
11 *ered service that enters into a contract described in*
12 *paragraph (1) shall permit the consumer to cancel the*
13 *contract, without paying early cancellation fees or*
14 *other disconnection fees or penalties, during the 24-*
15 *hour period beginning when the provider of the cov-*
16 *ered service sends the copy required by paragraph (2).*

17 *“(b) CONSUMER RIGHTS IN E-BILLING.—If a provider*
18 *of a covered service provides a bill to a consumer in an*
19 *electronic format, the provider shall include in the bill—*

20 *“(1) an itemized statement that breaks down the*
21 *total amount charged for or relating to the provision*
22 *of the covered service by the amount charged for the*
23 *provision of the service itself and the amount of all*
24 *related taxes, administrative fees, equipment fees, or*
25 *other charges;*

1 “(2) the termination date of the contract for the
2 provision of the covered service entered into between
3 the consumer and the provider; and

4 “(3) the termination date of any applicable pro-
5 motional discount.

6 “(c) *CONSUMER RIGHTS TO ACCURATE EQUIPMENT*
7 *CHARGES.*—A provider of a covered service or fixed
8 broadband internet access service may not charge a con-
9 sumer for—

10 “(1) using covered equipment provided by the
11 consumer; or

12 “(2) renting, leasing, or otherwise providing to
13 the consumer covered equipment if—

14 “(A) the provider has not provided the
15 equipment to the consumer; or

16 “(B) the consumer has returned the equip-
17 ment to the provider, except to the extent that the
18 charge relates to the period beginning on the date
19 when the provider provided the equipment to the
20 consumer and ending on the date when the con-
21 sumer returned the equipment to the provider.

22 “(d) *DEFINITIONS.*—In this section:

23 “(1) *BROADBAND INTERNET ACCESS SERVICE.*—
24 The term ‘broadband internet access service’ has the
25 meaning given such term in section 8.1(b) of title 47,

1 *Code of Federal Regulations, or any successor regula-*
2 *tion.*

3 “(2) *COVERED EQUIPMENT.*—*The term ‘covered*
4 *equipment’ means equipment (such as a router) em-*
5 *ployed on the premises of a person (other than a pro-*
6 *vider of a covered service or fixed broadband internet*
7 *access service) to provide a covered service or to pro-*
8 *vide fixed broadband internet access service.*

9 “(3) *COVERED SERVICE.*—*The term ‘covered*
10 *service’ means service provided by a multichannel*
11 *video programming distributor, to the extent such dis-*
12 *tributor is acting as a multichannel video program-*
13 *ming distributor.’.*

14 “(b) *EFFECTIVE DATE.*—*Section 642 of the Commu-*
15 *nications Act of 1934, as added by subsection (a) of this*
16 *section, shall apply beginning on the date that is 6 months*
17 *after the date of the enactment of this Act. The Federal*
18 *Communications Commission may grant an additional 6-*
19 *month extension if the Commission finds that good cause*
20 *exists for such an additional extension.*

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