

110TH CONGRESS
1ST SESSION

H. R. 3602

To amend the Communications Act of 1934 with respect to retransmission consent and must-carry for cable operators and satellite carriers.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 19, 2007

Mr. PAUL 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 amend the Communications Act of 1934 with respect to retransmission consent and must-carry for cable operators and satellite carriers.

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 “TV Consumer Free-
5 dom Act”.

6 **SEC. 2. RETRANSMISSION CONSENT.**

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

1 (1) by striking paragraph (1) and inserting the
2 following:

3 “(b)(1) No cable system or other multichannel video
4 programming distributor shall retransmit the signal of a
5 broadcasting station, or any part thereof, except with the
6 express authority of the station.”;

7 (2) in paragraph (3)—

8 (A) in subparagraph (A), by striking “and
9 of the right to signal carriage under section
10 614”;

11 (B) in subparagraph (B), by striking “and
12 the right to signal carriage under section 614”;
13 and

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

15 “(C) Within 45 days after the effective date of the
16 TV Consumer Freedom Act, the Commission shall com-
17 mence a rulemaking proceeding to revise the regulations
18 governing the exercise by television broadcast stations of
19 the right to grant retransmission consent under this sub-
20 section. Such regulations shall establish election time peri-
21 ods that correspond with those regulations adopted under
22 subparagraph (B). The rulemaking shall be completed
23 within 180 days after the effective date of the TV Con-
24 sumer Freedom Act.”; and

1 (3) by striking paragraphs (4) and (5) and re-
2 designating paragraph (6) as paragraph (4).

3 **SEC. 3. ELIMINATION OF MUST-CARRY REQUIREMENTS.**

4 (a) REPORT.—Sections 338, 614, and 615 of the
5 Communications Act of 1934 (47 U.S.C. 338, 534, and
6 535) are repealed.

7 (b) CONFORMING AMENDMENTS.—

8 (1) Section 623(b)(7)(A) of the Communica-
9 tions Act of 1934 (47 U.S.C. 543(b)(7)(A)) is
10 amended by striking clause (i) and redesignating
11 clauses (ii) and (iii) as clauses (i) and (ii).

12 (2) Section 635 of the Communications Act of
13 1934 (47 U.S.C. 555) is amended by striking sub-
14 section (c).

15 (3) Section 653 of the Communications Act of
16 1934 (47 U.S.C. 573) is amended—

17 (A) in subsection (b)(1)(A), by striking
18 “614, or 615,”; and

19 (B) in subsection (c)(1)(B), by striking
20 “sections 611, 614, and 615” and inserting
21 “section 611”.

22 (4) Section 336(b)(3) of the Communications
23 Act of 1934 (47 U.S.C. 336(b)(3)) is amended by
24 striking “have any rights to carriage under section
25 614 or 615 or”.

1 **SEC. 4. TERMINATION OF MANDATES FOR TELEVISION FEAT-**
2 **TURES AND FUNCTIONS.**

3 All regulations of the Federal Communications Com-
4 mission requiring television receivers sold in the United
5 States to include particular types of features or functions,
6 or specifying the technology to be used to provide such
7 features or functions, shall cease to be effective on the
8 date of enactment of this Act.

9 **SEC. 5. CLARIFICATION OF STATUTORY COPYRIGHT LI-**
10 **CENSE FOR SATELLITE CARRIERS.**

11 (a) IN GENERAL.—Chapter 1 of title 17, United
12 States Code, is amended by inserting after section 119 the
13 following:

14 **“§ 119A. Clarification of exclusive rights: secondary**
15 **transmissions of distant network signals**
16 **for private home viewing by certain sat-**
17 **ellite carriers.**

18 “(a) STATUTORY LICENSE GRANTED.—Notwith-
19 standing any injunction issued under section
20 119(a)(7)(B), a satellite carrier is granted a statutory li-
21 cense to provide a secondary transmission of a perform-
22 ance or display of a work embodied in a primary trans-
23 mission made by a network station in accordance with the
24 provisions of this section.

25 “(b) SIGNIFICANTLY VIEWED SIGNALS.—Under the
26 statutory license granted by subsection (a), a satellite car-

1 rier may provide a secondary transmission of a primary
2 transmission made by a network station as provided under
3 section 119(a)(2)(C)(i).”.

4 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—
5 The table of sections for chapter 1 of title 17, United
6 States Code, is amended by inserting after the item relat-
7 ing to section 119 the following:

“119A. Clarification of exclusive rights: secondary transmissions of distant net-
work signals for private home viewing by certain satellite car-
riers”.

8 **SEC. 6. EFFECTIVE DATE.**

9 This Act and the amendments made by this Act shall
10 take effect on the date of the enactment of this Act.

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