

116TH CONGRESS
1ST SESSION

H. R. 5035

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

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
8 (47 U.S.C. 325(b)) is amended—

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

(2) in paragraph (3)(C), by striking “January 1, 2020” each place it appears and inserting “January 1, 2025”.

SEC. 3. SATISFACTION OF GOOD FAITH NEGOTIATION REQUIREMENT BY MULTICHANNEL VIDEO PROGRAMMING DISTRIBUTORS.

(a) SATISFACTION OF GOOD FAITH NEGOTIATION REQUIREMENT.—Section 325(b)(3)(C) of the Communications Act of 1934 (47 U.S.C. 325(b)(3)(C)) is amended—

(1) in clause (iv), by striking “; and” and inserting a semicolon;

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

(3) by adding at the end the following:

“(vi) not later than 90 days after the date of the enactment of the Television Viewer Protection Act of 2019, specify that a multichannel video programming distributor may satisfy its obligation to negotiate in good faith under clause (iii) with respect to a negotiation for retransmission consent

1 under this section with a large station group or a
2 television broadcast station by designating a quali-
3 fied MVPD buying group to negotiate on its behalf,
4 so long as the qualified MVPD buying group itself
5 negotiates in good faith in accordance with such
6 clause.”.

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

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

11 (2) in subparagraph (B), by striking the period
12 at the end and inserting a semicolon; and

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

14 “(C) ‘qualified MVPD buying group’ means an
15 entity that, with respect to a negotiation with a
16 large station group or television broadcast station
17 for retransmission consent under this section—

18 “(i) negotiates on behalf of two or more
19 multichannel video programming distributors—

20 “(I) none of which is a multichannel
21 video programming distributor that serves
22 more than 1,000,000 subscribers nation-
23 ally; and

24 “(II) that do not collectively serve
25 more than 35 percent of all households

1 served by a multichannel video program-
2 ming distributor in any single local market
3 in which the applicable large station group
4 or television broadcast station operates;
5 and

6 “(ii) negotiates agreements for such re-
7 transmission consent—

8 “(I) that contain standardized con-
9 tract provisions, including billing struc-
10 tures and technical quality standards, for
11 each multichannel video programming dis-
12 tributor on behalf of which the entity nego-
13 tiates; and

14 “(II) under which the entity assumes
15 liability to remit to the applicable large
16 station group or television broadcast sta-
17 tion all fees received from the multichannel
18 video programming distributors on behalf
19 of which the entity negotiates;

20 “(D) ‘large station group’ means a group of tel-
21 evision broadcast stations that—

22 “(i) are directly or indirectly under com-
23 mon de jure control permitted by the regula-
24 tions of the Commission;

1 “(ii) generally negotiate agreements for re-
2 transmission consent under this section as a
3 single entity; and

4 “(iii) include, with respect to at least five
5 different local markets, at least one television
6 broadcast station ranked among the top four
7 stations, based on audience share, as measured
8 by Nielsen Media Research or by any com-
9 parable professional, accepted audience ratings
10 service;

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

14 “(F) ‘multichannel video programing dis-
15 tributor’ has the meaning given such term in section
16 602.”.

17 (c) CONFORMING AMENDMENTS.—Section 325(b) of
18 the Communications Act of 1934 (47 U.S.C. 325(b)) is
19 amended—

20 (1) in paragraph (2)—

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

22 (B) by striking “, and the term ‘local mar-
23 ket’ has the meaning given that term in section
24 122(j) of such title”; and

1 (2) in paragraph (3)(C), by striking “(as de-
2 fined in section 122(j) of title 17, United States
3 Code)” each place it appears.

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

6 (a) IN GENERAL.—Title VII of the Communications
7 Act of 1934 (47 U.S.C. 601 et seq.) is amended by adding
8 at the end the following:

9 **“SEC. 723. REQUIREMENTS RELATING TO CHARGES FOR**
10 **COVERED SERVICES.**

11 “(a) TRANSPARENCY IN ADVERTISING.—

12 “(1) IN GENERAL.—A provider of a covered
13 service may not advertise the price of the covered
14 service unless the advertised price is the total
15 amount that the provider will charge for or relating
16 to the provision of the covered service, including any
17 related taxes, administrative fees, equipment rental
18 fees, or other charges, to a consumer who accepts
19 the offer made in the advertisement.

20 “(2) EXCEPTION.—Paragraph (1) does not re-
21 quire a provider of a covered service to include in
22 the advertised price of the covered service any tax,
23 fee, or other charge that—

24 “(A) the provider is required to charge
25 under any provision of Federal law or of the

1 law of a State or political subdivision of a
2 State; and

3 “(B) is not uniform throughout the United
4 States.

5 “(b) TRANSPARENCY IN E-BILLING.—If a provider
6 of a covered service provides a bill to a consumer in an
7 electronic format, the provider shall include in the bill and
8 in any notification that the bill is available—

9 “(1) an itemized statement that breaks down
10 the total amount charged for or relating to the pro-
11 vision of the covered service by the amount charged
12 for the provision of the service itself and the amount
13 of any related taxes, administrative fees, equipment
14 rental fees, or other charges, in the same level of de-
15 tail as would be provided in a paper bill; and

16 “(2) the termination date of the contract for
17 the provision of the covered service entered into be-
18 tween the consumer and the provider.

19 “(c) REQUIREMENTS FOR INCREASES IN CHARGES.—

20 “(1) IN GENERAL.—In the case of a provider of
21 a covered service that enters into a contract with a
22 consumer for the provision of a covered service, if
23 the provider increases the total amount charged for
24 or relating to the provision of the service under the
25 contract, regardless of the amount of the increase or

1 whether the increase is in the amount charged for
2 the provision of the service itself or in any related
3 taxes, administrative fees, equipment rental fees, or
4 other charges, the provider shall—

5 “(A) provide the consumer with clear no-
6 tice of the increase not later than 21 days be-
7 fore the increase takes effect, in the same man-
8 ner in which the provider provides to the con-
9 sumer a notification that the consumer’s bill is
10 available (or, if no separate notification is pro-
11 vided, in the same manner as the provider pro-
12 vides the consumer’s bill to the consumer); and

13 “(B) unless the increase is the result of an
14 increase in a tax, fee, or other charge that the
15 provider is required to charge under any provi-
16 sion of Federal law or of the law of a State or
17 political subdivision of a State, or an additional
18 such tax, fee, or other charge, permit the con-
19 sumer to terminate the contract without paying
20 any early termination fee or other penalty.

21 “(2) EXCEPTION FOR ADDITIONAL OR UP-
22 GRADED SERVICE REQUESTED BY CONSUMER.—
23 Paragraph (1) does not apply with respect to an in-
24 crease resulting from the provision, at the request of

1 the consumer, of a service that is in addition to, or
2 an upgrade of, a service covered by the contract.

3 “(d) EQUIPMENT CHARGES.—A provider of a covered
4 service may not charge a consumer for—

5 “(1) using covered equipment provided by the
6 consumer; or

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

9 “(A) the provider has not provided the
10 equipment to the consumer; or

11 “(B) the consumer has returned the equip-
12 ment to the provider, except to the extent that
13 the charge relates to the period beginning on
14 the date when the provider provided the equip-
15 ment to the consumer and ending on the date
16 when the consumer returned the equipment to
17 the provider.

18 “(e) DEFINITIONS.—In this section:

19 “(1) COVERED EQUIPMENT.—The term ‘cov-
20 ered equipment’ means equipment (such as a router)
21 employed on the premises of a person (other than a
22 provider of a covered service) to provide a covered
23 service.

24 “(2) COVERED SERVICE.—The term ‘covered
25 service’—

1 “(A) means—

2 “(i) internet access service;

3 “(ii) voice service (as defined in sec-
4 tion 227(e)(8));

5 “(iii) commercial mobile service (as
6 defined in section 332);

7 “(iv) commercial mobile data service
8 (as defined in section 6001 of the Middle
9 Class Tax Relief and Job Creation Act of
10 2012 (47 U.S.C. 1401)); and

11 “(v) service provided by a multi-
12 channel video programming distributor (as
13 defined in section 602), to the extent such
14 distributor is acting as a multichannel
15 video programming distributor; and

16 “(B) includes any other service offered or
17 provided as part of a bundle or package with
18 any service referred to in subparagraph (A).

19 “(3) INTERNET ACCESS SERVICE.—The term
20 ‘internet access service’—

21 “(A) means a mass-market retail service
22 by wire or radio that provides the capability to
23 transmit data to and receive data from all or
24 substantially all internet endpoints, including
25 any capabilities that are incidental to and en-

1 able the operation of the communications serv-
2 ice; and

3 “(B) also includes any service that—

4 “(i) the Commission finds to be pro-
5 viding a functional equivalent of the service
6 described in subparagraph (A); or

7 “(ii) is used to evade the protections
8 set forth in this section.”.

9 (b) TRANSITIONAL RULE RELATING TO DEFINITION
10 OF VOICE SERVICE.—Subsection (e)(2)(A)(ii) of section
11 723 of the Communications Act of 1934, as added by sub-
12 section (a) of this section, shall apply before the effective
13 date of the amendment made to subsection (e)(8) of sec-
14 tion 227 of such Act (47 U.S.C. 227) by subparagraph
15 (C) of section 503(a)(2) of division P of the Consolidated
16 Appropriations Act, 2018 (Public Law 115–141) as if
17 such amendment was already in effect.

18 (c) EFFECTIVE DATE.—Section 723 of the Commu-
19 nications Act of 1934, as added by subsection (a) of this
20 section, shall apply beginning on the date that is 180 days
21 after the date of the enactment of this Act, except that
22 subsection (c) of such section 723 shall not apply with re-
23 spect to a contract entered into, and as in effect, before

- 1 the date that is 180 days after the date of the enactment
- 2 of this Act.

