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
4 SECTION 1. SHORT TITLE.
5 This Act may be cited as the “Television Viewer Pro-
6 tec tion Act of 2019”.
7 SEC. 2. EXTENSION OF AUTHORITY.
8 Section 325(b) of the Communications Act of 1934
9 (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 MULTICHLANL 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
under this section with a large station group or a
television broadcast station by designating a qual-
ified MVPD buying group to negotiate on its behalf,
so long as the qualified MVPD buying group itself
negotiates in good faith in accordance with such
clause.”.

(b) DEFINITIONS.—Section 325(b)(7) of the Commu-
ications Act of 1934 (47 U.S.C. 325(b)(7)) is amended—
(1) in subparagraph (A), by striking “; and”
and inserting a semicolon;
(2) in subparagraph (B), by striking the period
at the end and inserting a semicolon; and
(3) by adding at the end the following:
“(C) ‘qualified MVPD buying group’ means an
entity that, with respect to a negotiation with a
large station group or television broadcast station
for retransmission consent under this section—
“(i) negotiates on behalf of two or more
multichannel video programming distributors—
“(I) none of which is a multichannel
video programming distributor that serves
more than 1,000,000 subscribers nation-
ally; and
“(II) that do not collectively serve
more than 35 percent of all households
served by a multichannel video programming distributor in any single local market in which the applicable large station group or television broadcast station operates; and

“(ii) negotiates agreements for such retransmission consent—

“(I) that contain standardized contract provisions, including billing structures and technical quality standards, for each multichannel video programming distributor on behalf of which the entity negotiates; and

“(II) under which the entity assumes liability to remit to the applicable large station group or television broadcast station all fees received from the multichannel video programming distributors on behalf of which the entity negotiates;

“(D) ‘large station group’ means a group of television broadcast stations that—

“(i) are directly or indirectly under common de jure control permitted by the regulations of the Commission;
“(ii) generally negotiate agreements for re-
transmission consent under this section as a
single entity; and

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

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

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

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

(1) in paragraph (2)—

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

(B) by striking “, and the term ‘local mar-
ket’ has the meaning given that term in section
122(j) of such title”; and
(2) in paragraph (3)(C), by striking “(as defined in section 122(j) of title 17, United States Code)” each place it appears.

SEC. 4. REQUIREMENTS RELATING TO CHARGES FOR COVERED SERVICES.

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

“SEC. 723. REQUIREMENTS RELATING TO CHARGES FOR COVERED SERVICES.

“(a) TRANSPARENCY IN ADVERTISING.—

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

“(2) EXCEPTION.—Paragraph (1) does not require a provider of a covered service to include in the advertised price of the covered service any tax, fee, or other charge that—

“(A) the provider is required to charge under any provision of Federal law or of the
law of a State or political subdivision of a State; and

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

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

“(1) an itemized statement that breaks down the total amount charged for or relating to the provision of the covered service by the amount charged for the provision of the service itself and the amount of any related taxes, administrative fees, equipment rental fees, or other charges, in the same level of detail as would be provided in a paper bill; and

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

“(c) REQUIREMENTS FOR INCREASES IN CHARGES.—

“(1) IN GENERAL.—In the case of a provider of a covered service that enters into a contract with a consumer for the provision of a covered service, if the provider increases the total amount charged for or relating to the provision of the service under the contract, regardless of the amount of the increase or
whether the increase is in the amount charged for
the provision of the service itself or in any related
taxes, administrative fees, equipment rental fees, or
other charges, the provider shall—

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

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

“(2) EXCEPTION FOR ADDITIONAL OR UP-
GRADED SERVICE REQUESTED BY CONSUMER.—
Paragraph (1) does not apply with respect to an in-
crease resulting from the provision, at the request of
the consumer, of a service that is in addition to, or an upgrade of, a service covered by the contract.

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

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

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

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

“(B) the consumer has returned the equipment to the provider, except to the extent that the charge relates to the period beginning on the date when the provider provided the equipment to the consumer and ending on the date when the consumer returned the equipment to the provider.

“(e) DEFINITIONS.—In this section:

“(1) COVERED EQUIPMENT.—The term ‘covered equipment’ means equipment (such as a router) employed on the premises of a person (other than a provider of a covered service) to provide a covered service.

“(2) COVERED SERVICE.—The term ‘covered service’—
“(A) means—

“(i) internet access service;

“(ii) voice service (as defined in section 227(e)(8));

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

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

“(v) service provided by a multichannel video programming distributor (as defined in section 602), to the extent such distributor is acting as a multichannel video programming distributor; and

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

“(3) Internet access service.—The term ‘internet access service’—

“(A) means a mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all internet endpoints, including any capabilities that are incidental to and en-
able the operation of the communications serv-

ice; and

“(B) also includes any service that—

“(i) the Commission finds to be pro-

viding a functional equivalent of the service

described in subparagraph (A); or

“(ii) is used to evade the protections

set forth in this section.”.

(b) TRANSITIONAL RULE RELATING TO DEFINITION

of Voice Service.—Subsection (e)(2)(A)(ii) of section

723 of the Communications Act of 1934, as added by sub-

section (a) of this section, shall apply before the effective

date of the amendment made to subsection (e)(8) of sec-

tion 227 of such Act (47 U.S.C. 227) by subparagraph

(C) of section 503(a)(2) of division P of the Consolidated

Appropriations Act, 2018 (Public Law 115–141) as if

such amendment was already in effect.

(c) EFFECTIVE DATE.—Section 723 of the Commu-

nications Act of 1934, as added by subsection (a) of this

section, shall apply beginning on the date that is 180 days

after the date of the enactment of this Act, except that

subsection (c) of such section 723 shall not apply with re-

spect to a contract entered into, and as in effect, before

the date that is 180 days after the date of the enactment

of this Act.