

Union Calendar No. 282

116TH CONGRESS
1ST SESSION

H. R. 5140

[Report No. 116-354]

To amend title 17, United States Code, to narrow the category of households eligible to receive signals under a distant-signal satellite license, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2019

Mr. NADLER introduced the following bill; which was referred to the
Committee on the Judiciary

DECEMBER 17, 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 italics]

[For text of introduced bill, see copy of bill as introduced on November 18, 2019]

A BILL

To amend title 17, United States Code, to narrow the category of households eligible to receive signals under a distant-signal satellite license, 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 “Satellite Television Com-*
5 *munity Protection and Promotion Act of 2019”.*

6 **SEC. 2. ELIGIBILITY TO RECEIVE SIGNALS UNDER A DIS-**
7 **TANT-SIGNAL SATELLITE LICENSE.**

8 *(a) IN GENERAL.—Section 119 of title 17, United*
9 *States Code, is amended—*

10 *(1) in subsection (a)—*

11 *(A) in paragraph (2)—*

12 *(i) in subparagraph (A)—*

13 *(I) by striking “signals, and” and*
14 *inserting “signals,”;*

15 *(II) by inserting “, and the car-*
16 *rier provides local-into-local service to*
17 *all DMAs” after “receiving the sec-*
18 *ondary transmission”;* and

19 *(III) by adding at the end the fol-*
20 *lowing new sentence: “Failure to reach*
21 *an agreement with network stations to*
22 *retransmit their signals shall not be*
23 *construed to affect compliance with*
24 *providing local-into-local service to all*
25 *DMAs if the satellite carrier has the*

1 *capability to retransmit such signals*
2 *when an agreement is reached.”; and*
3 *(ii) in subparagraph (B)—*

4 (I) *by striking clauses (ii) and*
5 *(iii); and*

6 (II) *by adding at the end the fol-*
7 *lowing:*

8 “(i) *SHORT MARKETS.—In the case of*
9 *secondary transmissions to households lo-*
10 *cated in short markets, subject to clause (i),*
11 *the statutory license shall be further limited*
12 *to secondary transmissions of only those*
13 *primary transmissions of network stations*
14 *that embody the programming of networks*
15 *not offered on the primary stream or the*
16 *multicast stream transmitted by any net-*
17 *work station in that market.”; and*

18 (iii) *by adding at the end the fol-*
19 *lowing:*

20 “(D) *TEMPORARY AND LIMITED USE OF LI-*
21 *CENSE.—*

22 “(i) *IN GENERAL.—Notwithstanding*
23 *the requirement under subparagraph (A)*
24 *that a satellite carrier provide local-into-*
25 *local service to all DMAs before making a*

1 *secondary transmission under the license*
2 *under this section, a satellite carrier that*
3 *does not provide local-into-local service to*
4 *all DMAs may make a covered transmission*
5 *under such license if not later than 180*
6 *days after the date of the enactment of the*
7 *Satellite Television Community Protection*
8 *and Promotion Act of 2019 the satellite car-*
9 *rier—*

10 *“(I) demonstrates that it has*
11 *acted reasonably and made a good*
12 *faith effort to provide local-into-local*
13 *service to all DMAs and that it will*
14 *continue to make a good faith effort to*
15 *provide local-into-local service to all*
16 *DMAs; and*

17 *“(II) files a Notice of Temporary*
18 *Limited Use with the Copyright Office*
19 *in accordance with clause (ii).*

20 *“(ii) NOTICE OF TEMPORARY LIMITED*
21 *USE.—A Notice of Temporary Limited Use*
22 *filed with the Copyright Office under this*
23 *subparagraph shall contain—*

24 *“(I) an affirmation that the car-*
25 *rier intends to make covered trans-*

1 missions under the license under this
2 section despite not providing local-
3 into-local service to all DMAs;

4 “(II) a signed statement that the
5 satellite carrier acted reasonably and
6 made good faith efforts to provide
7 local-into-local service to all DMAs;

8 “(III) a list of the designated
9 market areas with respect to which no
10 local-into-local service is provided by
11 the satellite carrier; and

12 “(IV) a summary of actions taken
13 by the satellite carrier to make ar-
14 rangements to provide local-into-local
15 service to all DMAs.

16 “(iii) *PERIOD OF TEMPORARY AND*
17 *LIMITED LICENSE.—*

18 “(I) *INITIAL 90-DAY PERIOD.—A*
19 *satellite carrier that meets the require-*
20 *ments of this subparagraph may use*
21 *the license under this section to make*
22 *covered transmissions for a 90-day pe-*
23 *riod beginning on the date such carrier*
24 *files a Notice of Temporary Limited*
25 *Use with the Copyright Office.*

1 “(II) *ADDITIONAL PERIODS.*—*The*
2 *initial 90-day period described under*
3 *clause (I) may be extended for addi-*
4 *tional periods of 90 days if the satellite*
5 *carrier files a new Notice of Tem-*
6 *porary Limited Use with the Copy-*
7 *right Office on or before the last day of*
8 *such initial period, and each successive*
9 *90-day period thereafter.*

10 “(iv) *AUDIT AND VERIFICATION OF NO-*
11 *TICES.*—*The Register of Copyrights shall*
12 *issue regulations that are similar in nature*
13 *to the regulations issued under subsection*
14 *(b)(2) to permit interested parties to verify*
15 *and audit Notices of Temporary Limited*
16 *Use filed by satellite carriers under this*
17 *subparagraph.*

18 “(v) *CHALLENGE.*—*Any owner of a*
19 *network station for which the primary*
20 *stream or multicast stream of that network*
21 *would have been transmitted by a satellite*
22 *carrier under the license under this section*
23 *but for the failure of that satellite carrier to*
24 *provide local-into-local service to all DMAs*
25 *may bring a civil action to challenge the*

1 *sufficiency of the reasonable actions and*
2 *good faith efforts of that satellite carrier to*
3 *provide local-into-local service to all DMAs,*
4 *as such actions and efforts are described in*
5 *the applicable Notice of Temporary Limited*
6 *Use.*

7 “(vi) *COVERED TRANSMISSION DE-*
8 *FINED.—In this subparagraph, the term*
9 *‘covered transmission’ means a secondary*
10 *transmission of a primary transmission*
11 *made by a network station to an unserved*
12 *household.”.*

13 *(B) by striking paragraphs (3), (6)(E), (9),*
14 *(10), and (13); and*

15 *(C) by redesignating paragraphs (4), (5),*
16 *(6), (7), (8), (11), (12), and (14) as paragraphs*
17 *(3) through (10), respectively;*

18 *(2) in subsection (c)(1)(E)—*

19 *(A) by striking the comma after “in the*
20 *agreement”;*

21 *(B) by striking “until December 31, 2019,*
22 *or”;* and

23 *(C) by striking “, whichever is later” and*
24 *inserting “until the subscriber for which the roy-*
25 *alty is payable is no longer eligible to receive a*

1 *secondary transmission pursuant to the license*
 2 *under this section”;*

3 (3) *in subsection (d)—*

4 (A) *in paragraph (10)—*

5 (i) *in subparagraph (D), by striking*
 6 *“subsection (a)(11)” and inserting “sub-*
 7 *section (a)(8)”;*

8 (ii) *by striking subparagraphs (A),*
 9 *(B), (C), and (E);*

10 (iii) *by redesignating subparagraph*
 11 *(D) as subparagraph (A); and*

12 (iv) *by adding at the end the following:*
 13 *“(B) is a subscriber located in a short mar-*
 14 *ket.”;*

15 (B) *by striking paragraph (13);*

16 (C) *by redesignating paragraphs (14) and*
 17 *(15) as paragraphs (13) and (14), respectively;*
 18 *and*

19 (D) *by adding at the end the following:*

20 “(15) *LOCAL-INTO-LOCAL SERVICE TO ALL*
 21 *DMAS.—The term ‘local-into-local service to all*
 22 *DMAs’ has the meaning given such term in subsection*
 23 *(f)(7).*

24 “(16) *SHORT MARKET.—The term ‘short market’*
 25 *means a local market in which programming of one*

1 or more of the four most widely viewed television net-
 2 works nationwide is not offered on either the primary
 3 stream or multicast stream transmitted by any net-
 4 work station in that market.”;

5 (4) by striking subsections (e) and (h); and

6 (5) by redesignating subsections (f) and (g) as
 7 subsections (e) and (f).

8 (b) *PREVIOUSLY COVERED SUBSCRIBERS UNDER THE*
 9 *STELA REAUTHORIZATION ACT OF 2014.*—

10 (1) *IN GENERAL.*—A subscriber of a satellite car-
 11 rier who receives the secondary transmission of a net-
 12 work station under the statutory license in section
 13 119 of title 17, United States Code, as in effect on the
 14 day before the date of the enactment of this Act, and
 15 to whom subsection (a)(2)(B) of such section, as
 16 amended by subsection (a), does not apply, shall con-
 17 tinue to be eligible to receive that secondary trans-
 18 mission from such carrier under such license, and at
 19 the royalty rate established for such license by the
 20 Copyright Royalty Board or voluntary agreement, as
 21 applicable, until the date that is the earlier of—

22 (A) 180 days after the date of the enactment
 23 of this Act; or

24 (B) the date on which such carrier provides
 25 local-into-local service to all DMAs.

1 (2) *DEFINITIONS.*—*In this subsection, the terms*
2 *“satellite carrier”, “subscriber”, “secondary trans-*
3 *mission”, “network station”, and “local-into-local*
4 *service to all DMAs” have the meaning given those*
5 *terms in section 119 of title 17, United States Code.*

6 (c) *CONFORMING AMENDMENTS.*—*Title 17, United*
7 *States Code, is further amended—*

8 (1) *in section 119, as amended by subsection*
9 *(a)—*

10 (A) *in subsection (a)—*

11 (i) *in paragraph (1), by striking*
12 *“paragraphs (4), (5), and (7)” and insert-*
13 *ing “paragraphs (3), (4), and (6)”;* and

14 (ii) *in paragraph (2), by striking*
15 *“paragraphs (4), (5), (6), and (7)” and in-*
16 *serting “paragraphs (3), (4), (5), and (6)”;*
17 and

18 (B) *in subsection (g), by striking “sub-*
19 *section (a)(7)(B)” each place it appears and in-*
20 *serting “subsection (a)(5)(B)”;* and

21 (2) *in section 501(e), by striking “section*
22 *119(a)(5)” and inserting “section 119(a)(3)”.*

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