

116TH CONGRESS  
1ST SESSION

# H. R. 5035

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Television Viewer Pro-  
3 tection Act of 2019”.

4 **SEC. 2. EXTENSION OF AUTHORITY.**

5 Section 325(b) of the Communications Act of 1934  
6 (47 U.S.C. 325(b)) is amended—

7 (1) in paragraph (2)(C), by striking “December  
8 31, 2019” and inserting “the expiration date, if any,  
9 described in section 119(h) of title 17, United States  
10 Code”; and

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

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

16 (a) SATISFACTION OF GOOD FAITH NEGOTIATION  
17 REQUIREMENT.—Section 325(b)(3)(C) of the Commu-  
18 nications Act of 1934 (47 U.S.C. 325(b)(3)(C)) is amend-  
19 ed—

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

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

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

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

4                   “(I) a multichannel video programming  
5           distributor may satisfy its obligation to nego-  
6           tiate in good faith under clause (iii) with re-  
7           spect to a negotiation for retransmission con-  
8           sent under this section with a large station  
9           group by designating a qualified MVPD buying  
10          group to negotiate on its behalf, so long as the  
11          qualified MVPD buying group itself negotiates  
12          in good 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  
20          into 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  
12 large station group for retransmission consent under  
13 this 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  
21 more than 25 percent of all households  
22 served by a multichannel video program-  
23 ming distributor in any single local market  
24 in which the applicable large station group  
25 operates; and

1           “(ii) negotiates agreements for such re-  
2           transmission consent—

3           “(I) that contain standardized con-  
4           tract provisions, including billing struc-  
5           tures and technical quality standards, for  
6           each multichannel video programming dis-  
7           tributor on behalf of which the entity nego-  
8           tiates; and

9           “(II) under which the entity assumes  
10          liability to remit to the applicable large  
11          station group all fees received from the  
12          multichannel video programming distribu-  
13          tors on behalf of which the entity nego-  
14          tiates;

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

17               “(i) are directly or indirectly under com-  
18               mon de jure control permitted by the regula-  
19               tions of the Commission;

20               “(ii) generally negotiate agreements for re-  
21               transmission consent under this section as a  
22               single entity; and

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

1           “(E) ‘local market’ has the meaning given such  
2       term in section 122(j) of title 17, United States  
3       Code; 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  
8       the Communications Act of 1934 (47 U.S.C. 325(b)) is  
9       amended—

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 de-  
16       fined in section 122(j) of title 17, United States  
17       Code)” each place it appears.

18       (d) EFFECTIVE DATE.—The amendments made by  
19       this section, and the regulations promulgated by the Fed-  
20       eral Communications Commission under such amend-  
21       ments, shall not take effect before January 1 of the cal-  
22       endar year after the calendar year in which this Act is  
23       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 enter-  
10 ing into a contract with a consumer for the provision  
11 of a covered service, a provider of a covered service  
12 shall provide the consumer, by phone, in person, on-  
13 line, or by other reasonable means, the total monthly  
14 charge for the covered service, whether offered indi-  
15 vidually or as part of a bundled service, selected by  
16 the consumer (explicitly noting the amount of any  
17 applicable promotional discount reflected in such  
18 charge and when such discount will expire), includ-  
19 ing any related administrative fees, equipment fees,  
20 or other charges, a good faith estimate of any tax,  
21 fee, or charge imposed by the Federal Government  
22 or a State or local government (whether imposed on  
23 the provider or imposed on the consumer but col-  
24 lected by the provider), and a good faith estimate of  
25 any fee or charge that is used to recover any other

1 assessment imposed on the provider by the Federal  
2 Government or a State or local government.

3 “(2) RIGHT TO FORMAL NOTICE.—A provider  
4 of a covered service that enters into a contract de-  
5 scribed in paragraph (1) shall, not later than 24  
6 hours after entering into the contract, send the con-  
7 sumer, by email, online link, or other reasonably  
8 comparable means, a copy of the information de-  
9 scribed in such 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  
13 the contract, without paying early cancellation fees  
14 or other disconnection fees or penalties, during the  
15 24-hour period beginning when the provider of the  
16 covered service sends the copy required by para-  
17 graph (2).

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

22 “(1) an itemized statement that breaks down  
23 the total amount charged for or relating to the pro-  
24 vision of the covered service by the amount charged  
25 for the provision of the service itself and the amount



1 of all related taxes, administrative fees, equipment  
2 fees, or other charges;

3 “(2) the termination date of the contract for  
4 the provision of the covered service entered into be-  
5 tween the consumer and the provider; and

6 “(3) the termination date of any applicable pro-  
7 motional discount.

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

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

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

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

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

25 “(d) DEFINITIONS.—In this section:

1           “(1) BROADBAND INTERNET ACCESS SERV-  
2       ICE.—The term ‘broadband internet access service’  
3       has the meaning given such term in section 8.1(b)  
4       of title 47, Code of Federal Regulations, or any suc-  
5       cessor regulation.

6           “(2) COVERED EQUIPMENT.—The term ‘cov-  
7       ered equipment’ means equipment (such as a router)  
8       employed on the premises of a person (other than a  
9       provider of a covered service or fixed broadband  
10      internet access service) to provide a covered service  
11      or to provide fixed broadband internet access service.

12          “(3) COVERED SERVICE.—The term ‘covered  
13      service’ means service provided by a multichannel  
14      video programming distributor, to the extent such  
15      distributor is acting as a multichannel video pro-  
16      gramming distributor.”.

17      (b) EFFECTIVE DATE.—Section 642 of the Commu-  
18      nications Act of 1934, as added by subsection (a) of this  
19      section, shall apply beginning on the date that is 6 months  
20      after the date of the enactment of this Act. The Federal  
21      Communications Commission may grant an additional 6-

- 1 month extension if the Commission finds that good cause
- 2 exists for such an additional extension.

Passed the House of Representatives December 10,  
2019.

Attest:

*Clerk.*

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