

S 2799

Satellite Television Access and Viewer Rights Act

Congress: 113 (2013–2015, Ended)

Chamber: Senate

Policy Area: Science, Technology, Communications

Introduced: Sep 11, 2014

Current Status: By Senator Rockefeller from Committee on Commerce, Science, and Transportation filed written report.

Latest Action: By Senator Rockefeller from Committee on Commerce, Science, and Transportation filed written report. Report No. 113-322. (Dec 12, 2014)

Official Text: <https://www.congress.gov/bill/113th-congress/senate-bill/2799>

Sponsor

Name: Sen. Rockefeller, John D., IV [D-WV]

Party: Democratic • **State:** WV • **Chamber:** Senate

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Thune, John [R-SD]	R · SD		Sep 11, 2014

Committee Activity

Committee	Chamber	Activity	Date
Commerce, Science, and Transportation Committee	Senate	Reported By	Sep 17, 2014

Subjects & Policy Tags

Policy Area:

Science, Technology, Communications

Related Bills

Bill	Relationship	Last Action
113 HR 5728	Related bill	Dec 4, 2014: Became Public Law No: 113-200.
113 HR 4572	Related bill	Jul 29, 2014: Read twice and referred to the Committee on Commerce, Science, and Transportation.
113 HR 5036	Related bill	Jul 22, 2014: Placed on the Union Calendar, Calendar No. 410.
113 S 2454	Related bill	Jun 26, 2014: Placed on Senate Legislative Calendar under General Orders. Calendar No. 445.

Satellite Television Access and Viewer Rights Act - **Title I: Satellite Television** - (Sec. 101) Amends the Communications Act of 1934 to extend until December 31, 2019, the exemption from retransmission consent requirements (which prohibit cable systems or other multichannel video programming distributors [MVPDs] from retransmitting broadcasting station signals without the authority of the originating station) for satellite retransmissions of network station signals to subscribers located outside of a station's local market who reside in unserved households (commonly referred to as "distant signals"). Extends until January 1, 2020: (1) the prohibition on exclusive retransmission consent contracts, and (2) the requirement that television broadcast stations and MVPDs negotiate in good faith.

(Sec. 102) Limits the definition of "local market," in the case of both commercial and noncommercial television broadcast stations, to the designated market area in which a television broadcast station is located, including with respect to a commercial television broadcast station any modifications made by the Federal Communications Commission (FCC) under procedures set forth in this Act to add communities to or exclude communities from a station's local market following a written request. (Currently, the definition incorporates federal copyright laws that expand the definition of a local market to include all commercial television broadcast stations licensed to a community within the same designated market area, stations licensed to a community within the same designated market area as a noncommercial educational television broadcast station, and the county in which the station's community of license is located.)

Requires designated market areas, for purposes of determining a satellite carrier's obligations to carry local television signals, to be determined by Nielsen Media Research.

Allows the FCC, following a written request with respect to a particular commercial television broadcast station, to add communities to or exclude communities from a station's local market. Directs the FCC, in considering such requests, to afford particular attention to the value of localism by taking into account factors including: (1) whether the station has been carried historically within such community; (2) whether the station provides coverage or other local service to such community; (3) whether modifying the local market of the television station would promote consumers' access to television broadcast station signals that originate in their state of residence; (4) whether any other television station that is eligible to be carried by a satellite carrier in such community covers news, sporting, and other events of interest to the community; and (5) viewing patterns in households that subscribe and do not subscribe to MVPD services.

Permits the FCC to determine that communities are part of more than one local market.

Prohibits the FCC's market determinations from creating additional carriage obligations that are not technically and economically feasible for a satellite carrier by means of its satellites in operation at the time of the determination.

Prohibits a satellite carrier from deleting from carriage the signal of a commercial television broadcast station during the pendency of any such proceeding.

Requires the FCC's website to explain the market modification process, including information regarding: (1) who may petition to include communities within, or exclude communities from, a local market or television market; and (2) the factors the FCC takes into account.

Title II: Video Policy Reforms - (Sec. 201) Directs the FCC to commence a rulemaking proceeding to revise regulations governing the exercise by television broadcast stations of the right to grant retransmission consent. Requires such revised regulations to prohibit television broadcast stations, unless such stations are under common de jure control permitted by the FCC, from: (1) coordinating negotiations or negotiating on a joint basis with another television broadcast

station in the same local market to grant retransmission consent to an MVPD, and (2) limiting the ability of an MVPD to carry a television signal that has been deemed significantly viewed (or any other television broadcast signal such distributor is authorized to carry under current laws governing the carriage of local, distant, or significantly viewed television signals by satellite carriers or the carriage of local commercial television signals by cable operators) into the local market of such station.

Directs the FCC to review and update its totality of the circumstances test for good faith negotiations to ensure that the test encourages parties to a retransmission consent negotiation to present bona fide proposals and engage in timely negotiations.

(Sec. 202) Requires the FCC's annual report on cable rates to include the aggregate average total amount that cable systems pay for retransmission consent.

(Sec. 203) Terminates on the date that is two years after this Act's enactment the FCC's set-top box integration ban that prohibits MVPDs from placing in service new navigation devices that perform both conditional access and other functions in a single integrated device. Directs the FCC to convene a working group to identify and recommend standards for a not unduly burdensome, uniform, technology-neutral, software-based, downloadable security system that promotes the competitive availability of such devices.

(Sec. 204) Requires the FCC to establish a streamlined process for the filing of effective competition petitions (if the FCC finds that a cable system is subject to effective competition, the rates for the provision of cable service by such system are not subject to regulation by the FCC, states, or franchising authorities) by small cable operators, particularly those that serve primarily rural areas. Prohibits this Act from being construed to have any effect on the duty of a small cable operator to prove the existence of effective competition.

(Sec. 205) Requires the FCC to submit to Congress: (1) an analysis of consumers' access to broadcast programming from television broadcast stations located outside their local market, (2) alternatives to designated market areas to provide consumers with more local programming options, and (3) recommendations to increase localism in counties served by out-of-state designated market areas.

Title III: Miscellaneous - Directs the FCC to prescribe regulations to implement this Act. Provides that if any provision of this Act is held to be unconstitutional, the other provisions shall not be affected.

Actions Timeline

- **Dec 12, 2014:** By Senator Rockefeller from Committee on Commerce, Science, and Transportation filed written report. Report No. 113-322.
- **Sep 17, 2014:** Committee on Commerce, Science, and Transportation. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Sep 17, 2014:** Committee on Commerce, Science, and Transportation. Reported by Senator Rockefeller with an amendment in the nature of a substitute. Without written report.
- **Sep 17, 2014:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 569.
- **Sep 11, 2014:** Introduced in Senate
- **Sep 11, 2014:** Read twice and referred to the Committee on Commerce, Science, and Transportation.

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