

HR 5728

STELA Reauthorization Act of 2014

Congress: 113 (2013–2015, Ended)

Chamber: House

Policy Area: Science, Technology, Communications

Introduced: Nov 18, 2014

Current Status: Became Public Law No: 113-200.

Latest Action: Became Public Law No: 113-200. (Dec 4, 2014)

Law: 113-200 (Enacted Dec 4, 2014)

Official Text: <https://www.congress.gov/bill/113th-congress/house-bill/5728>

Sponsor

Name: Rep. Upton, Fred [R-MI-6]

Party: Republican • **State:** MI • **Chamber:** House

Cosponsors (3 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Eshoo, Anna G. [D-CA-18]	D · CA		Nov 18, 2014
Rep. Walden, Greg [R-OR-2]	R · OR		Nov 18, 2014
Rep. Waxman, Henry A. [D-CA-33]	D · CA		Nov 18, 2014

Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Referred To	Nov 18, 2014
Judiciary Committee	House	Referred to	Nov 19, 2014

Subjects & Policy Tags

Policy Area:

Science, Technology, Communications

Related Bills

Bill	Relationship	Last Action
113 S 2799	Related bill	Dec 12, 2014: By Senator Rockefeller from Committee on Commerce, Science, and Transportation filed written report. Report No. 113-322.
113 HR 4572	Related bill	Jul 29, 2014: Read twice and referred to the Committee on Commerce, Science, and Transportation.

(This measure has not been amended since it was introduced. The expanded summary of the House passed version is repeated here.)

STELA Reauthorization Act of 2014 - **Title I: Communications Provisions** - (Sec. 101) Amends the Communications Act of 1934 to reauthorize and revise provisions expiring under the Satellite Television Extension and Localism Act of 2010 (STELA). Extends until December 31, 2019, the exemption from retransmission consent requirements (which prohibit 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) 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 to afford particular attention to the value of localism by taking into account: (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.

(Sec. 103) Directs the FCC 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 its totality of the circumstances test for good faith negotiations.

(Sec. 104) Delays the FCC's amendments to joint sales agreement (JSA) rules under which a television station that sells

more than 15% of the weekly advertising time of another station in the same market is attributed an ownership interest subject to ownership limitations. Provides JSA parties an additional six months to comply with the amended rules.

(Sec. 105) Removes a prohibition against deletion or reposition of a local commercial television station during periods in which major television ratings services measure the size of local television station audiences (commonly referred to as "sweeps" weeks).

(Sec. 106) Terminates, one year 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 establish 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. 107) Requires a Comptroller General (GAO) report concerning changes to carriage requirements currently imposed on MVPDs that would be required or beneficial to consumers, if Congress implemented a phaseout of statutory compulsory licensing procedures (a licensing and royalty distribution system administered by the U.S. Copyright Office under which cable and satellite operators may retransmit programming, without negotiating with every copyright holder, by paying licensing royalties at statutorily-defined rates determined by Copyright Royalty Judges or by using a royalty-free license for the retransmission of local broadcasts) under federal copyright law.

(Sec. 108) Directs satellite carriers to submit annual reports to the FCC regarding: (1) the local markets in which television broadcast station signals are retransmitted with a community of license, and (2) the use and potential use of satellite capacity for the retransmission of local signals in each local market. Terminates such reporting requirements after each satellite carrier has submitted five reports.

(Sec. 109) 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 programming options, and (3) recommendations to increase localism in counties served by out-of-state designated market areas.

(Sec. 110) Requires the FCC's annual report on cable rates to include the aggregate average total amount that cable systems pay for retransmission consent.

(Sec. 111) 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.

Title II: Copyright Provisions - Amends federal copyright law to extend until December 31, 2019, the statutory license under which satellite carriers retransmit distant television broadcast stations to viewers who are unable to receive signals for such stations in their local market. (Currently, the statutory licensing authority for such satellite retransmissions is scheduled to expire on December 31, 2014.)

Expands the local service area for cable retransmissions of low power television stations.

Title III: Severability - Provides that if any provision of this Act is held to be unconstitutional, the other provisions shall not be affected.

Actions Timeline

- **Dec 4, 2014:** Signed by President.
- **Dec 4, 2014:** Became Public Law No: 113-200.
- **Nov 24, 2014:** Presented to President.
- **Nov 21, 2014:** Message on Senate action sent to the House.
- **Nov 20, 2014:** Passed/agreed to in Senate: Received in the Senate, read twice, considered, read the third time, and passed without amendment by Unanimous Consent.(consideration: CR S6219-6220)
- **Nov 20, 2014:** Received in the Senate, read twice, considered, read the third time, and passed without amendment by Unanimous Consent. (consideration: CR S6219-6220)
- **Nov 19, 2014:** Referred to the Subcommittee on Courts, Intellectual Property, and the Internet.
- **Nov 19, 2014:** Mr. Upton moved to suspend the rules and pass the bill.
- **Nov 19, 2014:** Considered under suspension of the rules. (consideration: CR H8081-8087)
- **Nov 19, 2014:** DEBATE - The House proceeded with forty minutes of debate on H.R. 5728.
- **Nov 19, 2014:** Passed/agreed to in House: On motion to suspend the rules and pass the bill Agreed to by voice vote.(text: CR H8081-8084)
- **Nov 19, 2014:** On motion to suspend the rules and pass the bill Agreed to by voice vote. (text: CR H8081-8084)
- **Nov 19, 2014:** Motion to reconsider laid on the table Agreed to without objection.
- **Nov 18, 2014:** Introduced in House
- **Nov 18, 2014:** Referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.