

112TH CONGRESS
1ST SESSION

S. 2008

To repeal certain provisions of the Communications Act of 1934, title 17 of the United States Code, and the regulations of the Federal Communications Commission that intervened in the television marketplace, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 16, 2011

Mr. DEMINT introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To repeal certain provisions of the Communications Act of 1934, title 17 of the United States Code, and the regulations of the Federal Communications Commission that intervened in the television marketplace, 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 “Next Generation Tele-
5 vision Marketplace Act of 2011”.

1 **SEC. 2. REPEAL OF REGULATORY INTERVENTION IN THE**
2 **TELEVISION MARKETPLACE UNDER THE**
3 **COMMUNICATIONS ACT OF 1934.**

4 (a) IN GENERAL.—The following sections of the
5 Communications Act of 1934 (47 U.S.C. 151 et seq.) are
6 repealed:

7 (1) Section 339 (47 U.S.C. 339).

8 (2) Section 340 (47 U.S.C. 340).

9 (3) Section 341 (47 U.S.C. 341).

10 (4) Section 342 (47 U.S.C. 342).

11 (5) Section 612 (47 U.S.C. 532).

12 (6) Section 614 (47 U.S.C. 534).

13 (7) Section 712 (47 U.S.C. 612).

14 (b) ADDITIONAL REPEAL.—

15 (1) IN GENERAL.—Section 325 of the Commu-
16 nications Act of 1934 is amended—

17 (A) by striking subsections (b) and (e);

18 and

19 (B) by redesignating subsections (e) and

20 (d) as subsections (b) and (c), respectively.

21 (2) TECHNICAL AND CONFORMING AMEND-

22 MENT.—Section 309(c)(2)(F) of the Communica-

23 tions Act of 1934 (47 U.S.C. 309(c)(2)(F)) is

24 amended by striking “section 325(c)” and inserting

25 “section 325(b)”.

1 (c) AMENDMENTS.—Section 338 of the Communica-
2 tions Act of 1934 (47 U.S.C. 338) is amended—

3 (1) in subsection (a)—

4 (A) in paragraph (1)—

5 (i) by striking “, under section 122 of
6 title 17, United States Code, secondary
7 transmissions” and inserting “signals of a
8 qualified noncommercial educational tele-
9 vision station”; and

10 (ii) by striking “a television broadcast
11 station” and all that follows through “sec-
12 tion 325(b).” and inserting “such station
13 shall carry upon request the signals of all
14 qualified noncommercial educational tele-
15 vision stations located within that local
16 market.”;

17 (B) by striking paragraphs (2) and (4);

18 (C) by redesignating paragraphs (3) and
19 (5) as paragraphs (2) and (3), respectively;

20 (D) in paragraph (2), as redesignated—

21 (i) by striking “whose signals” and all
22 that follows through “Code.”;

23 (ii) by striking “regardless” and all
24 that follows through “such title.”; and

25 (iii) by striking “of this section”; and

1 (E) in paragraph (3)(B), as redesignated,
2 by inserting “through the date before the date
3 of enactment of the Next Generation Television
4 Marketplace Act of 2011,” after “Act of 2010”
5 (2) in subsection (b)—

6 (A) in paragraph (1), by striking “(1)
7 COSTS.—A television broadcast station” and in-
8 serting “A qualified noncommercial educational
9 television station”; and

10 (B) by striking paragraph (2);

11 (3) in subsection (c)—

12 (A) by striking paragraph (1); and

13 (B) in paragraph (2)—

14 (i) by striking “(2) NONCOMMERCIAL
15 STATIONS.—The” and inserting “The”;
16 and

17 (ii) by striking “local noncommercial
18 television broadcast stations” and inserting
19 “qualified noncommercial educational tele-
20 vision stations”;

21 (4) in subsection (d)—

22 (A) by striking “local television broadcast
23 station” and inserting “qualified noncommercial
24 educational television station”;

1 (B) by striking “local television broadcast
2 stations” and inserting “qualified noncommer-
3 cial educational television station”; and

4 (C) by striking “contiguous channels” and
5 inserting “channels reasonably contiguous with
6 other television broadcast channels”;

7 (5) in subsection (e), by striking “local tele-
8 vision broadcast stations” and inserting “qualified
9 noncommercial educational television stations”;

10 (6) in subsection (f)(1)—

11 (A) in the first sentence—

12 (i) by striking “local television broad-
13 cast station” and inserting “qualified non-
14 commercial educational television station”;
15 and

16 (ii) by striking “of this section”; and

17 (B) in the third sentence, by striking
18 “local television broadcast station” and insert-
19 ing “qualified noncommercial educational tele-
20 vision station”;

21 (7) by striking subsections (g) and (h);

22 (8) by redesignating subsections (i), (j), and (k)
23 as subsections (g), (h), and (i), respectively;

24 (9) in subsection (g), as redesignated by para-
25 graph (8)—

1 (A) in paragraph (1)—

2 (i) by redesignating subparagraphs

3 (A) through (E) as clauses (i) through (v),

4 and adjusting the margins accordingly;

5 (ii) in the matter preceding clause (i),

6 as redesignated by clause (i)—

7 (I) by striking “At the time” and

8 inserting the following:

9 “(A) IN GENERAL.—At the time”; and

10 (II) by striking “which clearly”

11 and inserting “that clearly”;

12 (iii) in clause (v), as redesignated by

13 clause (i), by striking “this section” and

14 inserting “this subsection”; and

15 (iv) in the flush text following clause

16 (v), as redesignated by clause (i), by strik-

17 ing “In the case” and all that follows

18 through “this subsection” and insert the

19 following:

20 “(B) REQUIREMENT.—In the case of sub-

21 scribers who have entered into an agreement

22 described in subparagraph (A) before December

23 8, 2004”;

24 (B) in paragraph (2), by striking subpara-

25 graphs (A) and (B) and inserting the following:

1 “(A) the term ‘other service’ includes any
2 wire or radio communications service provided
3 using any of the facilities of a satellite carrier
4 that are used in the provision of satellite serv-
5 ice;

6 “(B) the term ‘personally identifiable in-
7 formation’ does not include any record of aggreg-
8 ate data which does not identify particular
9 persons; and”;

10 (C) in paragraph (7), in the matter pre-
11 ceeding subparagraph (A), by striking “this sec-
12 tion” and inserting “this subsection”; and

13 (D) in paragraph (8)—

14 (i) by striking “title” and inserting
15 “subsection”; and

16 (ii) by striking “section” and inserting
17 “subsection”;

18 (10) in subsection (h), as redesignated by para-
19 graph (8)—

20 (A) by striking “Within 1 year” and all
21 that follows through “The regulations” and in-
22 serting “The regulations”; and

23 (B) by striking “sections 614(b)(3) and
24 (4) and 615(g)(1) and (2)” and inserting
25 “paragraphs (1) and (2) of section 615(f)”; and

1 (11) in subsection (i), as redesignated by para-
2 graph (8)—

3 (A) in paragraph (1), by striking “which
4 contracts” and inserting “that contracts”;

5 (B) by striking paragraphs (2), (4), and
6 (8);

7 (C) by redesignating paragraph (3) as
8 paragraph (2);

9 (D) by redesignating paragraphs (5), (6),
10 (7), (9), and (10) as paragraphs (4), (5), (6),
11 (7), and (8), respectively;

12 (E) by inserting after paragraph (2), as re-
13 designated by subparagraph (C), the following:

14 “(3) LOCAL MARKET.—

15 “(A) IN GENERAL.—The term ‘local mar-
16 ket’, in the case of noncommercial television
17 broadcast stations, means the designated mar-
18 ket area in which a station is located, and, in
19 the case of a noncommercial educational tele-
20 vision broadcast station, the market includes
21 any station that is licensed to a community
22 within the same designated market area as the
23 noncommercial educational television broadcast
24 station.

1 “(B) COUNTY OF LICENSE.—In addition to
2 the area described in subparagraph (A), a sta-
3 tion’s local market includes the county in which
4 the station’s community of license is located.

5 “(C) DESIGNATED MARKET AREA.—For
6 purposes of subparagraph (A), the term ‘des-
7 ignated market area’ means a designated mar-
8 ket area, as determined by Nielsen Media Re-
9 search and published in the 1999–2000 Nielsen
10 Station Index Directory and Nielsen Station
11 Index United States Television Household Esti-
12 mates or any successor publication.

13 “(D) CERTAIN AREAS OUTSIDE OF ANY
14 DESIGNATED MARKET AREA.—Any census area,
15 borough, or other area in the State of Alaska
16 that is outside of a designated market area, as
17 determined by Nielsen Media Research, shall be
18 deemed to be part of one of the local markets
19 in the State of Alaska. A satellite carrier may
20 determine which local market in the State of
21 Alaska will be deemed to be the relevant local
22 market in connection with each subscriber in
23 such census area, borough, or other area.”;

24 (F) in paragraph (6), as redesignated by
25 subparagraph (D), by striking “has the mean-

1 ing” and all that follows and inserting “means
2 an entity that uses the facilities of a satellite or
3 satellite service licensed by the Commission and
4 operates in the Fixed-Satellite Service under
5 part 25 of title 47, Code of Federal Regula-
6 tions, or the Direct Broadcast Satellite Service
7 under part 100 of title 47, Code of Federal
8 Regulations, to establish and operate a channel
9 of communications for point-to-multipoint dis-
10 tribution of television station signals, and that
11 owns or leases a capacity or service on a sat-
12 ellite in order to provide such point-to-
13 multipoint distribution, except to the extent
14 that such entity provides such distribution pur-
15 suant to tariff under this Act, other than for
16 private home viewing pursuant to this section.”;

17 (G) in paragraph (7), as redesignated by
18 subparagraph (D), by striking “has the mean-
19 ing” and all that follows and inserting “means
20 a person or entity that receives a secondary
21 transmission service from a satellite carrier and
22 pays a fee for the service, directly or indirectly,
23 to the satellite carrier or to a distributor.”; and

24 (H) in paragraph (8), as redesignated by
25 subparagraph (D), by striking “has the mean-

1 ing” and all that follows and inserting “means
 2 an over-the-air commercial or noncommercial
 3 television broadcast station licensed by the
 4 Commission under subpart E of part 73 of title
 5 47, Code of Federal Regulations, except that
 6 such term does not include a low-power or
 7 translator television station.”.

8 (12) SECTION 623.—Section 623 of the Commu-
 9 nications Act of 1934 (47 U.S.C. 543) is amended
 10 to read as follows:

11 **“SEC. 623. REGULATION OF RATES AND BROADCAST SIG-**
 12 **NAL CARRIAGE.**

13 “No Federal agency, State, or franchising authority
 14 may regulate—

15 “(1) the rates for the provision of the service of
 16 a multichannel video programming distributor; or

17 “(2) the retransmission of television broadcast
 18 signals by a multichannel video programming dis-
 19 tributor, except in accordance with the requirements
 20 of sections 338 and 615 relating to qualified non-
 21 commercial educational television stations.”.

22 (d) CONFORMING AMENDMENTS.—

23 (1) SECTION 336.—Section 336(b)(3) of the
 24 Communications Act of 1934 (47 U.S.C. 336(b)(3))
 25 is amended by striking “614 or”.

1 (2) SECTION 613.—

2 (A) IN GENERAL.—Section 613 of the
3 Communications Act of 1934 (47 U.S.C. 533)
4 is amended—

5 (i) by striking subsection (a); and

6 (ii) by redesignating subsections (c)
7 through (h) as subsections (a) through (f),
8 respectively.

9 (B) CONFORMING AMENDMENT.—Section
10 653(c)(1)(A) of the Communications Act of
11 1934 (47 U.S.C. 573(c)(1)(A)) is amended by
12 striking “(other than subsection (a) thereof)”.

13 (3) SECTION 615.—Section 615 of the Commu-
14 nications Act of 1934 (47 U.S.C. 535) is amended—

15 (A) in subsection (a), by striking “In addi-
16 tion to the carriage requirements set forth in
17 section 614, each” and inserting “Each”;

18 (B) by striking subsection (f);

19 (C) by redesignating subsections (g)
20 through (l) as subsections (f) through (k), re-
21 spectively;

22 (D) in subsection (g), as redesignated by
23 subparagraph (C), by striking “that includes
24 the retransmission of local commercial television
25 broadcast signals”;

1 (E) in subsection (h), as redesignated by
2 subparagraph (C)—

3 (i) in paragraph (1), by striking “(1)
4 IN GENERAL.—A cable” and inserting “A
5 cable”; and

6 (ii) by striking paragraph (2); and

7 (F) in subsection (k)(1)(A), as redesign-
8 nated by subparagraph (C)—

9 (i) in clause (i)—

10 (I) by striking “(i)”; and

11 (II) by striking “; and” and in-
12 serting “; or”; and

13 (ii) by striking clause (ii).

14 (4) SECTION 621.—Section 621(b)(3)(D) of the
15 Communications Act of 1934 (47 U.S.C.
16 541(b)(3)(D)) is amended by striking “sections 611
17 and 612” and inserting “section 611”.

18 (5) SECTION 622.—Section 622(c) of the Com-
19 munications Act of 1934 (47 U.S.C. 542(c)) is
20 amended in the matter preceding paragraph (1), by
21 striking “, consistent with the regulations prescribed
22 by the Commission pursuant to section 623”.

23 (6) SECTION 625.—Section 625(d) of the Com-
24 munications Act of 1934 (47 U.S.C. 544(d)) is

1 amended by striking “, if the rates” and all that fol-
2 lows through “section 623”.

3 (7) SECTION 632.—Section 632(c) of the Com-
4 munications Act of 1934 (47 U.S.C. 552(c)) is
5 amended in the second sentence by striking “Not-
6 withstanding section 623(b)(6) or any other provi-
7 sion of this Act, a cable” and inserting “A cable”.

8 (8) SECTION 635.—Section 635(c) of the Com-
9 munications Act of 1934 (47 U.S.C. 555(c)) is
10 amended by striking “614 or” each place it appears.

11 (9) SECTION 638.—Section 638 of the Commu-
12 nications Act of 1934 (47 U.S.C. 558) is amended
13 by striking “or on any other channel obtained under
14 section 612 or under similar arrangements”.

15 (10) SECTION 653.—Section 653 of the Commu-
16 nications Act of 1934 (47 U.S.C. 573) is amended—

17 (A) in subsection (b)(1)—

18 (i) in subparagraph (A), by striking “,
19 614”; and

20 (ii) in subparagraph (C), by adding
21 “and” at the end;

22 (iii) by striking subparagraph (D);

23 and

24 (iv) by redesignating subparagraph
25 (E) as subparagraph (D); and

1 (B) in subsection (c)(1)—

2 (i) in subparagraph (A), by striking “,
3 623(f)”;

4 (ii) in subparagraph (B)—

5 (I) by striking “, 614,”; and

6 (II) by striking “, section 325 of
7 title III,”; and

8 (iii) in subparagraph (C)—

9 (I) by striking “sections 612 and
10 617” and inserting “section 617”;

11 and

12 (II) by striking “section 623(f)”.

13 **SEC. 3. REPEAL OF REGULATORY INTERVENTION IN THE**
14 **TELEVISION MARKETPLACE UNDER THE**
15 **COPYRIGHT ACT.**

16 (a) IN GENERAL.—Sections 119 and 122 of title 17,
17 United States Code are repealed.

18 (b) AMENDMENT.—Section 111 of title 17, United
19 States Code, is amended—

20 (1) in subsection (a)—

21 (A) in paragraph (1)—

22 (i) by striking “local service area of
23 such station” and inserting “designated
24 market area (as defined in section
25 501(f)(2))”; and

1 (ii) by striking “or” after the semi-
2 colon;

3 (B) in paragraph (2), by striking the “or”
4 after the semicolon; and

5 (C) by amending paragraph (4) to read as
6 follows:

7 “(4) the secondary transmission—

8 “(A) is made by—

9 “(i) a cable system in accordance with
10 section 615 of the Communications Act of
11 1934;

12 “(ii) a satellite carrier in accordance
13 with section 338 of the Communications
14 Act of 1934; or

15 “(iii) a cable system or satellite car-
16 rier of any other qualified noncommercial
17 educational television broadcast station, as
18 defined in section 615 of the Communica-
19 tions Act of 1934, if such cable operator or
20 satellite carrier was making such sec-
21 ondary transmission pursuant to section
22 111 or 119, respectively, prior to the date
23 of enactment of the Next Generation Tele-
24 vision Marketplace Act; and

1 “(B) is consistent with the rules, regula-
2 tions, and authorizations of the Federal Com-
3 munications Commission; or”;

4 (2) in subsection (b), in the matter preceding
5 paragraph (1), by striking “subsections (a) and (c)”
6 and inserting “subsection (a)”;

7 (3) by striking subsections (c), (d), and (e);

8 (4) by redesignating subsection (f) as sub-
9 section (c); and

10 (5) in subsection (c), as redesignated by para-
11 graph (4)—

12 (A) in paragraph (3), by striking the sec-
13 ond sentence;

14 (B) by striking paragraphs (4) through
15 (13); and

16 (C) by adding at the end the following:

17 “(4) SATELLITE CARRIER.—The term ‘satellite
18 carrier’ means an entity that uses the facilities of a
19 satellite or satellite service licensed by the Federal
20 Communications Commission and operates in the
21 Fixed-Satellite Service under part 25 of title 47,
22 Code of Federal Regulations, or the Direct Broad-
23 cast Satellite Service under part 100 of title 47,
24 Code of Federal Regulations, to establish and oper-
25 ate a channel of communications for point-to-

1 multipoint distribution of television station signals,
2 and that owns or leases a capacity or service on a
3 satellite in order to provide such point-to-multipoint
4 distribution, except to the extent that such entity
5 provides such distribution pursuant to tariff under
6 the Communications Act of 1934, other than for pri-
7 vate home viewing pursuant to this section.”.

8 (c) CONFORMING AMENDMENTS.—Title 17, United
9 States Code, is amended—

10 (1) in the table of sections for chapter 1, by
11 striking—

12 (A) the item relating to section 119; and

13 (B) the item relating to section 122;

14 (2) in section 106, in the matter preceding
15 paragraph (1), by striking “122” and inserting
16 “121”;

17 (3) in section 110(8), by striking “section
18 111(f)” and inserting “section 111(c)”;

19 (4) in the table of sections for chapter 5, by
20 striking the item relating to section 510;

21 (5) in section 501—

22 (A) in subsection (a), by striking “122”
23 and inserting “121”;

24 (B) by striking subsections (c), (d), (e),
25 and (f); and

1 (C) by adding at the end the following:

2 “(c)(1) With respect to any secondary transmission
3 that is made by a cable system or by a satellite carrier
4 of a performance or display of a work embodied in a pri-
5 mary transmission and is actionable as an act of infringe-
6 ment under section 111, a television broadcast station
7 holding a copyright or other license to transmit or perform
8 the same version of that work shall, for purposes of sub-
9 section (b), be treated as a legal or beneficial owner if such
10 secondary transmission occurs within the designated mar-
11 ket area of that station.

12 “(2) For purposes of this subsection, the term ‘des-
13 ignated market area’ means a designated market area, as
14 determined by Nielsen Media Research and published in
15 the 1999–2000 Nielsen Station Index Directory and
16 Nielsen Station Index United States Television Household
17 Estimates or any successor publication.”;

18 (6) by striking section 510;

19 (7) in section 511(a), by striking “122” and in-
20 serting “121”;

21 (8) in section 708(a)—

22 (A) in paragraph (8), by adding “and” at
23 the end;

24 (B) in paragraph (9), by striking the semi-
25 colon at the end and inserting a period;

1 (C) by striking paragraphs (10) and (11);
2 and

3 (D) in the flush text at the end, by strik-
4 ing “Fees established under paragraphs (10)
5 and (11) shall be reasonable and may not ex-
6 ceed one-half of the cost necessary to cover rea-
7 sonable expenses incurred by the Copyright Of-
8 fice for the collection and administration of the
9 statements of account and any royalty fees de-
10 posited with such statements.”;

11 (9) in section 801—

12 (A) by striking “sections 111, 119, and”
13 each place it appears and inserting “section”;

14 (B) by striking “111, 119, or” each place
15 it appears; and

16 (C) in subsection (b)—

17 (i) in paragraph (1), in the matter
18 preceding subparagraph (A), by striking
19 “119,”;

20 (ii) by striking paragraph (2);

21 (iii) by redesignating paragraphs (3)
22 through (8) as paragraphs (2) through (7),
23 respectively; and

24 (iv) in paragraph (2), as redesignated
25 by clause (iii)—

1 (I) in subparagraph (B), by
2 striking “, as the case may be”; and

3 (II) in subparagraph (C), by
4 striking “section 804(b)(8)” and in-
5 serting “section 804(b)(7)”;

6 (10) in section 803—

7 (A) in subsection (b)(1)(A)(i)—

8 (i) in the matter preceding subclause
9 (I)—

10 (I) by striking “111,”; and

11 (II) by striking “119,”;

12 (ii) in subclause (V), by striking “, ex-
13 cept that the publication of notice require-
14 ment shall not apply in the case of pro-
15 ceedings under section 111 that are sched-
16 uled to commence in 2005”;

17 (B) in subsection (d)(2)(C)(i)—

18 (i) by striking “111,”; and

19 (ii) by striking “119,”; and

20 (C) in subsection (e)(2)—

21 (i) by striking “111,”; and

22 (ii) by striking “119,”; and

23 (D) in section 804—

24 (i) in subsection (a)—

- 1 (I) by striking “paragraphs (1)
 2 and (2) of section 801(b)” and insert-
 3 ing “section 801(b)(1)”;
- 4 (II) by striking “111,”; and
 5 (III) by striking “119,”; and
 6 (ii) in subsection (b)—
- 7 (I) by striking paragraph (1);
 8 (II) by redesignating paragraphs
 9 (2) through (8) as paragraphs (1)
 10 through (7), respectively; and
 11 (III) in paragraph (7), as reded-
 12 icated by subclause (II)—
- 13 (aa) by striking “section
 14 801(b)(3)” and inserting “section
 15 801(b)(2)”;
- 16 (bb) by striking “111, 119,
 17 or”.

18 **SEC. 4. REPEAL OF COMMISSION RULES RELATING TO REG-**
 19 **ULATORY INTERVENTION.**

20 The Federal Communications Commission shall take
 21 all actions necessary to—

- 22 (1) repeal section 73.658 of title 47 of the Code
 23 of Federal Regulations;
- 24 (2) repeal subpart D of part 76 of title 47 of
 25 the Code of Federal Regulations;

1 (3) repeal subpart F of part 76 of title 47 of
2 the Code of Federal Regulations; and

3 (4) modify the broadcast ownership limitations
4 set forth in section 73.3555 of title 47 of the Code
5 of Federal Regulations by eliminating—

6 (A) the restrictions on the number of
7 broadcast television stations that a person or
8 entity may directly or indirectly own, operate,
9 or control in the same designated market area
10 (as such term is defined under section 501(f)(2)
11 of title 17, United States Code, as described in
12 subsection (b) of such section 73.3555;

13 (B) the radio-television cross-ownership
14 rule, as described in subsection (c) of such sec-
15 tion 73.3555; and

16 (C) the limitations on the direct or indirect
17 ownership, operation, or control of a broadcast
18 television station by a person or entity that di-
19 rectly or indirectly owns, operates, or controls a
20 daily newspaper, as that term was defined in
21 note 6 to such section 73.3555 in effect on Oc-
22 tober 1, 2011, as described in subsection (d) of
23 such section 73.3555.

1 **SEC. 5. TRANSITIONAL PROVISIONS.**

2 (a) CONGRESSIONAL FINDING.—Congress finds and
3 declares that the enactment of this Act will change laws
4 that have provided the basis for certain contracts, under-
5 standings, and arrangements related to retransmission
6 consent and the distribution of video programming entered
7 into prior to the enactment of this Act and that, accord-
8 ingly, certain transitional measures are necessary to pre-
9 serve an orderly marketplace for the provision of video
10 programming to consumers.

11 (b) RETRANSMISSION CONSENT.—

12 (1) NO NEW CONTRACTS.—No contract, under-
13 standing, or arrangement for the retransmission
14 consent shall be entered into pursuant to section
15 325(b) of the Communications Act of 1934 (47
16 U.S.C. 325(b)) after the date of enactment of this
17 Act.

18 (2) EXTENSION OF PRIOR CONTRACTS.—Any
19 contract, understanding, or arrangement for retrans-
20 mission consent entered into pursuant to section
21 325(b) of the Communications Act of 1934 (47
22 U.S.C. 325(b)) prior to the date of enactment of this
23 Act, which by the terms of the contract, under-
24 standing, or arrangement expires before July 1,
25 2014, shall be deemed to be extended through July
26 1, 2014 based on the terms of the contract, under-

1 standing, or arrangement in effect on the date be-
2 fore the expiration date of the contract, under-
3 standing, or arrangement.

4 (3) EXPIRATION OF PRIOR CONTRACTS.—No
5 contract, understanding, or arrangement for retrans-
6 mission consent entered into pursuant to section
7 325(b) of the Communications Act of 1934 (47
8 U.S.C. 325(b)) before the date of enactment of this
9 Act shall be enforceable by any person or entity
10 after July 1, 2014.

11 (c) CONTINUED COLLECTION AND DISTRIBUTION OF
12 PREVIOUSLY DUE ROYALTIES.—Notwithstanding section
13 5, the collection and distribution of royalties due for sec-
14 ondary transmissions made pursuant to sections 111 and
15 119 of title 17, United States Code, prior to July 1, 2014,
16 shall continue to be governed by such title and the rules
17 of the Register of Copyrights and Copyright Royalty
18 Judges as in effect prior to the date of enactment of this
19 Act until such time as the Register certifies that all royal-
20 ties collected pursuant to such provisions have been dis-
21 tributed.

1 **SEC. 6. EFFECTIVE DATE.**

2 Except as provided in section 5, this Act and the
3 amendments made by this Act, shall take effect on July
4 1, 2014.

○