

105TH CONGRESS
2D SESSION

H. R. 4675

To amend the Communications Act of 1934 to establish rules and regulations for the redistribution or retransmission of local signals by satellite broadcasters, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 1, 1998

Mr. TAUZIN (for himself, Mr. MARKEY, Mr. DEAL of Georgia, Mr. BOUCHER, Mr. SANDERS, and Mrs. KELLY) introduced the following bill; which was referred to the Committee on 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

A BILL

To amend the Communications Act of 1934 to establish rules and regulations for the redistribution or retransmission of local signals by satellite broadcasters, 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 Consumer
5 Protection and Competition Act of 1998”.

1 **SEC. 2. EFFECTIVE DATE.**

2 This Act and the amendments made by this Act shall
3 take effect on January 1, 1999.

4 **TITLE I—AMENDMENTS TO**
5 **COMMUNICATIONS ACT OF 1934**

6 **SEC. 101. RETRANSMISSION CONSENT.**

7 Section 325 of the Communications Act of 1934 (47
8 U.S.C. 325) is amended—

9 (1) by redesignating subsections (c) and (d) as
10 subsections (d) and (e), respectively;

11 (2) by inserting after subsection (b) the follow-
12 ing new subsection:

13 “(c) SATELLITE RETRANSMISSIONS.—

14 “(1) RETRANSMISSION CONSENT REQUIRED.—

15 No satellite carrier shall retransmit the signal of a
16 television broadcast station, or any part thereof, ex-
17 cept—

18 “(A) with the express authority of the sta-
19 tion; or

20 “(B) pursuant to section 337, in the case
21 of a station electing, in accordance with this
22 subsection, to assert the right to carriage under
23 such section.

24 “(2) EXCLUSIONS.—The provisions of this sub-
25 section shall not apply to—

1 “(A) retransmission of the signal of a non-
2 commercial television broadcast station;

3 “(B) retransmission of the signal of a tele-
4 vision broadcast station outside the station’s
5 local market by a satellite carrier directly to
6 subscribers if—

7 “(i) such station was a superstation
8 on May 1, 1991; and

9 “(ii) on December 31, 1997, such sta-
10 tion was a network station and its signal
11 was retransmitted by satellite carriers di-
12 rectly to at least 500,000 subscribers;

13 “(C) retransmission of the distant signal of
14 a broadcasting station that is owned or oper-
15 ated by, or affiliated with, a broadcasting net-
16 work directly to a home satellite antenna, if the
17 household receiving the signal is an unserved
18 household;

19 “(D) retransmission by a cable operator or
20 other multichannel video programming distribu-
21 tor (other than by a satellite carrier direct to its
22 subscribers) of the signal of a television broad-
23 cast station outside the station’s local market,
24 if such signal was obtained from a satellite car-
25 rier and—

1 “(i) the originating station was a
2 superstation on May 1, 1991; and

3 “(ii) the originating station was a net-
4 work station on December 31, 1997, and
5 its signal was retransmitted by a satellite
6 carrier directly to subscribers; or

7 “(E) retransmission by a satellite carrier
8 to a subscriber before the effective date of the
9 regulations required by paragraph (3).

10 “(3) PROMULGATION OF THE REGULATIONS.—

11 Within 45 days after the effective date of the Sat-
12 ellite Consumer Protection and Competition Act of
13 1998, the Commission shall commence a rulemaking
14 proceeding to revise the regulations governing the
15 exercise by television broadcast stations of the right
16 to grant retransmission consent under this sub-
17 section, and such other regulations as are necessary
18 to administer the limitation contained in paragraph
19 (2). The Commission shall complete all actions nec-
20 essary to prescribe such regulations within one year
21 after such effective date. Such regulations shall—

22 “(A) establish election time periods that
23 correspond with those regulations adopted
24 under section 325(b)(3)(B) of the Communica-
25 tions Act of 1934;

1 “(B) prohibit television broadcast stations
2 that provide retransmission consent from en-
3 gaging in practices, understandings, arrange-
4 ments and activities, including exclusive con-
5 tracts for carriage that prevent a satellite car-
6 rier from obtaining retransmission consent from
7 such stations;

8 “(C) require television broadcast stations
9 that provide retransmission consent to do so on
10 nondiscriminatory financial terms and condi-
11 tions, and with respect to nonfinancial terms
12 and conditions, take into account whether dif-
13 ferent types of multichannel video programming
14 distributors can or cannot provide all of the
15 same types of nonfinancial consideration, if any
16 is required, to such stations; and

17 “(D) establish a mechanism for resolution
18 of disputes concerning the provisions of this
19 subsection, including—

20 “(i) expedited review of any complaint
21 made pursuant to this subsection; and

22 “(ii) procedures for the Commission
23 to collect such data, including the right to
24 obtain copies of all contracts and docu-
25 ments reflecting arrangements and under-

1 standings alleged to violate this subsection,
2 as the Commission requires to carry out
3 the provisions of this subsection.

4 “(4) DEFINITIONS.—For purposes of this sub-
5 section:

6 “(A) TELEVISION BROADCAST STATION.—
7 The term ‘television broadcast station’ means
8 an over-the-air commercial or noncommercial
9 television broadcast station licensed by the Fed-
10 eral Communications Commission under sub-
11 part E of part 73 of title 47, Code of Federal
12 Regulations, as such regulations are in effect on
13 August 4, 1998, and as they may be amended
14 thereafter, except that such term does not in-
15 clude a low-power or translator television broad-
16 cast station.

17 “(B) BROADCASTING NETWORK.—The
18 term ‘broadcasting network’ means a television
19 network in the United States which offers an
20 interconnected program service on a regular
21 basis for 15 or more hours per week to at least
22 25 affiliated broadcast stations in 10 or more
23 States.

24 “(C) NETWORK STATION.—The term ‘net-
25 work station’ means a television broadcast sta-

1 tion that is owned or operated by, or affiliated
2 with, a broadcasting network.

3 “(5) LOCAL MARKET.—

4 “(A) In the case of both commercial and
5 noncommercial television broadcast stations, the
6 term ‘local market’ means the designated mar-
7 ket area in which a station is located.

8 “(B) In the case of a commercial television
9 broadcast station, all commercial television
10 broadcast stations licensed to a community
11 within the same designated market area are
12 within the same local market.

13 “(C) In the case of a noncommercial edu-
14 cational television broadcast station, the market
15 includes any station that is licensed to a com-
16 munity within the same designated market area
17 as the noncommercial educational television
18 broadcast station.

19 “(6) DESIGNATED MARKET AREA.—The term
20 ‘designated market area’ means a designated market
21 area, as determined by Nielsen Media Research and
22 published in the DMA Market and Demographic Re-
23 port.”.

1 **SEC. 102. MUST-CARRY FOR SATELLITE CARRIERS RE-**
2 **TRANSMITTING TELEVISION BROADCAST SIG-**
3 **NALS.**

4 Title III of the Communications Act of 1934 is
5 amended by inserting after section 336 the following new
6 section:

7 **“SEC. 337. CARRIAGE OF LOCAL TELEVISION SIGNALS BY**
8 **SATELLITE CARRIERS.**

9 “(a) CARRIAGE OBLIGATIONS.—

10 “(1) IN GENERAL.—Subject to the limitations
11 of subparagraph (2), each satellite carrier providing
12 secondary transmissions to subscribers located with-
13 in the local market of a television broadcast station
14 of a primary transmission made by that station shall
15 carry upon request all television broadcast stations
16 located within that local market, subject to section
17 325(c), by retransmitting the signal or signals of
18 such station that are identified by Commission regu-
19 lations for purposes of this subsection.

20 “(2) LIMITATIONS.—

21 “(A) Until the date as established in sub-
22 paragraph (B), each satellite carrier providing
23 secondary transmissions to subscribers located
24 within the local market of a television broadcast
25 station of a primary transmission made by that
26 station shall carry a minimum of 5 local tele-

1 vision broadcast stations in that local market at
2 least one of which shall be a noncommercial
3 educational broadcast station in that market.

4 “(B) No satellite carrier shall be required
5 to carry more than the number of local tele-
6 vision broadcast stations specified in subpara-
7 graph (A) until January 1, 2002.

8 “(C) A satellite carrier providing secondary
9 transmissions to subscribers pursuant to sub-
10 paragraph (A) shall not be required to carry a
11 greater number of signals of local broadcast
12 stations within a local market than one-third of
13 the usable activated channels of such carrier
14 that are used in providing video programming
15 to subscribers in such local market.

16 “(D) Carriage of local broadcast stations
17 within the local market shall be at the discre-
18 tion of the satellite carrier, subject to the mini-
19 mum requirement established in subparagraph
20 (A) and the requirements of section 325(c).

21 “(b) CONTENT TO BE CARRIED.—

22 “(1) VIDEO, AUDIO, AND CLOSED CAPTION.—A
23 satellite carrier providing secondary transmissions to
24 subscribers located within the local market of a tele-
25 vision broadcast station of a primary transmission

1 made by that station shall carry in its entirety, the
2 primary video, accompanying audio, and line 21
3 closed caption transmission of each of the local com-
4 mercial television stations so provided by the carrier
5 and, to the extent technically feasible, program-relat-
6 ed material carried in the vertical blanking interval
7 or on subcarriers. Retransmission of other material
8 in the vertical blanking interval or other nonpro-
9 gram-related material (including teletext and other
10 subscription and advertiser-supported information
11 services) shall be at the discretion of the satellite
12 carrier. Where appropriate and feasible, satellite car-
13 riers may delete signal enhancements, such as ghost-
14 canceling, from the broadcast signal and employ
15 other enhancements.

16 “(2) PROGRAM SCHEDULE.—Except as other-
17 wise provided in regulations of the Commission, the
18 satellite carrier shall carry the entirety of the pro-
19 gram schedule of any television station transmitted
20 as described in paragraph (1) by the satellite carrier
21 unless carriage of specific programming is prohib-
22 ited, and other programming authorized to be sub-
23 stituted, under section 76.67 or subpart F of part
24 76 of title 47, Code of Federal Regulations (as in ef-

1 fect on January 1, 1991), or any successor regula-
2 tions thereto.

3 “(c) DUPLICATION NOT REQUIRED.—Notwithstand-
4 ing subsection (a), a satellite carrier shall not be required
5 to carry upon request the signal of any local television
6 broadcast station that substantially duplicates the signal
7 of another television broadcast station which is secondarily
8 transmitted by the satellite carrier within the same local
9 market, or to carry upon request the signals of more than
10 1 local television broadcast station in a single local market
11 that is affiliated with a particular broadcast network (as
12 the term is defined by regulation).

13 “(d) CHANNEL POSITIONING.—No satellite carrier
14 shall be required to provide the signal of a local television
15 broadcast station to subscribers in that station’s local
16 market on any particular channel number or to provide
17 the signals in any particular order, except that the satellite
18 carrier shall retransmit the signal of the local television
19 broadcast stations to subscribers in the stations’ local
20 market on contiguous channels and in a nondiscriminatory
21 manner on any navigational device, on-screen program
22 guide, or menu.

23 “(e) COMPENSATION FOR CARRIAGE.—A satellite
24 carrier shall not accept or request monetary payment or
25 other valuable consideration in exchange either for car-

1 riage of local television broadcast stations in fulfillment
2 of the requirements of this section, except that any such
3 station is required to bear the costs associated with deliv-
4 ering a good quality signal to the designated uplink facility
5 of the satellite carrier.

6 “(f) REGULATIONS BY COMMISSION.—Within 180
7 days after the effective date of this section, the Commis-
8 sion shall, following a rulemaking proceeding, issue regula-
9 tions implementing this section.

10 “(g) REMEDIES.—

11 “(1) COMPLAINTS BY BROADCAST STATIONS.—

12 Whenever a local television broadcast station believes
13 that a satellite carrier has failed to meet its obliga-
14 tions under this subsection, such station shall notify
15 the carrier, in writing, of the alleged failure and
16 identify its reasons for believing that the satellite
17 carrier is obligated to carry upon request the signal
18 of such station or has otherwise failed to comply
19 with other requirements of this subsection. The sat-
20 ellite carrier shall, within 30 days of such written
21 notification, respond in writing to such notification
22 and either begin carrying the signal of such station
23 in accordance with the terms requested or state its
24 reasons for believing that it is not obligated to carry
25 such signal or is in compliance with other require-

1 ments of this subsection, as the case may be. A local
2 television broadcast station that is denied carriage in
3 accordance with this subsection by a satellite carrier
4 or is otherwise harmed by a response by a satellite
5 carrier that it is in compliance with other require-
6 ments of this subsection may obtain review of such
7 denial or response by filing a complaint with the
8 Commission. Such complaint shall allege the manner
9 in which such satellite carrier has failed to meet its
10 obligations and the basis for such allegations.

11 “(2) OPPORTUNITY TO RESPOND.—The Com-
12 mission shall afford the satellite carrier against
13 which a complaint is filed under subparagraph (A)
14 an opportunity to present data and arguments to es-
15 tablish that there has been no failure to meet its ob-
16 ligations under this subsection.

17 “(3) REMEDIAL ACTIONS; DISMISSAL.—Within
18 120 days after the date a complaint is filed under
19 subparagraph (A), the Commission shall determine
20 whether the satellite carrier has met its obligations
21 under this chapter. If the Commission determines
22 that the satellite carrier has failed to meet such obli-
23 gations, the Commission shall order the satellite car-
24 rier, in the case of an obligation to carry a station,
25 to begin carriage of the station and to continue such

1 carriage for at least 12 months, or, in the case of
2 the failure to meet other obligations under this sub-
3 section, shall take other appropriate remedial action.
4 If the Commission determines that the satellite car-
5 rier has fully met the requirements of this chapter,
6 the Commission shall dismiss the complaint.

7 “(h) DEFINITIONS.—As used in this section:

8 “(1) DESIGNATED MARKET AREA.—The term
9 ‘designated market area’ means a designated market
10 area, as determined by the Nielsen Media Research
11 and published in the DMA Market and Demographic
12 Report.

13 “(2) DISTRIBUTOR.—The term ‘distributor’
14 means an entity which contracts to distribute sec-
15 ondary transmissions from a satellite carrier and, ei-
16 ther as a single channel or in a package with other
17 programming, provides the secondary transmission
18 either directly to individual subscribers or indirectly
19 through other program distribution entities.

20 “(3) LOCAL MARKET.—

21 “(A) In the case of both commercial and
22 noncommercial television broadcast stations, the
23 term ‘local market’ means the designated mar-
24 ket area in which a station is located.

1 “(B) In the case of a commercial television
2 broadcast station, all commercial television
3 broadcast stations licensed to a community
4 within the same designated market area are
5 within the same local market.

6 “(C) In the case of a noncommercial edu-
7 cational television broadcast station, the market
8 includes any station that is licensed to a com-
9 munity within the same designated market area
10 as the noncommercial educational television
11 broadcast station.

12 “(4) DESIGNATED UPLINK FACILITY.—The
13 term ‘designated uplink facility’ means the reception
14 point in each local market which a satellite carrier
15 designates for delivery of the signal of the station
16 for purposes of retransmission. The designation of
17 such facility by a satellite carrier shall not be used
18 to undermine or evade the carriage requirements im-
19 posed by this chapter.

20 “(5) SUBSCRIBER.—The term ‘subscriber’
21 means an entity that receives a secondary trans-
22 mission service by means of a secondary trans-
23 mission from a satellite and pays a fee for the serv-
24 ice, directly or indirectly, to the satellite carrier or
25 to a distributor.

1 “(6) TELEVISION BROADCAST STATION.—The
 2 term ‘television broadcast station’ means an over-
 3 the-air commercial or noncommercial television
 4 broadcast station licensed by the Federal Commu-
 5 nications Commission under subpart E of part 73 of
 6 title 47, Code of Federal Regulations, as such regu-
 7 lations are in effect on August 4, 1998, and as they
 8 may be amended thereafter, except that such term
 9 does not include a low-power or translator television
 10 broadcast station.

11 “(7) SATELLITE CARRIER, ETC.—The terms
 12 ‘satellite carrier’, ‘secondary transmission’, and
 13 ‘unserved household’ have the meanings given such
 14 terms in section 119(d) of title 17, United States
 15 Code.”.

16 **SEC. 103. CARRIAGE OF DISTANT NETWORK SIGNALS BY**
 17 **SATELLITE CARRIERS.**

18 (a) PURPOSE.—The purpose of this section is to pro-
 19 mote competition in the provision of multichannel video
 20 services by enabling direct broadcast satellite providers to
 21 offer distant network signals to consumers in areas receiv-
 22 ing inadequate over-the-air reception of local television sig-
 23 nals.

24 (b) CONTINUED RETRANSMISSION OF DISTANT NET-
 25 WORK SIGNALS.—Notwithstanding any other provision of

1 law, satellite carriers retransmitting the signal of a distant
2 network station to households located within an area
3 served by a local affiliate of the same network and receiv-
4 ing service as of the date of enactment of this Act, shall
5 not be required to discontinue carriage of the distant net-
6 work station to such households prior to February 28,
7 1999. Nothing in this subsection is intended to modify the
8 duration of the license granted in section 119 of title 17,
9 United States Code.

10 (c) RULEMAKING REQUIRED.—The Federal Commu-
11 nications Commission shall complete a single rulemaking
12 proceeding in which it shall rule on any petitions or similar
13 matters regarding the definition of unserved areas or
14 households. Any definition adopted by the Commission
15 must consist of an objective measure of a satisfactory sig-
16 nal obtainable by use of generally-available off-air recep-
17 tion devices. The Commission shall complete this rule-
18 making proceeding within such time as to enable any rule
19 change to become effective no later than February 28,
20 1999.

21 (d) NO REMISSION ON PENALTY.—No action taken
22 by the Commission pursuant to subsection (c) shall relieve
23 any provider of direct broadcast satellite service from any
24 liability for any prior violation of section 119(a)(5)(D) of

1 title 17, United States Code, or from the imposition of
 2 any penalty therefor.

3 **TITLE II—AMENDMENTS TO**
 4 **TITLE 17, UNITED STATES CODE**

5 **SEC. 201. LIMITATIONS ON EXCLUSIVE RIGHTS; SECOND-**
 6 **ARY TRANSMISSION BY SATELLITE CARRIERS**
 7 **WITHIN LOCAL MARKETS.**

8 (a) IN GENERAL.—Chapter 1 of title 17, United
 9 States Code, is amended by adding after section 121 the
 10 following new section:

11 **“§ 122. Limitations on exclusive rights; secondary**
 12 **transmission by satellite carriers within**
 13 **local markets**

14 “(a) SECONDARY TRANSMISSIONS OF TELEVISION
 15 BROADCAST STATIONS BY SATELLITE CARRIERS.—A sec-
 16 ondary transmission into the local market of a television
 17 broadcast station of a designated transmission made by
 18 that station and embodying the performance or display of
 19 a work shall be subject to statutory licensing under this
 20 section if—

21 “(1) the secondary transmission is made by a
 22 satellite carrier to the public; and

23 “(2) the satellite carrier makes a direct or indi-
 24 rect charge for the secondary transmission to—

1 “(A) each subscriber receiving the second-
2 ary transmission; or

3 “(B) a distributor that has contracted with
4 the satellite carrier for direct or indirect deliv-
5 ery of the secondary transmission to the public.

6 “(b) REPORTING REQUIREMENTS.—

7 “(1) INITIAL LISTS.—A satellite carrier that
8 makes secondary transmissions of a designated
9 transmission made by a network station under sub-
10 section (a) shall, within 90 days after commencing
11 such secondary transmissions, submit to that station
12 a list identifying (by name and street address, in-
13 cluding county and zip code) all subscribers to which
14 the satellite carrier currently makes secondary trans-
15 missions of a distant signal of the network with
16 which such network station is affiliated.

17 “(2) SUBSEQUENT LISTS.—After the list is sub-
18 mitted under paragraph (1), the satellite carrier
19 shall, on the 15th of each month, submit to the sta-
20 tion a list identifying (by name and street address,
21 including county and zip code) any subscribers who
22 have been added or dropped as subscribers described
23 in paragraph (1).

24 “(3) USE OF SUBSCRIBER INFORMATION.—Sub-
25 scriber information submitted by a satellite carrier

1 under this subsection may be used only for the pur-
2 poses of monitoring compliance by the satellite car-
3 rier with this section.

4 “(4) REQUIREMENTS OF STATIONS.—The sub-
5 mission requirements of this subsection shall apply
6 to a satellite carrier only if the station to whom the
7 submissions are to be made places on file with the
8 Register of Copyrights a document identifying the
9 name and address of the person to whom such sub-
10 missions are to be made. The Register shall main-
11 tain for public inspection a file of all such docu-
12 ments.

13 “(c) NO ROYALTY FEE REQUIRED.—A satellite car-
14 rier whose secondary transmissions are subject to statu-
15 tory licensing under subsection (a) shall have no obligation
16 to pay royalties under this title for such secondary trans-
17 missions.

18 “(d) NONCOMPLIANCE WITH REPORTING REQUIRE-
19 MENTS.—Notwithstanding subsection (a), the willful or
20 repeated secondary transmission to the public by a sat-
21 ellite carrier of a television broadcast station and embody-
22 ing a performance or display of a work is actionable as
23 an act of infringement under section 501, and is fully sub-
24 ject to the remedies provided under sections 502 through

1 506 and 509, if the satellite carrier has not complied with
2 the reporting requirements of subsection (b).

3 “(e) WILLFUL ALTERATIONS.—Notwithstanding
4 subsection (a), the secondary transmission to the public
5 by a satellite carrier into the local market of a television
6 broadcast station of a designated transmission made by
7 that television broadcast station and embodying a per-
8 formance or display of a work is actionable as an act of
9 infringement under section 501, and is fully subject to the
10 remedies provided by sections 502 through 506 and sec-
11 tions 509 and 510, if the content of the particular pro-
12 gram in which the performance or display is embodied,
13 or any commercial advertising or station announcement
14 transmitted by the designated transmitter during, or im-
15 mediately before or after, the transmission of such pro-
16 gram, is in any way willfully altered by the satellite carrier
17 through changes, deletions, or additions, or is combined
18 with programming from any other broadcast signal.

19 “(f) GEOGRAPHIC LIMITATIONS ON SECONDARY
20 TRANSMISSIONS.—The statutory license created by this
21 section shall apply to secondary transmissions to locations
22 in the United States, and any commonwealth, territory,
23 or possession of the United States.

24 “(g) EXCLUSIVITY WITH RESPECT TO SECONDARY
25 TRANSMISSIONS OF BROADCAST STATIONS BY SATELLITE

1 TO MEMBERS OF THE PUBLIC.—No provision of section
2 111 or any other law (other than this section and section
3 119) shall be construed to contain any authorization, ex-
4 emption, or license through which secondary transmissions
5 by satellite carriers of programming contained in a des-
6 ignated transmission made by a television broadcast sta-
7 tion may be made without obtaining the consent of the
8 copyright owner.

9 “(h) DEFINITIONS.—As used in this section:

10 “(1) DESIGNATED MARKET AREA.—The term
11 ‘designated market area’ means a designated market
12 area, as determined by the Nielsen Media Research
13 and published in the DMA Market and Demographic
14 Report.

15 “(2) DISTRIBUTOR.—The term ‘distributor’
16 means an entity which contracts to distribute sec-
17 ondary transmissions from a satellite carrier and, ei-
18 ther as a single channel or in a package with other
19 programming, provides the secondary transmission
20 either directly to individual subscribers or indirectly
21 through other program distribution entities.

22 “(3) LOCAL MARKET.—

23 “(A) In the case of both commercial and
24 noncommercial television broadcast stations, the

1 term ‘local market’ means the designated mar-
2 ket area in which a station is located.

3 “(B) In the case of a commercial television
4 broadcast station, all commercial television
5 broadcast stations licensed to a community
6 within the same designated market area are
7 within the same local market.

8 “(C) In the case of a noncommercial edu-
9 cational television broadcast station, the market
10 includes any station that is licensed to a com-
11 munity within the same designated market area
12 as the noncommercial educational television
13 broadcast station.

14 “(4) SATELLITE CARRIER.—The term ‘satellite
15 carrier’ has the meaning given that term in section
16 119(d) of this title.

17 “(5) SECONDARY TRANSMISSION.—The term
18 ‘secondary transmission’ has the meaning given that
19 term in section 111(f) of this title.

20 “(6) SUBSCRIBER.—The term ‘subscriber’
21 means an entity that receives a secondary trans-
22 mission service by means of a secondary trans-
23 mission from a satellite and pays a fee for the serv-
24 ice, directly or indirectly, to the satellite carrier or
25 to a distributor.

1 “(7) TELEVISION BROADCAST STATION.—The
 2 term ‘television broadcast station’ means an over-
 3 the-air commercial or noncommercial television
 4 broadcast station licensed by the Federal Commu-
 5 nications Commission under subpart E of part 73 of
 6 title 47, Code of Federal Regulations, as such regu-
 7 lations are in effect on September 25, 1998, and as
 8 they may be amended thereafter, except that such
 9 term does not include a low-power or translator tele-
 10 vision broadcast station.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
 12 for chapter 1 of title 17, United States Code, is amended
 13 by adding after the item relating to section 121 the follow-
 14 ing:

 “122. Limitations on exclusive rights; secondary transmissions by satellite car-
 riers within local markets.”.

15 **SEC. 202. UNSERVED HOUSEHOLDS.**

16 Section 119(d)(10) of title 17, United States Code,
 17 is amended—

18 (1) by striking “, and” at the end of subpara-
 19 graph (A);

20 (2) by striking “household that—

21 “(A) cannot” and inserting “household
 22 that cannot”;

1 (3) by running in all that follows in subpara-
2 graph (A) through “network”, and inserting a pe-
3 riod after “network”; and

4 (4) by striking subparagraph (B).

5 **SEC. 203. EXTENSION OF EFFECT OF AMENDMENTS TO SEC-**
6 **TION 119.**

7 Section 4(a) of the Satellite Home Viewer Act of
8 1994 (17 U.S.C. 119 note; Public Law 103–369; 108
9 Stat. 3481) is amended by striking “December 31, 1999”
10 and inserting “January 1, 2002”.

11 **SEC. 204. TRANSITION.**

12 Section 119(a)(5) of title 17, United States Code, is
13 amended by adding at the end the following:

14 “(E) TRANSITION.—Notwithstanding sub-
15 paragraphs (A) and (B), a satellite carrier shall
16 not be required to terminate service of a net-
17 work station to a subscriber until February 28,
18 1999.”.

19 **SEC. 205. APPLICATION OF FEDERAL COMMUNICATIONS**
20 **COMMISSION REGULATIONS.**

21 Section 119(a) of title 17, United States Code, is
22 amended—

23 (1) in paragraph (1), by inserting “is permis-
24 sible under the rules, regulations, and authorizations
25 of the Federal Communications Commission,” after

1 “satellite carrier to the public for private home view-
2 ing,”; and
3 (2) in paragraph (2), by inserting “is permis-
4 sible under the rules, regulations, and authorizations
5 of the Federal Communications Commission,” after
6 “satellite carrier to the public for private home view-
7 ing,”.

○