

108TH CONGRESS
2D SESSION

S. 2669

To amend the Communications Act of 1934 to enhance the ability of direct broadcast satellite providers to offer additional local broadcast services to consumers under limited circumstances, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 15, 2004

Mr. SUNUNU (for himself, Mr. GREGG, Mr. JEFFORDS, and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the Communications Act of 1934 to enhance the ability of direct broadcast satellite providers to offer additional local broadcast services to consumers under limited circumstances, 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 “Direct Broadcast Sat-
5 ellite North Country Access Act”.

1 **SEC. 2. CARRIAGE OF LOCAL TELEVISION SIGNALS BY CER-**
 2 **TAIN SATELLITE CARRIERS.**

3 (a) IN GENERAL.—Section 338(a) of the Commu-
 4 nications Act of 1934 (47 U.S.C. 338(a)) is amended—

5 (1) by striking “(2),” and inserting “(2) and
 6 except as provided by paragraph (3),”;

7 (2) by striking “under this subsection” in para-
 8 graph (2) and inserting “under paragraph (1)”;

9 (3) by striking paragraph (3) and inserting the
 10 following:

11 “(3) CERTAIN BROADCAST AREAS.—

12 “(A) SINGLE NETWORK STATION
 13 STATES.—A satellite carrier may elect to carry
 14 also the signal of a commercial television broad-
 15 cast station that was the only network station
 16 (as defined in section 339(d)(3)) in that State
 17 as of January 1, 1995, for secondary trans-
 18 mission to subscribers in any community in that
 19 State that is not within 1 of the first 50 major
 20 television markets listed in section 76.51(a) of
 21 the Commission’s regulations (47 C.F.R.
 22 76.51(a)), as such regulations were in effect on
 23 January 1, 1995, if the satellite carrier is re-
 24 transmitting the signal of the station pursuant
 25 to paragraph (1) of this subsection or section
 26 325(b) of this Act.

1 “(B) MULTIPLE NETWORK STATION
 2 STATES.—A satellite carrier may elect to carry
 3 also the signals of any network station (as de-
 4 fined in section 339(d)(3)) or superstation (as
 5 defined in section 325(b)(2)) in a State in
 6 which—

7 “(i) all network stations and supersta-
 8 tions licensed by the Commission as of
 9 January 1, 1995, were assigned to the
 10 same local market, and

11 “(ii) that local market does not en-
 12 compass all counties of that State,
 13 for secondary transmission to subscribers in
 14 that State who reside in one of the first 50
 15 major television markets listed in section
 16 76.51(a) of the Commission’s regulations (47
 17 C.F.R. 76.51(a)), as such regulations were in
 18 effect on January 1, 1995, if the satellite car-
 19 rier is retransmitting the signals pursuant to
 20 paragraph (1) of this subsection or section
 21 325(b) of this Act.”.

22 (b) CONFORMING AMENDMENT.—Section 122(j)(2)
 23 of title 17, United States Code, is amended by adding at
 24 the end the following:

1 “(D) CERTAIN STATES.—If a satellite carrier
2 elects, under section 338(a)(3) (A) or (B) of the
3 Communications Act of 1934 (47 U.S.C. 338(a)(3)
4 (A) or (B)), to carry the signal of a network station
5 or superstation then, in addition to the area de-
6 scribed in subparagraph (A) of this paragraph, the
7 local market of that station includes, solely for the
8 purposes of the secondary transmission of that sig-
9 nal by the satellite carrier, all households within the
10 geographic borders of the State in which that station
11 is licensed.”.

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