

111TH CONGRESS
1ST SESSION

H. R. 3498

To amend section 119 of title 17, United States Code, and the Communications Act of 1934 to permit satellite carriers to retransmit the signals of certain noncommercial, educational broadcast stations outside their local markets, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2009

Mrs. LUMMIS (for herself, Mr. THOMPSON of Mississippi, Ms. SHEA-PORTER, Mr. SIMPSON, Mr. ADERHOLT, and Mr. PRICE of North Carolina) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, 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 section 119 of title 17, United States Code, and the Communications Act of 1934 to permit satellite carriers to retransmit the signals of certain noncommercial, educational broadcast stations outside their local markets, 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 “Statewide PTV Access
5 Act of 2009”.

1 **SEC. 2. SECONDARY TRANSMISSION OF NONCOMMERCIAL**
2 **STATIONS BY SATELLITE CARRIERS OUTSIDE**
3 **LOCAL MARKETS.**

4 (a) SECONDARY TRANSMISSIONS.—Section
5 119(a)(2)(C) of title 17, United States Code, is amend-
6 ed—

7 (1) by redesignating clauses (iii), (iv), and (v)
8 as clauses (iv), (v), and (vi), respectively; and

9 (2) by inserting after clause (ii) the following:

10 “(iii) NONCOMMERCIAL EDUCATIONAL
11 BROADCAST STATIONS.—

12 “(I) SECONDARY TRANSMISSIONS
13 WITHIN STATE-WIDE NETWORK.—In
14 the case of a State-wide network of
15 noncommercial educational broadcast
16 stations, the statutory license provided
17 for in subparagraph (A) shall apply to
18 the secondary transmission of any
19 noncommercial educational broadcast
20 station in that State-wide network to
21 any subscriber in any county within
22 that State that is located outside that
23 station’s local market and is not
24 served by a noncommercial edu-
25 cational television broadcast station
26 that is located within that State.

1 “(II) STATE-WIDE NETWORK DE-
 2 FINED.—In this clause, the term
 3 ‘State-wide network of noncommercial
 4 educational broadcast stations’ is a
 5 network of three or more noncommer-
 6 cial educational broadcast stations
 7 that are licensed to a single State, po-
 8 litical, educational, or special purpose
 9 subdivision of a State, or a single
 10 public agency.”.

11 (b) ROYALTY FEE.—Section 119(b)(1)(B) of title 17,
 12 United States Code, is amended by inserting “or para-
 13 graph (2)(C)(iii)” after “subscriber under paragraph (3)”.

14 **SEC. 3. AMENDMENTS TO THE COMMUNICATIONS ACT OF**
 15 **1934.**

16 (a) IN GENERAL.—Section 325(b)(2) of the Commu-
 17 nications Act of 1934 (47 U.S.C. 325 (b)(2)) is amend-
 18 ed—

19 (1) by striking “or” at the end of subparagraph
 20 (D);

21 (2) by striking the period at the end of sub-
 22 paragraph (E) and inserting “; or”; and

23 (3) by inserting after subparagraph (E) the fol-
 24 lowing new subparagraph:

“(F) to retransmission of the signal of a television broadcast station outside the station’s local market by a satellite carrier directly to its subscribers, if—

“(i) such station is a part of a network of three or more noncommercial educational broadcast stations that are licensed to a single State, political, educational, or special purpose subdivision of a State, or a single public agency; and

“(ii) the satellite carrier retransmits the secondary signal of such eligible noncommercial educational broadcast station only to its subscribers—

“(I) located in any county within that State that is located outside that station’s local market; and

“(II) not served by another noncommercial educational broadcast station that is located within that State;”.

(b) DISTANT SIGNALS.—Section 339(a)(1) of the Communications Act of 1934 (47 U.S.C. 339 (a)(1)) is amended by adding at the end the following new subparagraph:

1 “(C) In the case of a network of three or
2 more noncommercial educational broadcast sta-
3 tions that are licensed to a single State, polit-
4 ical, educational, or special purpose subdivision
5 of a State, or public agency, a satellite carrier
6 may carry the signals of such network to all
7 subscribers in any county within that State that
8 is located outside that station’s designated mar-
9 ket area and is not served by another non-
10 commercial educational broadcast station lo-
11 cated within that State.”.

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