

S 1670

Satellite Television Modernization Act of 2009

Congress: 111 (2009–2011, Ended)

Chamber: Senate

Policy Area: Science, Technology, Communications

Introduced: Sep 15, 2009

Current Status: By Senator Leahy from Committee on the Judiciary filed written report. Report No. 111-98.

Latest Action: By Senator Leahy from Committee on the Judiciary filed written report. Report No. 111-98. (Nov 10, 2009)

Official Text: <https://www.congress.gov/bill/111th-congress/senate-bill/1670>

Sponsor

Name: Sen. Leahy, Patrick J. [D-VT]

Party: Democratic • **State:** VT • **Chamber:** Senate

Cosponsors (4 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Hatch, Orrin G. [R-UT]	R · UT		Sep 15, 2009
Sen. Kohl, Herb [D-WI]	D · WI		Sep 15, 2009
Sen. Kyl, Jon [R-AZ]	R · AZ		Sep 15, 2009
Sen. Sessions, Jeff [R-AL]	R · AL		Sep 15, 2009

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Reported By	Sep 24, 2009

Subjects & Policy Tags

Policy Area:

Science, Technology, Communications

Related Bills

No related bills are listed.

Satellite Television Modernization Act of 2009 - (Sec. 2) Prohibits requiring a satellite provider that is lawfully serving a subscriber in an unserved household with a distant network station while a network station affiliated with that network was broadcasting in analog from being required to re-qualify such subscriber to receive such distant station under the Federal Communications Commission's (FCC) digital predictive model in order to be subject to statutory licensing.

Requires a court, in determining presumptively whether a person resides in an unserved household, with respect to a signal originating as a digital signal, to rely on a specified predictive model established by the FCC. Requires, for site measurements to determine whether a person resides in an unserved household, that a court rely on FCC rules.

Modifies requirements regarding: (1) determining whether a person resides in an unserved household, including the predictive model to be used; and (2) the submission of subscriber lists by a satellite carrier to networks.

Increases satellite carrier monetary penalties for individual violations from \$5 to \$250 and for a pattern of violations from \$250,000 to \$2.5 million

Revises provisions regulating the adjustment of royalty fees, including initial fees, voluntary negotiation, agreements, notice, and proceedings to establish royalty fees.

Modifies various definitions, including the definition of "unserved household."

Removes a time limit on a response by the Justice Department if, for a local market: (1) no satellite carrier makes a secondary transmission available; and (2) two or more satellite carriers request a business review letter to assess the antitrust legality of proposed business conduct regarding an agreement to provide such secondary transmission.

(Sec. 3) Subjects secondary transmissions of significantly viewed, low power and special exception stations to statutory licensing.

Applies statutory licensing to secondary transmissions of a system of three or more noncommercial educational broadcast stations licensed by a single state, political, educational, or special purpose subdivision of a state, or a public agency, to any subscriber in any county in that state that is in a designated market and not otherwise eligible to receive secondary transmissions of a noncommercial television broadcast station located in that state.

Subjects secondary transmissions to statutory licensing if the primary transmission is from a network station from a market adjacent to the local market and no station affiliated with that network is licensed to a community in the local market. (This situation is often called a "short market.")

Modifies requirements regarding the information satellite secondary transmitters must report to network primary transmitters.

Increases the penalties for violation of territorial restrictions on statutory licenses: (1) from \$5 to \$250 for individual violations; and (2) from \$250,000 to \$2.5 million for a pattern of violations.

(Sec. 4) Prohibits low power, significantly viewed, special exception, and short market stations from being entitled to

insist on carriage, regardless of whether the satellite carrier provides secondary transmissions of other stations in the same local market. (Current law prohibits only low power stations from being entitled to insist on carriage.)

(Sec. 5) Extends until December 31, 2014, the effectiveness of provisions relating to limitations on exclusive rights regarding secondary transmissions of superstations and network stations for private home viewing. (Current law terminates the effectiveness of those provisions on December 31, 2009.)

(Sec. 6) Modifies royalty rates and requirements regarding the royalty calculation methodology for secondary transmissions by cable systems.

Requires that, in computing royalties, if a cable system provides a secondary transmission to some but not all communities served by that cable system, the gross receipts and the distant signal equivalent values for each secondary transmission shall be derived solely based on the subscribers in the communities where the cable system provides each such secondary transmission.

Delays the initiation of proceedings for royalty rate adjustments until the year 2015 (and each fifth calendar year thereafter).

Requires the Copyright Office to report to Congress on: (1) proposed mechanisms, methods, and recommendations on how to implement a phase-out of the current statutory licensing requirements by making certain provisions inapplicable to retransmission of a primary transmission of a broadcast station that is authorized to license the same retransmission; and (2) any recommendations for alternative means to implement a timely and effective phase-out of the current statutory licensing requirements under specified provisions.

Actions Timeline

- **Nov 10, 2009:** By Senator Leahy from Committee on the Judiciary filed written report. Report No. 111-98.
- **Sep 24, 2009:** Committee on the Judiciary. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Sep 24, 2009:** Committee on the Judiciary. Reported by Senator Leahy with amendments. Without written report.
- **Sep 24, 2009:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 165.
- **Sep 15, 2009:** Introduced in Senate
- **Sep 15, 2009:** Sponsor introductory remarks on measure. (CR S9373-9374)
- **Sep 15, 2009:** Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S9374-9377)