

S 3333

Satellite Television Extension and Localism Act of 2010

Congress: 111 (2009–2011, Ended)

Chamber: Senate

Policy Area: Science, Technology, Communications

Introduced: May 7, 2010

Current Status: Became Public Law No: 111-175.

Latest Action: Became Public Law No: 111-175. (May 27, 2010)

Law: 111-175 (Enacted May 27, 2010)

Official Text: <https://www.congress.gov/bill/111th-congress/senate-bill/3333>

Sponsor

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

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

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Rockefeller, John D., IV [D-WV]	D · WV		May 7, 2010

Committee Activity

No committee referrals or activity are recorded for this bill.

Subjects & Policy Tags

Policy Area:

Science, Technology, Communications

Related Bills

Bill	Relationship	Last Action
111 S 2764	Related bill	Dec 22, 2010: By Senator Rockefeller from Committee on Commerce, Science, and Transportation filed written report. Report No. 111-385.
111 S 3706	Related bill	Aug 4, 2010: Read twice and referred to the Committee on Finance.
111 HR 4213	Related bill	Jul 22, 2010: Became Public Law No: 111-205.
111 S 3191	Related bill	Apr 13, 2010: Held at the desk.

(This measure has not been amended since it was introduced. The summary has been expanded because action occurred on the measure.)

Satellite Television Extension and Localism Act of 2010- **Title I: Statutory Licenses** - (Sec. 102) Requires a satellite carrier whose secondary transmissions are subject to statutory licensing to deposit a filing fee semiannually with the Register of Copyrights.

Revises requirements regarding the royalty fee a satellite carrier making secondary transmissions is required to make semiannually.

Applies various existing provisions to digital transmissions by removing the word "analog."

Modifies requirements regarding the setting of the statutory licensing fee.

Shifts certain tasks from the Librarian of Congress to the Copyright Royalty Judges.

Extends through December 31, 2014, the earliest date through which voluntary royalty agreements remain in effect.

Revises requirements regarding the establishment of royalty fees for secondary transmissions of network and non-network stations.

Redesignates superstations as non-network stations.

Removes provisions requiring statutory licenses for secondary transmissions of significantly viewed signals.

Requires that a specified predictive model be used to determine presumptively whether a person resides in an unserved household with respect to digital signals.

Revises requirements regarding local-into-local satellite retransmissions.

Increases the maximum statutory damages for violation of territorial restrictions: (1) for willful or repeated individual violations, from \$5 to \$250 per month for each subscriber to whom the secondary transmission was inappropriately sent; and (2) for a willful or repeated pattern of violations, from \$250,000 to \$2.5 million for each 3-month period. Requires that one-half of any statutory damages for a willful or repeated pattern of violations be deposited with the Register of Copyrights for distribution to copyright owners whose works were included in the secondary transmissions that were the subject of the damages.

Extends through December 31, 2014, the copyright liability moratorium allowing a subscriber who does not receive a signal of Grade A intensity of a local network broadcast station to receive signals of network stations affiliated with the same network, if that subscriber had satellite service terminated after July 11, 1998, and before October 31, 1999 or received such service on October 31, 1999.

(Sec. 103) Requires statutory licenses for secondary transmissions into a station's local market relating to significantly viewed stations or low power programming.

Revises requirements regarding reports satellite carriers must submit to network stations.

Sets forth special secondary transmission licensing provisions with respect to: (1) states with a single full-power network station; (2) states with all network stations and non-network stations in the same local market; (3) specified other stations; and (4) networks of noncommercial educational broadcast stations.

Increases the maximum statutory damages for violation of territorial restrictions: (1) for willful or repeated individual violations, from \$5 to \$250 per month for each subscriber to whom the secondary transmission was inappropriately sent; and (2) for of a willful or repeated pattern of violations, from \$250,000 to \$2.5 million for each 6-month period.

(Sec. 104) Modifies requirements regarding the calculation of secondary transmission statutory license semiannual deposits cable systems must make with the Register of Copyrights.

Modifies various definitions, including defining certain terms to include references to primary streams and multicast streams.

(Sec. 105) Requires, when an injunction that was imposed on a carrier before enactment of this Act because of a willful or repeated pattern or practice of delivering a primary transmission to subscribers who are not eligible to receive the transmission, waiver of the injunction if the carrier is providing local-into-local service to all DMAs and the Federal Communications Commission (FCC) certifies that: (1) the carrier's beams are designed and predicted to provide a good quality signal to at least 90% of households; and (2) there is no material evidence that there has been a satellite or subsystem failure after the satellite's launch that precludes providing a good signal to at least that percentage.

Requires the Comptroller General to report to the court issuing the injunction, the Register of Copyrights, and Congress on the qualified carrier's compliance with the royalty payment and household eligibility requirements.

Requires an entity recognized as a qualified carrier to continue to provide local-into-local service to all DMAs. Imposes penalties for violations. Declares that an entity provides local-into-local service to all DMAs if the entity provides local service in all DMAs with a good quality satellite signal to at least 90% of the households in a DMA.

(Sec. 106) Requires a Copyright Office fee to be paid upon filing a statement of account based on certain secondary transmissions of primary transmissions.

(Sec. 107) Ends, on December 31, 2014, the effectiveness of provisions relating to limitations on exclusive rights regarding secondary transmissions of distant television programming by satellite.

Title II: Communications Provisions - (Sec. 202) Amends the Communications Act of 1934 to extend to: (1) December 31, 2014, the termination of provisions allowing satellite retransmission of network station signals (without the station's consent) to a subscriber who is located outside of the local market of the station and resides in an unserved household; and (2) January 1, 2015, the termination of provisions prohibiting a television broadcast station that provides retransmission consent from engaging in exclusive contracts for carriage or failing to negotiate in good faith, and the termination of provisions prohibiting a multichannel video programming distributor from failing to negotiate in good faith for retransmission consent.

(Sec. 203) Allows a satellite carrier to retransmit a significantly viewed signal of a station located outside of the local market in which a subscriber is located, but: (1) only for subscribers receiving local-into-local (currently, analog local-into-local) service; or (2) regarding high definition (HD) signals, only if the carrier also retransmits available HD signals of a station in the local market of the subscriber and affiliated with the same network.

(Sec. 204) Allows a carrier to retransmit HD signals to a reception antenna separate from the one for non-HD signals.

Revises the rules regarding: (1) the reception of distant signals by certain grandfathered and nongrandfathered subscribers; (2) models for predicting the reception level; and (3) on-location testing of reception levels.

(Sec. 206) Establishes a process for the FCC to issue a certification for purposes of provisions relating to recognition of carriers as qualified for statutory licensing of local-into-local satellite service.

(Sec. 207) Requires each eligible satellite carrier providing any local-into-local HD secondary transmissions before enactment of this Act to carry the HD signals of qualified noncommercial educational television stations in that local market according to a specified time schedule. Defines "eligible satellite carrier" as any satellite carrier that is not a party to a carriage contract that: (1) governs carriage of at least 30 qualified noncommercial educational television stations; and (2) is in force and effect within 120 days after enactment.

(Sec. 209) Directs the FCC to require as a condition of any provision, initial authorization, or authorization renewal that a provider of direct broadcast satellite service providing video programming, or a qualified satellite provider providing such programming, reserve a specified portion of its channel capacity for noncommercial programming of an educational or informational nature.

Title III: Reports and Savings Provision - (Sec. 302) Requires the Register of Copyrights to report to Congress on phasing out the statutory licensing requirements in specified provisions by making those provisions inapplicable to the secondary transmission of a primary transmission of a broadcast station that is authorized to license the secondary transmission.

(Sec. 303) Requires the Comptroller General to study and report to Congress on the changes to the carriage requirements currently imposed on multichannel video programming distributors under the Communications Act of 1934 and FCC regulations that would be required by or beneficial to consumers if Congress implemented such a phase-out.

(Sec. 304) Requires the FCC to report to Congress on: (1) the number of households in a state that receive local broadcast stations from a station located in a different state; (2) the extent to which consumers have access to in-state broadcast programming; and (3) whether there are alternatives to the use of DMAs to define local markets that would provide more consumers with in-state broadcast programming.

(Sec. 305) Requires satellite carriers to report (for five years) to the FCC regarding local market retransmissions. Requires an FCC study and report concerning incentives that would induce a satellite carrier to provide television in certain local markets in which the carrier does not provide service.

(Sec. 306) Prohibits anything: (1) in specified federal law or agency regulations from being construed to prevent a multichannel video programming distributor from retransmitting a performance or display of a work pursuant to an authorization granted by the copyright owner or, if within the scope of its authorization, its licensee; and (2) in clause (1) of this section from being construed to affect any obligation of a multichannel video programming distributor to obtain the authority of a television broadcast station before retransmitting that station's signal.

(Sec. 307) States that: (1) unless provided otherwise this Act shall take effect on February 27, 2010; and (2) the secondary transmission of a performance or display of a work embodied in a primary transmission is not an infringement of copyright if it was made by a satellite carrier on or after February 27, 2010, and prior to enactment of this Act, and was in compliance with the law as in existence on February 27, 2010.

Title IV: Severability - Requires that if any portion of this Act is held unconstitutional, the remainder of this Act remains in

effect.

Title V: Determination of Budgetary Effects - States that the budgetary effects of this Act for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010 shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, provided that such statement has been submitted prior to the vote on passage.

Actions Timeline

- **May 27, 2010:** Signed by President.
- **May 27, 2010:** Became Public Law No: 111-175.
- **May 17, 2010:** Presented to President.
- **May 12, 2010:** Mr. Conyers moved to suspend the rules and pass the bill.
- **May 12, 2010:** Considered under suspension of the rules. (consideration: CR H3317-3330)
- **May 12, 2010:** DEBATE - The House proceeded with forty minutes of debate on S. 3333.
- **May 12, 2010:** Passed/agreed to in House: On motion to suspend the rules and pass the bill Agreed to by voice vote.(text: CR H3317-3328)
- **May 12, 2010:** On motion to suspend the rules and pass the bill Agreed to by voice vote. (text: CR H3317-3328)
- **May 12, 2010:** Motion to reconsider laid on the table Agreed to without objection.
- **May 12, 2010:** Cleared for White House.
- **May 11, 2010:** Received in the House.
- **May 11, 2010:** Held at the desk.
- **May 7, 2010:** Introduced in Senate
- **May 7, 2010:** Passed/agreed to in Senate: Introduced in the Senate, read twice, considered, read the third time, and passed without amendment by Unanimous Consent.(consideration: CR S3435-3446; text as passed Senate: CR S3435-3446)
- **May 7, 2010:** Introduced in the Senate, read twice, considered, read the third time, and passed without amendment by Unanimous Consent. (consideration: CR S3435-3446; text as passed Senate: CR S3435-3446)
- **May 7, 2010:** Message on Senate action sent to the House.