

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> 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.

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## 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

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

5           “(i) such station is a part of a net-  
6 work of three or more noncommercial edu-  
7 cational broadcast stations that are li-  
8 censed to a single State, political, edu-  
9 cational, or special purpose subdivision of  
10 a State, or a single public agency; and

11           “(ii) the satellite carrier retransmits  
12 the secondary signal of such eligible non-  
13 commercial educational broadcast station  
14 only to its subscribers—

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

18           “(II) not served by another non-  
19 commercial educational broadcast sta-  
20 tion that is located within that  
21 State;”.

22           (b) DISTANT SIGNALS.—Section 339(a)(1) of the  
23 Communications Act of 1934 (47 U.S.C. 339 (a)(1)) is  
24 amended by adding at the end the following new subpara-  
25 graph:

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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