

108TH CONGRESS
2^D SESSION

S. 2644

[Report No. 108-]

To amend the Communications Act of 1934 with respect to the carriage of direct broadcast satellite television signals by satellite carriers to consumers in rural areas, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 13, 2004

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

AUGUST —, 2004

Reported by Mr. MCCAIN, with an amendment in the nature of a substitute
[Strike all after the enacting clause and insert the part printed in italic]

A BILL

To amend the Communications Act of 1934 with respect to the carriage of direct broadcast satellite television signals by satellite carriers to consumers in rural areas, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Satellite Home Viewer Extension and Rural Consumer
4 Access to Digital Television Act of 2004”.

* * * * *

5 (7) by striking “vehicle or” in subparagraph
6 (C) and inserting “vehicle, recreational vessel, air-
7 craft, or”.

8 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

9 (a) *SHORT TITLE.*—This Act may be cited as the “Sat-
10 ellite Home Viewer Extension and Rural Consumer Access
11 to Digital Television Act of 2004”.

12 (b) *TABLE OF CONTENTS.*—The table of contents for
13 this Act is as follows:

- Sec. 1. Short title; table of contents.*
- Sec. 2. Extension of retransmission consent exception.*
- Sec. 3. Carriage of local stations on a single dish.*
- Sec. 4. Carriage of distant digital signals; unserved digital customers.*
- Sec. 5. Bargaining obligations.*
- Sec. 6. Reduction of required tests.*
- Sec. 7. Privacy rights of satellite subscribers.*
- Sec. 8. Sponsorship identification rules for DBS.*
- Sec. 9. Certain vessels and aircraft.*
- Sec. 10. Carriage of local television signals by certain satellite carriers.*
- Sec. 11. Retransmission of signals into adjacent local market comprising only part of a county.*
- Sec. 12. Satellite carriage of Alaska television stations in areas of Alaska outside any DMA.*

14 **SEC. 2. EXTENSION OF RETRANSMISSION CONSENT EXCEP-**
15 **TION.**

16 Section 325(b)(2)(C) of the Communications Act of
17 1934 (47 U.S.C. 325(b)(2)(C)) is amended by striking “De-
18 cember 31, 2004,” and inserting “December 31, 2009,”.

1 **SEC. 3. CARRIAGE OF LOCAL STATIONS ON A SINGLE DISH.**

2 *Section 338 of the Communications Act of 1934 (47*
3 *U.S.C. 338) is amended—*

4 *(1) by redesignating subsections (g) and (h) as*
5 *subsections (h) and (i), respectively; and*

6 *(2) by inserting after subsection (f) the following:*

7 *“(g) CARRIAGE OF LOCAL STATIONS ON A SINGLE*
8 *DISH.—*

9 *“(1) GENERAL RULE.—A satellite carrier that*
10 *retransmits the signals of local television broadcast*
11 *stations in a local market shall retransmit the signals*
12 *of all local television broadcast stations retransmitted*
13 *by that carrier to subscribers in that market by*
14 *means of a single reception antenna and associated*
15 *equipment.*

16 *“(2) EXCEPTION FOR DIGITAL TELEVISION SERV-*
17 *ICE.—Notwithstanding paragraph (1), if the carrier*
18 *retransmits signals in the digital television service,*
19 *the carrier shall retransmit the digital television serv-*
20 *ice signals of all the local television broadcast stations*
21 *retransmitted by that carrier to subscribers in that*
22 *market by means of a single reception antenna and*
23 *associated equipment, but the antenna and associated*
24 *equipment may be separate from the single reception*
25 *antenna and associated equipment used for signals*
26 *that are not in the digital television service.*

1 “(3) 18-MONTH TRANSITION PERIOD FOR EXIST-
2 ING 2-DISH MARKETS.—In the case of a satellite car-
3 rier that, as of July 1, 2004, is retransmitting local
4 television broadcast signals to subscribers in local
5 markets by means of more than a single reception an-
6 tenna and associated equipment, the requirements of
7 paragraphs (1) and (2) shall first apply to that car-
8 rier in those local markets 18 months after the date
9 of enactment of the Satellite Home Viewer Extension
10 and Rural Consumer Access to Digital Television Act
11 of 2004.

12 “(4) ENFORCEMENT.—If a satellite carrier fails
13 to comply with the requirements of this subsection—

14 “(A) the failure to comply shall be punish-
15 able under titles IV and V of this Act;

16 “(B) each market with respect to which the
17 satellite carrier fails to comply shall be consid-
18 ered to be a separate violation; and

19 “(C) each day of a continuing violation
20 shall be considered to be a separate violation.”.

21 **SEC. 4. CARRIAGE OF DISTANT DIGITAL SIGNALS;**
22 **UNSERVED DIGITAL CUSTOMERS.**

23 (a) PROVISIONS RELATING TO CARRIAGE OF DISTANT
24 SIGNALS.—Section 339(a)(1) of the Communications Act of
25 1934 (47 U.S.C. 339(a)(1)) is amended to read as follows:

1 “(1) *CARRIAGE PERMITTED.*—

2 “(A) *ANALOG SIGNALS.*—

3 “(i) *IN GENERAL.*—*Subject to section*
4 *119 of title 17, United States Code, a sat-*
5 *ellite carrier may provide the analog signals*
6 *of no more than 2 network stations in a*
7 *single day for each television network to*
8 *any household not located within the local*
9 *markets of those network stations.*

10 “(ii) *ADDITIONAL SERVICE.*—*To the*
11 *extent consistent with sections 119 and 122*
12 *of title 17, United States Code, a satellite*
13 *carrier may also provide service under the*
14 *statutory license of those sections to the*
15 *local market within which such household is*
16 *located in addition to the signals provided*
17 *under clause (i).*

18 “(B) *DIGITAL SIGNALS.*—*To the extent con-*
19 *sistent with section 119 of title 17, United States*
20 *Code, a satellite carrier may provide the digital*
21 *signals of no more than 2 network stations in a*
22 *single day for each television network to any*
23 *household not located within the local markets of*
24 *those network stations. Nothing in this subpara-*

1 *graph creates a statutory license under section*
2 *119(a) or (b) of title 17, United States Code.”.*

3 ***(b) DISTANT DIGITAL SIGNAL RETRANSMISSION.—***
4 *Section 339 of the Communications Act of 1934 (47 U.S.C.*
5 *339) is amended—*

6 *(1) by redesignating subsection (d) as subsection*
7 *(e);*

8 *(2) by striking “(d)(4),” in subsection (c)(5) and*
9 *inserting “(e)(4),”; and*

10 *(3) by inserting after subsection (c) the fol-*
11 *lowing:*

12 ***“(d) ELIGIBILITY FOR RETRANSMISSION OF DISTANT***
13 ***DIGITAL SIGNALS.—***

14 ***“(1) IN GENERAL.—For purposes of identifying***
15 ***an unserved digital household under section***
16 ***119(d)(10) of title 17, United States Code, within 2***
17 ***years after the date of enactment of the Satellite***
18 ***Home Viewer Extension and Rural Consumer Access***
19 ***to Digital Television Act of 2004, the Commission***
20 ***shall conclude a proceeding—***

21 ***“(A) to determine the appropriate signal***
22 ***standard for determining eligibility for retrans-***
23 ***missions of the digital signals of network sta-***
24 ***tions;***

1 “(B) to develop and prescribe by rule a
2 point-to-point predictive model for reliably and
3 presumptively determining the ability of indi-
4 vidual locations to receive digital signals in ac-
5 cordance with the signal standard determined
6 under subparagraph (A), and in prescribing that
7 model, the Commission shall—

8 “(i) ensure that it takes into account
9 terrain, building structures, and other land
10 cover variations;

11 “(ii) establish procedures for the con-
12 tinued refinement in the application of the
13 model by the use of additional data as it be-
14 comes available; and

15 “(iii) provide that any network station
16 that would be expected to serve a household
17 but is not serving that household due to
18 noneconomic circumstances beyond its con-
19 trol will be deemed to be serving such a
20 household; and

21 “(C) to establish appropriate waiver and
22 objective verification procedures, similar to the
23 procedures under paragraphs (2) and (4) of sub-
24 section (c), to apply to unserved digital house-
25 hold determinations made pursuant to the model.

1 “(2) *PRESERVATION OF EXISTING ELIGIBILITY.*—
2 *Until the Commission completes the proceeding re-*
3 *quired by paragraph (1), an unserved household for*
4 *purposes of section 119(d)(10) of title 17, United*
5 *States Code, with respect to the digital signals of a*
6 *particular network, is a household that is eligible to*
7 *receive retransmission of analog signals pursuant to*
8 *subsection (c) of this section and section 119(a) of*
9 *title 17, United States Code.*

10 “(3) *LOCAL-TO-LOCAL MARKET REQUIREMENT.*—
11 *For purposes of applying the rule prescribed by the*
12 *Commission under paragraph (1) only, a satellite*
13 *carrier may not retransmit the digital signals of a*
14 *network station in any local market in which it does*
15 *not provide secondary transmission to subscribers lo-*
16 *cated within that local market of the analog signals*
17 *of television broadcast stations located within that*
18 *local market under section 338(a)(1) of this Act.*

19 “(4) *NOTICES.*—
20 “(A) *BY CARRIER TO CUSTOMERS TO WHOM*
21 *DIGITAL SIGNAL WILL BE PROVIDED.*—*A satellite*
22 *carrier providing a distant digital signal pursu-*
23 *ant to this section shall notify its customers in*
24 *a clear and conspicuous manner before offering*
25 *the distant digital signal that it will cease pro-*

1 *viding that digital signal within 120 days after*
2 *the date on which it is notified that the house-*
3 *hold ceases to be an unserved household with re-*
4 *spect to digital signals.*

5 *“(B) BY NETWORK STATION TO SATELLITE*
6 *CARRIER.—Within not more than 48 hours after*
7 *filing with the Commission any license applica-*
8 *tion that will result in any household ceasing to*
9 *be an unserved digital household, a network sta-*
10 *tion shall notify all satellite carriers of the filing.*

11 *“(C) BY SATELLITE CARRIERS TO NETWORK*
12 *STATIONS.—*

13 *“(i) RESPONSE TO STATION NOTICE.—*
14 *Within 60 days after receiving notification*
15 *under subparagraph (B) from a network*
16 *station, a satellite carrier shall transmit a*
17 *list identifying (by name and street address,*
18 *including county and zip code) all sub-*
19 *scribers to which the satellite carrier pro-*
20 *vides a distant digital signal in the local*
21 *market of the network station whose service*
22 *will be terminated under paragraph (5).*

23 *“(ii) COMPLETION OF COMMISSION*
24 *PROCEEDING.—Within 120 days after the*
25 *Commission completes the proceeding re-*

1 *quired by paragraph (1), each satellite car-*
2 *rier shall transmit a comprehensive list to*
3 *the network stations that, as a result of the*
4 *proceeding, are providing a digital signal to*
5 *the satellite carrier's subscribers, containing*
6 *the information required by clause (i).*

7 “(D) *LIST USED ONLY FOR COMPLIANCE.—*
8 *It is unlawful for any person to use a list pro-*
9 *vided under this paragraph, or information de-*
10 *rived from such a list, for any purpose other*
11 *than compliance with the requirements of this*
12 *section.*

13 “(5) *TERMINATION OF CARRIAGE TO HOUSE-*
14 *HOLDS THAT LOSE UNSERVED STATUS.—Within 120*
15 *days after the date on which a satellite carrier re-*
16 *ceives notice under paragraph (4)(B), it shall cease*
17 *providing the distant digital signal to subscribers in*
18 *households, determined on the basis of the notice, that*
19 *will cease to be unserved households with respect to*
20 *digital signals. Within 120 days after the date on*
21 *which the Commission completes the proceeding re-*
22 *quired by paragraph (1) (or on such date as the Com-*
23 *mission in that proceeding may otherwise specify), a*
24 *satellite carrier shall cease providing distant digital*

1 *signals to households required as a result of the Com-*
2 *mission's action.*

3 “(6) *ENFORCEMENT.*—

4 “(A) *IN GENERAL.*—*Compliance with this*
5 *section shall be enforced under titles IV and V of*
6 *this Act.*

7 “(B) *SPECIAL RULE FOR SATELLITE CAR-*
8 *RIER LIST REQUIREMENT.*—*If a satellite carrier*
9 *fails to provide a complete list of subscribers in*
10 *accordance with the requirements of paragraph*
11 *(4)(C)(i), then each household with respect to*
12 *which such failure occurs shall constitute a sepa-*
13 *rate violation.*

14 “(C) *SPECIAL RULE FOR TERMINATIONS.*—
15 *If a satellite carrier providing a distant digital*
16 *signal pursuant to this section fails to comply*
17 *with the requirements of paragraph (5), then—*

18 “(A) *each household with respect to which*
19 *the satellite carrier fails to comply shall be con-*
20 *sidered to be a separate violation for purposes of*
21 *section 503(b) of this Act; and*

22 “(B) *each day of a continuing violation*
23 *shall be considered to be a separate violation.*

1 “(7) *APPLICATION OF SECTION 338.*—*Nothing in*
2 *this subsection affects the obligations of a satellite car-*
3 *rier under section 338(a) of this Act.*”.

4 (c) *CONFORMING AMENDMENTS.*—

5 (1) *DISTANT ANALOG SIGNAL RETRANS-*
6 *MISSION.*—*Section 339(c) of the Communications Act*
7 *of 1934 (47 U.S.C. 339(c)) is amended by inserting*
8 *“OF DISTANT ANALOG SIGNALS.—” after “RETRANS-*
9 *MISSION” in the subsection heading.*

10 (2) *2-NETWORK STATION RULE APPLIES WITH-*
11 *OUT REGARD TO TYPE OF SIGNALS.*—*Section 119 of*
12 *title 17, United States Code, is amended—*

13 (A) *by striking “(d)(10)(A)” in subclauses*
14 *(I) and (II) of subsection (a)(2)(B)(ii) and in-*
15 *serting (d)(10)”;*

16 (B) *by striking “339(c)(3)” in subclause (I)*
17 *of subsection (a)(2)(B)(ii) and inserting “339”;*

18 (C) *by striking “339(c)(4)” in subclause*
19 *(II) of subsection (a)(2)(B)(ii) and inserting*
20 *“339”; and*

21 (D) *by striking subsection (d)(10) and in-*
22 *serting the following:*

23 “(10) *UNSERVED HOUSEHOLD.*—

24 “(A) *IN GENERAL.*—*The term ‘unserved*
25 *household’, with respect to a particular television*

1 *network, means an unserved analog household or*
2 *an unserved digital household.*

3 “(B) *UNSERVED ANALOG HOUSEHOLD.*—*In*
4 *this paragraph, the term ‘unserved analog house-*
5 *hold’ means, with respect to an analog signal, a*
6 *household that—*

7 “(i) *cannot receive, through the use of*
8 *a conventional, stationary, outdoor rooftop*
9 *receiving antenna, an over-the-air signal of*
10 *a primary network station affiliated with*
11 *that network of Grade B intensity as de-*
12 *finied by the Federal Communications Com-*
13 *mission under section 73.683(a) of title 47*
14 *of the Code of Federal Regulations, as in ef-*
15 *fect on January 1, 1999;*

16 “(ii) *is subject to a waiver granted*
17 *under regulations established under section*
18 *339(c)(2) of the Communications Act of*
19 *1934;*

20 “(iii) *is a subscriber to whom sub-*
21 *section (e) applies;*

22 “(iv) *is a subscriber to whom sub-*
23 *section (a)(11) applies; or*

1 “(v) is a subscriber to whom the ex-
2 emption under subsection (a)(2)(B)(iii) ap-
3 plies.

4 “(C) *UNSERVED DIGITAL HOUSEHOLD*.—In
5 this paragraph, the term ‘unserved digital house-
6 hold’ means, with respect to a digital signal, a
7 household that is eligible to receive distant dig-
8 ital signals pursuant to section 339(d) of the
9 Communications Act of 1934 (47 U.S.C.
10 339(d)).”.

11 (d) *COMPLETION OF FCC DIGITAL TRANSLATOR RUL-*
12 *ING*.—Within 6 months after the date of enactment of this
13 *Act, the Federal Communications Commission shall com-*
14 *plete its rulemaking entitled “Amendments to Parts 73 and*
15 *74 of the Commission’s rules to Establish Rules for Digital*
16 *Low Power Television, Television Translator, and Tele-*
17 *vision Booster Stations and to Amend Rules for Digital*
18 *Class A Television Stations,” MB Docket No. 03-185, 18*
19 *F.C.C. Recd 18365 (rel. Aug. 29, 2003).*

20 **SEC. 5. BARGAINING OBLIGATIONS.**

21 (a) *AMENDMENTS*.—Section 325(b)(3)(C) of the Com-
22 *munications Act of 1934 (47 U.S.C. 325(b)(3)(C)) is*
23 *amended—*

24 (1) *by striking “Within 45 days” and all that*
25 *follows through “1999, the” and inserting “The”;*

1 (2) *by striking the second sentence;*

2 (3) *by striking “and” at the end of clause (i);*

3 (4) *in clause (ii)—*

4 (A) *by striking “January 1, 2006” and in-*
5 *serting “January 1, 2010”*

6 (B) *by striking the period at the end and*
7 *inserting “; and”; and*

8 (5) *by adding at the end the following new*
9 *clauses:*

10 *“(iii) until January 1, 2010, prohibit*
11 *a multichannel video programming dis-*
12 *tributor from failing to negotiate in good*
13 *faith for retransmission consent under this*
14 *section, and it shall not be a failure to ne-*
15 *gotiate in good faith if the distributor enters*
16 *into retransmission consent agreements con-*
17 *taining different terms and conditions, in-*
18 *cluding price terms, with different broad-*
19 *cast stations if such different terms and*
20 *conditions are based on competitive market-*
21 *place considerations.”.*

22 (b) *DEADLINE.—The Federal Communications Com-*
23 *mission shall prescribe regulations to implement the amend-*
24 *ments made by subsection (a)(5) within 180 days after the*
25 *date of enactment of this Act.*

1 **SEC. 6. REDUCTION OF REQUIRED TESTS.**

2 *Section 339(c)(4) of the Communications Act of 1934*
3 *(47 U.S.C. 339(c)(4) is amended by inserting after subpara-*
4 *graph (C) the following:*

5 *“(D) REDUCTION OF VERIFICATION BUR-*
6 *DENS.—Within one year after the date of enact-*
7 *ment of the Satellite Home Viewer Extension*
8 *and Rural Consumer Access to Digital Television*
9 *Act of 2004, the Commission shall by rule ex-*
10 *empt from the verification requirements of sub-*
11 *paragraph (A) any request for a test made by a*
12 *subscriber to a satellite carrier—*

13 *“(i) to whom the retransmission of the*
14 *signals of local broadcast stations is avail-*
15 *able under section 122 of title 17, United*
16 *States Code, from such carrier; or*

17 *“(ii) for whom the predictive model re-*
18 *quired by paragraph (3) predicts a signal*
19 *intensity that exceeds the signal intensity*
20 *standard in effect under section*
21 *119(d)(11)(A) of such title by such number*
22 *of decibels as the Commission specifies in*
23 *such rule.*

24 *“(E) EXCEPTION.—Notwithstanding any*
25 *provision of this Act, this section does not pro-*
26 *hibit a subscriber who is predicted to receive a*

1 *signal that meets or exceeds such signal intensity*
2 *standard from conducting a signal strength test*
3 *at the subscriber's own expense for the purpose of*
4 *determining their eligibility for distant signals*
5 *under this section."*

6 **SEC. 7. PRIVACY RIGHTS OF SATELLITE SUBSCRIBERS.**

7 *Section 631 of the Communications Act of 1934 (47*
8 *U.S.C. 551) is amended by adding at the end the following:*

9 “(i) *APPLICATION TO DBS PROVIDERS.*—

10 “(1) *IN GENERAL.*—*The provisions of this section*
11 *shall apply to satellite carriers in the same way and*
12 *to the same extent as they apply to cable operators.*

13 “(2) *SPECIAL RULE.*—*For the purpose of apply-*
14 *ing the last sentence of subsection (a)(1) to a satellite*
15 *carrier, the phrase ‘the date of enactment of the Sat-*
16 *ellite Home Viewer Extension and Rural Consumer*
17 *Access to Digital Television Act of 2004,’ shall be sub-*
18 *stituted for the phrase ‘the effective date of this sec-*
19 *tion.’*

20 “(3) *SATELLITE CARRIER.*—*In this subsection,*
21 *the term ‘satellite carrier’ means any person using the*
22 *facilities of a satellite or satellite service licensed by*
23 *the Federal Communications Commission and oper-*
24 *ating in the Fixed-Satellite Service, or the Direct*
25 *Broadcast Satellite Service, under part 25 of title 47*

1 *of the Code of Federal Regulations to establish and*
2 *operate a channel of communications for distribution*
3 *of signals, and owning or leasing a capacity or serv-*
4 *ice on a satellite in order to provide such distribu-*
5 *tion.”.*

6 **SEC. 8. SPONSORSHIP IDENTIFICATION RULES FOR DBS.**

7 *Within 180 days after the date of enactment of this*
8 *Act, the Federal Communications Commission shall modify*
9 *section 76.1615 of its rules (47 C.F.R. 76.1615) to apply*
10 *the requirements of section 317 of the Communications Act*
11 *of 1934 (47 U.S.C. 317) to all multichannel video program*
12 *distributors.*

13 **SEC. 9. CERTAIN VESSELS AND AIRCRAFT.**

14 *Section 119(a)(11) of title 17, United States Code, is*
15 *amended—*

16 *(1) by striking “RECREATIONAL VEHICLES AND*
17 *COMMERCIAL TRUCKS.—” in the heading and insert-*
18 *ing “RECREATIONAL VEHICLES, VESSELS, AIRCRAFT,*
19 *AND COMMERCIAL TRUCKS.—”;*

20 *(2) by striking “and” after the semicolon in sub-*
21 *paragraph (A)(i)(I);*

22 *(3) by striking “Regulations.” in subparagraph*
23 *(A)(i)(II) and inserting “Regulations;”;*

24 *(4) by inserting after subclause (II) of subpara-*
25 *graph (A)(i) the following:*

1 “(III) recreational vessels (as de-
2 fined in section 2101(25) of title 46,
3 United States Code, documented in ac-
4 cordance with section 12101 of title 46
5 or State law; and

6 “(IV) aircraft registered under
7 section 44103 of title 49.”;

8 (5) by striking “vehicle or” each place it appears
9 in subparagraph (A)(ii), and inserting “vehicle, ves-
10 sel, aircraft, or”;

11 (6) by striking “vehicle’ ” in subparagraph
12 (A)(iii) and inserting “vehicle, recreational vessel,
13 aircraft’ ”;

14 (7) by striking “vehicle or” each place it appears
15 in subparagraph (B), other than in clause (ii), and
16 inserting “vehicle, recreational vessel, aircraft, or”;

17 (6) by inserting after “vehicle.” in clause (ii) of
18 subparagraph (B) the following:“In the case of a rec-
19 reational vessel, a copy of the current certificate of
20 documentation issued under section 12103 of title 46
21 for the vessel or the State certificate of registration.
22 In the case of an aircraft, a copy of the certificate of
23 registration for the aircraft issued under section
24 44103 of title 49.”; and

1 (7) by striking “vehicle or” in subparagraph (C)
2 and inserting “vehicle, recreational vessel, aircraft,
3 or”.

4 **SEC. 10. CARRIAGE OF LOCAL TELEVISION SIGNALS BY CER-**
5 **TAIN SATELLITE CARRIERS.**

6 (a) *IN GENERAL.*—Section 338(a) of the Communica-
7 tions Act of 1934 (47 U.S.C. 338(a)) is amended—

8 (1) by striking “(2),” and inserting “(2) and ex-
9 cept as provided by paragraph (3),”;

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

12 (3) by striking paragraph (3) and inserting the
13 following:

14 “(3) *CERTAIN BROADCAST AREAS.*—

15 “(A) *SINGLE NETWORK STATION STATES.*—

16 A satellite carrier may elect to carry also the sig-
17 nal of a commercial television broadcast station
18 that was the only network station (as defined in
19 section 339(d)(3)) in that State as of January 1,
20 1995, for secondary transmission to subscribers
21 in any community in that State that is not
22 within 1 of the first 50 major television markets
23 listed in section 76.51(a) of the Commission’s
24 regulations (47 C.F.R. 76.51(a)), as such regula-
25 tions were in effect on January 1, 1995, if the

1 *satellite carrier is retransmitting the signal of*
2 *the station pursuant to paragraph (1) of this*
3 *subsection or section 325(b) of this Act.*

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

10 “(i) *all network stations and supersta-*
11 *tions licensed by the Commission as of Jan-*
12 *uary 1, 1995, were assigned to the same*
13 *local market, and*

14 “(ii) *that local market does not encom-*
15 *pass all counties of that State,*
16 *for secondary transmission to subscribers in that*
17 *State who reside in one of the first 50 major tele-*
18 *vision markets listed in section 76.51(a) of the*
19 *Commission’s regulations (47 C.F.R. 76.51(a)),*
20 *as such regulations were in effect on January 1,*
21 *1995, if the satellite carrier is retransmitting the*
22 *signals pursuant to paragraph (1) of this sub-*
23 *section or section 325(b) of this Act.”.*

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

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

14 **SEC. 11. CARRIAGE OF TELEVISION SIGNALS TO CERTAIN**
15 **SUBSCRIBERS.**

16 Part I of title III of the Communications Act of 1934
17 (47 U.S.C. 301 et seq.) is amended by inserting after section
18 339 the following:

19 **“SEC. 340. CARRIAGE OF TELEVISION SIGNALS TO CERTAIN**
20 **SUBSCRIBERS.**

21 “(a) *IN GENERAL.*—A multichannel video program-
22 ming distributor may elect to retransmit, to subscribers in
23 an eligible county—

24 “(1) any television broadcast stations that are
25 located in the State in which the county is located

1 *and that any multichannel video programming dis-*
2 *tributor was retransmitting to subscribers in the*
3 *county on January 1, 2004; or*

4 “(2) *up to 2 television broadcast stations located*
5 *in the State in which the county is located, if the*
6 *number of television broadcast stations that the multi-*
7 *channel video programming distributor is authorized*
8 *to carry under paragraph (1) is less than 3.*

9 “(b) *DEEMED SIGNIFICANTLY VIEWED.—Any station*
10 *described in subsection (a) is deemed to be significantly*
11 *viewed in the eligible county within the meaning of section*
12 *76.54 of the Commission’s regulations (47 C.F.R. 76.54).*

13 “(c) *DEFINITION OF ELIGIBLE COUNTY.—For pur-*
14 *poses of this subsection, the term ‘eligible county’ means any*
15 *1 of 4 counties that—*

16 “(1) *are in a single State;*

17 “(2) *on January 1, 2004, were in local markets*
18 *principally comprised of counties in another State;*
19 *and*

20 “(3) *had a combined total of 41,340 television*
21 *households according to the U.S. Television Household*
22 *Estimates by Nielsen Media Research for 2003-2004.*

23 “(d) *LIMITATION.—Carriage of a station under this*
24 *section shall be at the option of the multichannel video pro-*
25 *gramming distributor.”.*

1 **SEC. 12. SATELLITE CARRIAGE OF ALASKA TELEVISION STA-**
2 **TIONS IN AREAS OF ALASKA OUTSIDE ANY**
3 **DMA.**

4 “(a) *CARRIAGE OBLIGATIONS.*—Section 338(a) of
5 *the Communications Act of 1934 (47 U.S.C. 338(a)), as*
6 *amended by section 10 of this Act, is amended by adding*
7 *at the end thereof the following:*

8 “(4) *CARRIAGE OF SIGNALS OF LOCAL STATIONS*
9 *IN CERTAIN MARKETS.*—A satellite carrier that offers
10 *multichannel video programming distribution service*
11 *in the United States to more than 5,000,000 sub-*
12 *scribers shall, within 2 years after the date of enact-*
13 *ment of the Satellite Home Viewer Extension and*
14 *Rural Consumer Access to Digital Television Act of*
15 *2004, retransmit the analog and digital signals of*
16 *each television broadcast station located in any local*
17 *market within a State that is not part of the contig-*
18 *uous United States and that contains more than one*
19 *television market. The retransmissions of such sta-*
20 *tions shall be made available to substantially all of*
21 *the satellite carrier’s subscribers in each station’s*
22 *local market, and the retransmissions of the stations*
23 *in at least one market in the state shall be made*
24 *available to substantially all of the satellite carrier’s*
25 *subscribers in areas of the State that are not within*
26 *a designated market area. The cost to subscribers of*

1 *such retransmissions shall not exceed the cost of re-*
2 *transmissions of local television stations in other*
3 *States. Within 1 year after the date of enactment of*
4 *that Act, the Commission shall promulgate regula-*
5 *tions concerning elections by television stations in*
6 *such State between mandatory carriage pursuant to*
7 *this section and retransmission consent pursuant to*
8 *section 325(b), which shall take into account the*
9 *schedule on which local television stations are made*
10 *available to viewers in such State.”.*

11 “(b) *NO IMPORTATION OF DISTANT TELEVISION*
12 *STATIONS IN ALASKA AFTER LOCAL-TO-LOCAL IS AVAIL-*
13 *ABLE.—Section 119(a) of title 17, United States Code, is*
14 *amended by adding at the end thereof the following:*

15 “(13) *NO IMPORTATION OF DISTANT SIGNALS*
16 *INTO CERTAIN MARKETS.—Notwithstanding any other*
17 *provision of this title, the statutory license in this*
18 *subsection and subsection (b) shall not apply to any*
19 *secondary transmission of a television station located*
20 *outside of the State of Alaska to any subscriber in*
21 *that State to whom secondary transmissions of tele-*
22 *vision stations located in that State are made avail-*
23 *able by the satellite carrier pursuant to section 122.”.*

24 “(c) *EXTRA-DMA DEEMED LOCAL.—Section*
25 *122(j)(2) of title 17, United States Code, as amended by*

1 *section 10(b) of this Act, is further amended by adding at*
2 *the end thereof the following:*

3 “(E) *CERTAIN AREAS OUTSIDE OF ANY DES-*
4 *IGNATED MARKET AREA.—Any census area, bor-*
5 *ough, or other area in the State of Alaska that*
6 *is outside of a designated market area, as deter-*
7 *mined by Nielsen Media Research, shall be*
8 *deemed to be part of one of the local markets in*
9 *the State of Alaska. A satellite carrier may de-*
10 *termine which local market in the State of Alas-*
11 *ka will be deemed to be the relevant local market*
12 *in connection with each subscriber in such census*
13 *area, borough, or other area.”.*

○