

111TH CONGRESS
1ST SESSION

H. R. 1155

To mandate satellite carriage of qualified noncommercial educational television stations.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 2009

Ms. ESHOO introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To mandate satellite carriage of qualified noncommercial educational television stations.

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 “Satellite Consumers’
5 Access to Public Television Digital Programming Act of
6 2009”.

1 **SEC. 2. SATELLITE CARRIAGE OF QUALIFIED NONCOMMER-**
2 **CIAL EDUCATIONAL TELEVISION STATIONS'**
3 **DIGITAL SIGNALS.**

4 Section 338(a) of the Communications Act of 1934
5 (47 U.S.C. 338(a)) is amended by adding at the end the
6 following new paragraph:

7 “(5) CARRIAGE OF QUALIFIED NONCOMMER-
8 CIAL EDUCATIONAL TELEVISION STATIONS’ DIGITAL
9 SIGNALS.—

10 “(A) OBLIGATION TO CARRY.—A satellite
11 carrier that offers multichannel video program-
12 ming distribution service in the United States
13 to more than 5,000,000 subscribers shall, with-
14 in 1 year after the date of the enactment of the
15 Satellite Consumers’ Access to Public Television
16 Digital Programming Act of 2009, retransmit
17 the digital signals (including all free, over-the-
18 air digital programming streams) of each quali-
19 fied noncommercial educational television sta-
20 tion located in any local market in the United
21 States. The retransmissions of each such sta-
22 tion—

23 “(i) shall be made available to all of
24 the satellite carrier’s subscribers in such
25 station’s local market; and

1 “(ii) shall be carried in the digital for-
2 mat originally transmitted by the broad-
3 caster, and, notwithstanding any other pro-
4 vision of law or regulation, without mate-
5 rial degradation, including conversion to
6 any lower-resolution or non-digital format.

7 “(B) EXISTING CONTRACTS.—Nothing in
8 this paragraph shall alter the contractual rights
9 or obligations of the parties to any contract be-
10 tween a qualified noncommercial educational
11 television station, or its representative, and a
12 satellite carrier that is in force and effect as of
13 the date of enactment of the Satellite Con-
14 sumers’ Access to Public Television Digital Pro-
15 gramming Act of 2009.”.

16 **SEC. 3. DEFINITION.**

17 Section 338(k) is amended—

18 (1) by redesignating paragraphs (5) through
19 (8) as paragraphs (6) through (9), respectively; and

20 (2) by inserting after paragraph (4) the fol-
21 lowing new paragraph:

22 “(5) QUALIFIED NONCOMMERCIAL EDU-
23 CATIONAL TELEVISION STATION.—The term ‘quali-
24 fied noncommercial educational television station’

1 has the meaning given such term in section
2 615(l)(1) of this Act.”.

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