

Statement of

The Honorable Patrick Leahy

United States Senator
Vermont
February 25, 2009

Statement of Senator Patrick Leahy (D-Vt.),
Chairman, Senate Judiciary Committee,
Hearing on "Ensuring Television Carriage in the Digital Age"
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Last week, Vermont's broadcast television stations turned off their analog signals and began broadcasting only in digital. By June 13, all television stations across the country will have completed this transition. With the digital era upon us, consumers are accessing video content in ways virtually unimaginable just two decades ago. Network programs are available online, and consumers are increasingly viewing broadcast television stations through cable and satellite systems, rather than by using an antenna.

Congress has facilitated the growth of the cable and satellite industries by providing a statutory license to retransmit broadcast television to consumers. Important parts of the satellite license expire at the end of this year.

Congress first passed the Satellite Home Viewer Act in 1988, and with each reauthorization we have sought to improve it in a manner that both protects content owners and improves the ability of consumers to access local television stations. In 1999, I introduced legislation with Senators Hatch and Kohl and others that led to the creation of a license for satellite companies to provide local broadcast stations in local markets for the first time.

This provision has been tremendously successful. Both DISH Network and DirecTV use this license to provide local service in Vermont, and I thank them for making that service available. Local television plays a key role in cities and towns across the country by providing relevant news, weather and sports, and notifying residents in cases of emergency. The programming and services that local stations provide helps to foster a sense of community.

I appreciate that Bob Hartwell is here from Vermont to testify today. As a State Senator from Bennington County, Vermont, Senator Hartwell can testify about the importance of receiving home state television stations. Bennington County is one of two counties in Southern Vermont that is not considered part of the Burlington television market. Residents there were unable to receive the local Vermont broadcast stations by satellite for many years. During the 2004 reauthorization, I included a provision that made it possible for the Southern Vermont counties to receive Vermont stations by satellite. Senator Hartwell knows firsthand that for a Bennington County resident, seeing news of a fire in Clifton Park, New York, is not the same as seeing that news for Rutland, Vermont.

This provision has helped to keep Vermonters in all corners of the state connected. I appreciate that DirecTV took advantage of it to serve Southern Vermonters, but there is still more to do. For instance, DISH is currently not allowed to provide this service, and I understand that other states have similar issues in which residents are unable to access stations from their home states.

A healthy satellite industry promotes competition between video providers, and benefits consumers across the country. It is particularly important in rural areas that may be out of the reach of broadcast television and even cable access. Satellite has filled this role with great success in Vermont, which has a topography that can block broadcast signals and make cable access difficult. A healthy satellite and cable industry takes on a renewed importance because of the digital television transition, which has left many consumers unable to access stations over-the-air.

In this year's reauthorization, Congress will need to focus on modernizing and simplifying the licenses for the digital age. The United States Copyright Office released a report last summer that made recommendations for updating these licenses. One of the Office's recommendations is to harmonize the satellite and cable licenses, which currently operate very differently. I am interested in hearing the panelists' views on how this would affect competition between cable and satellite providers.

I look forward to working with the Senators on this Committee, and with the other Committees with jurisdiction over these issues, to craft legislation that will improve service to consumers and allow cable and satellite providers, broadcast television stations, and content creators to thrive in the digital era.

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