

Statement of  
**The Honorable Patrick Leahy**

United States Senator  
Vermont  
September 24, 2009

Statement Of Senator Patrick Leahy (D-Vt.),  
Chairman, Senate Judiciary Committee,  
Opening Statement  
Executive Business Meeting  
September 24, 2009

This morning we have the opportunity to make progress on a number of items on our agenda. I have been terribly disappointed over the past several weeks that we have not made more progress on the Free Flow of Information Act. I placed that matter on the agenda some time ago and have worked with Senator Schumer and Senator Specter, the lead sponsors, and with the administration, and I tried to work with Republican Senators to proceed as we did last Congress to report the bill to the Senate. I have tried to be fair to all, and to allow time for the sponsors to have discussions that could lead to moving this important legislation. I support it now as I did when I cosponsored it and worked as Chairman to report it last Congress.

I was pleased to hear Senator Schumer say last week that discussions are making progress, and I look forward to those discussions culminating in more movement and support for the bill soon. Today Senator Schumer, a leading proponent, and several Republican opponents, cannot be with us because of the Finance Committee markup of health care reform legislation. In spite of the time we have devoted to the measure over several months and, in particular, the last two weeks, in light of the unavailability of interested Senators, and in light of the ongoing discussions, I do not believe we will be able to break through the opposition today and end debate on that measure and have it voted on--up or down.

I do hope that we can make progress on the nine presidential nominations on the agenda today. We will hold over those that Republicans wish to hold over under our rules, but I hope that we can proceed to report several to the Senate, including the nomination of Ignacia Moreno to head the Environment and Natural Resources Division at the Department of Justice.

I also believe we can, in relatively short order, work through and report the Satellite Television Modernization Act. This is bipartisan legislation that I have worked through with Senators Sessions, Kohl, Hatch and Kyl, and that must be enacted without delay. Without it, televisions can literally go dark in many areas of the country come December. None of us wants that to happen. A predecessor of our Ranking Member, another member of this Committee who represented Alabama, used to joke that the satellite dish was the unofficial state flower of that State. I think it is the unofficial state flower in many rural regions of our States.

Our legislation will modernize and streamline the statutory licenses that allow cable and satellite providers to retransmit the content of broadcast television signals to their subscribers. The transition to digital television earlier this year requires Congress to update the licenses, which are currently based on the now outdated analog standard. This bill will make those needed changes.

Important changes in this bill will make it easier for satellite carriers to provide a full complement of network stations to viewers, as well as improve their ability to offer local stations. In addition, this legislation will facilitate the ability of satellite providers to launch local-into-local service in markets they do not currently serve. As satellite carriers begin to offer local service in more markets, the distant signal license will become less necessary, allowing it to be gradually phased out.

This legislation also makes an important change to the license used by cable providers by solving the so-called "phantom signal" issue, whereby cable systems pay copyright owners for content that their subscribers are not actually receiving. I was pleased that the members of the content community and the cable industry were able to come together to help resolve this issue, and this bill would amend the statute to reflect that.

The substitute amendment that I am offering this morning makes a number of necessary technical changes to the bill. It also contains a provision to provide for a study by the United States Copyright Office on concrete proposals to move away from compulsory licenses. I thank Senator Hatch for working with us on this matter. He has long been a leader on these matters and we would not be able to move forward today but for his efforts.

A lot of work has been done to bring the satellite bill forward today. The bill is not everything anybody wanted, but it is a good legislative product that needs to move forward and should move forward. I hope that the Committee will report this bill favorably today and hope that we can do so in a bipartisan manner.

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