

HR 4501

Satellite Home Viewer Extension and Reauthorization Act of 2004

Congress: 108 (2003–2005, Ended)

Chamber: House

Policy Area: Science, Technology, Communications

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Sponsor

Name: Rep. Upton, Fred [R-MI-6]

Party: Republican • State: MI • Chamber: House

Cosponsors (3 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Barton, Joe [R-TX-6]	R · TX		Jun 3, 2004
Rep. Dingell, John D. [D-MI-15]	D · MI		Jun 3, 2004
Rep. Markey, Edward J. [D-MA-7]	D · MA		Jun 3, 2004

Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Referred to	Jun 18, 2004

Subjects & Policy Tags

Policy Area:

Science, Technology, Communications

Related Bills

Bill	Relationship	Last Action
108 HR 4518	Related bill	Oct 7, 2004: Received in the Senate.
108 S 2013	Related bill	Jun 17, 2004: Placed on Senate Legislative Calendar under General Orders. Calendar No. 584.

(This measure has not been amended since it was introduced. The summary has been expanded because action occurred on the measure.)

Satellite Home Viewer Extension and Reauthorization Act of 2004 - Title II (sic): Federal Communications

Commission Operations - (Sec. 201) Amends the Communications Act of 1934 to extend until December 31, 2009, the exemption that allows a cable system or multichannel video programming distributor to retransmit signals of network stations directly to a home satellite antenna without the express authority of the originating station if the subscriber receiving the signal is outside the local market of such stations, and resides in an unserved household.

(Sec. 202) Allows a satellite carrier to retransmit to subscribers located in a community, in addition to the local and distant broadcast signals that subscribers may otherwise receive, the distant signals of any station that a cable system is authorized to transmit as significantly viewed in the county in which that community is located under Federal Communications Commission (FCC) regulations.

Limits retransmissions of the analog signal of a significantly viewed television broadcast station to those subscribers who also receive retransmissions of local analog signals.

Limits retransmissions of the digital signal of a significantly viewed network station to subscribers who also receive retransmissions of local digital signals, but only if: (1) the retransmission of the local network station occupies at least the equivalent bandwidth as the distant digital signal; or (2) the retransmission of the local network station carries the entire bandwidth of the local digital signal.

Provides that these limitations do not apply to a subscriber in a local market in which there are no local stations affiliated with the same television network as the significantly viewed station whose signal is being transmitted.

Allows a satellite carrier to retransmit a significantly viewed network station to a subscriber not receiving the retransmissions of the local signal affiliated with the same network if and to the extent that the local station has waived the requirement that a subscriber must also be receiving the local signal.

Requires the FCC to permit a satellite carrier to petition for decisions and orders by which stations and communities may be added to those that are eligible for retransmissions under the significantly viewed station provisions of this Act.

Authorizes a satellite carrier to retransmit to subscribers located in a community that is not served by a cable system the signal of any station that a cable system in that community would be authorized to retransmit as a significantly viewed signal in accordance with FCC rules, regulations, and authorizations.

Provides that carriage by a satellite carrier of a signal of a significantly viewed station is not mandatory, and has no effect on the right of a station to be carried into the local market.

Provides that FCC rules concerning network nonduplication and syndicated exclusivity do not apply to significantly viewed signals under this Act unless the FCC determines otherwise. Prohibits the application of network nonduplication or syndicated exclusivity regulations to the retransmission of distant signals of network stations to unserved households.

Sets forth provisions regarding violations of this Act by satellite carriers, including the filing of a complaint by a television station, the available defenses for a satellite carrier, determinations by the FCC, the issuance by the FCC of a cease-and-desist order, and procedures for enforcement of an FCC order.

Directs the FCC to commence a rulemaking proceeding within 180 days of enactment of this Act for provisions of this Act relating to significantly viewed stations, and adopt such rules within one year.

Requires the FCC to allow a television broadcast station that is being retransmitted into the local market by a satellite carrier, which is also planning to retransmit or is transmitting the signals of a significantly viewed station affiliated with the same network, to elect between retransmission consent and mandatory carriage for each county within such station's local market. Directs: (1) the FCC to require any such station to conduct a unified negotiation for the entire portion of its local market for which retransmission pursuant to consent is elected; and (2) the satellite carrier to provide notice to the station of which significantly viewed signals it reserves the right to retransmit during the next year.

(Sec. 203) Requires a satellite carrier to transmit all signals of local television broadcast stations retransmitted by that carrier within a local market by means of a single reception antenna and associated equipment within one year of enactment of this Act. Allows the satellite carrier to transmit digital signals by means of a separate antenna, but all local digital signals must be transmitted by means of a single reception antenna. Requires such satellite carrier to provide notice to subscribers and licensees for local stations of: (1) any reallocation of signals between different antennas that the carrier intends to make; (2) the need for subscribers to obtain an additional antenna; and (3) any cessation of carriage or other material change in the carriage of signals as a consequence of these requirements.

(Sec 204) Allows a subscriber eligible to receive distant signals under the grandfather clause permitting an otherwise ineligible subscriber to receive distant signals if they do not receive a signal of a certain strength (grandfathered subscriber) to receive secondary transmissions of the distant signal of a network station where a local signal affiliated with the same network is available by the date of enactment of this Act if such subscriber elects to retain the distant signal within 60 days of receiving notice of the availability of the local signal, but only until such time as the subscriber elects to receive the local signal. Requires the satellite carrier to submit to the television network within 60 days of enactment of this Act the required list and statement which includes: (1) a list, aggregated by designated market area, identifying each subscriber provided such a signal by name, address, and the distant signal received; and (2) a statement that, to the best of the carrier's knowledge and belief after having made diligent and good faith inquiries, the subscriber is qualified under existing law to receive the distant network signal.

Allows a subscriber in an unserved household where a local signal is available by the date of enactment of this Act to receive distant signals of a station affiliated with the same network if the subscriber: (1) is also receiving the local signal as of the date of enactment of this Act, and the satellite carrier submits to the television network the required list and statement; or (2) is only receiving the distant signal, but only such time as the subscriber elects to receive the local signal.

Allows subscribers in unserved households where a local signal is not available by the date of enactment of this Act to receive distant signals of a station affiliated with the same network if the subscriber: (1) is a subscriber as of the date of enactment of this Act; or (2) becomes a subscriber before the local signal is made available, but only until such time as the subscriber elects to receive the local signal.

Prohibits a satellite carrier from providing a distant signal to a subscriber in a location in which a local signal was available by the carrier before the person becomes a subscriber to that carrier.

Allows a satellite carrier to provide a distant signal to a subscriber of a television station if the local station affiliated with the same network has granted a waiver to the satellite carrier with respect to the retransmission of such distant signal to the subscriber.

(Sec. 205) Requires a satellite carrier that offers a distant signal to a grandfathered subscriber to: (1) notify such

subscribers within 60 days after the local signal of a network station of the same television network is available or within 60 days of enactment of this Act, whichever is later, that a local signal is available; (2) offer to substitute the local signal for the distant signal; (3) inform the subscriber that failure to respond within 60 days will result in the loss of the distant signal; and (4) switch the subscriber to the local signal if such subscriber elects a switch or fails to respond.

Requires a satellite carrier that provides a distant signal to grandfathered subscribers or unserved households to submit to each network within 60 days of enactment of this Act the required list and statement.

Requires the FCC to revise the regulations relating to notice to television broadcast stations to require a satellite carrier that proposes to commence the retransmission of: (1) the local signal into a local market to notify local stations 60 days prior to commencement of such service, and allow such stations to elect express retransmission consent or mandatory carriage under the Communications Act of 1934; and (2) the signal of a significantly viewed station to notify any local television broadcast station affiliated with the same network 60 days prior to such retransmission and designate on the carrier's website all significantly viewed signals carried by the carrier and the communities in which the signals are carried.

(Sec. 206) Requires a satellite carrier to notify a subscriber at the time of entering an agreement, and annually thereafter, in a separate written statement which clearly and conspicuously informs the subscriber of: (1) the nature of personally identifiable information collected and its use; (2) the nature, frequency and purpose of any disclosure which may be made of such information; (3) the period such information will be maintained by the satellite carrier; (4) the time and place at which the subscriber may have access to such information; and (5) the limitations provided by this Act and the subscribers right to enforce such limitations.

Prohibits a satellite carrier from using any of its facilities to collect a subscriber's personally identifiable information without the prior consent of the subscriber, but allows the satellite carrier to collect such information to obtain information necessary to render a service to the subscriber, or detect unauthorized reception of satellite communications.

Prohibits the unauthorized disclosure of personally identifiable subscriber information. Requires a satellite carrier to prevent unauthorized access to such information. Allows a satellite carrier to disclose: (1) such information necessary to render or conduct a legitimate business activity related to a service provided to the subscriber; (2) information pursuant to a court order, if the subscriber is notified of the order by the person to whom the order is directed; (3) the name and address of subscribers to any satellite, or other service, under certain circumstances; or (4) to an authorized government entity, except that such information may not include records revealing satellite subscriber selection of video programming from a satellite carrier.

Requires the satellite carrier to: (1) provide a subscriber access to all personally identifiable information collected and maintained by the carrier; (2) give such subscriber an opportunity to correct such information; and (3) destroy such information if the information is no longer necessary for the purpose for which it was collected and there are no pending requests or orders for access to such information.

Sets forth penalties for violations of this section, including punitive damages and attorney's fees.

(Sec. 207) Prohibits, until January 1, 2010, a multichannel video programming distributor from failing to negotiate in good faith for retransmission consent, and provides that it is not a failure to negotiate in good faith if the distributor enters into retransmission consent agreements containing different terms and conditions, including price terms, with different broadcast stations if such different terms and conditions are based on competitive marketplace considerations.

(Sec. 208) Directs the FCC to initiate an inquiry, and report to the relevant congressional committees on the results by December 31, 2005, to recommend the appropriate methodologies for determining which consumers are in locations where the consumer will be unable, on or after the date on which analog television services are discontinued pursuant to the Communications Act of 1934, to receive broadcast digital television service signals that are transmitted from a station's permanent digital television channel that are of sufficient intensity to be able to receive and display digital television services using receiving terrestrial outdoor antennas of reasonable cost and ease of installation.

(Sec. 209) Requires the FCC to exempt requests for a signal intensity test from the requirement to verify the signal by means of an independent test if such request was made by a subscriber: (1) to whom the retransmission of the local signal is available from such carrier; or (2) for whom the predictive model predicts a signal intensity that exceeds the signal intensity standard by such number of decibels as the FCC specifies by rule. Allows a subscriber who is predicted to receive a signal that meets or exceeds such signal intensity standard and resides in a local market in which the satellite carrier does not offer local signals to conduct a signal intensity test at the subscriber's own expense for the purpose of determining the subscriber's eligibility for distant signals.

(Sec. 210) Allows a satellite carrier to retransmit to subscribers in no more than two counties in a State that are in a local market principally comprised of counties in another State, the signals of any television station located in the capital city of the State in which such counties are located, if the total number of television households in the two counties combined did not exceed 10,000 for the year 2003. Deems such signals as significantly viewed for purposes of this section. Prohibits a satellite carrier that transmits such additional signals from transmitting more than four television broadcast stations in such counties.

Actions Timeline

- **Jul 22, 2004:** Reported by the Committee on Energy and Commerce. H. Rept. 108-634.
- **Jul 22, 2004:** Reported by the Committee on Energy and Commerce. H. Rept. 108-634.
- **Jul 22, 2004:** Placed on the Union Calendar, Calendar No. 379.
- **Jun 18, 2004:** Referred to the Subcommittee on Telecommunications and the Internet.
- **Jun 3, 2004:** Introduced in House
- **Jun 3, 2004:** Introduced in House
- **Jun 3, 2004:** Referred to the House Committee on Energy and Commerce.