

104TH CONGRESS
2D SESSION

H. R. 3192

To make amendments to section 119 of title 17 of the United States Code.

IN THE HOUSE OF REPRESENTATIVES

MARCH 28, 1996

Mr. MOORHEAD introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To make amendments to section 119 of title 17 of the
United States Code.

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 referred to as the “Satellite Home
5 Viewer Protection Act of 1996”.

6 **SEC. 2. NOTICE TO SUBSCRIBERS.**

7 Section 119(a)(2) is amended by adding the following
8 at the end:

9 “(D) NOTICE TO SUBSCRIBERS.—A sat-
10 ellite carrier that makes secondary trans-
11 missions of a primary transmission made by a

1 network station pursuant to subparagraph (A)
2 shall, prior to providing service of broadcast
3 signals under this title to a subscriber, provide
4 the subscriber with a written statement describ-
5 ing and quoting the network territorial restric-
6 tions of subsections (a) (2), (5), (8), (9), and
7 (10) of this section. Such statement shall de-
8 scribe the circumstances under which a sub-
9 scriber may not be eligible for satellite service
10 of a particular network station, and a subscrib-
11 er's rights under subsection (a)(8) of this sec-
12 tion. With respect to subscribers currently re-
13 ceiving broadcast signals under this title, the
14 satellite carrier shall provide the written state-
15 ment described in this subsection to such sub-
16 scribers no later than 60 days after the enact-
17 ment of this Act.”.

18 **SEC. 3. SIGNAL INTENSITY MEASUREMENT PROCEDURES.**

19 Section 119(a)(8) is amended as follows:

20 (1) Subparagraph (A) is amended to read:

21 “(A) IN GENERAL.—Subject to subpara-
22 graph (C), upon a challenge by a network sta-
23 tion regarding whether a subscriber is an
24 unserved household within the predicted grade
25 B contour of the station, the satellite carrier

1 shall, within 30 days after receipt of the chal-
2 lenge—

3 “(i) inform the subscriber who is the
4 subject of the challenge from the network
5 station in writing that the network station
6 has challenged the subscriber’s receipt of
7 the signal of the same network from the
8 satellite carrier; and

9 “(ii) offer the subscriber the option of
10 the satellite carrier conducting a measure-
11 ment of the signal intensity of the sub-
12 scriber’s household to determine whether
13 the household is an unserved household. If
14 the subscriber does not request, in writing,
15 the satellite carrier to conduct a signal in-
16 tensity measurement within 30 days of no-
17 tification of the challenge from the satellite
18 carrier, the satellite carrier shall terminate
19 service to that household of the signal that
20 is the subject of the challenge, and within
21 30 days thereafter notify the network sta-
22 tion that made the challenge that service
23 to that household has been terminated.

24 If the subscriber requests the satellite carrier to
25 conduct a signal intensity measurement as de-

1 scribed in clause (ii), the satellite carrier shall
2 give reasonable notice to the network station is-
3 suing the challenge to the subscriber that the
4 satellite carrier will be conducting a signal in-
5 tensity measurement.”.

6 (2) Subparagraph (B) is amended to read:

7 “(B) EFFECT OF MEASUREMENT;
8 COSTS.—If the satellite carrier conducts a sig-
9 nal intensity measurement under subparagraph
10 (A) and the measurement indicates that—

11 “(i) the household is not an unserved
12 household, the satellite carrier shall, within
13 60 days after the measurement is con-
14 ducted, terminate the service to that
15 household of the signal that is the subject
16 of the challenge, and within 30 days there-
17 after notify the network station that made
18 the challenge that service to that household
19 has been terminated. In addition, the sub-
20 scriber that requested the satellite carrier
21 to conduct the measurement shall reim-
22 burse the satellite carrier for the costs of
23 the measurement within 60 days after re-
24 ceipt of the measurement results and a
25 statement of costs of the measurement; or

1 “(ii) the household is an unserved
2 household, the station challenging the serv-
3 ice shall reimburse the satellite carrier for
4 the costs of the signal measurement within
5 60 days after receipt of the measurement
6 results and a statement of the costs of the
7 measurement.

8 (3) Subparagraph (D) is deleted.

9 **SEC. 4. SIGNAL INTENSITY MEASUREMENT; ARBITRATION.**

10 Section 119(a)(11) is amended as follows:

11 “(11) SIGNAL INTENSITY MEASUREMENT; ARBI-
12 TRATION.—

13 “(A) VOLUNTARY NEGOTIATION.—Satellite
14 carriers and network broadcasters may nego-
15 tiate the terms and conditions, including tech-
16 nical standards and costs, of the signal inten-
17 sity measurement described in subsection
18 (a)(8). A complete description of the agreed
19 upon terms of the measurement shall be filed
20 with the Register of Copyrights no later than
21 30 days after execution of the agreement.

22 “(B) ARBITRATION.—If satellite carriers
23 and network broadcasters are unable to agree
24 to the terms and conditions of the signal inten-
25 sity measurement within 30 days after the en-

1 actment of this Act, they shall submit the mat-
2 ter to binding arbitration. Such arbitration
3 shall be governed by the provisions of title 9 of
4 the United States Code, and shall be completed
5 and a decision rendered no later than 90 days
6 after the enactment of this Act. The parties
7 shall give notice to the Register of Copyrights
8 of any determination reached by arbitration no
9 later than 30 days after issuance of the deter-
10 mination. Such determination shall be dispo-
11 sive.

12 **SEC. 5. EFFECTIVE DATE.**

13 (a) IN GENERAL.—Except as provided in subsection
14 (b), this Act and the amendments made by this Act take
15 effect on the date of enactment of this Act.

16 (b) TRANSITIONAL SIGNAL INTENSITY MEASURE-
17 MENT PROCEDURES.—The provisions of section
18 119(a)(8), relating to the transitional signal intensity
19 measurements, shall cease to be effective on December 31,
20 1997.

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