

**Rep. Henry A. Waxman**  
**Chairman, Committee on Energy and Commerce**  
**Floor Statement**  
**Satellite Home Viewer Reauthorization Act of 2009 (H.R. 3570)**  
**December 2, 2009**

Madam Speaker, I rise in support of H.R. 3570, the Satellite Home Viewer Reauthorization Act of 2009.

I want to commend Mr. Boucher, Chairman of the Subcommittee on Communications, Technology and the Internet, as well as Subcommittee Ranking Member Stearns for their hard work on this bill. Mr. Boucher has been working on these issues since the first satellite TV bill in 1988, and he and his staff have been a tremendous resource for all of us as this bill has moved forward. Of course, I also want to thank and recognize Mr. Barton and his staff for their work on this bill. This has been a bipartisan effort from the start of the 111<sup>th</sup> Congress, and I appreciate the cooperative manner in which this legislation was processed.

This bill is an important step forward for consumers. The communications provisions of this bill update the Communications Act to take account of the transition to digital television. The bill makes changes to the existing rules on “significantly viewed” signals in an effort to promote competition between satellite and cable companies. It directs the FCC to study issues that directly impact consumers. And it establishes a regime that should bring, for the first time, satellite-delivered local television programming (so-called “local into local service”) to communities throughout the country that currently lack such service.

These can be arcane issues, but they determine the availability of satellite-delivered video programming to American households. It involves communications and copyright law, and we need, as technology evolves, to revisit the issues and strike the right policy balance.

The task of combining separate Energy and Commerce and Judiciary Committee bills into a single product was complex and time-consuming, but the final product is a balanced, bipartisan measure. I would like to commend Chairman Conyers, Ranking Member Smith, and

Judiciary Committee staff for working cooperatively with the Energy and Commerce Committee to produce a final bill.

I note that the bill before us incorporates the language of H.R. 3570 as well as H.R. 2994. H.R. 3570 was referred solely to the Committee on the Judiciary while H.R. 2994 was referred solely to the Committee on Energy and Commerce. The members of both committees worked diligently on their respective bills to address issues within the jurisdiction of each committee and both committees filed reports on their separate bills. Accordingly, the legislative history of H.R. 3570 incorporates the legislative history of H.R. 2994.

The Judiciary Committee's title of this bill concerns the use of compulsory copyright licenses by cable and satellite companies to retransmit broadcast television programming. The reauthorization and refinement of these provisions will serve to promote competition for pay television services and to ensure that consumers can continue to benefit from this competition.

The Judiciary Committee wisely chose to address, for the first time, the existence of so-called "multicast" signals and how these signals are being treated with respect to the compulsory copyright license.

It is important to note, however, that the Judiciary Committee's treatment of multicast signals does not — and should not — have any bearing on the treatment of multicast signals in other regulatory or statutory contexts.

Simply put, the treatment of multicast in Title I of this bill is limited in application to copyright law. It is imperative that the way multicast signals are treated under copyright law not be confused with the way multicast signals are treated under communications law. Similarly, it is important that the communications law provisions of this bill do not affect copyright law beyond what is explicitly intended by the Act.

To address this concern, the legislation includes savings clauses that make clear that the melding of two complicated statutes should not lead to changes in Title 47 or Title 17 beyond the

scope of this reauthorization. These clauses are important provisions designed to avoid unintended consequences.

In sum, I believe we have before us a carefully crafted bill that strikes the right balance among an array of complicated legal and policy matters. The bill is good for consumers, and I urge my colleagues to vote to approve this legislation.