

111TH CONGRESS
1ST SESSION

H. R. 2994

To reauthorize the Satellite Home Viewer Extension and Reauthorization Act of 2004, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2009

Mr. BOUCHER (for himself and Mr. STEARNS) introduced the following bill;
which was referred to the Committee on Energy and Commerce

A BILL

To reauthorize the Satellite Home Viewer Extension and Reauthorization Act of 2004, and for other purposes.

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 cited as the “Satellite Home Viewer
5 Reauthorization Act”.

6 **SEC. 2. EXTENSION OF AUTHORITY.**

7 Section 325(b) of the Communications Act of 1934
8 (47 U.S.C. 325(b)) is amended—

9 (1) in paragraph (2)(C), by striking “December
10 31, 2009”, and inserting “December 31, 2014”; and

1 (2) in paragraph (3)(C), by striking “January
2 1, 2010”, each place it appears in clauses (ii) and
3 (iii) and inserting “January 1, 2015”.

4 **SEC. 3. SIGNIFICANTLY VIEWED STATIONS.**

5 (a) IN GENERAL.—Paragraphs (1) and (2) of section
6 340(b) of such Act (47 U.S.C. 340(b)) are amended to
7 read as follows:

8 “(1) SERVICE LIMITED TO SUBSCRIBERS TAK-
9 ING LOCAL-INTO-LOCAL SERVICE.—This section shall
10 apply only to retransmissions to subscribers of a sat-
11 ellite carrier who receive retransmissions of a signal
12 from that satellite carrier pursuant to section 338.

13 “(2) SERVICE LIMITATIONS.—A satellite carrier
14 may retransmit to a subscriber in high definition
15 format the signal of a station determined by the
16 Commission to be significantly viewed under sub-
17 section (a) only if such carrier also retransmits in
18 high definition format the signal of a station located
19 in the local market of such subscriber and affiliated
20 with the same network whenever such format is
21 available from such station.”.

22 (b) RULEMAKING REQUIRED.—Within 180 days after
23 the date of the enactment of this Act, the Commission
24 shall take all actions necessary to promulgate a rule to
25 implement the amendments made by subsection (a).

1 **SEC. 4. CONFORMING AMENDMENTS.**

2 (a) SECTION 338.—Section 338 of the Communica-
3 tions Act of 1934 (47 U.S.C. 338) is amended—

4 (1) in subsection (a), by striking “(3) EFFEC-
5 TIVE DATE.—No satellite” and all that follows
6 through “until January 1, 2002.”; and

7 (2) by amending subsection (g) to read as fol-
8 lows:

9 “(g) CARRIAGE OF LOCAL STATIONS ON A SINGLE
10 RECEPTION ANTENNA.—

11 “(1) SINGLE RECEPTION ANTENNA.—Each sat-
12 ellite carrier that retransmits the signals of local tel-
13 evision broadcast stations in a local market shall re-
14 transmit such stations in such market so that a sub-
15 scriber may receive such stations by means of a sin-
16 gle reception antenna and associated equipment.

17 “(2) ADDITIONAL RECEPTION ANTENNA.—If
18 the carrier retransmits the signals of local television
19 broadcast stations in a local market in high defini-
20 tion format, the carrier shall retransmit such signals
21 in such market so that a subscriber may receive
22 such signals by means of a single reception antenna
23 and associated equipment, but such antenna and as-
24 sociated equipment may be separate from the single
25 reception antenna and associated equipment used to
26 comply with paragraph (1).”.

1 (b) SECTION 339.—Section 339 of such Act (47
2 U.S.C. 339) is amended—

3 (1) in subsection (a)—

4 (A) in paragraph (1)(B), by striking “Such
5 two network stations” and all that follows
6 through “more than two network stations.”;
7 and

8 (B) in paragraph (2)—

9 (i) in the heading for subparagraph
10 (A), by striking “TO ANALOG SIGNALS”;

11 (ii) in subparagraph (A)—

12 (I) in the heading for clause (i),
13 by striking “ANALOG”;

14 (II) in clause (i)—

15 (aa) by striking “analog”
16 each place it appears; and

17 (bb) by striking “2004” and
18 inserting “2009”;

19 (III) in the heading for clause
20 (ii), by striking “ANALOG”; and

21 (IV) in clause (ii)—

22 (aa) by striking “analog”
23 each place it appears; and

24 (bb) by striking “2004” and
25 inserting “2009”;

1 (iii) in the heading for subparagraph
2 (B), by striking “TO ANALOG SIGNALS”;

3 (iv) in subparagraph (B), by striking
4 “analog” each place it appears;

5 (v) in subparagraph (C)—

6 (I) by striking “analog” each
7 place it appears; and

8 (II) in clause (i), by striking “the
9 Satellite Home Viewer Extension and
10 Reauthorization Act of 2004” and in-
11 sserting “the Satellite Home Viewer
12 Reauthorization Act”;

13 (vi) in subparagraph (D)—

14 (I) by striking clauses (i), (iii)
15 through (v), (vii) through (ix), and
16 (xi);

17 (II) by redesignating clause (vi)
18 as clause (i);

19 (III) by amending such clause (i)
20 (as so redesignated) to read as fol-
21 lows:

22 “(i) SIGNAL TESTING.—A subscriber
23 shall be eligible to receive a distant signal
24 of a distant network station affiliated with
25 the same network under this section if

1 such subscriber is determined, based on a
2 test conducted in accordance with section
3 73.686(d) of title 47, Code of Federal Reg-
4 ulations, or any successor regulation, not
5 to be able to receive a signal that exceeds
6 the signal intensity standard in section
7 73.622(e)(1) of title 47, Code of Federal
8 Regulations.”;

9 (IV) in clause (ii)—

10 (aa) by striking “DIGITAL”
11 in the heading;

12 (bb) by striking “digital”
13 each place it appears;

14 (cc) by striking “Satellite
15 Home Viewer Extension and Re-
16 authorization Act of 2004” and
17 inserting “Satellite Home Viewer
18 Reauthorization Act”; and

19 (dd) by striking “, whether
20 or not such subscriber elects to
21 subscribe to local digital signals”;

22 and

23 (V) by redesignating clause (x)
24 as clause (iii); and

1 (vii) in subparagraph (E), by striking
2 “distant analog signal or” and all that fol-
3 lows through “(B), or (D))” and inserting
4 “distant signal”; and

5 (2) in subsection (c)—

6 (A) by amending paragraph (3) to read as
7 follows:

8 “(3) ESTABLISHMENT OF IMPROVED PRE-
9 DICTIVE MODEL AND ON-LOCATION TESTING RE-
10 QUIRED.—

11 “(A) PREDICTIVE MODEL.—Within 180
12 days after the date of the enactment of the Sat-
13 ellite Home Viewer Reauthorization Act, the
14 Commission shall take all actions necessary to
15 develop and prescribe by rule a point-to-point
16 predictive model for reliably and presumptively
17 determining the ability of individual locations to
18 receive signals in accordance with the signal in-
19 tensity standard in section 73.622(e)(1) of title
20 47, Code of Federal Regulations, including to
21 account for the continuing operation of trans-
22 lator stations and low power television stations.
23 The Commission shall establish procedures for
24 the continued refinement in the application of

1 the model by the use of additional data as it be-
2 comes available.

3 “(B) ON-LOCATION TESTING.—The Com-
4 mission shall issue an order completing its rule-
5 making proceeding in ET Docket No. 06–94
6 within 180 days after the date of enactment of
7 the Satellite Home Viewer Reauthorization Act.
8 As part of such rulemaking proceeding, the
9 Commission shall reexamine section 73.686(d)
10 of title 47, Code of Federal Regulations, taking
11 into account, at a minimum—

12 “(i) the effects of the transition to
13 digital television broadcasting; and

14 “(ii) the continuing operation of
15 translator stations and low power television
16 stations.”;

17 (B) by amending paragraph (4)(A) to read
18 as follows:

19 “(A) IN GENERAL.—If a subscriber’s re-
20 quest for a waiver under paragraph (2) is re-
21 jected and the subscriber submits to the sub-
22 scriber’s satellite carrier a request for a test
23 verifying the subscriber’s inability to receive a
24 signal of the signal intensity referenced in
25 clause (i) of subsection (a)(2)(D), the satellite

1 carrier and the network station or stations as-
2serting that the retransmission is prohibited
3with respect to that subscriber shall select a
4qualified and independent person to conduct the
5test referenced in such clause. Such test shall
6be conducted within 30 days after the date the
7subscriber submits a request for the test. If the
8written findings and conclusions of a test con-
9ducted in accordance with such clause dem-
10onstrate that the subscriber does not receive a
11signal that meets or exceeds the requisite signal
12intensity standard in such clause, the subscriber
13shall not be denied the retransmission of a sig-
14nal of a network station under section 119 of
15title 17, United States Code.”;

16 (C) in paragraph (4)(B), by striking “the
17signal intensity” and all that follows through
18“United States Code” and inserting “such req-
19uisite signal intensity standard”; and

20 (D) in paragraph (4)(E), by striking
21“Grade B intensity”.

22 (c) SECTION 340.—Section 340(i) of such Act (47
23 U.S.C. 340(i)) is amended by striking paragraph (4).

1 **SEC. 5. APPLICATION PENDING COMPLETION OF**
2 **RULEMAKINGS.**

3 (a) **IN GENERAL.**—Between the date of enactment of
4 this Act and the adoption of rules by the Commission pur-
5 suant to the amendments to the Communications Act of
6 1934 made by sections 3 and 4 of this Act, the Commis-
7 sion shall follow its rules and regulations promulgated
8 pursuant to sections 338, 339, and 340 of the Commu-
9 nications Act of 1934 as in effect on the day before the
10 date of enactment of this Act.

11 (b) **TRANSLATOR STATIONS AND LOW POWER TELE-**
12 **VISION STATIONS.**—Notwithstanding subsection (a), for
13 purposes of determining whether a subscriber within the
14 local market served by a translator station or a low power
15 television station affiliated with a television network is eli-
16 gible to receive distant signals under section 339 of such
17 Act, the Commission shall follow its rules and regulations
18 for determining such subscriber’s eligibility as in effect on
19 the day before the date of enactment of this Act until the
20 date on which the translator station or low power tele-
21 vision station is licensed to broadcast a digital signal.

22 (c) **DEFINITIONS.**—As used in this section:

23 (1) **LOCAL MARKET; LOW POWER TELEVISION**
24 **STATION; SATELLITE CARRIER; SUBSCRIBER; TELE-**
25 **VISION BROADCAST STATION.**—The terms “local
26 market”, “low power television station”, “satellite

1 carrier”, “subscriber”, and “television broadcast sta-
2 tion” have the meanings given such terms in section
3 338(k) of the Communications Act of 1934.

4 (2) NETWORK STATION; TELEVISION NET-
5 WORK.—The terms “network station” and “tele-
6 vision network” have the meanings given such terms
7 in section 339(d) of such Act.

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