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(Original Signature of Member)

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

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

**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—

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

3           (2) in paragraph (3)(C), by striking “January  
4           1, 2010” each place it appears in clauses (ii) and  
5           (iii) and inserting “January 1, 2015”.

6 **SEC. 3. SIGNIFICANTLY VIEWED STATIONS.**

7           (a) IN GENERAL.—Paragraphs (1) and (2) of section  
8           340(b) of such Act (47 U.S.C. 340(b)) are amended to  
9           read as follows:

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

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

24           (b) RULEMAKING REQUIRED.—Within 180 days after  
25           the date of the enactment of this Act, the Commission

1 shall take all actions necessary to promulgate a rule to  
2 implement the amendments made by subsection (a).

3 **SEC. 4. CONFORMING AMENDMENTS.**

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

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

9 (2) by amending subsection (g) to read as fol-  
10 lows:

11 “(g) CARRIAGE OF LOCAL STATIONS ON A SINGLE  
12 RECEPTION ANTENNA.—

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

19 “(2) ADDITIONAL RECEPTION ANTENNA.—If  
20 the carrier retransmits the signals of local television  
21 broadcast stations in a local market in high defini-  
22 tion format, the carrier shall retransmit such signals  
23 in such market so that a subscriber may receive  
24 such signals by means of a single reception antenna  
25 and associated equipment, but such antenna and as-

1       sociated equipment may be separate from the single  
2       reception antenna and associated equipment used to  
3       comply with paragraph (1).”.

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

6           (1) in subsection (a)—

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

11             (B) in paragraph (2)—

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

14               (ii) in subparagraph (A)—

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

17                   (II) in clause (i)—

18                       (aa) by striking “analog”  
19                       each place it appears; and

20                       (bb) by striking “2004” and  
21                       inserting “2009”;

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

24                   (IV) in clause (ii)—

- 1 (aa) by striking “analog”  
2 each place it appears; and  
3 (bb) by striking “2004” and  
4 inserting “2009”;  
5 (iii) in the heading for subparagraph  
6 (B), by striking “TO ANALOG SIGNALS”;  
7 (iv) in subparagraph (B), by striking  
8 “analog” each place it appears;  
9 (v) in subparagraph (C)—  
10 (I) by striking “analog” each  
11 place it appears; and  
12 (II) in clause (i), by striking “the  
13 Satellite Home Viewer Extension and  
14 Reauthorization Act of 2004” and in-  
15 serting “the Satellite Home Viewer  
16 Reauthorization Act”;  
17 (vi) in subparagraph (D)—  
18 (I) by striking clauses (i), (iii)  
19 through (v), (vii) through (ix), and  
20 (xi);  
21 (II) by redesignating clause (vi)  
22 as clause (i);  
23 (III) by amending such clause (i)  
24 (as so redesignated) to read as fol-  
25 lows:

1                   “(i) SIGNAL TESTING.—A subscriber  
2                   shall be eligible to receive a distant signal  
3                   of a distant network station affiliated with  
4                   the same network under this section if  
5                   such subscriber is determined, based on a  
6                   test conducted in accordance with section  
7                   73.686(d) of title 47, Code of Federal Reg-  
8                   ulations, or any successor regulation, not  
9                   to be able to receive a signal that exceeds  
10                  the signal intensity standard in section  
11                  73.622(e)(1) of title 47, Code of Federal  
12                  Regulations.”;

13                                   (IV) in clause (ii)—

14   (aa) by striking “DIGITAL”  
15   in the heading;

16   (bb) by striking “digital”  
17   each place it appears;

18   (cc) by striking “Satellite  
19   Home Viewer Extension and Re-  
20   authorization Act of 2004” and  
21   inserting “Satellite Home Viewer  
22   Reauthorization Act”; and

23   (dd) by striking “, whether  
24   or not such subscriber elects to

1 subscribe to local digital signals”;

2 and

3 (V) by redesignating clause (x)

4 as clause (iii); and

5 (vii) in subparagraph (E), by striking

6 “distant analog signal or” and all that fol-

7 lows through “(B), or (D))” and inserting

8 “distant signal”; and

9 (2) in subsection (c)—

10 (A) by amending paragraph (3) to read as

11 follows:

12 “(3) ESTABLISHMENT OF IMPROVED PRE-  
13 DICTIVE MODEL AND ON-LOCATION TESTING RE-  
14 QUIRED.—

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

1           lator stations and low power television stations.  
2           The Commission shall establish procedures for  
3           the continued refinement in the application of  
4           the model by the use of additional data as it be-  
5           comes available.

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

15                 “(i) the effects of the transition to  
16                 digital television broadcasting; and

17                 “(ii) the continuing operation of  
18                 translator stations and low power television  
19                 stations.”;

20          (B) by amending paragraph (4)(A) to read  
21          as follows:

22                 “(A) IN GENERAL.—If a subscriber’s re-  
23                 quest for a waiver under paragraph (2) is re-  
24                 jected and the subscriber submits to the sub-  
25                 scriber’s satellite carrier a request for a test

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

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

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

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

3 **SEC. 5. APPLICATION PENDING COMPLETION OF**  
4 **RULEMAKINGS.**

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

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

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

- 1           (1) LOCAL MARKET; LOW POWER TELEVISION  
2           STATION; SATELLITE CARRIER; SUBSCRIBER; TELE-  
3           VISION BROADCAST STATION.—The terms “local  
4           market”, “low power television station”, “satellite  
5           carrier”, “subscriber”, and “television broadcast sta-  
6           tion” have the meanings given such terms in section  
7           338(k) of the Communications Act of 1934.
- 8           (2) NETWORK STATION; TELEVISION NET-  
9           WORK.—The terms “network station” and “tele-  
10          vision network” have the meanings given such terms  
11          in section 339(d) of such Act.