

[DISCUSSION DRAFT]

111TH CONGRESS
1ST SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

M. _____ 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 “_____ Act
5 of 2009”.

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.—Section 340(b) of such Act (47
8 U.S.C. 340(b)) is amended by amending paragraphs (1)
9 and (2) to 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.—With respect to a
16 signal that originates as a high definition signal of
17 a network station, this section shall only apply if
18 such carrier also retransmits in a high definition for-
19 mat the signal of a station located in the local mar-
20 ket of such subscriber and affiliated with the same
21 network whenever such format is available from such
22 station located in the local market.”.

23 (b) RULEMAKING REQUIRED.—Within 180 days after
24 the date of the enactment of this Act, the Commission
25 shall take all actions necessary, including any reconsider-

1 ation, to promulgate a rule to implement the amendments
2 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 DISH.—Each satellite carrier that retransmits the signals
13 of local television broadcast stations in a local market shall
14 retransmit such signals in such market by means of a sin-
15 gle reception antenna and associated equipment.”.

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

18 (1) in subsection (a)—

19 (A) in paragraph (1)(B), by striking “Such
20 two network stations” and all that follows
21 through “more than two network stations.”;
22 and

23 (B) in paragraph (2)—

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

- 1 (ii) in subparagraph (A)—
- 2 (I) in the heading for clause (i),
- 3 by striking “ANALOG”;
- 4 (II) in clause (i)—
- 5 (aa) by striking “analog”
- 6 each place it appears; and
- 7 (bb) by striking “October 1,
- 8 2004” and inserting “October 1,
- 9 2009”;
- 10 (III) in the heading for clause
- 11 (ii), by striking “ANALOG”; and
- 12 (IV) in clause (ii)—
- 13 (aa) by striking “analog”
- 14 each place it appears; and
- 15 (bb) by striking “2004” and
- 16 inserting “2009”;
- 17 (iii) in the heading for subparagraph
- 18 (B), by striking “TO ANALOG SIGNALS”;
- 19 (iv) in subparagraph (B), by striking
- 20 “analog” each place it appears;
- 21 (v) in subparagraph (C)—
- 22 (I) by striking “analog” each
- 23 place it appears; and
- 24 (II) in clause (i), by striking “the
- 25 Satellite Home Viewer Extension and

1 Reauthorization Act of 2004” and in-
2 serting “the _____ Act of
3 2009”;

4 (vi) in subparagraph (D)—

5 (I) by striking clauses (i), (iii)
6 through (v), (vii) through (ix), and
7 (xi);

8 (II) by redesignating clause (vi)
9 as clause (i);

10 (III) in such clause (i) (as so re-
11 designated)—

12 (aa) by striking “FOR DIG-
13 ITAL SIGNALS” in the heading;

14 (bb) by striking “digital”
15 each place it appears;

16 (cc) in subclause (I)—

17 (AA) by striking
18 “under clause (i)(III)” and
19 inserting “of a distant net-
20 work station affiliated with
21 the same network under this
22 section”;

23 (BB) by striking “, as
24 in effect on the date of en-
25 actment of the Satellite

1 Home Viewer Extension and
2 Reauthorization Act of
3 2004”; and

4 (CC) by adding at the
5 end the following:

6 “The Commission shall issue an order
7 completing its rulemaking proceeding
8 in ET Docket No. 06-94 within 180
9 days after the date of enactment of
10 the _____ Act of 2009. As
11 part of such rulemaking proceeding,
12 the Commission shall reexamine sec-
13 tion 73.686(d) of title 47, Code of
14 Federal Regulations, taking into ac-
15 count, at a minimum, the effects of
16 the transition to full-power digital tel-
17 evision broadcasting.”; and

18 (dd) in subclause (III)(aa),
19 by striking “under clause (i)(I)”
20 and all that follows through
21 “analog signal”;

22 (IV) in clause (ii)—

23 (aa) by striking “DIGITAL”
24 in the heading;

1 (bb) by striking “digital”
2 each place it appears;

3 (cc) by striking “Satellite
4 Home Viewer Extension and Re-
5 authorization Act of 2004” and
6 inserting “_____ Act
7 of 2009”; and

8 (dd) by striking “, whether
9 or not such subscriber elects to
10 subscribe to local digital signals”;
11 and

12 (V) by redesignating clause (x)
13 as clause (iii); and

14 (vii) in subparagraph (E), by striking
15 “distant analog signal or” and all that fol-
16 lows through “(B), or (D))” and inserting
17 “distant signal”; and

18 (2) in subsection (c)—

19 (A) by amending paragraph (3) to read as
20 follows:

21 “(3) ESTABLISHMENT OF IMPROVED PRE-
22 DICTIVE MODEL REQUIRED.—Within 180 days after
23 the date of the enactment of the _____
24 Act of 2009, the Commission shall take all actions
25 necessary, including any reconsideration, to develop

1 and prescribe by rule a point-to-point predictive
2 model for reliably and presumptively determining the
3 ability of individual locations to receive signals in ac-
4 cordance with the signal intensity standard in sec-
5 tion 73.622(e)(1) of title 47, Code of Federal Regu-
6 lations. The Commission shall establish procedures
7 for the continued refinement in the application of
8 the model by the use of additional data as it be-
9 comes available.”; and

10 (B) in paragraph (4)(E), by striking
11 “Grade B intensity”.

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

14 **SEC. 5. APPLICATION PENDING COMPLETION OF**
15 **RULEMAKINGS.**

16 (a) IN GENERAL.—Between the date of enactment of
17 this Act and the adoption of rules by the Commission pur-
18 suant to the amendments to the Communications Act of
19 1934 made by sections 3 and 4 of this Act, the Commis-
20 sion shall follow its rules and regulations promulgated
21 pursuant to sections 338, 339, and 340 of the Commu-
22 nications Act of 1934 as in effect on the day before the
23 date of enactment of this Act.

24 (b) TRANSLATOR STATIONS AND LOW POWER TELE-
25 VISION STATIONS.—Notwithstanding subsection (a), for

1 purposes of determining whether a subscriber within the
2 local market served by a translator station or a low power
3 television station affiliated with a television network is eli-
4 gible to receive distant signals under section 339 of such
5 Act, the Commission shall follow its rules and regulations
6 for determining such subscriber's eligibility as in effect on
7 the day before the date of enactment of this Act until the
8 earlier of—

9 (1) 1 year after the date on which the Commis-
10 sion completes all actions necessary for the alloca-
11 tion and assignment of digital television licenses to
12 translator stations or low power television stations;
13 or

14 (2) the date on which the translator station or
15 low power television station is licensed to broadcast
16 a digital signal.

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

18 (1) LOCAL MARKET; LOW POWER TELEVISION
19 STATION; SATELLITE CARRIER; SUBSCRIBER; TELE-
20 VISION BROADCAST STATION.—The terms “local
21 market”, “low power television station”, “satellite
22 carrier”, “subscriber”, and “television broadcast sta-
23 tion” have the meanings given such terms in section
24 338(k) of the Communications Act of 1934.

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