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111TH CONGRESS
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H. R. 2994

[Report No. 111-349]

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

DECEMBER 2, 2009

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on June 23, 2009]

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 of 2009”.*

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

7 *Section 325(b) of the Communications Act of 1934 (47*
8 *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*

11 *(2) in paragraph (3)(C), by striking “January*
12 *1, 2010” each place it appears in clauses (ii) and*
13 *(iii) and inserting “January 1, 2015”.*

14 **SEC. 3. SIGNIFICANTLY VIEWED STATIONS.**

15 *(a) IN GENERAL.—Paragraphs (1) and (2) of section*
16 *340(b) of such Act (47 U.S.C. 340(b)) are amended to read*
17 *as follows:*

18 *“(1) SERVICE LIMITED TO SUBSCRIBERS TAKING*
19 *LOCAL-INTO-LOCAL SERVICE.—This section shall*
20 *apply only to retransmissions to subscribers of a sat-*
21 *ellite carrier who receive retransmissions of a signal*
22 *from that satellite carrier pursuant to section 338.*

23 *“(2) SERVICE LIMITATIONS.—A satellite carrier*
24 *may retransmit to a subscriber in high definition for-*
25 *mat the signal of a station determined by the Com-*

1 mission to be significantly viewed under subsection
2 (a) only if such carrier also retransmits in high defi-
3 nition format the signal of a station located in the
4 local market of such subscriber and affiliated with the
5 same network whenever such format is available from
6 such station.”.

7 (b) *RULEMAKING REQUIRED.*—Within 180 days after
8 the date of the enactment of this Act, the Federal Commu-
9 nications Commission shall take all actions necessary to
10 promulgate a rule to implement the amendments made by
11 subsection (a).

12 **SEC. 4. CONFORMING AMENDMENTS.**

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

15 (1) in subsection (a), by striking “(3) *EFFECTIVE*
16 *DATE.*—No satellite” and all that follows through
17 “until January 1, 2002.”; and

18 (2) by amending subsection (g) to read as fol-
19 lows:

20 “(g) *CARRIAGE OF LOCAL STATIONS ON A SINGLE RE-*
21 *CEPTION ANTENNA.*—

22 “(1) *SINGLE RECEPTION ANTENNA.*—Each sat-
23 ellite carrier that retransmits the signals of local tele-
24 vision broadcast stations in a local market shall re-
25 transmit such stations in such market so that a sub-

1 *scriber may receive such stations by means of a single*
2 *reception antenna and associated equipment.*

3 *“(2) ADDITIONAL RECEPTION ANTENNA.—If the*
4 *carrier retransmits the signals of local television*
5 *broadcast stations in a local market in high defini-*
6 *tion format, the carrier shall retransmit such signals*
7 *in such market so that a subscriber may receive such*
8 *signals by means of a single reception antenna and*
9 *associated equipment, but such antenna and associ-*
10 *ated equipment may be separate from the single re-*
11 *ception antenna and associated equipment used to*
12 *comply with paragraph (1).”.*

13 *(b) SECTION 339.—Section 339 of such Act (47 U.S.C.*
14 *339) is amended—*

15 *(1) in subsection (a)—*

16 *(A) in paragraph (1)(B), by striking “Such*
17 *two network stations” and all that follows*
18 *through “more than two network stations.”; and*

19 *(B) in paragraph (2)—*

20 *(i) in the heading for subparagraph*
21 *(A), by striking “TO ANALOG SIGNALS”;*

22 *(ii) in subparagraph (A)—*

23 *(I) in the heading for clause (i),*
24 *by striking “ANALOG”;*

25 *(II) in clause (i)—*

1 (aa) by striking “analog”
2 each place it appears; and

3 (bb) by striking “October 1,
4 2004” and inserting “October 1,
5 2009”;

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

8 (IV) in clause (i)—

9 (aa) by striking “analog”
10 each place it appears; and

11 (bb) by striking “2004” and
12 inserting “2009”;

13 (iii) by amending subparagraph (B) to
14 read as follows:

15 “(B) RULES FOR OTHER SUBSCRIBERS.—

16 “(i) IN GENERAL.—In the case of a
17 subscriber of a satellite carrier who is eligi-
18 ble to receive the signal of a network station
19 under this section (in this clause referred to
20 as a ‘distant signal’), other than subscribers
21 to whom subparagraph (A) applies, the fol-
22 lowing shall apply:

23 “(I) In a case in which the sat-
24 ellite carrier makes available to that
25 subscriber, on January 1, 2005, the

1 *signal of a local network station affili-*
2 *ated with the same television network*
3 *pursuant to section 338, the carrier*
4 *may only provide the secondary trans-*
5 *missions of the distant signal of a sta-*
6 *tion affiliated with the same network*
7 *to that subscriber if the subscriber's*
8 *satellite carrier, not later than March*
9 *1, 2005, submits to that television net-*
10 *work the list and statement required by*
11 *subparagraph (F)(i).*

12 *“(II) In a case in which the sat-*
13 *ellite carrier does not make available to*
14 *that subscriber, on January 1, 2005,*
15 *the signal of a local network station*
16 *pursuant to section 338, the carrier*
17 *may only provide the secondary trans-*
18 *missions of the distant signal of a sta-*
19 *tion affiliated with the same network*
20 *to that subscriber if—*

21 *“(aa) that subscriber seeks to*
22 *subscribe to such distant signal*
23 *before the date on which such car-*
24 *rier commences to carry pursuant*
25 *to section 338 the signals of sta-*

1 *tions from the local market of*
2 *such local network station; and*

3 *“(bb) the satellite carrier,*
4 *within 60 days after such date,*
5 *submits to each television network*
6 *the list and statement required by*
7 *subparagraph (F)(i).*

8 *“(ii) SPECIAL CIRCUMSTANCES.—A*
9 *subscriber of a satellite carrier who was*
10 *lawfully receiving the distant signal of a*
11 *network station on the day before the date*
12 *of enactment of the Satellite Home Viewer*
13 *Reauthorization Act of 2009 may receive*
14 *both such distant signal and the local signal*
15 *of a network station affiliated with the*
16 *same network until such subscriber chooses*
17 *to no longer receive such distant signal from*
18 *such carrier.”;*

19 *(iv) in subparagraph (C)—*

20 *(I) by striking “analog”;*

21 *(II) in clause (i), by striking “the*
22 *Satellite Home Viewer Extension and*
23 *Reauthorization Act of 2004” and in-*
24 *serting “the Satellite Home Viewer Re-*
25 *authorization Act of 2009”;* and

1 (III) by amending clause (ii) to
2 read as follows:

3 “(ii) either—

4 “(I) at the time such person seeks
5 to subscribe to receive such secondary
6 transmission, resides in a local market
7 where the satellite carrier makes avail-
8 able to that person the signal of a local
9 network station affiliated with the
10 same television network pursuant to
11 section 338, and the retransmission of
12 such signal by such carrier can reach
13 such subscriber; or

14 “(II) receives from the satellite
15 carrier the signal of a network station
16 affiliated with the same network that is
17 broadcast by a local station in the
18 market where the subscriber resides,
19 but is not the local station’s primary
20 video.”;

21 (v) in subparagraph (D)—

22 (I) by striking clauses (i), (iii)
23 through (v), (vii) through (ix), and
24 (xi);

1 (II) by redesignating clause (vi)
2 as clause (i) and transferring such
3 clause to appear before clause (ii);

4 (III) by amending such clause (i)
5 (as so redesignated) to read as follows:

6 “(i) *SIGNAL TESTING*.—A subscriber
7 shall be eligible to receive a distant signal
8 of a distant network station affiliated with
9 the same network under this section if such
10 subscriber is determined, based on a test
11 conducted in accordance with section
12 73.686(d) of title 47, Code of Federal Regu-
13 lations, or any successor regulation, not to
14 be able to receive a signal that exceeds the
15 signal intensity standard in section
16 73.622(e)(1) of title 47, Code of Federal
17 Regulations.”;

18 (IV) in clause (ii)—

19 (aa) by striking “DIGITAL”
20 in the heading;

21 (bb) by striking “digital” the
22 first two places such term ap-
23 pears;

24 (cc) by striking “Satellite
25 Home Viewer Extension and Re-

1 authorization Act of 2004” and
2 inserting “Satellite Home Viewer
3 Reauthorization Act of 2009”;
4 and

5 (dd) by striking “, whether
6 or not such subscriber elects to
7 subscribe to local digital signals”;

8 (V) by inserting after clause (ii)
9 the following new clause:

10 “(iii) *TIME-SHIFTING PROHIBITED.*—
11 *In a case in which the satellite carrier*
12 *makes available to an eligible subscriber*
13 *under this subparagraph the signal of a*
14 *local network station pursuant to section*
15 *338, the carrier may only provide the dis-*
16 *tant signal of a station affiliated with the*
17 *same network to that subscriber if, in the*
18 *case of any local market in the 48 contig-*
19 *uous States of the United States, the distant*
20 *signal is the secondary transmission of a*
21 *station whose prime time network program-*
22 *ming is generally broadcast simultaneously*
23 *with, or later than, the prime time network*
24 *programming of the affiliate of the same*
25 *network in the local market.”; and*

1 (VI) by redesignating clause (x)
2 as clause (iv); and
3 (vi) in subparagraph (E), by striking
4 “distant analog signal or” and all that fol-
5 lows through “(B), or (D))” and inserting
6 “distant signal”;

7 (2) in subsection (c)—

8 (A) by amending paragraph (3) to read as
9 follows:

10 “(3) *ESTABLISHMENT OF IMPROVED PREDICTIVE*
11 *MODEL AND ON-LOCATION TESTING REQUIRED.*—

12 “(A) *PREDICTIVE MODEL.*—Within 180
13 days after the date of the enactment of the *Sat-*
14 *ellite Home Viewer Reauthorization Act of 2009,*
15 *the Commission shall take all actions necessary*
16 *to develop and prescribe by rule a point-to-point*
17 *predictive model for reliably and presumptively*
18 *determining the ability of individual locations,*
19 *through the use of a conventional, stationary,*
20 *outdoor rooftop receiving antenna, to receive sig-*
21 *nals in accordance with the signal intensity*
22 *standard in section 73.622(e)(1) of title 47, Code*
23 *of Federal Regulations, including to account for*
24 *the continuing operation of translator stations*
25 *and low power television stations. In prescribing*

1 *such model, the Commission shall rely on the In-*
2 *dividual Location Longley-Rice model set forth*
3 *by the Commission in CS Docket No. 98-201, as*
4 *previously revised with respect to analog signals,*
5 *and as recommended by the Commission with re-*
6 *spect to digital signals in its Report to Congress*
7 *in ET Docket No. 05-182, FCC 05-199 (released*
8 *December 9, 2005). The Commission shall estab-*
9 *lish procedures for the continued refinement in*
10 *the application of the model by the use of addi-*
11 *tional data as it becomes available.*

12 “(B) *ON-LOCATION TESTING.*—*The Commis-*
13 *sion shall issue an order completing its rule-*
14 *making proceeding in ET Docket No. 06-94*
15 *within 180 days after the date of enactment of*
16 *the Satellite Home Viewer Reauthorization Act*
17 *of 2009.*

18 “(C) *STUDY OF TYPES OF ANTENNAS AVAIL-*
19 *ABLE TO RECEIVE DIGITAL SIGNALS.*—

20 “(i) *STUDY REQUIRED.*—*Not later*
21 *than 1 year after the date of enactment of*
22 *the Satellite Home Viewer Reauthorization*
23 *Act of 2009, the Commission shall complete*
24 *a study regarding whether, for purposes of*
25 *identifying if a household is unserved by an*

1 adequate digital signal under section
2 119(d)(10) of title 17, United States Code,
3 the digital signal strength standard in sec-
4 tion 73.622(e)(1) of title 47, Code of Federal
5 Regulations, or the testing procedures in
6 section 73.686 of title 47, Code of Federal
7 Regulations, such statutes or regulations
8 should be revised to take into account the
9 types of antennas that are available to and
10 used by consumers.

11 “(ii) *STUDY CONSIDERATION.*—In con-
12 ducting the study under clause (i), the Com-
13 mission shall consider whether to account
14 for the fact that an antenna can be mounted
15 on a roof or placed in a home and can be
16 fixed or capable of rotating.

17 “(iii) *REPORT.*—Not later than 1 year
18 after the date of enactment of the Satellite
19 Home Viewer Reauthorization Act of 2009,
20 the Commission shall submit to the Com-
21 mittee on Energy and Commerce of the
22 House of Representatives and the Committee
23 on Commerce, Science, and Transportation
24 of the Senate a report containing—

1 “(I) the results of the study con-
2 ducted under clause (i); and

3 “(II) recommendations, if any, re-
4 garding changes to be made to Federal
5 statutes or regulations.”;

6 (B) by amending paragraph (4)(A) to read
7 as follows:

8 “(A) *IN GENERAL.*—If a subscriber’s request
9 for a waiver under paragraph (2) is rejected and
10 the subscriber submits to the subscriber’s satellite
11 carrier a request for a test verifying the sub-
12 scriber’s inability to receive a signal of the sig-
13 nal intensity referenced in clause (i) of sub-
14 section (a)(2)(D), the satellite carrier and the
15 network station or stations asserting that the re-
16 transmission is prohibited with respect to that
17 subscriber shall select a qualified and inde-
18 pendent person to conduct the test referenced in
19 such clause. Such test shall be conducted within
20 30 days after the date the subscriber submits a
21 request for the test. If the written findings and
22 conclusions of a test conducted in accordance
23 with such clause demonstrate that the subscriber
24 does not receive a signal that meets or exceeds
25 the requisite signal intensity standard in such

1 *clause, the subscriber shall not be denied the re-*
2 *transmission of a signal of a network station*
3 *under section 119 of title 17, United States*
4 *Code.”;*

5 *(C) in paragraph (4)(B), by striking “the*
6 *signal intensity” and all that follows through*
7 *“United States Code” and inserting “such req-*
8 *uisite signal intensity standard”;* and

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

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

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

15 *(a) IN GENERAL.—Between the date of enactment of*
16 *this Act and the adoption of rules by the Federal Commu-*
17 *nications Commission pursuant to the amendments to the*
18 *Communications Act of 1934 made by sections 3 and 4 of*
19 *this Act, the Federal Communications Commission shall fol-*
20 *low its rules and regulations promulgated pursuant to sec-*
21 *tions 338, 339, and 340 of the Communications Act of 1934*
22 *as in effect on the day before the date of enactment of this*
23 *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 Federal Communications Commission shall follow*
6 *its rules and regulations for determining such subscriber's*
7 *eligibility as in effect on the day before the date of enact-*
8 *ment of this Act until the date on which the translator sta-*
9 *tion or low power television station is licensed to broadcast*
10 *a digital signal.*

11 *(c) DEFINITIONS.—As used in this Act:*

12 *(1) LOCAL MARKET; LOW POWER TELEVISION*
13 *STATION; SATELLITE CARRIER; SUBSCRIBER; TELE-*
14 *VISION BROADCAST STATION.—The terms “local mar-*
15 *ket”, “low power television station”, “satellite car-*
16 *rier”, “subscriber”, and “television broadcast station”*
17 *have the meanings given such terms in section 338(k)*
18 *of the Communications Act of 1934.*

19 *(2) NETWORK STATION; TELEVISION NETWORK.—*
20 *The terms “network station” and “television network”*
21 *have the meanings given such terms in section 339(d)*
22 *of such Act.*

1 **SEC. 6. PROCESS FOR ISSUING QUALIFIED CARRIER CER-**
2 **TIFICATION.**

3 *Part I of title III of the Communications Act of 1934*
4 *is amended by adding at the end the following new section:*

5 **“SEC. 342. PROCESS FOR ISSUING QUALIFIED CARRIER**
6 **CERTIFICATION.**

7 *“(a) CERTIFICATION.—The Commission shall issue a*
8 *certification for the purposes of section 119(g)(3)(A)(iii) of*
9 *title 17, United States Code, if the Commission determines*
10 *that—*

11 *“(1) a satellite carrier is providing local service*
12 *pursuant to the statutory license under section 122 of*
13 *such title in each designated market area; and*

14 *“(2) with respect to each designated market area*
15 *in which such satellite carrier was not providing such*
16 *local service as of the date of enactment of the Sat-*
17 *ellite Home Viewer Reauthorization Act of 2009—*

18 *“(A) the satellite carrier’s satellite beams*
19 *are designed, and predicted by the satellite man-*
20 *ufacturer’s pre-launch test data, to provide a*
21 *good quality satellite signal to 90 percent of the*
22 *households in each such designated market area*
23 *based on the most recent census data released by*
24 *the United States Census Bureau; and*

25 *“(B) there is no material evidence that there*
26 *has been a satellite or sub-system failure subse-*

1 *quent to the satellite’s launch that precludes the*
2 *ability of the satellite carrier to satisfy the re-*
3 *quirements of subparagraph (A).*

4 *“(b) INFORMATION REQUIRED.—Any entity seeking*
5 *the certification provided for in subsection (a) shall submit*
6 *to the Commission the following information:*

7 *“(1) An affidavit stating that, to the best of the*
8 *affiant’s knowledge, the satellite carrier provides local*
9 *service in all designated market areas pursuant to the*
10 *statutory license provided for in section 122 of title*
11 *17, United States Code, and listing those designated*
12 *market areas in which local service was provided as*
13 *of the date of enactment of the Satellite Home Viewer*
14 *Reauthorization Act of 2009.*

15 *“(2) For each designated market area not listed*
16 *in paragraph (1):*

17 *“(A) Identification of each such designated*
18 *market area and the location of its local receive*
19 *facility.*

20 *“(B) Data showing the number of house-*
21 *holds, and maps showing the geographic dis-*
22 *tribution thereof, in each such designated market*
23 *area based on the most recent census data re-*
24 *leased by the United States Census Bureau.*

1 “(C) Maps, with superimposed effective
2 isotropically radiated power predictions obtained
3 in the satellite manufacturer’s pre-launch tests,
4 showing that the contours of the carrier’s satellite
5 beams as designed and the geographic area that
6 the carrier’s satellite beams are designed to cover
7 are predicted to provide a good quality satellite
8 signal to 90 percent of the households in such
9 designated market area based on the most recent
10 census data released by the United States Census
11 Bureau.

12 “(D) For any satellite relied upon for cer-
13 tification under this section, an affidavit stating
14 that, to the best of the affiant’s knowledge, there
15 have been no satellite or sub-system failures sub-
16 sequent to the satellite’s launch that would de-
17 grade the design performance to such a degree
18 that a satellite transponder used to provide local
19 service to any such designated market area is
20 precluded from delivering a good quality satellite
21 signal to 90 percent of the households in such
22 designated market area based on the most recent
23 census data released by the United States Census
24 Bureau.

1 “(E) Any additional engineering, des-
2 gnated market area, or other information the
3 Commission considers necessary to determine
4 whether the Commission shall grant a certifi-
5 cation under this section.

6 “(c) CERTIFICATION ISSUANCE.—

7 “(1) PUBLIC COMMENT.—The Commission shall
8 provide 30 days for public comment on a request for
9 certification under this section.

10 “(2) DEADLINE FOR DECISION.—The Commis-
11 sion shall grant or deny a request for certification
12 within 90 days after the date on which such request
13 is filed.

14 “(d) SUBSEQUENT AFFIRMATION.—An entity granted
15 qualified carrier status pursuant to section 119(g) of title
16 17, United States Code, shall file an affidavit with the Com-
17 mission 30 months after such status was granted stating
18 that, to the best of the affiant’s knowledge, it is in compli-
19 ance with the requirements for a qualified carrier.

20 “(e) DEFINITIONS.—For the purposes of this section:

21 “(1) DESIGNATED MARKET AREA.—The term
22 ‘designated market area’ has the meaning given such
23 term in section 122(j)(2)(C) of title 17, United States
24 Code.

25 “(2) GOOD QUALITY SATELLITE SIGNAL.—

1 “(A) *IN GENERAL.*—The term “good quality
2 *satellite signal*” means—

3 “(i) *a satellite signal whose power level*
4 *as designed shall achieve reception and de-*
5 *modulation of the signal at an availability*
6 *level of at least 99.7 percent using models of*
7 *satellite antennas normally used by the sat-*
8 *ellite carrier’s subscribers and the same cal-*
9 *culatation methodology used by the satellite*
10 *carrier to determine predicted signal avail-*
11 *ability in the top 100 designated market*
12 *areas; and*

13 “(ii) *a video signal transmitted by sat-*
14 *ellite carrier such that, taking into account*
15 *whether a signal is in standard definition*
16 *format or high definition format, compres-*
17 *sion methodology, modulation, error correc-*
18 *tion, power level, and utilization of ad-*
19 *vances in technology that does not cir-*
20 *cumvent the intent of this section to provide*
21 *for non-discriminatory treatment with re-*
22 *spect to any comparable television broadcast*
23 *station signal—*

24 “(I) *the satellite carrier treats all*
25 *television broadcast station’s signals*

1 *the same with respect to statistical*
2 *multiplexer prioritization; and*

3 “(II) *the number of video signals*
4 *in the relevant satellite transponder is*
5 *not more than the then current greatest*
6 *number of video signals carried on any*
7 *equivalent transponder serving the top*
8 *100 designated market areas.*

9 “(B) *DETERMINATION.—For the purposes of*
10 *subparagraph (A), the top 100 designated market*
11 *areas shall be as determined by Nielsen Media*
12 *Research and published in the Nielsen Station*
13 *Index Directory and Nielsen Station Index*
14 *United States Television Household Estimates or*
15 *any successor publication as of the date of a sat-*
16 *ellite carrier’s application for certification under*
17 *this section.”.*

18 **SEC. 7. SAVINGS CLAUSE REGARDING DEFINITIONS.**

19 *Nothing in this Act or the amendments made by this*
20 *Act shall be construed to affect the definitions of “program*
21 *related” and “primary video” in the Communications Act*
22 *of 1934 or in any regulations promulgated pursuant to such*
23 *Act by the Federal Communications Commission.*

1 **SEC. 8. SAVINGS CLAUSE REGARDING USE OF NON-COM-**
2 **PULSORY LICENSES; REPORT.**

3 (a) *IN GENERAL.*—Nothing in this Act, the Commu-
4 nications Act of 1934, or regulations promulgated by the
5 Federal Communications Commission under this Act or the
6 Communications Act of 1934 shall limit the ability of a
7 satellite carrier to retransmit a performance or display of
8 a work pursuant to an authorization granted by the copy-
9 right owner or, if within the scope of its authorization, its
10 licensee.

11 (b) *REPORT.*—Not later than 1 year after the date of
12 enactment of this Act, the Federal Communications Com-
13 mission shall submit to the Committee on Energy and Com-
14 merce of the House of Representatives and the Committee
15 on Commerce, Science, and Transportation of the Senate
16 a report containing an analysis of—

17 (1) the number of households in a State that re-
18 ceive local broadcast stations from a station of license
19 that is located in a different State;

20 (2) the extent to which consumers have access to
21 in-state broadcast programming; and

22 (3) whether there are alternatives to the use of
23 designated market areas, as defined in section 122 of
24 title 17, United States Code, to define local markets
25 that would provide more consumers with in-state
26 broadcast programming.

1 **SEC. 9. NONDISCRIMINATION IN CARRIAGE OF HIGH DEFINITION**
2 **DIGITAL SIGNALS OF NONCOMMERCIAL EDUCATIONAL TELEVISION STATIONS.**
3

4 (a) *IN GENERAL.*—Section 338(a) of the Communica-
5 tions Act of 1934 (47 U.S.C. 338(a)) is amended by adding
6 at the end the following new paragraph:

7 “(5) **NONDISCRIMINATION IN CARRIAGE OF HIGH**
8 **DEFINITION SIGNALS OF NONCOMMERCIAL EDU-**
9 **CATIONAL TELEVISION STATIONS.**—

10 “(A) **EXISTING CARRIAGE OF HIGH DEFINITION**
11 **SIGNALS.**—Each eligible satellite carrier
12 providing, under section 122 of title 17, United
13 States Code, any secondary transmissions in
14 high definition to subscribers located within the
15 local market of a television broadcast station of
16 a primary transmission made by that station
17 prior to the date of enactment of this paragraph
18 shall carry the high-definition signals of quali-
19 fied noncommercial educational television sta-
20 tions located within that local market in accord-
21 ance with the following schedule:

22 “(i) *By December 31, 2010, in at least*
23 *50 percent of the markets in which such sat-*
24 *ellite carrier provides such secondary trans-*
25 *missions in high definition.*

1 “(i) *By December 31, 2011, in every*
2 *market in which such satellite carrier pro-*
3 *vides such secondary transmissions in high*
4 *definition.*

5 “(B) *NEW INITIATION OF SERVICE.—Each*
6 *eligible satellite carrier that initiates the provi-*
7 *sion, under section 122 of title 17, United States*
8 *Code, of any secondary transmissions in high*
9 *definition to subscribers located within the local*
10 *market of a television broadcast station of a pri-*
11 *mary transmission made by that station after*
12 *the date of enactment of this paragraph shall*
13 *carry the high-definition signals of all qualified*
14 *noncommercial educational television stations lo-*
15 *cated within that local market.”.*

16 (b) *DEFINITIONS.—Section 338(k) of such Act (47*
17 *U.S.C. 338(k)) is amended—*

18 (1) *by redesignating paragraphs (2) through (8)*
19 *as paragraphs (3) through (9), respectively;*

20 (2) *by inserting after paragraph (1) the fol-*
21 *lowing new paragraph:*

22 “(2) *ELIGIBLE SATELLITE CARRIER.—The term*
23 *‘eligible satellite carrier’ means any satellite carrier*
24 *that is not a party to a carriage contract with a*
25 *qualified noncommercial educational television sta-*

1 *tion, or its representative, that is in force and effect*
2 *as of the date of enactment of this paragraph.”;*

3 *(3) by redesignating paragraphs (6) through (9)*
4 *(as previously redesignated) as paragraphs (7)*
5 *through (10), respectively; and*

6 *(4) by inserting after paragraph (5) (as so reded-*
7 *ignated) the following new paragraph:*

8 *“(6) QUALIFIED NONCOMMERCIAL EDUCATIONAL*
9 *TELEVISION STATION.—The term ‘qualified non-*
10 *commercial educational television station’ has the*
11 *meaning given such term in section 615(l)(1) of this*
12 *Act.”.*

Union Calendar No. 201

111TH CONGRESS
1ST Session

H. R. 2994

[Report No. 111-349]

A BILL

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

DECEMBER 2, 2009

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed