

114TH CONGRESS
1ST SESSION

H. R. 3496

To amend the Communications Act of 1934 and title 17, United States Code, to provide greater access to in-State television broadcast programming for cable and satellite subscribers in certain counties.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 11, 2015

Mr. DUFFY introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Communications Act of 1934 and title 17, United States Code, to provide greater access to in-State television broadcast programming for cable and satellite subscribers in certain counties.

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 “Granting Our People
5 the Ability to Cheer Kickoff Act of 2015” or the “GO
6 PACK Act of 2015”.

1 **SEC. 2. CARRIAGE OF NETWORK STATION SIGNALS IN CER-**
2 **TAIN COUNTIES.**

3 (a) IN GENERAL.—Part I of title III of the Commu-
4 nications Act of 1934 (47 U.S.C. 301 et seq.) is amended
5 by adding at the end the following:

6 **“SEC. 343. CARRIAGE OF NETWORK STATION SIGNALS IN**
7 **CERTAIN COUNTIES.**

8 “(a) SUBSCRIBER ELECTION.—A cable operator or
9 satellite carrier shall, at the election of a subscriber in a
10 covered county with respect to a television network, pro-
11 vide to such subscriber—

12 “(1) retransmission of the signal of any local
13 network station that such operator or carrier is re-
14 quired to retransmit to such subscriber without re-
15 gard to this section;

16 “(2) an in-State, adjacent-market network sta-
17 tion retransmission; or

18 “(3) both such retransmissions.

19 “(b) RELATIONSHIP TO LOCAL SIGNAL CARRIAGE
20 REQUIREMENTS.—If a subscriber elects to receive only an
21 in-State, adjacent-market network station retransmission
22 under subsection (a)—

23 “(1) the provision of such retransmission to
24 such subscriber shall be deemed to fulfill any obliga-
25 tion of the cable operator or satellite carrier to pro-

1 vide to such subscriber the signal of a local network
2 station under section 338, 614, or 615; and

3 “(2) in the case of a satellite carrier that has
4 been recognized as a qualified carrier under section
5 119(g) of title 17, United States Code, the provision
6 of such retransmission instead of the signal of a
7 local network station shall not affect the status of
8 the satellite carrier as a qualified carrier for pur-
9 poses of such section and section 342 of this Act.

10 “(c) REQUIREMENT SUBJECT TO TECHNICAL FEASI-
11 BILITY FOR SATELLITE CARRIERS.—A satellite carrier is
12 required to provide a retransmission under subsection (a)
13 only to the extent that such provision is technically fea-
14 sible, as determined by the Commission.

15 “(d) TREATMENT OF IN-STATE, ADJACENT-MARKET
16 NETWORK STATION RETRANSMISSIONS BY CABLE OPER-
17 ATORS.—

18 “(1) RETRANSMISSION CONSENT EXCEPTION.—
19 Section 325(b) shall not apply to an in-State, adja-
20 cent-market network station retransmission by a
21 cable operator to a subscriber residing in a covered
22 county.

23 “(2) DEEMED SIGNIFICANTLY VIEWED.—In the
24 case of an in-State, adjacent-market network station
25 retransmission by a cable operator to a subscriber

1 residing in a covered county, the signal of such sta-
2 tion is deemed to be significantly viewed in such
3 county within the meaning of section 76.54 of the
4 Commission's regulations (47 C.F.R. 76.54).

5 “(e) DEFINITIONS.—In this section—

6 “(1) the term ‘local network station’ means,
7 with respect to a subscriber and a television net-
8 work, the network station—

9 “(A) that is affiliated with such television
10 network; and

11 “(B) within the local market of which such
12 subscriber is located;

13 “(2) the term ‘cable operator’ has the meaning
14 given such term in section 602;

15 “(3) the terms ‘network station’ and ‘satellite
16 carrier’ have the meanings given such terms in sec-
17 tion 119(d) of title 17, United States Code;

18 “(4) the terms ‘covered county’ and ‘in-State,
19 adjacent-market network station retransmission’
20 have the meanings given such terms in section
21 119(d) of title 17, United States Code, except that,
22 in the case of a cable operator, any reference to a
23 satellite carrier or a subscriber of a satellite carrier
24 shall be considered to be a reference to a cable oper-

1 ator or a subscriber of a cable operator, respectively;
2 and

3 “(5) the term ‘local market’ has the meaning
4 given such term in section 122(j) of title 17, United
5 States Code.”.

6 (b) TREATMENT OF IN-STATE, ADJACENT-MARKET
7 NETWORK STATION RETRANSMISSIONS BY SATELLITE
8 CARRIERS.—Section 339 of the Communications Act of
9 1934 (47 U.S.C. 339) is amended—

10 (1) in subsection (a)—

11 (A) in paragraph (1)(A), by adding at the
12 end the following: “In-State, adjacent-market
13 network station retransmissions to subscribers
14 residing in covered counties shall not count to-
15 ward the limit set forth in this subparagraph.”;
16 and

17 (B) in paragraph (2), by adding at the end
18 the following:

19 “(I) IN-STATE, ADJACENT-MARKET NET-
20 WORK STATION RETRANSMISSIONS.—Nothing in
21 this paragraph shall apply to or affect in-State,
22 adjacent-market network station retrans-
23 missions to subscribers residing in covered
24 counties.”; and

1 (2) in subsection (d), by adding at the end the
2 following:

3 “(6) IN-STATE, ADJACENT-MARKET NETWORK
4 STATION RETRANSMISSION.—The term ‘in-State, ad-
5 jacent-market network station retransmission’ has
6 the meaning given such term in section 119(d) of
7 title 17, United States Code.

8 “(7) COVERED COUNTY.—The term ‘covered
9 county’ has the meaning given such term in section
10 119(d) of title 17, United States Code.”.

11 (c) NO EFFECT ON ABILITY TO RECEIVE SIGNIFI-
12 CANTLY VIEWED SIGNALS.—Section 340(b)(3) of the
13 Communications Act of 1934 (47 U.S.C. 340(b)(3)) is
14 amended by inserting before the period at the end the fol-
15 lowing: “or to a subscriber who elects under section
16 343(a), with respect to the network with which the station
17 whose signal is being retransmitted pursuant to this sec-
18 tion is affiliated, to receive an in-State, adjacent-market
19 network station retransmission (as defined in section
20 119(d) of title 17, United States Code) instead of the sig-
21 nal of a local network station (as defined in section
22 343(e))”.

1 **SEC. 3. AVAILABILITY OF COPYRIGHT LICENSE.**

2 (a) SECONDARY TRANSMISSIONS OF DISTANT TELE-
3 VISION PROGRAMMING BY SATELLITE.—Section 119 of
4 title 17, United States Code, is amended—

5 (1) in subsection (a)—

6 (A) in paragraph (2)(B)(i), by adding at
7 the end the following: “In-State, adjacent-mar-
8 ket network station retransmissions to sub-
9 scribers residing in covered counties shall not
10 count toward the limit set forth in this clause.”;
11 and

12 (B) in paragraph (3), by inserting at the
13 end the following new subparagraph:

14 “(G) IN-STATE, ADJACENT-MARKET NET-
15 WORK STATION RETRANSMISSIONS.—Nothing in
16 this paragraph shall apply to or affect in-State,
17 adjacent-market network station retrans-
18 missions to subscribers residing in covered
19 counties.”; and

20 (2) in subsection (d)—

21 (A) in paragraph (10)—

22 (i) in subparagraph (D), by striking
23 “; or” and inserting a semicolon;

24 (ii) in subparagraph (E), by striking
25 the period at the end and inserting “; or”;
26 and

1 (iii) by inserting at the end the fol-
2 lowing new subparagraph:

3 “(F) with respect to an in-State, adjacent-
4 market network station retransmission, is a
5 subscriber residing in a covered county.”; and

6 (B) by inserting at the end the following
7 new paragraphs:

8 “(16) IN-STATE, ADJACENT-MARKET NETWORK
9 STATION RETRANSMISSION.—The term ‘in-State, ad-
10 jacent-market network station retransmission’ means
11 the secondary transmission by a satellite carrier of
12 the primary transmission of any network station
13 whose community of license is located—

14 “(A) in a subscriber’s State; and

15 “(B) in a local market that is adjacent to
16 the subscriber’s local market.

17 “(17) COVERED COUNTY.—The term ‘covered
18 county’ means, with respect to an in-State, adjacent-
19 market network station retransmission to a sub-
20 scriber, any county to which both of the following
21 apply:

22 “(A) The county is one of the following
23 counties in the State of Wisconsin: Barron,
24 Burnett, Dunn, Pierce, Polk, St. Croix, or
25 Washburn.

1 “(B) The county is not in the local market
2 of any television broadcast station that is affili-
3 ated with the same network and whose commu-
4 nity of license is located in the subscriber’s
5 State.”.

6 (b) SECONDARY TRANSMISSIONS OF LOCAL TELE-
7 VISION PROGRAMMING BY SATELLITE.—Section 122(a) of
8 title 17, United States Code, is amended—

9 (1) in paragraph (2)(A), by inserting after
10 “under paragraph (1)” the following: “(or in-State,
11 adjacent-market network station retransmissions in-
12 stead of secondary transmissions under such para-
13 graph, in accordance with an election under section
14 343(a) of the Communications Act of 1934)”; and

15 (2) in paragraph (3)(A), by inserting after
16 “under paragraph (1)” the following: “(or in-State,
17 adjacent-market network station retransmissions in-
18 stead of secondary transmissions under such para-
19 graph, in accordance with an election under section
20 343(a) of the Communications Act of 1934)”.

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