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 SENATE OF THE UNITED STATES

JULY 18, 2018

Ms. BALDWIN introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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 “Go Pack Go Act of
5 2018”.
SEC. 2. CARRIAGE OF NETWORK STATION SIGNALS IN CERTAIN COUNTIES.

(a) In General.—Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by adding at the end the following:

“SEC. 344. CARRIAGE OF NETWORK STATION SIGNALS IN CERTAIN COUNTIES.

“(a) Definitions.—In this section—

“(1) the term ‘cable operator’ has the meaning given the term in section 602;

“(2) the terms ‘covered county’ and ‘in-State, adjacent-market network station retransmission’ have the meanings given those terms in section 119(d) of title 17, United States Code, except that, in the case of a cable operator, any reference to a satellite carrier or a subscriber of a satellite carrier shall be considered to be a reference to a cable operator or a subscriber of a cable operator, respectively;

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

“(4) the term ‘local network station’ means, with respect to a subscriber and a television network, the network station—

“(A) that is affiliated with the television network; and
“(B) within the local market of which the subscriber is located; and

“(5) the terms ‘network station’ and ‘satellite carrier’ have the meanings given those terms in section 119(d) of title 17, United States Code.

“(b) Subscriber Election.—A cable operator or satellite carrier shall, at the election of a subscriber in a covered county with respect to a television network, provide to the subscriber—

“(1) retransmission of the signal of any local network station that the operator or carrier is required to retransmit to the subscriber without regard to this section;

“(2) an in-State, adjacent-market network station retransmission; or

“(3) both retransmissions described in paragraphs (1) and (2).

“(c) Relationship to Local Signal Carriage Requirements.—If a subscriber elects to receive only an in-State, adjacent-market network station retransmission under subsection (b)—

“(1) the provision of that retransmission to the subscriber shall be deemed to fulfill any obligation of the cable operator or satellite carrier to provide to
the subscriber the signal of a local network station
under section 338, 614, or 615; and

“(2) in the case of a satellite carrier that has
been recognized as a qualified carrier under section
119(g) of title 17, United States Code, the provision
of that retransmission instead of the signal of a local
network station shall not affect the status of the sat-
etellite carrier as a qualified carrier for purposes of
that section and section 342 of this Act.

“(d) REQUIREMENT SUBJECT TO TECHNICAL FEAS-
IBILITY FOR SATELLITE CARRIERS.—A satellite carrier
shall be required to provide a retransmission under sub-
section (b) only to the extent that such provision is tech-
nically feasible, as determined by the Commission.

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

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

“(2) DEEMED SIGNIFICANTLY VIEWED.—In the
case of an in-State, adjacent-market network station
retransmission by a cable operator to a subscriber
residing in a covered county, the signal of the sta-

tion shall be deemed to be significantly viewed in

that county within the meaning of section 76.54 of

title 47, Code of Federal Regulations, or any suc-
cessor regulation.”.

(b) TREATMENT OF IN-STATE, ADJACENT-MARKET

NETWORK STATION RETRANSMISSIONS BY SATELLITE

CARRIERS.—Section 339 of the Communications Act of

1934 (47 U.S.C. 339) is amended—

(1) in subsection (a)—

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

and

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

“(I) IN-STATE, ADJACENT-MARKET NET-

WORK STATION RETRANSMISSIONS.—Nothing in this paragraph shall apply to or affect in-State, adjacent-market network station retrans-
missions to subscribers residing in covered counties.”; and

(2) in subsection (d)—
(A) by redesignating paragraphs (1) through (5) as paragraphs (3) through (7), respectively; and

(B) by inserting before paragraph (3), as so redesignated, the following:

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

“(2) IN-STATE, ADJACENT-MARKET NETWORK STATION RETRANSMISSION.—The term ‘in-State, adjacent-market network station retransmission’ has the meaning given the term in section 119(d) of title 17, United States Code.”.

(e) NO EFFECT ON ABILITY TO RECEIVE SIGNIFICANTLY VIEWED SIGNALS.—Section 340(b)(3) of the Communications Act of 1934 (47 U.S.C. 340(b)(3)) is amended by inserting before the period at the end the following: “or to a subscriber who elects under section 344(b), with respect to the network with which the station whose signal is being retransmitted pursuant to this section is affiliated, to receive an in-State, adjacent-market network station retransmission (as defined in section 119(d) of title 17, United States Code) instead of the signal of a local network station (as defined in section 344)”.

SEC. 3. AVAILABILITY OF COPYRIGHT LICENSE.

(a) SECONDARY TRANSMISSIONS OF DISTANT TELEVISION PROGRAMMING BY SATELLITE.—Section 119 of title 17, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)(B)(i), by adding at the end the following: “In-State, adjacent-market network station retransmissions to subscribers residing in covered counties shall not count toward the limit set forth in this clause.”; and

(B) in paragraph (3), by adding at the end the following:

“(G) IN-STATE, ADJACENT-MARKET NETWORK STATION RETRANSMISSIONS.—Nothing in this paragraph shall apply to or affect in-State, adjacent-market network station retransmissions to subscribers residing in covered counties.”; and

(2) in subsection (d)—

(A) in paragraph (10)—

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

(ii) in subparagraph (E), by striking the period at the end and inserting “; or”; and
(iii) by adding at the end the following:

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

(B) by adding at the end the following:

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

“(A) in a subscriber’s State; and

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

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

“(A) The county is one of the following counties in the State of Wisconsin: Ashland, Barron, Bayfield, Burnett, Douglas, Dunn, Florence, Iron, Pierce, Polk, Sawyer, St. Croix, or Washburn.
“(B) The county is not in the local market
of any television broadcast station—
“(i) that is affiliated with the same
network; and
“(ii) whose community of license is lo-
cated in the subscriber’s State.”.

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

(1) in paragraph (2)(A), by inserting after
“under paragraph (1)” the following: “(or in-State,
adjacent-market network station retransmissions in-
stead of secondary transmissions under that para-
graph, in accordance with an election under section
344(b) of the Communications Act of 1934)”; and

(2) in paragraph (3)(A), by inserting after
“under paragraph (1)” the following: “(or in-State,
adjacent-market network station retransmissions in-
stead of secondary transmissions under that para-
graph, in accordance with an election under section
344(b) of the Communications Act of 1934)”.

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