

115TH CONGRESS  
2D SESSION

# S. 3232

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.

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## 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

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## 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”.

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. 344. CARRIAGE OF NETWORK STATION SIGNALS IN**  
7 **CERTAIN COUNTIES.**

8 “(a) DEFINITIONS.—In this section—

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

11 “(2) the terms ‘covered county’ and ‘in-State,  
12 adjacent-market network station retransmission’  
13 have the meanings given those terms in section  
14 119(d) of title 17, United States Code, except that,  
15 in the case of a cable operator, any reference to a  
16 satellite carrier or a subscriber of a satellite carrier  
17 shall be considered to be a reference to a cable oper-  
18 ator or a subscriber of a cable operator, respectively;

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

22 “(4) the term ‘local network station’ means,  
23 with respect to a subscriber and a television net-  
24 work, the network station—

25 “(A) that is affiliated with the television  
26 network; and

1           “(B) within the local market of which the  
2           subscriber is located; and

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

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

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

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

16           “(3) both retransmissions described in para-  
17           graphs (1) and (2).

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

22           “(1) the provision of that retransmission to the  
23           subscriber shall be deemed to fulfill any obligation of  
24           the cable operator or satellite carrier to provide to

1 the subscriber the signal of a local network station  
2 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 that retransmission instead of the signal of a local  
7 network station shall not affect the status of the sat-  
8 ellite carrier as a qualified carrier for purposes of  
9 that section and section 342 of this Act.

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

15 “(e) 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 the sta-  
2 tion shall be deemed to be significantly viewed in  
3 that county within the meaning of section 76.54 of  
4 title 47, Code of Federal Regulations, or any suc-  
5 cessor regulation.”.

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

25 (2) in subsection (d)—

1 (A) by redesignating paragraphs (1)  
2 through (5) as paragraphs (3) through (7), re-  
3 spectively; and

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

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

9 “(2) IN-STATE, ADJACENT-MARKET NETWORK  
10 STATION RETRANSMISSION.—The term ‘in-State, ad-  
11 jacent-market network station retransmission’ has  
12 the meaning given the term in section 119(d) of title  
13 17, United States Code.”.

14 (c) NO EFFECT ON ABILITY TO RECEIVE SIGNIFI-  
15 CANTLY VIEWED SIGNALS.—Section 340(b)(3) of the  
16 Communications Act of 1934 (47 U.S.C. 340(b)(3)) is  
17 amended by inserting before the period at the end the fol-  
18 lowing: “or to a subscriber who elects under section  
19 344(b), with respect to the network with which the station  
20 whose signal is being retransmitted pursuant to this sec-  
21 tion is affiliated, to receive an in-State, adjacent-market  
22 network station retransmission (as defined in section  
23 119(d) of title 17, United States Code) instead of the sig-  
24 nal of a local network station (as defined in section 344)”.

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 adding at the end  
 13 the following:

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 adding at the end the fol-  
 2 lowing:

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 adding at the end the following:

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

13 “(A) in a subscriber’s State; and

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

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

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



1           “(B) The county is not in the local market  
2           of any television broadcast station—

3                   “(i) that is affiliated with the same  
4                   network; and

5                   “(ii) whose community of license is lo-  
6                   cated in the subscriber’s State.”.

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

10                   (1) in paragraph (2)(A), by inserting after  
11                   “under paragraph (1)” the following: “(or in-State,  
12                   adjacent-market network station retransmissions in-  
13                   stead of secondary transmissions under that para-  
14                   graph, in accordance with an election under section  
15                   344(b) of the Communications Act of 1934)”;

16                   (2) in paragraph (3)(A), by inserting after  
17                   “under paragraph (1)” the following: “(or in-State,  
18                   adjacent-market network station retransmissions in-  
19                   stead of secondary transmissions under that para-  
20                   graph, in accordance with an election under section  
21                   344(b) of the Communications Act of 1934)”.

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