

118TH CONGRESS
1ST SESSION

S. 2857

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

SEPTEMBER 20, 2023

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 2023”.

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. 346. 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 in 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(f) 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
19 346(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 346)”.

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

10 (2) in subsection (d)—

11 (A) in paragraph (10)—

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

14 (ii) in subparagraph (B), by striking
15 the period at the end and inserting “; or”;
16 and

17 (iii) by adding at the end the fol-
18 lowing:

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

22 (B) by adding at the end the following:

23 “(17) IN-STATE, ADJACENT-MARKET NETWORK
24 STATION RETRANSMISSION.—The term ‘in-State, ad-
25 jacent-market network station retransmission’ means
26 the secondary transmission by a satellite carrier of

1 the primary transmission of any network station
 2 whose community of license is located—

3 “(A) in the State of a subscriber; and

4 “(B) in a local market that is adjacent to
 5 the local market of the subscriber.

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

11 “(A) The county is one of the following
 12 counties in the State of Wisconsin: Ashland,
 13 Barron, Bayfield, Burnett, Douglas, Dunn,
 14 Florence, Iron, Pierce, Polk, Sawyer, St. Croix,
 15 or Washburn.

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

18 “(i) that is affiliated with the same
 19 network; and

20 “(ii) whose community of license is lo-
 21 cated in the State of the subscriber.”.

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

1 (1) in paragraph (2)(A), by inserting after
2 “under paragraph (1)” the following: “(or in-State,
3 adjacent-market network station retransmissions in-
4 stead of secondary transmissions under that para-
5 graph, in accordance with an election under section
6 346(b) of the Communications Act of 1934)”; and
7 (2) in paragraph (3)(A), by inserting after
8 “under paragraph (1)” the following: “(or in-State,
9 adjacent-market network station retransmissions in-
10 stead of secondary transmissions under that para-
11 graph, in accordance with an election under section
12 346(b) of the Communications Act of 1934)”.

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