

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.

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## 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

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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 “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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