

AMENDMENT TO DISCUSSION DRAFT
OFFERED BY MR. BEN RAY LUJÁN OF NEW
MEXICO

Page 4, after line 8, insert the following (and redesignate subsequent provisions accordingly):

1 **SEC. 5. CARRIAGE OF STATIONS IN AN ADJACENT UNDER-**
2 **SERVED COUNTY.**

3 (a) RETRANSMISSION CONSENT.—Section 325(b) of
4 the Communications Act of 1934 (47 U.S.C. 325(b)) is
5 further amended—

6 (1) in paragraph (2)—

7 (A) by striking “or” at the end of subpara-
8 graph (D);

9 (B) by striking the period at the end of
10 subparagraph (E) and inserting “; or”; and

11 (C) by inserting after subparagraph (E)
12 the following:

13 “(F) to retransmission of the signals of a tele-
14 vision broadcast station by a multichannel video pro-
15 gramming distributor to a subscriber located in the
16 station’s adjacent underserved county, unless the
17 station certifies to the multichannel video program-
18 ming distributor that it is under no legal obligation

1 restricting its ability to grant retransmission consent
2 to such multichannel video programming dis-
3 tributor.”;

4 (2) by moving the margin of paragraph (7) two
5 ems to the left;

6 (3) in paragraph (7)—

7 (A) by redesignating subparagraphs (A)
8 and (B) as subparagraphs (B) and (C), respec-
9 tively; and

10 (B) by inserting before subparagraph (B)
11 (as redesignated) the following:

12 “(A) ‘adjacent underserved county’ has the
13 meaning given such term in section 339;” and

14 (4) by adding at the end the following:

15 “(8) A television broadcast station that elects re-
16 transmission consent may not request as a condition to
17 receiving retransmission consent that a multichannel video
18 programming distributor not exercise its right to carry any
19 other broadcast station in the station’s adjacent under-
20 served county.”.

21 (b) **CERTIFICATION RULEMAKING REQUIRED.**—Not
22 later than 120 days after the date of the enactment of
23 this Act, the Commission shall complete all actions nec-
24 essary to promulgate rules governing the certification pro-
25 vided by the television broadcast station under section

1 325(b)(2)(F) of the Communications Act of 1934, as
2 added by subsection (a)(1)(C).

3 (c) CARRIAGE PERMITTED.—

4 (1) IN GENERAL.—Section 339(a)(1)(B) of the
5 Communications Act of 1934 (47 U.S.C.
6 339(a)(1)(B)) is amended by inserting “or adjacent
7 underserved county” after “local market”.

8 (2) RULE OF CONSTRUCTION.—Section
9 339(a)(2) of the Communications Act of 1934 (47
10 U.S.C. 339(a)(2)) is amended by adding at the end
11 the following:

12 “(I) RULE OF CONSTRUCTION.—For pur-
13 poses of this section, the signal of a television
14 broadcast station provided to a subscriber in
15 the station’s adjacent underserved county shall
16 not be considered to be a distant signal with re-
17 spect to such subscriber.”.

18 (3) DEFINITION.—Section 339(d) of the Com-
19 munications Act of 1934 (47 U.S.C. 339(d)) is
20 amended—

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

24 (B) by inserting before paragraph (3) (as
25 redesignated) the following:

1 “(1) ADJACENT MARKET.—

2 “(A) IN GENERAL.—The term ‘adjacent
3 market’, in the case of both commercial and
4 noncommercial television broadcast stations,
5 means any local market adjacent to, and par-
6 tially but not entirely in the same State as, the
7 local market in which the station’s community
8 of license is located.

9 “(B) TREATMENT OF CERTAIN COUN-
10 TIES.—A county that is in a local market con-
11 taining no in-State network stations, but which
12 is not located in the adjacent market (as de-
13 fined under subparagraph (A)) of any in-State
14 network station, shall be considered to be the
15 adjacent market of the nearest local market lo-
16 cated in whole or in part within the State in
17 which the county is located.

18 “(2) ADJACENT UNDERSERVED COUNTY.—The
19 term ‘adjacent underserved county’, in the case of
20 both commercial and noncommercial television
21 broadcast stations, means a county within the sta-
22 tion’s adjacent market that is both—

23 “(A) located in the same State as the sta-
24 tion’s community of license; and

1 “(B) not within the local market of any
2 other station that is both affiliated with the
3 same network and located in the same State as
4 such other station’s community of license.”.

5 (4) CONFORMING AMENDMENT.—Section
6 339(c)(5) of the Communications Act of 1934 (47
7 U.S.C. 339(c)(5)) is amended by striking “sub-
8 section (d)(4)” and inserting “subsection (d)(6)”.

9 (d) RULEMAKING REQUIRED.—

10 (1) IN GENERAL.—Not later than 90 days after
11 the date of the enactment of this Act, the Commis-
12 sion shall commence a proceeding to revise the regu-
13 lations concerning network nonduplication protec-
14 tion, syndicated exclusivity protection, and sports
15 blackout protection (part 76 of title 47, Code of
16 Federal Regulations) against the retransmission by
17 a multichannel video programming distributor of sig-
18 nals of television broadcast stations to permit such
19 retransmission if the subscriber receiving the signals
20 is located in the station’s adjacent underserved coun-
21 ty, as such term is defined in section 339 of the
22 Communications Act of 1934.

23 (2) CONTENTS OF REGULATIONS.—Regulations
24 issued pursuant to paragraph (1) shall prohibit a
25 multichannel video programming distributor from re-

1 transmitting the signal of a television broadcast sta-
2 tion in the station's adjacent underserved county un-
3 less the multichannel video programming distributor
4 offers service in such county pursuant to sections
5 338, 614, and 615 of the Communications Act of
6 1934 (47 U.S.C. 338; 534; 535), as applicable, and
7 carries the signals of any station required to be car-
8 ried in such county under such sections.

9 (3) DEADLINE FOR ACTION.—The Commission
10 shall complete all actions necessary to prescribe the
11 revised regulations required by paragraph (1) not
12 later than 180 days after the date of the enactment
13 of this Act.

