

## HR 1746

CAP Act

**Congress:** 112 (2011–2013, Ended)

**Chamber:** House

**Policy Area:** Science, Technology, Communications

**Introduced:** May 5, 2011

**Current Status:** Referred to the Subcommittee on Communications and Technology.

**Latest Action:** Referred to the Subcommittee on Communications and Technology. (May 6, 2011)

**Official Text:** <https://www.congress.gov/bill/112th-congress/house-bill/1746>

### Sponsor

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**Name:** Rep. Baldwin, Tammy [D-WI-2]

**Party:** Democratic • **State:** WI • **Chamber:** Senate

Cosponsors (26 total)

Cosponsor	Party / State	Role	Date Joined
Rep. LaTourette, Steven C. [R-OH-14]	R · OH		May 5, 2011
Rep. Connolly, Gerald E. [D-VA-11]	D · VA		Oct 5, 2011
Rep. Ellison, Keith [D-MN-5]	D · MN		Oct 5, 2011
Rep. Jackson, Jesse L., Jr. [D-IL-2]	D · IL		Oct 5, 2011
Rep. Markey, Edward J. [D-MA-7]	D · MA		Oct 5, 2011
Rep. McCollum, Betty [D-MN-4]	D · MN		Oct 5, 2011
Rep. McGovern, James P. [D-MA-3]	D · MA		Oct 5, 2011
Rep. Moore, Gwen [D-WI-4]	D · WI		Oct 5, 2011
Rep. Ryan, Tim [D-OH-17]	D · OH		Oct 5, 2011
Rep. Serrano, Jose E. [D-NY-16]	D · NY		Oct 5, 2011
Rep. Speier, Jackie [D-CA-12]	D · CA		Oct 5, 2011
Rep. Stark, Fortney Pete [D-CA-13]	D · CA		Oct 5, 2011
Rep. Woolsey, Lynn C. [D-CA-6]	D · CA		Oct 5, 2011
Rep. Frank, Barney [D-MA-4]	D · MA		Oct 12, 2011
Rep. Eshoo, Anna G. [D-CA-14]	D · CA		Oct 14, 2011
Rep. Keating, William R. [D-MA-10]	D · MA		Oct 14, 2011
Rep. Blumenauer, Earl [D-OR-3]	D · OR		Oct 25, 2011
Rep. Schakowsky, Janice D. [D-IL-9]	D · IL		Nov 1, 2011
Rep. Pingree, Chellie [D-ME-1]	D · ME		Nov 4, 2011
Rep. Lee, Barbara [D-CA-9]	D · CA		Jan 17, 2012
Rep. Garamendi, John [D-CA-10]	D · CA		Jan 24, 2012
Rep. Lofgren, Zoe [D-CA-16]	D · CA		Mar 6, 2012
Rep. Capuano, Michael E. [D-MA-8]	D · MA		Apr 25, 2012
Rep. Kaptur, Marcy [D-OH-9]	D · OH		Jun 18, 2012
Rep. Michaud, Michael H. [D-ME-2]	D · ME		Jun 18, 2012
Rep. Waters, Maxine [D-CA-35]	D · CA		Jul 10, 2012

Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Referred to	May 6, 2011

Subjects & Policy Tags

Policy Area:

Science, Technology, Communications

Related Bills

No related bills are listed.

Community Access Preservation Act or the CAP Act - Amends the Communications Act of 1934 to require certain cable system operators, with channel capacity for public, educational, or governmental (PEG) use that is designated by a franchising authority under existing code provisions or required to be provided under this Act, to: (1) carry PEG-use signals to subscribers without material degradation and without altering or removing content or data; (2) provide viewable signals to every cable subscriber without additional service or equipment charges; and (3) provide to the appropriate local government subdivision (LGS), free of charge, any transmission services and the use of any transmission facilities necessary to meet such requirements.

Requires a cable operator in a state adopting applicable franchising legislation that becomes effective after May 31, 2005, to: (1) owe any LGS in which the operator provides cable service during a year beginning after enactment of this Act an LGS-determined amount for such year, within specified limits, notwithstanding requirements relating to support for cable system PEG use in such state legislation; and (2) provide a certain number of channels for PEG use in an LGS, notwithstanding requirements relating to the number of PEG-use cable channels in such state legislation.

Defines LGS as a franchising authority deriving its power to grant a franchise from state or local law or an entity considered such a franchising authority as of the day before the effective date of such state legislation relating to support.

Specifies forms of support as cash payments, in-kind support, and free services provided by the cable system operator, or its predecessor, to the LGS for the cable system's PEG use.

Sets forth provisions regarding: (1) LGS or state enforcement, (2) nonbinding mediation and court proceedings concerning disputed support amounts, and (3) prerequisites for an LGS to impose additional PEG use requirements.

Revises the definition of "franchise fee" including by striking a provision prohibiting such a fee from including (in the case of a franchise granted after the enactment of the Cable Communications Policy Act of 1984) capital costs that the franchise requires the cable operator to incur for PEG access facilities.

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## **Actions Timeline**

- **May 6, 2011:** Referred to the Subcommittee on Communications and Technology.
- **May 5, 2011:** Introduced in House
- **May 5, 2011:** Referred to the House Committee on Energy and Commerce.