

122 of title 17 of the United States Code, for the retransmission of television broadcast stations by satellite carriers to subscribers located within the local markets of those stations. In order to be eligible for this compulsory license, a satellite carrier must be in full compliance with all applicable rules and regulations of the Federal Communications Commission, including any must-carry obligations imposed upon the satellite carrier by the Commission or by law.

Because the copyrighted programming contained on local broadcast programming is already licensed with the expectation that all viewers in the local market will be able to view the programming, the new section 122 license is a royalty-free license. Satellite carriers must, however, provide local broadcasters with lists of their subscribers receiving local stations so that broadcasters may verify that satellite carriers are making proper use of the license. The subscriber information supplied to broadcasters is for verification purposes only, and may not be used by broadcasters for other reasons.

Satellite carriers are liable for copyright infringement, and subject to the full remedies of the Copyright Act, if they violate one or more of the following requirements of the section 122 license. First, satellite carriers may not in any way willfully alter the programming contained on a local broadcast station.

Second, satellite carriers may not use the section 122 license to retransmit a television broadcast station to a subscriber located outside the local market of the station. If a carrier willfully or repeatedly violates this limitation on a nationwide basis, then the carrier may be enjoined from retransmitting that signal. If the broadcast station involved is a network station, then the carrier could lose the right to retransmit any network stations. If the willful or repeated violation of the restriction is performed on a local or regional basis, then the right to retransmit the station (or, if a network station, then all networks) can be enjoined on a local or regional basis, depending upon the circumstances. In addition to termination of service on a nationwide or local or regional basis, statutory damages are available up to \$250,000 for each 6-month period during which the pattern or practice of violations was carried out. Satellite carriers have the burden of proving that they are not improperly making use of the section 122 license to serve subscribers outside the local markets of the television broadcast stations they are providing.

The section 122 license is not limited to private home viewing, as is the section 119 compulsory license, so that satellite carriers may make use of it to serve commercial establishments as well as homes. The local market of a television broadcast station for purposes of the section 122 license will be defined by the Federal Communications Commission as part of its broadcast carriage rules for satellite carriers.

Section 203. Extension of effect of amendments to section 119 of title 17, United States Code

Section 203 of the bill extends the expiration date of the current section 119 satellite compulsory license from December 31, 1999, to December 31, 2004.

Section 204. Computation of royalty fees for satellite carriers

Section 204 of the bill reduces the 27-cent royalty fee adopted last year by the Librarian of Congress for the retransmission of network and superstation signals by satellite carriers under the section 119 license. The 27-

cent rate for superstations is reduced by 30 percent per subscriber per month, and the 27-cent rate for network stations is reduced by 45 percent per subscriber per month.

In addition, section 119(c) of title 17 is amended to clarify that in royalty distribution proceedings conducted under section 802 of the Copyright Act, the Public Broadcasting Service may act as agent for all public television copyright claimants and all Public Broadcasting Service member stations.

Section 205. Public Broadcasting Service satellite feed; definitions

Section 205 of the bill amends the section 119 satellite compulsory license for retransmission of distant signals by providing that satellite carriers may deliver the national satellite feed of the Public Broadcasting Service under the section 119 license. PBS will supply its national feed to satellite carriers in lieu of the signals of its affiliates, as long as PBS certifies to the Corporation for Public Broadcasting on an annual basis, as provided in section 105 of the bill, that the affiliates support the national feed. Such certification is not required until satellite carriers provide their subscribers with local PBS affiliates, or two years from date of enactment, whichever is earlier.

Section 206. Distant signal retransmissions

Section 206 of the bill amends the section 119 satellite compulsory license for the retransmission of distant signals by removing the "Unserved household" restriction from the Copyright Act. Instead of the "unserved household" use of the section 119 license by satellite carriers is contingent upon compliance with the FCC's nonduplication rules for satellite prescribed in section 104 of the bill.

Section 207. Application of Federal Communications Commission regulations

Section 207 of the bill amends the section 119 satellite compulsory license to clarify that satellite carriers' eligibility for the license is contingent upon their full compliance with all Federal Communications Commission rules governing carriage of television broadcast signals.

Section 208. Study

Section 208 provides that the Copyright Office and the NTIA shall jointly study the proliferation of local-to-local service to smaller markets.

Section 209. Effective date

The amendments made by the bill take effect on July 1, 1999, the first day of a new copyright accounting period for satellite carriers, except the amendments made by section 205 and 208 which take effect upon date of enactment.

INTRODUCTION OF THE SATELLITE COPYRIGHT, COMPETITION, AND CONSUMER PROTECTION ACT

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1999

Mr. TAUZIN. Mr. Speaker, the gentleman from North Carolina, Mr. COBLE and I are introducing the Satellite Copyright, Competition, and Consumer Protection Act. The bill represents the combined work of the House Committee on commerce and the House Committee on the Judiciary.

I am pleased to report that, through hard work and difficult consideration, we are able to present the House an agreement on changes to telecommunications and copyright law in order to provide the American consumer with a stronger, more viable competitor to their incumbent cable operator. This legislation will enact comprehensive reforms to the offering of satellite television service. I expect that the reforms contained in this bill will have a dramatic and beneficial effect on the multichannel video programming marketplace for years to come.

Consumers today expect more from their video programming providers, whether it be their cable company, their satellite company, their broadcaster or other distributors—including the Internet. Consumers are very savvy, and they now expect—indeed, demand—that their video programming distributor offer a wide array of programming at a reasonable cost, and with exceptional picture quality.

Today, however, there are some limitations on the ability of satellite carriers to meet consumer demand. These limitations put satellite carriers at a competitive disadvantage to incumbent cable operators. The main limitation on satellite providers is the inherent difficulties in providing local broadcast programming via satellite. Even though broadcasters are experiencing a dramatic reduction in overall audience share compared to just a few years ago, the overwhelming number of consumers want local broadcast programming. Consumer surveys conclude that the lack of local broadcast programming is the number one reason some consumers are unwilling to subscribe to satellite service.

The bill Mr. COBLE and I are introducing today is designed to put satellite on competitive equal footing with cable. The bill provides for a compulsory license to retransmit local broadcast programming, and ensures carriage for local broadcast stations through retransmission consent/must-carry elections. The bill also provides for network non-duplication, syndicated exclusivity, and sports blackout protections.

Mr. Speaker, this bill combines the telecommunications provisions of H.R. 851, the Save Our Satellites Act of 1999 (as reported), and the copyright provisions of H.R. 1027, the Satellite Television Improvement Act (as reported). The legislative history of this bill can therefore be found in the applicable portions of the reports filed by our two Committees (i.e., H. Rep. 106-79 for Title I, and H. Rep. 106-86 for Title II).

Mr. Speaker, let me thank the hard work of the large group of Members that had a role in bringing this new bill to introduction: Chairman BLILEY, Ranking Member DINGELL and Subcommittee Ranking Member MARKEY from the Commerce Committee; and Chairman HYDE, Subcommittee Chair COBLE, Ranking Member CONYERS and Subcommittee Ranking Member BERMAN from the Judiciary Committee. This is a bi-partisan, bi-committee approach to a very important legislative bill. I am pleased that we were all able to work together and bring this compromise to the House.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for

establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 27, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 28

9:30 a.m.

Energy and Natural Resources

To resume closed hearings on the damage to the national security from Chinese espionage at the Department of Energy nuclear weapons laboratories.

S-407, Capitol

Indian Affairs

To hold oversight hearings on Bureau of Indian Affairs capacity and mission.

SR-485

Judiciary

To resume hearings on S.J. Res.14, proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

SD-226

Health, Education, Labor, and Pensions

Business meeting to consider S. 385, to amend the Occupational Safety and Health Act of 1970 to further improve the safety and health of working environments; the nomination of Joseph Bordogna, of Pennsylvania, to be Deputy Director of the National Science Foundation; the nomination of Kenneth M. Bresnahan, of Virginia, to be Chief Financial Officer, Department of Labor; the nomination of Lorraine Pratte Lewis, of the District of Columbia, to be Inspector General, Department of Education; the nomination of Arthur J. Naparstek, of Ohio, to be a Member of the Board of Directors of the Corporation for National and Community Service; the nomination of Ruth Y. Tamura, of Hawaii, to be a Member of the National Museum Services Board; the nomination of Chang-Lin Tien, of California, to be a Member of the National Science Board, National Science Foundation; and the nomination of Gary L. Visscher, of Maryland, to be a Member of the Occupational Safety and Health Review Commission.

SD-628

Rules and Administration

To hold oversight hearings on the operations of the Architect of the Capitol.

SR-301

10 a.m.

Foreign Relations

Western Hemisphere, Peace Corps, Narcotics and Terrorism Subcommittee

To hold hearings on issues relating to state democracy and the rule of law in the Americas.

SD-562

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2000 for the National Guard Bureau.

SD-192

Finance

To hold hearings to examine the context and evolution of Medicare.

SD-215

10:30 a.m.

Judiciary

To hold hearings on hate crime issues.

SD-226

2 p.m.

Intelligence

To hold closed hearings on pending intelligence matters.

SH-219

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 607, reauthorize and amend the National Geologic Mapping Act of 1992; S. 415, to protect the permanent trust funds of the State of Arizona from erosion due to inflation and modify the basis on which distributions are made from those funds; and S. 416, to direct the Secretary of Agriculture to convey the city of Sisters, Oregon, a certain parcel of land for use in connection with a sewage treatment facility.

SD-366

2:30 p.m.

Governmental Affairs

International Security, Proliferation and Federal Services Subcommittee

To hold hearings on the future of the ABM Treaty.

SD-342

Environment and Public Works

To hold hearings on the nomination of George T. Frampton, Jr., of the District of Columbia, to be a Member of the Council on Environmental Quality.

SD-406

APRIL 29

9:30 a.m.

Year 2000 Technology Problem

To hold hearings to examine 911 and public service access points.

SD-192

Appropriations

Interior Subcommittee, Energy and Natural Resources, National Parks, Historic Preservation, and Recreation Subcommittee

To hold joint oversight hearings to review the report of the Government Accounting Office on the Everglades National Park Restoration Project.

SD-366

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2000 for the Environmental Protection Agency, and the Council on Environmental Quality.

SD-138

Environment and Public Works

Transportation and Infrastructure Subcommittee

To hold hearings on project delivery and streamlining of the Transportation Equity Act for the 21st Century.

SD-406

10 a.m.

Governmental Affairs

To hold hearings on the nomination of Myrta K. Sale, of Maryland, to be Controller, Office of Federal Financial Management, Office of Management and Budget; and the nomination of John T. Spotila, of New Jersey, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget.

SD-342

Finance

To hold hearings on the implementation of the State Children's Health Insurance Program.

SD-215

Judiciary

Business meeting to consider pending calendar business.

SD-226

Foreign Relations

International Economic Policy, Export and Trade Promotion Subcommittee

To hold hearings to examine the impact of international software piracy on the software industry and the American economy.

SD-562

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on the President's proposed budget request for fiscal year 2000 for the National Aeronautics and Space Administration.

SR-253

Health, Education, Labor, and Pensions

To resume hearings on issues relating to the Elementary Secondary Education Act.

SD-628

10:30 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2000 for the United States Agency for International Development.

SD-124

2 p.m.

Intelligence

To hold closed hearings on pending intelligence matters.

SH-219

Banking, Housing, and Urban Affairs

Housing and Transportation Subcommittee

To hold oversight hearings on the Department of Housing and Urban Development's Grants Management System.

SD-538

2:30 p.m.

Foreign Relations

Near Eastern and South Asian Affairs Subcommittee

To hold hearings to examine political and military developments in India.

SD-562

APRIL 30

10 a.m.

Health, Education, Labor, and Pensions

Aging Subcommittee

To hold hearings on issues relating to the Older Americans Act.

SD-628

April 26, 1999

EXTENSIONS OF REMARKS

7433

MAY 3
2 p.m.
Judiciary
To hold hearings to examine youth violence issues.
SD-226

3:30 p.m.
Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold hearings on management reform issues in the District of Columbia.
SD-342

MAY 4
9:30 a.m.
Indian Affairs
To hold oversight hearings on Census 2000, implementation in Indian Country.
SR-485

Energy and Natural Resources
To resume hearings on S. 25, to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people; S. 532, to provide increased funding for the Land and Water Conservation Fund and Urban Parks and Recreation Recovery Programs, to resume the funding of the State grants program of the Land and Water Conservation Fund, and to provide for the acquisition and development of conservation and recreation facilities and programs in urban areas; S. 446, to provide for the permanent protection of the resources of the United States in the year 2000 and beyond; and S. 819, to provide funding for the National Park

System from outer Continental Shelf revenues.
SD-366

MAY 5
9:30 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD-366

Commerce, Science, and Transportation
Business meeting to markup pending calendar business.
SR-253

Indian Affairs
To hold oversight hearings on Tribal Priority Allocations and Contract Support Costs Report.
SR-485

10 a.m.
Governmental Affairs
To hold hearings on the current state of Federal and State relations.
SD-342

MAY 6
9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the results of the December 1998 plebiscite on Puerto Rico.
SH-216

Governmental Affairs
To hold hearings on Federalism and crime control, focusing on the increasing Federalization of criminal law and its impact on crime control and the criminal justice system.
SD-342

MAY 11
10:30 a.m.
Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold hearings on multiple program coordination in early childhood education.
SD-342

MAY 12
9:30 a.m.
Indian Affairs
To hold oversight hearings on HUBzones implementation.
SR-485

MAY 13
9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 698, to review the suitability and feasibility of recovering costs of high altitude rescues at Denali National Park and Preserve in the state of Alaska; S. 711, to allow for the investment of joint Federal and State funds from the civil settlement of damages from the Exxon Valdez oil spill; and S. 748, to improve Native hiring and contracting by the Federal Government within the State of Alaska.
SD-366

MAY 19
9:30 a.m.
Indian Affairs
To hold hearings on S. 614, to provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands; and S. 613, to encourage Indian economic development, to provide for the disclosure of Indian tribal sovereign immunity in contracts involving Indian tribes, and for other purposes.
SR-485

SEPTEMBER 28
9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.
345 Cannon Building