

crime problems (including intensive illegal gang, gun and drug enforcement projects and quality of life initiatives), and to address localized violent and other crime problems based on needs identified by local law enforcement agencies, community organizations, and others;

"(2) redeploy existing prosecutors to community prosecution programs as described in paragraph (1) of this section by hiring victim and witness coordinators, paralegals, community outreach, and other such personnel; and

"(3) establish programs to assist local prosecutors' offices in the implementation of programs that help them identify and respond to priority crime problems in a community with specifically tailored solutions.

At least 75 percent of the funds made available under this subsection shall be reserved for grants under paragraphs (1) and (2) and of those amounts no more than 10 percent may be used for grants under paragraph (2) and at least 25 percent of the funds shall be reserved for grants under paragraphs (1) and (2) to units of local government with a population of less than 50,000."

(h) RETENTION GRANTS.—Section 1703 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-2) is amended by inserting at the end the following:

"(d) RETENTION GRANTS.—The Attorney General may use no more than 50 percent of the funds under subsection (a) to award grants targeted specifically for retention of police officers to grantees in good standing, with preference to those that demonstrate financial hardship or severe budget constraint that impacts the entire local budget and may result in the termination of employment for police officers funded under subsection (b)(1)."

(i) HIRING COSTS.—Section 1704(c) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-3(c)) is amended by striking "\$75,000" and inserting "\$125,000".

(j) DEFINITIONS.—

(1) CAREER LAW ENFORCEMENT OFFICER.—Section 1709(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-8) is amended by inserting after "criminal laws" the following: "including sheriffs deputies charged with supervising offenders who are released into the community but also engaged in local community policing efforts."

(2) SCHOOL RESOURCE OFFICER.—Section 1709(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-8) is amended—

(A) by striking subparagraph (A) and inserting the following:

"(A) to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, to address and document crime and disorder problems including gangs and drug activities, firearms and explosives-related incidents, and the illegal use and possession of alcohol affecting or occurring in or around an elementary or secondary school;

(B) by striking subparagraph (E) and inserting the following:

"(E) to train students in conflict resolution, restorative justice, and crime awareness, and to provide assistance to and coordinate with other officers, mental health professionals, and youth counselors who are responsible for the implementation of prevention/intervention programs within the schools;" and

(C) by adding at the end the following:

"(H) to work with school administrators, members of the local parent teacher associations, community organizers, law enforcement, fire departments, and emergency medical personnel in the creation, review, and implementation of a school violence prevention plan;

"(I) to assist in documenting the full description of all firearms found or taken into custody on school property and to initiate a firearms trace and ballistics examination for each firearm with the local office of the Bureau of Alcohol, Tobacco, and Firearms;

"(J) to document the full description of all explosives or explosive devices found or taken into custody on school property and report to the local office of the Bureau of Alcohol, Tobacco, and Firearms; and

"(K) to assist school administrators with the preparation of the Department of Education, Annual Report on State Implementation of the Gun-Free Schools Act which tracks the number of students expelled per year for bringing a weapon, firearm, or explosive to school."

(k) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended—

(1) by amending subparagraph (A) to read as follows:

"(A) There are authorized to be appropriated to carry out part Q, to remain available until expended—

"(i) \$1,150,000,000 for fiscal year 2000;

"(ii) \$1,150,000,000 for fiscal year 2001;

"(iii) \$1,150,000,000 for fiscal year 2002;

"(iv) \$1,150,000,000 for fiscal year 2003;

"(v) \$1,150,000,000 for fiscal year 2004; and

"(vi) \$1,150,000,000 for fiscal year 2005."; and

(2) in subparagraph (B)—

(A) by striking "3 percent" and inserting "5 percent";

(B) by striking "85 percent" and inserting "\$600,000,000"; and

(C) by striking "1701(b)," and all that follows through "of part Q" and inserting the following: "1701(b) and (c), \$350,000,000 to grants for the purposes specified in section 1701(f), and \$200,000,000 to grants for the purposes specified in section 1701(g)."

SATELLITE HOME VIEWERS IMPROVEMENT ACT

MCCAIN AMENDMENT NO. 372

Mr. HATCH (for Mr. McCain) proposed an amendment to the bill (S. 247) to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes; as follows:

On page 1, between lines 2 and 3, insert the following:

TITLE I—SATELLITE HOME VIEWERS IMPROVEMENTS ACT

On page 1, line 3, strike "SECTION 1." and insert "SEC. 101."

On page 2, line 1, strike "SEC. 2." and insert "SEC. 102."

On page 1, line 4, strike "Act" and insert "title".

On page 10, line 1, strike "SEC. 3." and insert "SEC. 103."

On page 10, line 7, strike "SEC. 4." and insert "SEC. 104."

On page 11, line 18, strike "SEC. 5." and insert "SEC. 105."

On page 12, line 11, strike "SEC. 6." and insert "SEC. 106."

On page 13, line 17, strike "SEC. 7." and insert "SEC. 107."

On page 14, line 6, strike "SEC. 8." and insert "SEC. 108."

On page 14, line 7, strike "Act" each place it appears and insert "title".

On page 14, line 9, strike "section 4" and insert "section 104".

On page 14, after line 9, add the following:

TITLE II—SATELLITE TELEVISION ACT OF 1996

SEC. 201. SHORT TITLE.

This title may be cited as the "Satellite Television Act of 1999".

SEC. 202. FINDINGS.

The Congress makes the following findings:

(1) In the Cable Television Consumer Protection and Competition Act of 1992, Congress stated its policy of promoting competition in cable services and making available to the public a diversity of views and information through cable television and other video media.

(2) In the Telecommunications Act of 1996, Congress stated its policy of securing lower prices and higher quality service for American telecommunications consumers and encouraging the rapid deployment of new telecommunications technologies.

(3) In most places throughout America, cable television system operators still do not face effective competition from other providers of multichannel video service.

(4) Absent effective competition, the market power exercised by cable television operators enables them to raise the price of cable service to consumers, and to control the price and availability of cable programming services to other multichannel video service providers. Current Federal Communications Commission rules have been inadequate in constraining cable price increases.

(5) Direct-to-home satellite service has over 8 million subscribers and constitutes the most significant competitive alternative to cable television service.

(6) Direct-to-home satellite service currently suffers from a number of statutory, regulatory, and technical barriers that keep it from being an effective competitor to cable television in the provision of multichannel video services.

(7) The most prominent of these barriers is the inability to provide subscribers with local television broadcast signals by satellite.

(8) Permitting providers of direct-to-home satellite service to retransmit local television signals to their subscribers would greatly enhance the ability of direct-to-home satellite service providers to compete more effectively in the provision of multichannel video services.

(9) Due to capacity limitations and in the interest of providing service in as many markets as possible, providers of direct-to-home satellite service, unlike cable television systems, cannot at this time carry all local television broadcast signals in all the local television markets they seek to serve.

(10) It would be in the public interest for providers of direct-to-home satellite service to fully comply with the mandatory signal carriage rules at the earliest possible date. In the interim, requiring full compliance with the mandatory signal carriage rules would substantially limit the ability of direct-to-home satellite service providers to compete in the provision of multichannel video services and would not serve the public interest.

(11) Maintaining the viability of free, local, over-the-air television service is a matter of preeminent public interest.

(12) All subscribers to multichannel video services should be able to receive the signal of at least one station affiliated with each of the major broadcast television networks.

(13) Millions of subscribers to direct-to-home satellite service currently receive the signals of network-affiliated stations not located in these subscribers' local television markets. Where conventional rooftop antennas cannot provide satisfactory reception of local stations, distant network signals may be these subscribers' only source of network television service.

(14) The widespread carriage of distant network stations in local network affiliates' markets could harm the local stations' ability to serve their local community.

(15) Abrupt termination of satellite carriers' provision of distant network signals could have a negative impact on the ability of direct-to-home satellite service to compete effectively in the provision of multichannel video services.

(16) The public interest would be served by permitting direct-to-home satellite service providers to continue existing carriage of a distant network affiliate station's signal where—

(A) there is no local network affiliate;

(B) the local network affiliate cannot be adequately received off-air; or

(C) continued carriage would not harm the local network station.

SEC. 203. PURPOSE.

The purpose of this title is to promote competition in the provision of multichannel video services while protecting the availability of free, local, over-the-air television, particularly for the 22 percent of American television households that do not subscribe to any multichannel video programming service.

SEC. 204. MUST-CARRY FOR SATELLITE CARRIERS RETRANSMITTING TELEVISION BROADCAST SIGNALS.

Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by adding at the end thereof the following:

“SEC. 337. CARRIAGE OF LOCAL TELEVISION STATIONS BY SATELLITE CARRIERS.

“(a) APPLICATION OF MANDATORY CARRIAGE TO SATELLITE CARRIERS.—The mandatory carriage provisions of section 614 and 615 of this Act will apply in a local market no later than January 1, 2002, to satellite carriers retransmitting any television broadcast station in that local market pursuant to the compulsory license provided by section 122 of title 17, United States Code.

“(b) GOOD SIGNAL REQUIRED.—

“(1) COSTS.—A television broadcast station eligible for carriage under subsection (a) may be required to bear the costs associated with delivering a good quality signal to the designated local receive facility of the satellite carrier. The selection of a local receive facility by a satellite carrier shall not be made in a manner that frustrates the purposes of this Act. The Commission shall implement the requirements of this section without imposing any undue economic burden on any party.

“(2) RULEMAKING REQUIRED.—The Commission shall adopt rules implementing paragraph (1) within 180 days after the date of enactment of the Satellite Television Act of 1999.

“(c) CABLE TELEVISION SYSTEM DIGITAL SIGNAL CARRIAGE NOT COVERED.—Nothing in this section applies to the carriage of the digital signals of television broadcast stations by cable television systems.

“(d) DEFINITIONS.—In this section:

“(1) TELEVISION BROADCAST STATION.—The term ‘television broadcast station’ means a

full power local television broadcast station, but does not include a low-power or translator television broadcast station.

“(2) NETWORK STATION.—The term ‘network station’ means a television broadcast station that is owned or operated by, or affiliated with, a broadcasting network.

“(3) BROADCASTING NETWORK.—The term ‘broadcasting network’ means a television network in the United States which offers an interconnected program service on a regular basis for 15 or more hours per week to at least 25 affiliated broadcast stations in 10 or more States.

“(4) DISTANT TELEVISION STATION.—The term ‘distant television station’ means any television broadcast station that is not licensed and operating on a channel regularly assigned to the local television market in which a subscriber to a direct-to-home satellite service is located.

“(5) LOCAL MARKET.—The term ‘local market’ means the designated market area in which a station is located. For a non-commercial educational television broadcast station, the local market includes any station that is licensed to a community within the same designated market area as the non-commercial educational television broadcast station.

“(6) SATELLITE CARRIER.—The term ‘satellite carrier’ has the meaning given it by section 119(d) of title 17, United States Code.

“SEC. 338. CARRIAGE OF DISTANT TELEVISION STATIONS BY SATELLITE CARRIERS.

“(a) PROVISIONS RELATING TO NEW SUBSCRIBERS.—

“(1) IN GENERAL.—Except as provided in subsection (d), direct-to-home satellite service providers shall be permitted to provide the signals of 1 affiliate of each television network to any household that initially subscribed to direct-to-home satellite service on or after July 10, 1998.

“(2) ELIGIBILITY DETERMINATION.—The determination of a new subscriber's eligibility to receive the signals of one or more distant network stations as a component of the service provided pursuant to paragraph (a) shall be made by ascertaining whether the subscriber resides within the predicted Grade B service area of a local network station. The Individual Location Longley-Rice methodology described by the Commission in Docket 98-201 shall be used to make this determination. A direct-to-home satellite service provider may provide the signal of a distant network station to any subscriber determined by this method to be unserved by a local station affiliated with that network.

“(3) RULEMAKING REQUIRED.—

“(A) Within 90 days after the date of enactment of the Satellite Television Act of 1999, the Commission shall adopt procedures that shall be used by any direct-to-home satellite service subscriber requesting a waiver to receive one or more distant network signals. The waiver procedures adopted by the Commission shall—

“(i) impose no unnecessary burden on the subscriber seeking the waiver;

“(ii) allocate responsibilities fairly between direct-to-home satellite service providers and local stations;

“(iii) prescribe mandatory time limits within which direct-to-home satellite service providers and local stations shall carry out the obligations imposed upon them; and

“(iv) prescribe that all costs of conducting any measurement or testing shall be borne by the direct-to-home satellite service provider, if the local station's signal meets the prescribed minimum standards, or by the local station, if its signal fails to meet the prescribed minimum standards.

“(4) PENALTY FOR VIOLATION.—Any direct-to-home satellite service provider that knowingly and willfully provides the signals of 1 or more distant television stations to subscribers in violation of this section shall be liable for forfeiture in the amount of \$50,000 per day per violation.

“(b) PROVISION RELATING TO EXISTING SUBSCRIBERS.—

“(1) MORATORIUM ON TERMINATION.—Until December 31, 1999, any direct-to-home satellite service may continue to provide the signals of distant television stations to any subscriber located within predicted Grade A and Grade B contours of a local network station who received those distant network signals before July 11, 1998.

“(2) CONTINUED CARRIAGE.—Direct-to-home satellite service providers may continue to provide the signals of distant television stations to subscribers located between the outside limits of the predicted Grade A contour and the predicted Grade B contour of the corresponding local network stations after December 31, 1999, subject to any limitations adopted by the Commission under paragraph (3).

“(3) RULEMAKING REQUIRED.—

“(A) Within 180 days after the date of enactment of the Satellite Television Act of 1999, the Commission shall conclude a single rulemaking, compliant with subchapter II of chapter 5 of title 5, United States Code, to examine the extent to which any existing program exclusivity rules should be imposed on distant network stations provided to subscribers under paragraph (2).

“(B) The Commission shall not impose any program exclusivity rules on direct-to-home satellite service providers pursuant to subparagraph (A) unless it finds that it would be both technically and economically feasible and otherwise in the public interest to do so.

“(c) WAIVERS NOT PRECLUDED.—Notwithstanding any other provision in this section, nothing shall preclude any network stations from authorizing the continued provision of distant network signals in unaltered form to any direct-to-home satellite service subscriber currently receiving them.

“(d) CERTAIN SIGNALS.—Providers of direct-to-home satellite service may continue to carry the signals of distant network stations without regard to subsections (a) and (b) in any situation in which—

“(1) a subscriber is unserved by the local station affiliated with that network;

“(2) a waiver is otherwise granted by the local station under subsection (c); or

“(3) if the carriage would otherwise be consistent with rules adopted by the Commission in CS Docket 98-201.

“(e) Report Required.—Within 180 days after the date of enactment of the Satellite Television Act of 1999, the Commission shall report to Congress on methods of facilitating the delivery of local signals in local markets, especially smaller markets.”

SEC. 205. RETRANSMISSION CONSENT.

“(a) AMENDMENT OF SECTION 325(b).—Section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) is amended striking the subsection designation and paragraphs (1) and (2) and inserting the following:

“(b)(1) No cable system or other multichannel video programming distributor shall retransmit the signal of a broadcasting station, or any part thereof, except—

“(A) with the express authority of the station; or

“(B) pursuant to section 614 or section 615, in the case of a station electing, in accordance with this subsection, to assert the right to carriage under that section.

“(2) The provisions of this subsection shall not apply to—

“(A) retransmission of the signal of a television broadcast station outside the station's local market by a satellite carrier directly to subscribers if—

“(i) that station was a superstation on May 1, 1991;

“(ii) as of July 1, 1998, such station's signal was transmitted under the compulsory license of section 119 of title 17, United States Code, by satellite carrier directly to at least 250,000 subscribers; and

“(iii) the satellite carrier complies with any program exclusivity rules that may be adopted by the Federal Communications Commission pursuant to section 338.

“(B) retransmission of the distant signal of a broadcasting station that is owned or operated by, or affiliated with, a broadcasting network directly to a home satellite antenna, if the subscriber resides in an unserved household; or

“(C) retransmission by a cable operator or other multichannel video programming distributor (other than by a satellite carrier direct to its subscribers) of the signal of a television broadcast station outside the station's local market, if that signal was obtained from a satellite carrier and—

“(i) the originating station was a superstation on May 1, 1991; and

“(ii) the originating station was a network station on December 31, 1997, and its signal was retransmitted by a satellite carrier directly to subscribers.

“(3) Any term used in this subsection that is defined in section 337(d) of this Act has the meaning given to it by that section.”

“(b) EFFECTIVE DATE.—The amendments made by subsection(a) take effect on January 1, 1999.

SEC. 206. DESIGNATED MARKET AREAS.

Nothing in this title, or in the amendment made by this title, prevents the Federal Communications Commission from revising the listing of designated market areas or reassigning those area if the revision or reassignment is done in the same manner and to the same extent as the Commission's cable television mandatory carriage rules provide.

SEC. 207. SEVERABILITY.

If any provision of this title of section 325(b) or 337 of the Communications Act of 1934 (47 U.S.C. 325(b) or 337, respectively), or the application of that provision to any person or circumstance, is held by a court of competent Jurisdiction to violate any provision of the Constitution of the United States, then the other provisions of that section, and the application of that provision to other provisions and circumstance, shall not be affected.

SEC. 208. SECONDARY TRANSMISSIONS.

“(a) AMENDMENT OF SECTION 119(A)(2)(B) OF TITLE 17, UNITED STATES CODE.—Section 119(a)(2)(B) of title 17, United States Code, is amended to read as follows:

“(B) SECONDARY TRANSMISSION TO UNSERVED HOUSEHOLDS.—Except as provided in paragraph(5)(E) of this subsection, the license provided or in subparagraph(a) shall be limited to secondary transmissions to persons who reside in unserved households.”

“(b) AMENDMENT OF SECTION 119(A)(5) OF TITLE 17.—Section 119(a)(5) of title 17, United States Code, is amended by adding at the end thereof the following:

“(E) EXCEPTION.—The secondary transmission by a satellite carrier of a primary transmission made by a network station to subscribers who do not reside in unserved households shall not be an act of infringement if

“(i) that station was a superstation on May 1, 1991; and

“(ii) that station was lawfully retransmitted by satellite carriers directly to at least 250,000 subscribers as of July 1, 1998.”

SEC. 209. DEFINITIONS.

In this title:

(1) TERMS DEFINED IN COMMUNICATIONS ACT OF 1934.—Any term used in this title that is defined in section 337(d) of the Communications Act of 1934, as added by section 204 of this title, has the meaning given to it by that section.

(2) DESIGNATED MARKET AREA.—The term “designated market area” means a designated market area, as determined by Nielsen Media Research and published in the DMA Market and Demographic Report.

HATCH (AND LEAHY) AMENDMENT NO. 373

Mr. HATCH (for himself and Mr. LEAHY) proposed an amendment to amendment No. 372 proposed by Mr. MCCAIN to the bill, S. 247, supra; as follows:

On page 17, strike line 4 through page 18, line 4 and insert the following:

SEC. 208 DEFINITIONS.

HATCH (AND LEAHY) AMENDMENTS NOS. 374-375

Mr. HATCH (for himself and Mr. LEAHY) proposed two amendments to the bill, S. 247, supra; as follows:

AMENDMENT NO. 374

On page 3, line 9, strike “that station” and insert “the network that owns or is affiliated with the network station”.

On page 3, lines 16 and 17, strike “the station” and insert “the network”.

On page 4, line 3, strike “the station” and insert “the network”.

On page 12, beginning with line 19, strike all through line 5 on page 13 and insert the following:

(3) by adding at the end the following: “In the case of the Public Broadcasting Service satellite feed, the compulsory license shall be effective until January 1, 2002.”

On page 13, strike lines 6 through 8 and insert the following:

(b) DEFINITIONS.—Section 119(d) of title 17, United States Code, is amended—

(1) by amending paragraph (9) to read as follows:

“(9) SUPERSTATION.—The term ‘superstation’—

“(A) means a television broadcast station, other than a network station, licensed by the Federal Communications Commission that is secondarily transmitted by a satellite carrier; and

“(B) includes the Public Broadcasting Service satellite feed.”; and

(2) by adding at the end the following:

On page 13, line 25, strike “and”.

On page 14, line 5, strike the period and insert a semicolon and “and”.

On page 14, insert between lines 5 and 6 the following:

(3) by adding at the end the following:

“(11) STATUTORY LICENSE CONTINGENT ON COMPLIANCE WITH FCC RULES AND REMEDIAL STEPS.—The willful or repeated secondary transmission to the public by a satellite carrier of a primary transmission made by a broadcast station licensed by the Federal Communications Commission is actionable as an act of infringement under section 501,

and is fully subject to the remedies provided by sections 502 through 506 and 509, if, at the time of such transmission, the satellite carrier is not in compliance with the rules, regulations, and authorizations of the Federal Communications Commission concerning the carriage of television broadcast station signals.”

SEC. 8. TELEVISION BROADCAST STATION STANDING.

Section 501 of title 17, United States Code, is amended by adding at the end the following:

“(f) With respect to any secondary transmission that is made by a satellite carrier of a primary transmission embodying the performance or display of a work and is actionable as an act of infringement under section 122, a television broadcast station holding a copyright or other license to transmit or perform the same version of that work shall, for purposes of subsection (b) of this section, be treated as a legal or beneficial owner if such secondary transmission occurs within the local market of that station.”

On page 14, line 6, strike “SEC. 8.” and insert “SEC. 9.”.

AMENDMENT NO. 375

On page 12, line 4, insert after “network” the following: “or is not otherwise eligible to receive directly from a satellite carrier a signal of that television network (other than a signal provided under section 122) in accordance with section 338 of the Communications Act of 1934.”

On page 14, insert between lines 5 and 6 the following:

SEC. 8. MORATORIUM ON COPYRIGHT LIABILITY.

Until December 31, 1999, no subscriber, as defined under section 119(d)(8) of title 17, United States Code, located within the predicted Grade B contour of a local network television broadcast station shall have satellite service of a distant network signal affiliated with the same network terminated, if that subscriber received satellite service of such network signal before July 11, 1998, as a result of section 119 of title 17, United States Code.

On page 14, line 6, strike “SEC. 8.” and insert “SEC. 9.”.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, May 20, 1999, at 9:30 a.m. on Internet Filtering.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, May 20, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to receive testimony on damage to the national security from Chinese espionage at DOE nuclear weapons laboratories.