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I strongly encourage the industry to begin a dialogue with parents and community leaders on this issue.

The reality is that the Internet has a Dickensian quality to it. It is the best of wires and the worst of wires, simultaneously. It has the ability to ennoble and enable, and at the same time to debase and degrade. It is time for our country to begin the discussion as to how we are going to resolve this tension in favor of the children in our society.

CANCER RESEARCH VITALLY IMPORTANT

(Mr. TAUZIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAUZIN. Mr. Speaker, I take this moment for very personal reasons. At this moment my mother, Enola, is recovering in a hospital in New Orleans, Ochsner Clinic, from her third very important cancer surgery.

In 1960 she was operated on for breast cancer, and survived that awful plague. In 1980 she was operated on for lung cancer, and survived that awful condition. Today the doctors reported to me just a few minutes ago that Mom has come through successful uterine cancer surgery with at least a 90 percent chance of recovery.

Mom, to you and to all the cancer survivors across America, what an inspiration you are to your family and to this country in the fights you wage against this awful disease.

To all who struggle in the fields of research, and who raise the monies and spend those critically short dollars to find a cure for this awful disease, I ask them to keep up their great work. They have given me my mother all these years, and I deeply appreciate them.

Mom, God bless you, and a speedy recovery, dear.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. STEARNS). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

SATELLITE COPYRIGHT, COMPETITION, AND CONSUMER PROTECTION ACT OF 1999

Mr. ARMEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1554) to amend the provisions of title 17, United States Code, and the

Communications Act of 1934, relating to copyright licensing and carriage of broadcast signals by satellite, as amended.

The Clerk read as follows:

H.R. 1554

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Satellite Copyright, Competition, and Consumer Protection Act of 1999".

TITLE I—SATELLITE COMPETITION AND CONSUMER PROTECTION

SEC. 101. SHORT TITLE.

This title may be cited as the "Satellite Competition and Consumer Protection Act".

SEC. 102. RETRANSMISSION CONSENT.

Section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) is amended—

(1) by amending paragraphs (1) and (2) to read as follows:

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

"(A) with the express authority of the originating station;

"(B) pursuant to section 614, in the case of a station electing, in accordance with this subsection, to assert the right to carriage under such section; or

"(C) pursuant to section 338, in the case of a station electing, in accordance with this subsection, to assert the right to carriage under such section.

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

"(A) to retransmission of the signal of a noncommercial television broadcast station;

"(B) to retransmission of the signal of a television broadcast station outside the station's local market by a satellite carrier directly to its subscribers, if—

"(i) such station was a superstation on May 1, 1991;

"(ii) as of July 1, 1998, such station was retransmitted by a satellite carrier under the statutory license of section 119 of title 17, United States Code; and

"(iii) the satellite carrier complies with all network nonduplication, syndicated exclusivity, and sports blackout rules adopted by the Commission pursuant to section 712 of this Act;

"(C) until 7 months after the date of enactment of the Satellite Competition and Consumer Protection Act, to retransmission of the signal of a television network station directly to a satellite antenna, if the subscriber receiving the signal is located in an area outside the local market of such station; or

"(D) to retransmission by a cable operator or other multichannel video provider, other than a satellite carrier, of the signal of a television broadcast station outside the station's local market if such signal was obtained from a satellite carrier and—

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

"(ii) as of July 1, 1998, such station was retransmitted by a satellite carrier under the statutory license of section 119 of title 17, United States Code.";

(2) by adding at the end of paragraph (3) the following new subparagraph:

"(C) Within 45 days after the date of enactment of the Satellite Competition and Consumer Protection Act, the Commission shall commence a rulemaking proceeding to revise the regulations governing the exercise by television broadcast stations of the right to grant retransmission consent under this sub-

section, and such other regulations as are necessary to administer the limitations contained in paragraph (2). The Commission shall complete all actions necessary to prescribe such regulations within one year after such date of enactment. Such regulations shall—

"(i) establish election time periods that correspond with those regulations adopted under subparagraph (B) of this paragraph; and

"(ii) until January 1, 2006, prohibit television broadcast stations that provide retransmission consent from engaging in discriminatory practices, understandings, arrangements, and activities, including exclusive contracts for carriage, that prevent a multichannel video programming distributor from obtaining retransmission consent from such stations.";

(3) in paragraph (4), by adding at the end the following new sentence: "If an originating television station elects under paragraph (3)(C) to exercise its right to grant retransmission consent under this subsection with respect to a satellite carrier, the provisions of section 338 shall not apply to the carriage of the signal of such station by such satellite carrier.";

(4) in paragraph (5), by striking "614 or 615" and inserting "338, 614, or 615"; and

(5) by adding at the end the following new paragraph:

"(7) For purposes of this subsection, the term 'television broadcast station' means an over-the-air commercial or noncommercial television broadcast station licensed by the Commission under subpart E of part 73 of title 47, Code of Federal Regulations, except that such term does not include a low-power or translator television station."

SEC. 103. MUST-CARRY FOR SATELLITE CARRIERS RETRANSMITTING TELEVISION BROADCAST SIGNALS.

Title III of the Communications Act of 1934 is amended by inserting after section 337 (47 U.S.C. 337) the following new section:

"SEC. 338. CARRIAGE OF LOCAL TELEVISION SIGNALS BY SATELLITE CARRIERS.

"(a) CARRIAGE OBLIGATIONS.—

"(1) IN GENERAL.—Subject to the limitations of paragraph (2), each satellite carrier providing secondary transmissions to subscribers located within the local market of a television broadcast station of a primary transmission made by that station shall carry upon request all television broadcast stations located within that local market, subject to section 325(b), by retransmitting the signal or signals of such stations that are identified by Commission regulations for purposes of this section.

"(2) EFFECTIVE DATE.—No satellite carrier shall be required to carry local television broadcast stations under paragraph (1) until January 1, 2002.

"(b) GOOD SIGNAL REQUIRED.—

"(1) COSTS.—A television broadcast station asserting its right to carriage under subsection (a) shall be required to bear the costs associated with delivering a good quality signal to the designated local receive facility of the satellite carrier or to another facility that is acceptable to at least one-half the stations asserting the right to carriage in the local market.

"(2) REGULATIONS.—The regulations issued under subsection (g) shall set forth the obligations necessary to carry out this subsection.

"(c) DUPLICATION NOT REQUIRED.—

"(1) COMMERCIAL STATIONS.—Notwithstanding subsection (a), a satellite carrier shall not be required to carry upon request the signal of any local commercial television broadcast station that substantially duplicates the signal of another local commercial television broadcast station which is secondarily transmitted by the satellite carrier

within the same local market, or to carry upon request the signals of more than 1 local commercial television broadcast station in a single local market that is affiliated with a particular television network.

“(2) NONCOMMERCIAL STATIONS.—The Commission shall prescribe regulations limiting the carriage requirements under subsection (a) of satellite carriers with respect to the carriage of multiple local noncommercial television broadcast stations. To the extent possible, such regulations shall provide the same degree of carriage by satellite carriers of such multiple stations as is provided by cable systems under section 615.

“(d) CHANNEL POSITIONING.—No satellite carrier shall be required to provide the signal of a local television broadcast station to subscribers in that station's local market on any particular channel number or to provide the signals in any particular order, except that the satellite carrier shall retransmit the signal of the local television broadcast stations to subscribers in the stations' local market on contiguous channels and provide access to such station's signals at a non-discriminatory price and in a nondiscriminatory manner on any navigational device, on-screen program guide, or menu.

“(e) COMPENSATION FOR CARRIAGE.—A satellite carrier shall not accept or request monetary payment or other valuable consideration in exchange either for carriage of local television broadcast stations in fulfillment of the requirements of this section or for channel positioning rights provided to such stations under this section, except that any such station may be required to bear the costs associated with delivering a good quality signal to the local receive facility of the satellite carrier.

“(f) REMEDIES.—

“(1) COMPLAINTS BY BROADCAST STATIONS.—Whenever a local television broadcast station believes that a satellite carrier has failed to meet its obligations under this section, such station shall notify the carrier, in writing, of the alleged failure and identify its reasons for believing that the satellite carrier is obligated to carry upon request the signal of such station or has otherwise failed to comply with other requirements of this section. The satellite carrier shall, within 30 days of such written notification, respond in writing to such notification and either begin carrying the signal of such station in accordance with the terms requested or state its reasons for believing that it is not obligated to carry such signal or is in compliance with other requirements of this section, as the case may be. A local television broadcast station that is denied carriage in accordance with this section by a satellite carrier or is otherwise harmed by a response by a satellite carrier that it is in compliance with other requirements of this section may obtain review of such denial or response by filing a complaint with the Commission. Such complaint shall allege the manner in which such satellite carrier has failed to meet its obligations and the basis for such allegations.

“(2) OPPORTUNITY TO RESPOND.—The Commission shall afford the satellite carrier against which a complaint is filed under paragraph (1) an opportunity to present data and arguments to establish that there has been no failure to meet its obligations under this section.

“(3) REMEDIAL ACTIONS; DISMISSAL.—Within 120 days after the date a complaint is filed under paragraph (1), the Commission shall determine whether the satellite carrier has met its obligations under this chapter. If the Commission determines that the satellite carrier has failed to meet such obligations, the Commission shall order the satellite carrier, in the case of an obligation to carry a

station, to begin carriage of the station and to continue such carriage for at least 12 months, or, in the case of the failure to meet other obligations under this section, shall take other appropriate remedial action. If the Commission determines that the satellite carrier has fully met the requirements of this chapter, the Commission shall dismiss the complaint.

“(g) REGULATIONS BY COMMISSION.—Within 180 days after the date of enactment of this section, the Commission shall, following a rulemaking proceeding, issue regulations implementing this section.

“(h) DEFINITIONS.—As used in this section:

“(1) SUBSCRIBER.—The term ‘subscriber’ means a person that receives a secondary transmission service by means of a secondary transmission from a satellite and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.

“(2) DISTRIBUTOR.—The term ‘distributor’ means an entity which contracts to distribute secondary transmissions from a satellite carrier and, either as a single channel or in a package with other programming, provides the secondary transmission either directly to individual subscribers or indirectly through other program distribution entities.

“(3) LOCAL RECEIVE FACILITY.—The term ‘local receive facility’ means the reception point in each local market which a satellite carrier designates for delivery of the signal of the station for purposes of retransmission.

“(4) TELEVISION BROADCAST STATION.—The term ‘television broadcast station’ has the meaning given such term in section 325(b)(7).

“(5) SECONDARY TRANSMISSION.—The term ‘secondary transmission’ has the meaning given such term in section 119(d) of title 17, United States Code.”

SEC. 104. NONDUPLICATION OF PROGRAMMING BROADCAST BY LOCAL STATIONS.

Section 712 of the Communications Act of 1934 (47 U.S.C. 612) is amended to read as follows:

“SEC. 712. NONDUPLICATION OF PROGRAMMING BROADCAST BY LOCAL STATIONS.

“(a) EXTENSION OF NETWORK NONDUPLICATION, SYNDICATED EXCLUSIVITY, AND SPORTS BLACKOUT TO SATELLITE RETRANSMISSION.—Within 45 days after the date of enactment of the Satellite Competition and Consumer Protection Act, the Commission shall commence a single rulemaking proceeding to establish regulations that apply network nonduplication protection, syndicated exclusivity protection, and sports blackout protection to the retransmission of broadcast signals by satellite carriers to subscribers. To the extent possible consistent with subsection (b), such regulations shall provide the same degree of protection against retransmission of broadcast signals as is provided by the network nonduplication (47 C.F.R. 76.92), syndicated exclusivity (47 C.F.R. 151), and sports blackout (47 C.F.R. 76.67) rules applicable to cable television systems. The Commission shall complete all actions necessary to prescribe regulations required by this section so that the regulations shall become effective within 1 year after such date of enactment.

“(b) ESTABLISHMENT OF NETWORK NONDUPLICATION BOUNDARIES.—

“(1) ESTABLISHMENT OF SIGNAL STANDARD FOR NETWORK NONDUPLICATION REQUIRED.—The Commission shall establish a signal intensity standard for purposes of determining the network nonduplication rights of local television broadcast stations. Until revised pursuant to subsection (c), such standard shall be the Grade B field strength standard prescribed by the Commission in section 73.683 of the Commission's regulations (47

C.F.R. 73.683). For purposes of this section, the standard established under this paragraph is referred to as the ‘Network Nonduplication Signal Standard’.

“(2) ESTABLISHMENT OF IMPROVED PREDICTIVE MODEL REQUIRED.—Within 180 days after the date of enactment of the Satellite Competition and Consumer Protection Act, the Commission shall take all actions necessary, including any reconsideration, to develop and prescribe by rule a point-to-point predictive model for reliably and presumptively determining the ability of individual locations to receive signals in accordance with the Network Nonduplication Signal Standard. In prescribing such model, the Commission shall ensure that such model takes into account terrain, building structures, and other land cover variations. The Commission shall establish procedures for the continued refinement in the application of the model by the use of additional data as it becomes available. For purposes of this section, such model is referred to as the ‘Network Nonduplication Reception Model’, and the area encompassing locations that are predicted to have the ability to receive such a signal of a particular broadcast station is referred to as that station's ‘Reception Model Area’.

“(3) NETWORK NONDUPLICATION.—The network nonduplication regulations required under subsection (a) shall allow a television network station to assert nonduplication rights as follows:

“(A) If a satellite carrier is retransmitting that station, or any other television broadcast stations located in the same local market, to subscribers located in that station's local market, the television network station may assert nonduplication rights against the satellite carrier throughout the area within which that station may assert such rights under the rules applicable to cable television systems (47 C.F.R. 76.92).

“(B) If a satellite carrier is not retransmitting any television broadcast stations located in the television network station's local market to subscribers located in such market, the television network station may assert nonduplication rights against the satellite carrier in the geographic area that is within such station's Reception Model Area, but such geographic area shall not extend beyond the local market of such station.

“(4) WAIVERS.—A subscriber may request a waiver from network nonduplication by submitting a request, through such subscriber's satellite carrier, to the television network station asserting nonduplication rights. The television network station shall accept or reject a subscriber's request for a waiver within 30 days after receipt of the request. The network nonduplication protection described in paragraph (3)(B) shall not apply to a subscriber if such station agrees to the waiver request and files with the satellite carrier a written waiver with respect to that subscriber allowing the subscriber to receive satellite retransmission of another network station affiliated with that same network. The television network station and the satellite carrier shall maintain a file available to the public that contains such waiver requests and the acceptances and rejections thereof.

“(5) OBJECTIVE VERIFICATION.—

“(A) IN GENERAL.—If a subscriber's request for a waiver under paragraph (4) is rejected and the subscriber submits to the subscriber's satellite carrier a request for a test verifying the subscriber's inability to receive a signal that meets the Network Nonduplication Signal Standard, the satellite carrier and the television network station or stations asserting nonduplication rights with respect to that subscriber shall select a qualified and independent person to conduct

a test in accordance with the provisions of section 73.686(d) of title 47, Code of Federal Regulations, or any successor regulation. Such test shall be conducted within 30 days after the date the subscriber submits a request for the test. If the written findings and conclusions of a test conducted in accordance with the provisions of such section (or any successor regulation) demonstrate that the subscriber does not receive a signal that meets or exceeds the Network Nonduplication Signal Standard, the network nonduplication rights described in paragraph (3)(B) shall not apply to that subscriber.

“(B) DESIGNATION OF TESTOR AND ALLOCATION OF COSTS.—If the satellite carrier and the television network station or stations asserting nonduplication rights are unable to agree on such a person to conduct the test, the person shall be designated by an independent and neutral entity designated by the Commission by rule. Unless the satellite carrier and the television network station or stations asserting nonduplication rights otherwise agree, the costs of conducting the test under this paragraph shall be borne equally by the satellite carrier and the television network station or stations asserting nonduplication rights. A subscriber may not be required to bear any portion of the cost of such test.

“(6) RECREATIONAL VEHICLE LOCATION.—In the case of a subscriber to a satellite carrier who has installed satellite reception equipment in a recreational vehicle, and who has permitted any television network station seeking to assert network nonduplication rights to verify the motor vehicle registration, license, and proof of ownership of such vehicle, the subscriber shall be considered to be outside the local market and Reception Model Area of such station. For purposes of this paragraph, the term ‘recreational vehicle’ does not include any residential manufactured home, as defined in section 603(6) of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5402(6)).

“(c) REVIEW AND REVISION OF STANDARDS AND MODEL.—

“(1) ONGOING INQUIRY REQUIRED.—Not later than 2 years after the date of enactment of the Satellite Competition and Consumer Protection Act, the Commission shall conduct an inquiry of the extent to which the Network Nonduplication Signal Standard, the Network Nonduplication Reception Model, and the Reception Model Areas of television stations are adequate to reliably measure the ability of consumers to receive an acceptable over-the-air television broadcast signal.

“(2) DATA TO BE CONSIDERED.—In conducting the inquiry required by paragraph (1), the Commission shall consider—

“(A) the number of subscribers requesting waivers under subsection (b)(4), and the number of waivers that are denied;

“(B) the number of subscribers submitting petitions under subsection (b)(5), and the number of such petitions that are granted;

“(C) the results of any consumer research study that may be undertaken to carry out the purposes of this section; and

“(D) the extent to which consumers are not legally entitled to install broadcast reception devices assumed in the Commission's standard.

“(3) REPORT AND ACTION.—The Commission shall submit to the Congress a report on the inquiry required by this subsection not later than the end of the 2-year period described in paragraph (1). The Commission shall complete any actions necessary to revise the Network Nonduplication Signal Standard, the Network Nonduplication Reception Model, and the Reception Model Areas of television stations in accordance with the find-

ings of such inquiry not later than 6 months after the end of such 2-year period.

“(4) DATA SUBMISSION.—The Commission shall prescribe by rule the data required to be submitted by television broadcast stations and by satellite carriers to the Commission or such designated entity to carry out this subsection, and the format for submission of such data.”

SEC. 105. CONSENT OF MEMBERSHIP TO RE-TRANSMISSION OF PUBLIC BROADCASTING SERVICE SATELLITE FEED.

Section 396 of the Communications Act of 1934 (47 U.S.C. 396) is amended by adding at the end the following new subsection:

“(n) The Public Broadcasting Service shall certify to the Board on an annual basis that a majority of its membership supports or does not support the secondary transmission of the Public Broadcasting Service satellite feed, and provide notice to each satellite carrier carrying such feed of such certification.”

SEC. 106. DEFINITIONS.

Section 3 of the Communications Act of 1934 (47 U.S.C. 153) is amended—

(1) by redesignating—

(A) paragraphs (49) through (52) as paragraphs (52) through (55), respectively;

(B) paragraphs (39) through (48) as paragraphs (41) through (50), respectively; and

(C) paragraphs (27) through (38) as paragraph (28) through (39), respectively;

(2) by inserting after paragraph (26) the following new paragraph:

“(27) LOCAL MARKET.—

“(A) IN GENERAL.—The term ‘local market’, in the case of both commercial and noncommercial television broadcast stations, means the designated market area in which a station is located, and—

“(i) in the case of a commercial television broadcast station, all commercial television broadcast stations licensed to a community within the same designated market area are within the same local market; and

“(ii) in the case of a noncommercial educational television broadcast station, the market includes any station that is licensed to a community within the same designated market area as the noncommercial educational television broadcast station.

“(B) COUNTY OF LICENSE.—In addition to the area described in subparagraph (A), a station's local market includes the county in which the station's community of license is located.

“(C) DESIGNATED MARKET AREA.—For purposes of subparagraph (A), 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.”

(3) by inserting after paragraph (39) (as redesignated by paragraph (1) of this section) the following new paragraph:

“(40) SATELLITE CARRIER.—The term ‘satellite carrier’ means an entity that uses the facilities of a satellite or satellite service licensed by the Commission, and operates in the Fixed-Satellite Service under part 25 of title 47 of the Code of Federal Regulations or the Direct Broadcast Satellite Service under part 100 of title 47 of the Code of Federal Regulations, to establish and operate a channel of communications for point-to-multipoint distribution of television station signals, and that owns or leases a capacity or service on a satellite in order to provide such point-to-multipoint distribution, except to the extent that such entity provides such distribution pursuant to tariff under this Act.”; and

(3) by inserting after paragraph (50) (as redesignated by paragraph (1) of this section) the following new paragraph:

“(51) TELEVISION NETWORK; TELEVISION NETWORK STATION.—

“(A) TELEVISION NETWORK.—The term ‘television 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.

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

SEC. 107. COMPLETION OF BIENNIAL REGULATORY REVIEW.

Within 180 days after the date of enactment of this Act, the Commission shall complete the biennial review required by section 202(h) of the Telecommunications Act of 1996.

SEC. 108. RESULT OF LOSS OF NETWORK SERVICE.

Until the Federal Communications Commission issues regulations under section 712(b)(2) of the Communications Act of 1934, if a subscriber's network service is terminated as a result of the provisions of section 119 of title 17, United States Code, the satellite carrier shall, upon the request of the subscriber, provide to the subscriber free of charge an over-the-air television broadcast receiving antenna that will provide the subscriber with an over-the-air signal of Grade B intensity for those network stations that were terminated as a result of such section 119.

SEC. 109. INTERIM PROVISIONS.

Until the Federal Communications Commission issues and implements regulations under section 712(b)(2) of the Communications Act of 1934, no subscriber whose household is located outside the Grade A contour of a network station shall have his or her satellite service of another network station affiliated with that same network terminated as a result of the provisions of section 119 of title 17, United States Code.

TITLE II—SECONDARY TRANSMISSIONS BY SATELLITE CARRIERS WITHIN LOCAL MARKETS

SEC. 201. SHORT TITLE.

This title may be cited as the “Satellite Copyright Compulsory License Improvement Act”.

SEC. 202. LIMITATIONS ON EXCLUSIVE RIGHTS; SECONDARY TRANSMISSIONS BY SATELLITE CARRIERS WITHIN LOCAL MARKETS.

(a) IN GENERAL.—Chapter 1 of title 17, United States Code, is amended by adding after section 121 the following new section:

“§ 122. Limitations on exclusive rights; secondary transmissions by satellite carriers within local markets

“(a) SECONDARY TRANSMISSIONS OF TELEVISION BROADCAST STATIONS BY SATELLITE CARRIERS.—A secondary transmission of a primary transmission of a television broadcast station into the station's local market shall be subject to statutory licensing under this section if—

“(1) the secondary transmission is made by a satellite carrier to the public;

“(2) the satellite carrier is in compliance with the rules, regulations, or authorizations of the Federal Communications Commission governing the carriage of television broadcast station signals; and

“(3) the satellite carrier makes a direct or indirect charge for the secondary transmission to—

“(A) each subscriber receiving the secondary transmission; or

“(B) a distributor that has contracted with the satellite carrier for direct or indirect delivery of the secondary transmission to the public.

“(b) REPORTING REQUIREMENTS.—

“(1) INITIAL LISTS.—A satellite carrier that makes secondary transmissions of a primary transmission made by a network station under subsection (a) shall, within 90 days after commencing such secondary transmissions, submit to the network that owns or is affiliated with the network station a list identifying (by name in alphabetical order and street address, including county and zip code) all subscribers to which the satellite carrier currently makes secondary transmissions of that primary transmission pursuant to this section.

“(2) SUBSEQUENT LISTS.—After the list is submitted under paragraph (1), the satellite carrier shall, on the 15th of each month, submit to the network a list identifying (by name in alphabetical order and street address, including county and zip code) any subscribers who have been added or dropped as subscribers since the last submission under this subsection.

“(3) USE OF SUBSCRIBER INFORMATION.—Subscriber information submitted by a satellite carrier under this subsection may be used only for the purposes of monitoring compliance by the satellite carrier with this section.

“(4) REQUIREMENTS OF STATIONS.—The submission requirements of this subsection shall apply to a satellite carrier only if the network to which the submissions are to be made places on file with the Register of Copyrights a document identifying the name and address of the person to whom such submissions are to be made. The Register shall maintain for public inspection a file of all such documents.

“(c) NO ROYALTY FEE REQUIRED.—A satellite carrier whose secondary transmissions are subject to statutory licensing under subsection (a) shall have no royalty obligation for such secondary transmissions.

“(d) NONCOMPLIANCE WITH REPORTING AND REGULATORY REQUIREMENTS.—Notwithstanding subsection (a), the willful or repeated secondary transmission to the public by a satellite carrier into the local market of a television broadcast station of a primary transmission made by that television broadcast station and embodying a performance or display of a work is actionable as an act of infringement under section 501, and is fully subject to the remedies provided under sections 502 through 506 and 509, if the satellite carrier has not complied with the reporting requirements of subsection (b) or with the rules, regulations, and authorizations of the Federal Communications Commission concerning the carriage of television broadcast signals.

“(e) WILLFUL ALTERATIONS.—Notwithstanding subsection (a), the secondary transmission to the public by a satellite carrier into the local market of a television broadcast station of a primary transmission made by that television broadcast station and embodying a performance or display of a work is actionable as an act of infringement under section 501, and is fully subject to the remedies provided by sections 502 through 506 and sections 509 and 510, if the content of the particular program in which the performance or display is embodied, or any commercial advertising or station announcement transmitted by the primary transmitter during, or immediately before or after, the transmission of such program, is in any way willfully altered by the satellite carrier through changes, deletions, or additions, or is combined with programming from any other broadcast signal.

“(f) VIOLATION OF TERRITORIAL RESTRICTIONS ON STATUTORY LICENSE FOR TELEVISION BROADCAST STATIONS.—

“(1) INDIVIDUAL VIOLATIONS.—The willful or repeated secondary transmission to the public by a satellite carrier of a primary trans-

mission made by a television broadcast station and embodying a performance or display of a work to a subscriber who does not reside in that station's local market, and is not subject to statutory licensing under section 119, or a private licensing agreement, 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, except that—

“(A) no damages shall be awarded for such act of infringement if the satellite carrier took corrective action by promptly withdrawing service from the ineligible subscriber; and

“(B) any statutory damages shall not exceed \$5 for such subscriber for each month during which the violation occurred.

“(2) PATTERN OF VIOLATIONS.—If a satellite carrier engages in a willful or repeated pattern or practice of secondarily transmitting to the public a primary transmission made by a television broadcast station and embodying a performance or display of a work to subscribers who do not reside in that station's local market, and are not subject to statutory licensing under section 119, then in addition to the remedies under paragraph (1)—

“(A) if the pattern or practice has been carried out on a substantially nationwide basis, the court shall order a permanent injunction barring the secondary transmission by the satellite carrier of the primary transmissions of that television broadcast station (and if such television broadcast station is a network station, all other television broadcast stations affiliated with such network), and the court may order statutory damages not exceeding \$250,000 for each 6-month period during which the pattern or practice was carried out; and

“(B) if the pattern or practice has been carried out on a local or regional basis with respect to more than one television broadcast station (and if such television broadcast station is a network station, all other television broadcast stations affiliated with such network), the court shall order a permanent injunction barring the secondary transmission in that locality or region by the satellite carrier of the primary transmissions of any television broadcast station, and the court may order statutory damages not exceeding \$250,000 for each 6-month period during which the pattern or practice was carried out.

“(g) BURDEN OF PROOF.—In any action brought under subsection (d), (e), or (f), the satellite carrier shall have the burden of proving that its secondary transmission of a primary transmission by a television broadcast station is made only to subscribers located within that station's local market or subscribers being served in compliance with section 119.

“(h) GEOGRAPHIC LIMITATIONS ON SECONDARY TRANSMISSIONS.—The statutory license created by this section shall apply to secondary transmissions to locations in the United States, and any commonwealth, territory, or possession of the United States.

“(i) EXCLUSIVITY WITH RESPECT TO SECONDARY TRANSMISSIONS OF BROADCAST STATIONS BY SATELLITE TO MEMBERS OF THE PUBLIC.—No provision of section 111 or any other law (other than this section and section 119) shall be construed to contain any authorization, exemption, or license through which secondary transmissions by satellite carriers of programming contained in a primary transmission made by a television broadcast station may be made without obtaining the consent of the copyright owner.

“(j) DEFINITIONS.—In this section—

“(1) DISTRIBUTOR.—The term ‘distributor’ means an entity which contracts to distribute secondary transmissions from a sat-

ellite carrier and, either as a single channel or in a package with other programming, provides the secondary transmission either directly to individual subscribers or indirectly through other program distribution entities.

“(2) LOCAL MARKET.—The ‘local market’ of a television broadcast station has the meaning given that term under section 3 of the Communications Act of 1934.

“(3) NETWORK STATION; SATELLITE CARRIER; SECONDARY TRANSMISSION.—The terms ‘network station’, ‘satellite carrier’ and ‘secondary transmission’ have the meanings given such terms under section 119(d).

“(4) SUBSCRIBER.—The term ‘subscriber’ means a person that receives a secondary transmission service by means of a secondary transmission from a satellite and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.

“(5) TELEVISION BROADCAST STATION.—The term ‘television broadcast station’ means an over-the-air, commercial or noncommercial television broadcast station licensed by the Federal Communications Commission under subpart E of part 73 of title 47, Code of Federal Regulations.”.

(b) INFRINGEMENT OF COPYRIGHT.—Section 501 of title 17, United States Code, is amended by adding at the end the following new subsection:

“(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.”.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 1 of title 17, United States Code, is amended by adding after the item relating to section 121 the following:

“122. Limitations on exclusive rights; secondary transmissions by satellite carriers within local market.”.

SEC. 203. EXTENSION OF EFFECT OF AMENDMENTS TO SECTION 119 OF TITLE 17, UNITED STATES CODE.

Section 4(a) of the Satellite Home Viewer Act of 1994 (17 U.S.C. 119 note; Public Law 103-369; 108 Stat. 3481) is amended by striking “December 31, 1999” and inserting “December 31, 2004”.

SEC. 204. COMPUTATION OF ROYALTY FEES FOR SATELLITE CARRIERS.

Section 119(c) of title 17, United States Code, is amended by adding at the end the following new paragraph:

“(4) REDUCTION.—

“(A) SUPERSTATION.—The rate of the royalty fee in effect on January 1, 1998, payable in each case under subsection (b)(1)(B)(i) shall be reduced by 30 percent.

“(B) NETWORK.—The rate of the royalty fee in effect on January 1, 1998, payable under subsection (b)(1)(B)(ii) shall be reduced by 45 percent.

“(5) PUBLIC BROADCASTING SERVICE AS AGENT.—For purposes of section 802, with respect to royalty fees paid by satellite carriers for retransmitting the Public Broadcasting Service satellite feed, the Public Broadcasting Service shall be the agent for all public television copyright claimants and all Public Broadcasting Service member stations.”.

SEC. 205. PUBLIC BROADCASTING SERVICE SATELLITE FEED; DEFINITIONS.

(a) SECONDARY TRANSMISSIONS.—Section 119(a)(1) of title 17, United States Code, is amended—

(1) by striking the paragraph heading and inserting “(1) SUPERSTATIONS AND PBS SATELLITE FEED.—”;

(2) by inserting “or by the Public Broadcasting Service satellite feed” after “superstation”; and

(3) by adding at the end the following: “In the case of the Public Broadcasting Service satellite feed, subsequent to—

“(A) the date when a majority of subscribers to satellite carriers are able to receive the signal of at least one noncommercial educational television broadcast station from their satellite carrier within such stations’ local market, or

“(B) 2 years after the effective date of the Satellite Copyright Compulsory License Improvement Act,

whichever is earlier, the statutory license created by this section shall be conditioned on certification of support pursuant to section 396(n) of the Communications Act of 1934.”.

(b) DEFINITIONS.—Section 119(d) of title 17, United States Code, is amended by adding at the end the following:

“(12) PUBLIC BROADCASTING SERVICE SATELLITE FEED.—The term ‘Public Broadcasting Service satellite feed’ means the national satellite feed distributed by the Public Broadcasting Service consisting of educational and informational programming intended for private home viewing, to which the Public Broadcasting Service holds national terrestrial broadcast rights.

“(13) LOCAL MARKET.—The term ‘local market’ has the meaning given that term in section 122(j)(2).

“(14) TELEVISION BROADCAST STATION.—The term ‘television broadcast station’ has the meaning given that term in section 122(j)(5).”.

SEC. 206. DISTANT SIGNAL RETRANSMISSIONS.

Section 119 of title 17, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “(6)” and inserting “(5)”;

(B) in paragraph (2)—

(i) by striking

“(2) NETWORK STATIONS.—

“(A) IN GENERAL.—Subject to the provisions of subparagraphs (B) and (C) of this paragraph and paragraphs (3), (4), (5), and (6)” and inserting

“(2) NETWORK STATIONS.—

“(A) IN GENERAL.—Subject to the provisions of subparagraph (B) of this paragraph and paragraphs (3), (4), and (5)”;

(ii) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B);

(C) in paragraph (3), by striking “(2)(C)” and inserting “(2)(B)”;

(D) by striking paragraphs (5), (8), (9), and (10) and redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively; and

(2) in subsection (d), by striking paragraphs (10) and (11).

SEC. 207. APPLICATION OF FEDERAL COMMUNICATIONS COMMISSION REGULATIONS.

Section 119(a) of title 17, United States Code, is amended—

(1) in paragraph (1), by inserting “the satellite carrier is in compliance with the rules, regulations, or authorizations of the Federal Communications Commission governing the carriage of television broadcast station signals,” after “satellite carrier to the public for private home viewing,”;

(2) in paragraph (2), by inserting “the satellite carrier is in compliance with the rules, regulations, or authorizations of the Federal Communications Commission governing the carriage of television broadcast station signals,” after “satellite carrier to the public for private home viewing,”; and

(3) by adding at the end the following new paragraph:

“(10) STATUTORY LICENSE CONTINGENT ON COMPLIANCE WITH FCC RULES AND REMEDIAL STEPS.—Notwithstanding any other provision of this section, 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. 208. STUDY ON TECHNICAL AND ECONOMIC IMPACT OF MUST-CARRY ON DELIVERY OF LOCAL SIGNALS.

Not later than July 1, 2000, the Register of Copyrights and the Assistant Secretary of Commerce for Communications and Information shall submit to the Congress a joint report that sets forth in detail their findings and conclusions with respect to the following:

(1) The availability of local television broadcast signals in small and rural markets as part of a service that competes with, or supplements, video programming containing copyrighted material delivered by satellite carriers or cable operators.

(2) The technical feasibility of imposing the requirements of section 338 of the Communications Act of 1934 on satellite carriers that deliver local broadcast station signals containing copyrighted material pursuant to section 122 of title 17, United States Code, and the technical and economic impact of section 338 of the Communications Act of 1934 on the ability of satellite carriers to serve multiple television markets with retransmission of local television broadcast stations, with particular consideration given to the ability to serve television markets other than the 100 largest television markets in the United States (as determined by the Nielson Media Research and published in the DMA market and Demographic Report).

(3) The technological capability of dual satellite dish technology to receive effectively over-the-air broadcast transmissions containing copyrighted material from the local market, the availability of such capability in small and rural markets, and the affordability of such capability.

(4) The technological capability (including interference), availability, and affordability of wireless cable (or terrestrial wireless) delivery of local broadcast station signals containing copyrighted material pursuant to section 111 of title 17, United States Code, including the feasibility and desirability of the expedited licensing of such competitive wireless technologies for rural and small markets.

(5) The technological capability, availability, and affordability of a broadcast-only basic tier of cable service.

SEC. 209. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on July 1, 1999, except that section 208 and the amendments made by section 205 shall take effect on the date of the enactment of this Act.

Mr. ARMEY. Mr. Speaker, both the Committee on Commerce and the Com-

mittee on the Judiciary have shared jurisdiction over H.R. 1554, the Satellite Copyright, Competition, and Consumer Protection Act. I would like to commend both committees for their fine work that they did in crafting this important consumer protection measure.

I especially want to commend the committee and subcommittee chairmen who worked out this compromise, the gentleman from Virginia (Chairman BLILEY) and the gentleman from Illinois (Chairman HYDE), and subcommittee chairmen, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from North Carolina (Mr. COBLE).

Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina (Mr. COBLE) and the gentleman from Louisiana (Mr. TAUZIN) each control 10 minutes of debate on this motion, and I further ask unanimous consent that the gentleman from California (Mr. BERMAN) and the gentleman from Massachusetts (Mr. MARKEY) control 10 minutes each on this motion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Pursuant to the order of the House, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Louisiana (Mr. TAUZIN) each will control 10 minutes for the majority, and the gentleman from California (Mr. BERMAN) and the gentleman from Massachusetts (Mr. MARKEY) each will control 10 minutes for the minority.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, oftentimes we come to the Floor of the House of Representatives and discuss legislation whose impact on our constituents is somewhat nebulous and uncertain. Today is not one of those days. H.R. 1554, the Satellite Copyright, Competition, and Consumer Protection Act of 1999, will have a beneficial effect on the citizens of this country, whether they are subscribers to satellite television or not.

We have all been concerned about the lack of competition in the multi-channel television industry and what that means in terms of prices and services to our constituents. I have received numerous letters and calls from my constituents distressed over their satellite service.

Many customers leave the store complaining that they cannot obtain their local stations through satellite service. Others feel betrayed when they have their distant network service cut off, having been sold an illegal package from the outset. Still others may have been outraged at the cost they pay for the distant network signals.

The time has come to address these concerns and pass legislation which makes the satellite industry more competitive with cable television. With

competition comes better services at lower prices, which makes our constituents the real winners.

With this competition in mind, the legislation before us makes the following changes to the Satellite Home Viewers Act. It reauthorizes the satellite copyright compulsory license for 5 years. It allows new satellite customers who have received a network signal from a cable system within the past 3 months to sign up immediately for satellite services for those signals. This is not allowed today.

It provides a discount for the copyright fees paid by the satellite carriers. It allows satellite carriers to retransmit a local television station to households within that station's local market, just like cable does. It allows satellite carriers to rebroadcast a national signal of the Public Broadcasting Service.

Finally, it empowers the FCC to conduct a rulemaking to determine appropriate standards for satellite carriers concerning retransmission consent, network nonduplication, syndicated exclusivity, and sports blackouts.

The manager's amendment makes one correction to the introduced version of the bill. Language in section 206 of the bill addressing distant signal transmission has been omitted to reflect the clear removal of the unserved household definition in title 17, in favor of the network nonduplication provisions in title 47.

Additionally, I also want to thank the gentleman from Virginia (Chairman BLILEY) for his assurance that he will work with us to assure a provision concerning the linking of the section 122 license to the must-carry provisions of the bill when it is adopted in conference.

The legislation before us today is a balanced approach. We have spent the better part of 3 years working with representatives of the broadcast, copyright, satellite, and cable industries fashioning legislation which is ultimately best for our constituents.

The legislation before us today is not perfect, not unlike most pieces of legislation, but it is a carefully balanced compromise. It removes many of the obstacles standing in the way of true competition, yet does not reward those in the satellite industry for their obvious illegal activities concerning distant network signals. The real winners, therefore, are our constituents.

I want to thank the chairman of the Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE), the ranking member, the gentleman from Michigan (Mr. CONYERS), as well as the subcommittee ranking member, the gentleman from California (Mr. BERMAN) for their support and leadership throughout this process.

I also want to recognize the contributions of the leadership of the gentleman from Virginia (Chairman BLILEY); the ranking member, the gentleman from Michigan (Mr. DINGELL); the subcommittee chairman, the gen-

tleman from Louisiana (Mr. TAUZIN); and the ranking member, the gentleman from Massachusetts (Mr. MARKEY), who worked with us tirelessly to bring this to the Floor. I urge all Members to support this constituent-friendly legislation.

Mr. Speaker, much has been said about the rivalry between the House Committee on the Judiciary and the Committee on Commerce. It is a healthy rivalry, nurtured by jurisdiction.

Some accuse those of us on the Committee on the Judiciary of overly protecting and promoting good legislative issues relating to copyright, while others accuse those on the Committee on Commerce of overly protecting and promoting good legislative issues as it relates to telecommunications.

To these charges I respond, probably guilty as charged. Jurisdiction should be warmly embraced by the appropriate committees. Jurisdiction, conversely, should not be casually discarded by these same committees.

The jurisdictional issues do give rise to rivalry from time to time. Rivalry on occasion may be the bad news. The good news is this first legislative step that we are taking today, to the ultimately benefit of hundreds of thousands of our constituents.

Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1554, a bill to make substantial and important amendments to the Copyright Act and minor and tangential amendments to the Telecommunications Act. This bill before us today will afford more American consumers the opportunity to view copyrighted programming, a laudable goal that I heartily embrace.

At the same time that I endorse the competitive parity that we seek to achieve in this legislation between the satellite and cable industries, it is certainly the case that this bill does so at the expense of certain principles.

First, I have made no secret in the past of my distaste for compulsory licenses, yet this bill extends the satellite compulsory license for another 5 years.

On a related point, I strongly supported the approach in the 1994 Satellite Home Viewer Act amendments; namely, that the royalty fees paid by satellite services for programming obtained under the satellite compulsory license should be pegged to a fair market value standard. Yet, H.R. 1554 discounts the rate set by the Copyright Arbitration Royalty Panel and upheld earlier this year by the U.S. Court of Appeals for the District of Columbia.

Having said that, I support the bill before us today because I am a realist; because I believe that, on balance, the bill goes a long way towards resolving significant competing policy objectives.

Certainly by allowing satellite carriers to transmit a local television sta-

tion to households within that station's local market, we mark major progress towards the goal of enhancing consumer choice without undermining the financial viability of local broadcasters.

This new local-to-local authority, which legally empowers the satellite carriers there to do what developing technologies now enable them to do, is probably the most important feature of this legislation. It is my hope that ultimately marketplace negotiations between broadcasters and satellite providers will serve as a mechanism for establishing the terms for delivery of that local signal.

Surely my colleagues on the other side of the aisle in particular would concur that private sector agreements are the ideal means for arriving at such terms. That is why I am particularly heartened that my colleague, the gentleman from Virginia, the distinguished chairman of the Committee on Commerce, has committed to joining us in conference to clarify that the "must carry" provision in section 103 of the bill should apply only when a satellite carrier avails itself of the satellite compulsory license.

By the same token, while it is important that multichannel video programming distributors have the opportunity to negotiate for retransmission consent, we do not in this bill subject the price or other terms and conditions of nonexclusive retransmission consent agreements to FCC scrutiny.

In the 16 years I have served on the Subcommittee on Intellectual Property, successive new members of the subcommittee have grappled with a complex web of compulsory licenses and the artificially-set royalty rates that accompany such licenses, all in the name of giving a leg up to so-called "fledgling industries".

But increasingly on the dais at subcommittee sessions I hear members asking why. I think that reaction is appropriate, and I encourage it. I urge my colleagues today to support H.R. 1554 because it provides the framework for achieving important policy objectives, and moves the legislative process forward.

But I hope in conference that we all take pains to make sure that our legislative product enhances and does not detract from the ability of the marketplace to achieve the principles of competition and consumer choice we all endorse.

I thank my colleague, the gentleman from North Carolina (Mr. COBLE) and his exemplary staff, in fact, the entire subcommittee staff, for their hard work on this bill. I look forward to working together as we move this bill to enactment.

Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the manager's amendment to H.R. 1554. I would like to begin by commending my

counterpart on the Committee on the Judiciary, the gentleman from North Carolina (Mr. COBLE), and recognizing, indeed, that our competition and yet our cooperation has yielded today a very excellent product.

Yesterday he and I introduced H.R. 1554, the Satellite Copyright, Competition, and Consumer Protection Act, which represents the combined work of the Committee on Commerce and the Committee on the Judiciary. I want to thank all colleagues on both committees for working with us to craft a compromise, and in fact to craft such an important bill.

The bill makes substantial reforms to the telecommunications and copyright law in order to provide the American consumer with a stronger, more viable competitor to their incumbent cable operator whom we just completed the deregulatory process for this March. Cable is deregulated. It needs a competitor. This important legislation will provide cable with a real competitor.

Mr. Speaker, we saw similar important legislation on the Floor before. In 1992 my colleague and dear friend, the gentleman from Massachusetts (Mr. MARKEY) and I led the fight to the 1992 Cable Act on an issue called "program access." That fight was to make sure that we could critically jumpstart the satellite industry.

□ 1430

Many noted that the program access amendment that was adopted in that fight revolutionized the video programming industry and launched the age of satellite direct-to-home video.

Today, the reforms we are considering are no less revolutionary in impact. Consumers today are pretty savvy. They now expect, indeed demand, their video programming distributor, whether it is a satellite company or a cable company or a broadcaster or whoever it might be, that they offer video programming that is affordable with exceptional picture quality.

Today, however, satellite carriers face legal and technological limitations on their ability to do so. These same limitations put satellite carriers at a competitive disadvantage to incumbent cable operators.

Even though broadcasters are experiencing a dramatic reduction in overall audience share compared to just a few years ago, the overwhelming number of consumers still want their local programming, the local television station, to provide services to them. Consumer surveys conclude that the lack of local broadcasting programming is the number one reason why consumers are unwilling to subscribe to satellite service and, therefore, limited to a single competitor, the cable operator.

The bill today we are considering is designed to put satellite television providers on that competitive equal footing; to provide compulsory license to retransmit the local broadcast signal

in the satellite package; to make sure that retransmission consent must-carry rules apply; that nonduplication syndicated exclusivity and sports blackout protections are all included. In other words, to put satellite on equal footing with cable so consumers can have a real choice.

Mr. Speaker, this bill combines the telecom provisions of both the Save our Satellites Act and the Satellite Television Improvement Act. We, therefore, believe it is a great bill as a combination of our two committee efforts.

I want to join my colleagues in thanking the hard work of members on both committees, particularly the gentleman from Virginia (Mr. BLILEY), the chairman of the Committee on Commerce, for his excellent leadership; to the ranking member, the gentleman from Michigan (Mr. DINGELL), who has always worked so well with us; to the ranking member of the Subcommittee on Telecommunications, Trade, and Consumer Protection, my good friend, the gentleman from Massachusetts (Mr. MARKEY), who is such a good partner with me on these important issues; to the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary; to the chairman of the Subcommittee on Courts and Intellectual Property, the gentleman from North Carolina (Mr. COBLE), and to the ranking members, the gentleman from Michigan (Mr. CONYERS) and the gentleman from California (Mr. BERMAN) of the Committee on the Judiciary, for their extraordinary cooperation.

This is bipartisan, bicommittee, and we are going to solve some awfully important problems for every American in the country who enjoys video programming in this country. I am pleased to work with my colleagues on this compromise and join them in supporting this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

I first want to begin by invoking the litany of saints who have worked on this legislation. No easy task. Many indulgences have been earned by Members and staff alike that can be cashed in, redeemed at a later point in their life, as evidence of their good faith in working together for the betterment of the public in general.

I want to thank the chairman of the full Committee on Commerce, the gentleman from Virginia (Mr. TOM BLILEY); the chairman of the full Committee on the Judiciary, the gentleman from Illinois (Mr. HENRY HYDE); to the gentleman from Michigan (Mr. DINGELL) and the gentleman from Michigan (Mr. CONYERS), the Michigan duo, who worked together cooperatively on this project; to the gentleman from California (Mr. BERMAN) and the gentleman from Virginia (Mr. BOUCHER) and their staffs as well.

I would also like to recognize my good friend, the gentleman from Lou-

isiana (Mr. TAUZIN). As he pointed out, going back to 1992 we have tried to move the universe in a way, first, where the 18-inch dish satellite industry would be made possible. It was not before 1992, because this industry did not have access to HBO and Show Time and the other programming that is necessary to offer real competition to the incumbent cable monopolies in communities across the country.

If we want these 18-inch dish satellites to move from rural America and exurban America, the far reaches of suburban American, into suburban and urban America, so that people buy the dishes and put them out between the petunias, we have to give them the programming they want. In most of America they have already got their local TV stations. They can pick them up on their cable system but they cannot pick them up on their satellite dishes. They have to take in these national feeds of CBS, NBC, Fox.

What we do in this legislation, and I think the gentleman from Louisiana (Mr. TAUZIN) should be congratulated on this, I have worked with him closely to accomplish the goal, is we make it possible for the first time for an 18-inch dish satellite owner to get their local TV stations over their satellite dish. Consumers can pick up their local channel 4, 5, 7, 25, 38, 68, with their local sports teams over their satellite dish.

Now, this is in an effort to balance two very important issues, localism and universal service. On the one hand, we want everyone to have access to television service, and that is why we were very flexible in allowing people to pick up over their satellite dishes these national feeds. But as more and more people in the urban areas disconnected their cable system and bought a satellite dish, that meant they were disconnecting their local TV stations as well and the advertising revenues which these local TV stations need.

So here what we try to do is solve the problem using technology, which means that the local consumer can have universal access to their local TV stations using a new technology, an 18-inch satellite dish. Now, that is real progress. And the committees working together, I think, have formulated a bill which really will work for the overall betterment of consumers, giving them a competitor to their local cable system and I think forging a new revolution in technology and consumer choice in America.

Mr. Speaker, I want to congratulate all Members, and I especially want to thank my good friend, the gentleman from Louisiana, for working with me on this local-into-local issue, meaning a local TV station gets fed right back into the local market through their satellite transmitter, their satellite dish. I think it is going to cause a real revolution. I thank all involved.

Mr. Speaker, I reserve the balance of my time.

Mr. COBLE. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. STEARNS). The gentleman from North Carolina (Mr. COBLE) has 5 minutes remaining.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume to reiterate what the gentleman from California said regarding the staff. The staff has indeed done exemplary work on this, and I failed to mention that earlier.

Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I rise today in support of the legislation introduced by my good friend, the gentleman from North Carolina (Mr. COBLE). This important legislation represents a much-needed compromise that will enable thousands of folks, many of whom live in my district, to continue to receive their network signals through satellite service.

For those who can receive their network signal over the air, this compromise will ensure that they get the antenna they need to receive a quality over-the-air signal. Finally, this bill will speed the roll-out of local-into-local satellite service by requiring a joint study by the Copyright Office and the Commerce Department on how to best deliver local-into-local into rural areas.

Mr. Speaker, this legislation provides a badly needed solution to a problem that cannot be delayed any longer. I urge my colleagues to support this important compromise and keep this legislation moving to provide relief to the hardworking Americans who deserve it.

Mr. COBLE. Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. Each of the other three managers have 6 minutes remaining.

Mr. BERMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. BOUCHER), a distinguished member of the subcommittee and a member who has spent a long time working on this issue.

(Mr. BOUCHER asked and was given permission to revise and extend his remarks.)

Mr. BOUCHER. Mr. Speaker, I want to express appreciation to the gentleman from California for yielding me this time. I am pleased to rise in support of the legislation and I also want to commend the bipartisan leadership of both the Committee on the Judiciary and Committee on Commerce and their staffs that have worked effectively in order to achieve this reform.

Thousands of my constituents and millions of rural residents throughout the Nation cannot receive an adequate signal from their local TV station. They typically live in mountainous regions where their receipt of a good local TV signal is effectively blocked by the obstructions between their homes and the local TV stations.

In 1988, we enacted the section 119 compulsory license that enables these

residents to receive via satellite the network signals that they cannot receive from local stations. The legislation that we are approving today extends that license and creates a better means of predicting which homes can receive adequate local television signals.

It is my hope that this new standard and this new predictive model will put to rest the controversy that has long simmered between local broadcasters on the one hand and the satellite carriers and their customers on the other over which homes are eligible to receive satellite-delivered network signals.

The bill achieves another very important objective. It authorizes the uplink of local stations and the satellite delivery of those stations back into the market of their origination. This local-into-local service will enable the satellite industry to become a more viable competitor to the cable television industry, with Americans receiving the consequent benefits of market-established rates for multi-channel video programming. This new service will also increase the ability of local broadcasters to reach all of the homes within their service territories.

I am concerned, however, that the business plans of the carriers that have announced an interest in offering the local-to-local services extend only to the largest 67 out of 211 local television markets around the country. Under this plan, most of rural America simply will not receive the benefit of this local-into-local service.

To address this concern, the bill directs the Copyright Office and the Department of Commerce to conduct an in-depth study of the availability of local television signals in rural America. A report to the Congress with findings and recommendations is directed for the year 2000, and it is my hope that this examination will lead to constructive steps that, in turn, will assure the ability of more rural residents to receive high-quality local television signals.

I commend those who have authored this measure. I was pleased to participate with them both in the Committee on Commerce and the Committee on the Judiciary as we considered it, and I strongly urge its passage by the House.

Mr. TAUZIN. Mr. Speaker, I yield 2 minutes to the gentleman from Richmond, Virginia (Mr. BLILEY), and welcome the chairman and leader of the full Committee on Commerce.

(Mr. BLILEY asked and was given permission to revise and extend his remarks.)

Mr. BLILEY. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of H.R. 1554, the Satellite Copyright, Competition and Consumer Protection Act, as amended.

This bill, as others have said, represents the hard work and collaboration of the two committees, the Com-

mittee on Commerce and the Committee on the Judiciary, and I would like to express my personal appreciation to many Members who helped in bringing this legislation to the floor, including the gentleman from Louisiana (Mr. TAUZIN), the chairman of the Subcommittee on Telecommunications, Trade, and Consumer Protection; the gentleman from Michigan (Mr. DINGELL) the ranking member of the full Committee on Commerce; the gentleman from Massachusetts (Mr. MARKEY), the ranking member of the Subcommittee on Telecommunications, Trade, and Consumer Protection; the gentleman from Illinois (Mr. HYDE), the chairman of the Judiciary Committee; and my good friend, the gentleman from North Carolina (Mr. COBLE), the chairman of the Subcommittee on Courts and Intellectual Property.

Mr. Speaker, this is a significant bill because it will promote genuine competition in the video programming marketplace. For too long now consumers have sought competitive choices to their incumbent cable operators. Consumers today view satellite television as an effective substitute for incumbent cable system offerings. While satellite television currently delivers hundreds of channels of high resolution digital programming, consumers clearly see the lack of local broadcast programming as a reason not to subscribe. This bill will facilitate satellite-delivered local broadcast programming and, as such, shift satellite television into higher gear in its quest to compete with cable.

The timing of this legislation is particularly important because of the fact that the cable rate regulation expired on March 31 this year. I have often said that rate regulation has a sad history, given that rates continue to go up in spite of rate regulation. This is a better approach. It is a procompetitive solution to the cable's dominant market share.

Mr. Speaker, I again want to thank all of my colleagues for their steadfast support and commitment for enacting this legislation, and I urge my colleagues to support the bill.

Mr. Speaker, I would also like to suggest to my good friend, the chairman of the Subcommittee on Courts and Intellectual Property, that in the future, when we have a difference of opinion between his subcommittee and the Subcommittee on Telecommunications, Trade, and Consumer Protection, that he and I just settle it on the tennis court.

□ 1445

Mr. MARKEY. Mr. Speaker, could I inquire as to how much time I have remaining?

The SPEAKER pro tempore (Mr. STEARNS). The gentleman from Massachusetts has 6 minutes remaining.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the only reason that I seek recognition at this time is because of an unfortunate omission in my

original listing of saints that deserve credit and I just want it to be known that the honorable gentleman from North Carolina (Mr. COBLE) shall be known as "blessed HOWARD COBLE" after this proceeding because of his forbearance and understanding in this entire process.

At the end of the day, this is a very important, high-value public interest product which is in the well of the House being debated today; and it is in no small measure because of the work of the gentleman from North Carolina (Mr. COBLE), and I just wanted to recognize that publicly.

Mr. Speaker, I reserve the balance of my time.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would be remiss if I did not express my thanks to the gentleman from Massachusetts (Mr. MARKEY) for those generous comments. I appreciate that very much.

Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. CANNON), a member of the committee.

Mr. CANNON. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise today in support of the Satellite Copyright, Competition, and Consumer Protection Act. The act is important to my constituents and the people of Utah.

A large number of my constituents cannot receive a clear television signal in their homes. Many of the rural residents of my district live in "B" grade or "White" areas and have long been isolated because of the geography of the district. They have installed home satellite dishes so they can receive news, educational, and entertainment programming that those who live in urban areas take for granted.

Unfortunately, despite available technology, many still do not have access to local network programming. This means they cannot be informed about their communities and State without installing an antenna or other additional equipment, and even then a clear signal is difficult. Rural residents should have the same convenient access to television programming as those who live in urban areas.

This bill will allow satellite broadcasters to transmit local programming to the rural residents of my district and across the country. Those living in rural areas will finally be able to receive the same broadcast service as those living in urban areas.

This bill also makes great strides toward increased competition in the television broadcast signal delivery industry. Satellite carriers should be allowed to carry the same stations and provide the same services as cable systems. Increased competition between providers will mean lower prices and improved service.

I urge my colleagues to vote in favor of H.R. 1554.

Mr. COBLE. Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL).

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, I thank the distinguished gentleman from Massachusetts for yielding me the time.

Mr. Speaker, I rise in support of H.R. 1554, the Satellite Copyright, Competition, and Consumer Protection Act. This is legislation which will stimulate competition, which will make available better service at better cost to our people.

I commend my friend, the gentleman from Virginia (Mr. BLILEY), the chairman of the full committee; the distinguished gentleman from Louisiana (Mr. TAUZIN); the gentleman from Massachusetts (Mr. MARKEY), chairman of the subcommittee; our distinguished ranking member; and their capable staffs for working together in a fashion which they did to help us achieve enactment of this legislation.

Mr. Speaker, I note my good friend the gentleman from Louisiana (Mr. TAUZIN) is standing. There is an issue which requires further clarification, and I would like to engage in a colloquy with my good friend from Louisiana (Mr. TAUZIN), the chairman of the subcommittee.

Mr. TAUZIN, I understand that Title I contains telecommunications provisions in the bill. It provides that a broadcast station cannot engage in discriminatory practices which prevent multichannel video programming distributors from obtaining the station's consent to retransmit its signal. I understand that this provision is intended to prevent exclusive contracts between a broadcast station and any particular distributor. Is that correct?

Mr. TAUZIN. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Speaker, the understanding of the gentleman, as usual, is correct.

Mr. DINGELL. Mr. Speaker, reclaiming my time, I have a further question of my good friend.

Is this provision also intended to prohibit a broadcast station from negotiating different terms and conditions, including price terms, with different distributors?

Mr. TAUZIN. Mr. Speaker, if the gentleman would further yield, no. The bill goes beyond prohibiting exclusive contracts in only one respect. In order to prevent refusals by a station to deal with any particular distributor, the FCC is directed to bar not only exclusive deals but also any other discriminatory practices, understandings, arrangements and activities by the station which have the same effect of preventing any particular distributor from the opportunity to obtain a retransmission consent arrangement.

Mr. DINGELL. Mr. Speaker, a further question of my good friend.

Mr. Speaker, then is it my understanding and is it correct that a broadcast station could, for example, negotiate a cash payment from one video distributor for retransmission consent and reach an agreement with other distributors operating in the same market that contains different prices or other terms?

Mr. TAUZIN. Mr. Speaker, the understanding of the gentleman is correct. As long as a station does not refuse to deal with any particular distributor, a station's insistence on different terms and conditions in retransmission agreements based on marketplace considerations is not intended to be prohibited by this bill.

Mr. DINGELL. Mr. Speaker, one further question.

So if a station negotiates in good faith with a distributor, the failure to reach an agreement with that distributor would not constitute a discriminatory act that is intended to be barred by this section?

Mr. TAUZIN. Mr. Speaker, the gentleman is again correct.

Mr. DINGELL. Mr. Speaker, I urge enactment of the legislation.

Mr. TAUZIN. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. OXLEY), vice chairman of the Subcommittee on Telecommunications, Trade, and Consumer Protection.

(Mr. OXLEY asked and was given permission to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, I rise to support this legislation and commend the gentleman from Virginia (Mr. BLILEY), the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Illinois (Mr. HYDE), the gentleman from North Carolina (Mr. COBLE), the gentleman from Massachusetts (Mr. MARKEY), and the gentleman from Michigan (Mr. DINGELL) for all their hard work in bringing this pro-competitive bill before us today.

The matter certainly is a timely one, as many of my rural constituents have difficulty with the network signals. And this legislation we are considering lowers copyright fees for distant network signals, provides for the transition to local-into-local satellite delivery of local broadcasts and contains other pro-competitive features.

I am also, Mr. Speaker, concerned that we should, now that we are passing this pro-competitive bill, make sure that consumers enjoy the benefits of competition in the market for video services. It is also vital to the development of competition that will lead the FCC to proceed with further deregulation of the cable industry by relaxing or eliminating rules that limit the number of homes that may be passed by a cable MSO.

The 1992 Cable Act's horizontal ownership limits were imposed in an era where consumers lacked the kind of choices that they have today. It is time that the FCC understand that the

world has changed and makes the appropriate changes as necessary to provide more competition and at lower cost.

The SPEAKER pro tempore. The gentleman from North Carolina (Mr. COBLE) has 2½ minutes remaining.

Mr. COBLE. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. METCALF).

(Mr. METCALF asked and was given permission to revise and extend his remarks.)

Mr. METCALF. Mr. Speaker, in December a U.S. District Court decision in Florida caused thousands of satellite television subscribers throughout my district up in Washington State to lose network service. The Federal Communications Commission claims that those subscribers are located inside an area where they can pick up the signals of their local broadcast stations with a simple rooftop antenna and do not need the satellite service.

Not necessarily true. In Washington State we have mountains, large trees and other obstacles that can block the broadcast signals. My constituents depend on satellite service for local news, weather, and local emergency reporting. That is why I commend the sponsors today on H.R. 1554.

This bill will provide relief for satellite customers by allowing satellite companies to broadcast local stations into local markets. Further, it will direct the FCC to develop a new method for determining television signaling intensity and impose a moratorium on the planned shutoffs.

Mr. BERMAN. Mr. Speaker, I yield the balance of my time to the gentleman from Michigan (Mr. CONYERS) ranking member of the full committee.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 3 minutes.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, I thank the gentleman from California for yielding me the time.

My colleagues, the reason we can bring a bill like this, of this complexity, under the suspension rules is because of the good work of our staffs and of our colleagues on the Committee on the Judiciary.

The gentleman from North Carolina (Mr. COBLE), the gentleman from California (Mr. BERMAN) the ranking member, and the other committee and its leadership all work together quite well. And I also want to compliment the members of the staff that did this, as well.

Obviously, there were many complexities. I am pleased that the way things have worked out. We are revising the satellite compulsory license law to allow companies to retransmit local news, weather, sports, safety announcements. In other words, local-to-local service can now be had and will allow the satellite industry, in addition, to compete with cable to get bet-

ter services, more choices and lower rates for consumers.

We also carry the famous "must carry" provision, and that will ensure that satellite companies that choose local-to-local service will give their customers all and not just some of the local channels, thereby broadening the choice consumers have in programming.

As we approach the millennium and technology permits satellite and cable companies to deliver high-quality television programming, it is important that we in Congress continue to monitor these industries and make the appropriate reforms to make the playing field level and competitive and to keep the marketplace dynamic.

I can assure my colleagues that the Committee on the Judiciary is eager to continue its responsibilities in the area.

Mr. TAUZIN. Mr. Speaker, I yield 70 seconds to the gentlewoman from Wyoming (Mrs. CUBIN) who is actually a contributor to our committee's work.

(Mrs. CUBIN asked and was given permission to revise and extend her remarks.)

Mrs. CUBIN. Mr. Speaker, as a Member who represents what is I consider the most rural district in the entire Congress, which is the whole State of Wyoming, I rise in support of H.R. 1554.

I do appreciate that the chairmen of the committees have made concessions on this rural issue. But there are, however, two measures that I think need to be addressed to make sure that adequate service is available to rural satellite viewers.

First of all, I believe that until the FCC adopts a comprehensive solution or replaces or modifies the 1950 standard for determining whether a household can receive an acceptable over-the-air picture, both DBS and C-band subscribers should be allowed to continue to receive distant network broadcast signals in lieu of the local signal.

The second issue that I am particularly interested in has to do with providing local-to-local service to rural America. Giving the satellite industry the right to retransmit local network signals into local areas will provide competition to cable systems and drive costs down for both cable and satellite service.

A significant number of constituents that I have do not have the choice between satellite and cable because the distances between homes and urban centers are not possible for cable.

So what I would like us to do is look very strongly into ensuring that we give satellite companies incentives rather than Federal mandates for providing local-to-local service.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MARKEY) has 2 minutes remaining.

Mr. MARKEY. Mr. Speaker, again, I want to thank all of the Members who have involved themselves with their

staffs in this issue, and everyone else in America who has written and called on this very important issue of their access to local television stations over their satellite.

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This is a revolution that we are unleashing in today's legislation. We are going to make it possible for the first time for people to buy an 18-inch satellite dish and get their local TV stations over the dish. They will be able to disconnect their local cable company. For the first time they will have some other place to go. It will not just be out in rural America or in the deep suburbs with big backyards. It is going to be in urban America. This is going to be in house after house. In the most densely populated parts of our country, people are going to be able now to buy satellite dishes, 18-inch dishes, and know they get their local TV stations as well. I cannot imagine a bigger moment in the history of this video revolution than what we are doing here today.

I hope that when we get done with this legislative process and the President signing the bill, that the provisions we have included here on the House side are included, because the promise of today is something that is going to revolutionize the way in which America, and urban America especially, has access to all of the video programming being produced nationally and at a local television station level across our country. Again I want to thank all of the Members.

Mr. Speaker, I yield back the balance of my time.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

This has been a special day. To all, I am appreciative, both on this floor and from all corners of this country. To close out, Mr. Speaker, to sum up, we are here because we are giving a break to the satellite carriers in order to help them compete. Under this bill these carriers no longer have to clear permission from copyright owners to retransmit their programming. They can retransmit without permission by availing themselves of a compulsory government license.

Normally, Mr. Speaker, I am averse to government license. But in this case to encourage competition, I endorse a limited license. In closing, I want to say that I join with the gentleman from California (Mr. BERMAN) in hoping for a return to the free market for copyright and a repeal of all these licenses in the future after competition has been assured.

Again, I thank all parties who have contributed, Mr. Speaker.

Mr. Speaker, I yield back the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. BURR), himself a leader in the fight to get local television into satellite programming.

(Mr. BURR of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. BURR of North Carolina. Mr. Speaker, I would like to also thank my colleagues on the Committee on Commerce and the Committee on the Judiciary for bringing this legislation to the floor. My interest in DBS technology began really last August when I first introduced a local-to-local bill. It appeared to me then as it does now that once the new technologies designed to facilitate transmission of local TV signals to their local markets are up and running, satellite television will provide a swift and viable competition to cable television. This in turn will allow customers to take full advantage of the open multichannel video programming market that is being created with cable deregulation. The bill we have before us today will not only bring this much needed competition to the market but it will alleviate some of the problems satellite TV viewers are experiencing as a result of the court decisions.

In closing, Mr. Speaker, I again want to thank the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Massachusetts (Mr. MARKEY), the gentleman from California (Mr. BERMAN) and the gentleman from North Carolina (Mr. COBLE). I am truly excited about the possibilities that can happen from this piece of legislation. This is truly a piece of legislation written with the American people in mind.

Mr. TAUZIN. Mr. Speaker, I yield myself the balance of my time.

I commend the Speaker pro tempore, first of all, whom I know wanted to speak from the House floor in support of this legislation for his handling of this matter today. I again thank the gentleman from North Carolina (Mr. COBLE) for his excellent cooperation as he has always exhibited with me and the members of our subcommittee and to thank the staff. We sometimes fail to do that. I want to make sure that both the minority staff and the majority staff on both committees are highlighted today because so much of this technical work is their hard work and product. I want to thank them for it. Finally, to join the gentleman from Massachusetts (Mr. MARKEY) in his exhortation that this indeed is a revolutionary moment in video programming. I want to thank all of my colleagues for coming together to make this happen, not for the satellite or cable companies but for the consumers of America because this truly is one of the best consumer protection bills we have passed in a good long while.

Mr. PAUL. Mr. Speaker, today we are faced with an unfortunate and false choice between two evils. The false choice is whether the government should ban voluntary exchange or regulate it—as though these were the only two options. More specifically, today's choice is whether government should continue to maintain its ban on satellite provision of network programming to television consumers or replace that ban by expanding an anti-market, anti-consumer regulatory regime to the entire satellite television industry.

H.R. 1554, the Satellite Copyright, Competition, and Consumer Protection Act of 1999,

the bill before us today, repeals the strict prohibition of local network programming via satellite to local subscribers BUT in so doing is chock full of private sector mandates and bureaucracy expanding provisions. H.R. 1554, for example, requires Satellite carriers to divulge to networks lists of subscribers, expands the current arbitrary, anti-market, government royalty scheme to network broadcast programming, undermines existing contracts between cable companies and network program owners, violates freedom of contract principles, imposes anti-consumer “must-carry” regulations upon satellite service providers, creates new authority for the FCC to “re-map the country” and further empowers the National Telecommunications Information Administration (NTIA) to “study the impact” of this very legislation on rural and small TV markets.

This bill's title includes the word “competition” but ignores the market processes' inherent and fundamental cornerstones of property rights (to include intellectual property rights) and voluntary exchange unfettered by government technocrats. Instead, we have a so-called marketplace fraught with interventionism at every level. Cable companies are granted franchises of monopoly privilege at the local level. Congresses have previously intervened to invalidate exclusive dealings contracts between private parties (cable service providers and program creators), and have most recently assumed the role of price setter—determining prices at which program suppliers must make their programs available to satellite programming service providers under the “compulsory license.”

Unfortunately, this bill expands the government's role to set the so-called just price for satellite programming. This, of course, is inherently impossible outside the market process of voluntary exchange and has, not surprisingly, resulted instead in “competition” among service providers for government favor rather than consumer-benefiting competition inherent to the genuine market.

While it is within the Constitutionally enumerated powers of Congress to “promote the Progress of Science and useful Arts by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries,” operating a clearinghouse for the subsequent transfer of such property rights in the name of setting a just price or instilling competition seems not to be an economically prudent nor justifiable action under this enumerated power. This can only be achieved within the market process itself.

I introduced what I believe is the most pro-consumer, competition-friendly legislation to address the current government barrier to competition in television program provision. My bill, the Television Consumer Freedom Act, would repeal federal regulations which interfere with consumers' ability to avail themselves of desired television programming. It repeals that federal prohibition and allows satellite service providers to more freely negotiate with program owners for just the programming desired by satellite service subscribers. Technology is now available by which viewers will be able to view network programs via satellite as presented by their nearest network affiliate. This market-generated technology will remove a major stumbling block to negotiations that should currently be taking place between network program owners and satellite service providers. Additionally, rather than imposing

the burdensome and anti-consumer “must-carry” regulations on satellite service providers to “keep the playing field level,” my bill allows bona fide competition by repealing the must-carry from the already over-regulated cable industry.

Genuine competition is a market process and, in a world of scarce resources, it alone best protects the consumer. It is unfortunate that this bill ignores that option. It is also unfortunate that our only choice with H.R. 1554 is to trade one form of government intervention for another—“ban voluntarily exchange or bureaucratically regulate it?” Unfortunate, indeed.

Mr. HUTCHINSON. Mr. Speaker, I rise today in reluctant support of H.R. 1554, the “Satellite Copyright, Competition, and Consumer Protection Act.” This bill is the first step towards ensuring competition among the different telecommunications providers—including satellite, cable, and broadcasting. Under this bill, satellite companies are no longer banned from retransmitting local network signals back into local markets, providing customers with local news, sports, and entertainment.

Unfortunately, due to cost and a lack of technology, satellite companies are prevented from offering local service or spot beaming signals to all television markets. Assuming the satellite companies will move into the largest and most lucrative markets, rural areas will not benefit from this bill, and will not be able to receive their local networks via their satellite. With few options, satellite customers who live in rural areas will be forced to rely on T.V. top or giant roof top antennas to receive their local programming from the broadcast stations. Though these antennas receive quality signals for some people, I am very concerned about those individuals who live outside of a Grade “A” area or are prevented from receiving their signal for some other reason. Under this bill, this issue is partially addressed by instructing the FCC to determine whether new regulations are needed to gage signal strength. This bill also provides for a speedy review for individuals who contest that they cannot receive an adequate signal by antenna. However, while this bill does establish a moratorium on further signal shut-offs until December 31st of this year, I am concerned about the thousands of individuals in my District who are presently without broadcast television. This bill does not address their plight. While I appreciate the hard work that both the Judiciary and Commerce Committees have done, it is my hope that we can work together with the Senate to devise an equitable solution that will assist these consumer.

Mr. PACKARD. Mr. Speaker, I rise in support of H.R. 1554, the Satellite Home Viewer Act. Satellite television subscribers should have the same rights as cable subscribers when it comes to receiving network broadcast signals.

The Satellite Home Viewer Act will give satellite carriers the right to air local television broadcasts. This is very important to my district, where many citizens have to revert to purchasing a satellite dish for better reception. Without H.R. 1554, many still can't water their local news. They should be allowed to receive local television signals with a dish, just like they can with cable.

H.R. 1554 will provide a discount on copyright fees for network programming. This levels the playing field between satellite and

cable industries, in turn promoting competition and lowering the prices for consumers.

I urge my colleagues to support H.R. 1554. It is time we open up the way for true cable competition and remove anti-customer barriers. Consumers have a right to greater choice of quality television programming.

Mr. BEREUTER. Mr. Speaker, this Member rises to support H.R. 1554, the Satellite Copyright, Competition and Consumer Protection Act, but that support is accompanied by reservations.

There are many good reasons to support this bill. It provides a way for satellite companies to carry local stations in rural areas and metropolitan areas. It requires satellite companies to accept the must carry provisions. It will expedite the waiver process for customers who do not receive local signals. And, it will encourage the increased competition that is necessary for all Americans to more fully benefit from the revolution in telecommunications.

This Member has heard from many Nebraskans who are frustrated about the restrictions in the Satellite Home Viewer Act that compel satellite carriers to stop transmitting network signals to their customers. We must provide a way for residents of rural areas to receive network satellite service. At present, satellites offer the best opportunity for increased competition with cable television systems.

Unfortunately, this bill includes a provision that will further an injustice that cable customers in some of our small, rural communities are already experiencing. For years, because of the Federal Communications Commission's enforcement of syndicated exclusivity and non-duplication rules, cable customers in certain small communities located in some state border areas have not been able to watch television programs produced by stations in their own state. Their cable systems are prohibited from transmitting the news and other programming that relates to the customer's own state. This bill applies those same restrictions to satellite companies, and makes no provision or exception for those small communities near state borders that are "blackened out" of their own state's news and sports.

In 1992, when the 102nd Congress considered the Cable Television Consumer Protection and Competition Act, this Member supported an amendment introduced by the gentleman from California (Mr. DOOLITTLE) that would have provided an exception for those few, but very important, communities. That amendment was withdrawn when the then-Chairman of the Telecommunications Subcommittee agreed to revisit the issue. Now, almost seven years later, those communities have not seen relief, and we are acting on legislation that will perpetuate their problem.

We must resolve the current satellite problems and this measure is intended to do that. But, those state-border communities have yet to see their problem resolved, and this Member assures them that he is preparing a bill that addresses that problem.

Mr. EWING. Mr. Speaker, I want to express my strong support for this legislation and to say it is long overdue. I have received hundreds of calls and letters from my constituents who are irate that they have lost their CBS and FOX stations from their satellites. It amazes me that the two industries involved could not resolve this issue between themselves. Both of them provide a service to con-

sumers and they seem to have forgotten how to treat their customers.

The recent decision to remove network signals from at least 700,000 homes was poor judgment on the part of the industries involved and I believe they will suffer the anger of the many rural consumers who were victims of the battle between the broadcasters and satellite providers. No one has taken into consideration the thousands of rural households that simply cannot receive signals from their local networks with an antenna. It is not reasonable to expect rural consumers to settle for poor reception based on an arcane definition of who can and cannot receive local signals, when they are willing to pay extra for a better quality picture from their satellite provider.

That is why I believe that this legislation is a step in the right direction. The provisions that allow satellites to provide local network signals will protect local networks and allow rural consumers to receive quality signals. I am also happy to see a provision that requires the FCC to develop a new standard for determining whether a TV viewer can receive local station signals, and requires the satellite providers and broadcasters to bear the cost of on-site tests of viewer reception quality.

When I am disappointed that network signals will not be returned to the households which lost them, I do support this bill and hope that the Senate will take action similar legislation so that we can get network signals back to my constituents.

Mr. STEARNS. Mr. Speaker, I rise today in support of the Satellite Home Viewer Act. Many people deserve credit for their efforts in getting this bill to the House floor, especially my chairman in the House Telecommunications Subcommittee, Mr. TAUZIN, and the ranking Member in the Subcommittee, Mr. MARKEY.

Mr. COBLE also deserves many thanks for his work producing this bill.

As our colleagues in the House know, all of our constituents who subscribe to satellite services rightfully expect to receive their local television programming one way or another through their satellite carrier. Until today, our constituents have not had the ability to do so because satellite providers have not had the proper copyright authority to retransmit those signals.

The heart of this legislation gives the satellite provider the legal authority to carry the local television signals directly into consumers homes.

The other focus point of this legislation is how we manage the transition from today, where no consumers receive their local signals, to when they can. As our colleagues are aware, many consumers have been receiving network channels from television markets in other areas of the country because they could not receive their local signals.

Unfortunately, many if not most were receiving those signals illegally because they were within the reach of receiving an over-the-air signal from their local stations. Under current law, as was upheld in federal court, satellite customers can only receive a distant network signals if they reside outside a Grade B signal area for local markets or if they cannot receive a local signal because of topographical barriers.

But frankly, in our ever evolving high-tech world, being limited to yesterday's television technology is an anachronistic means of enter-

tainment. The average viewer expects and demands to receive the clearest television picture and audio available. Over-the-air reception does not meet those expectations. That is why this legislation is critical for Americans subscribing to satellite programming.

I have two concerns remaining with the legislation, one that is dealt with and one that will hopefully be dealt with.

The first: If satellite providers started providing local signals today to consumers, they would not be close to being able to deliver every local channel in every local market. In fact, I believe that providers with their current satellite capacity would be able to deliver all the local channels in just a small handful of markets. These providers would basically have to pick and choose which local markets to serve, which will likely result in rural consumers not being able to receive their local channels.

This legislation tries to ease this carriage burden by granting satellite carriers a transition period until January 1, 2002 to comply with must-carry rules, which requires providers to carry all local channels in markets they choose to deliver local signals.

I think must-carry is a fair burden for satellite providers because cable operators have to exist under the same conditions. My fear stems from a worry that come January 1, 2002, if these satellite providers continue to lack the capacity to serve every market in the country, they will choose to ignore the smaller and more rural television markets, such as my sixth congressional district in North Central Florida.

With the efforts of Chairman TAUZIN, this legislation includes a requirement that the Register of Copyrights and the Assistant Secretary of Commerce for Communications and Information shall conduct a study and report to Congress no later than July 1, 2000 primarily whether small and rural markets are being effectively served by their local signals.

I thank Mr. TAUZIN for including this study language and requiring them to report back to Congress by July 1 of next year, which will hopefully allow us time to make any necessary changes to aid consumers in these type of markets.

My final concern is in regard to satellite consumers who own C-Band dishes. A C-Band dish is the big satellite dishes we often see in rural areas. These were the first consumer satellite dishes on the market. Unfortunately, these dish owners are not granted a similar moratorium date that will be given to other satellite consumers to have until the end of this year before they lose their distant network signals.

There are over 70,000 C-Band owners in Florida alone and over a million nationwide. I hope as we move to Conference or before the bill returns to the House, this anomaly is corrected to allow an even moratorium for all satellite consumers.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to speak on behalf of this bill, the Satellite Copyright, Competition, and Consumer Protection Act of 1999, which redefines the role of part of our telecommunications industry.

This bill is an important one for several reasons. First, because it provides the rules and regulations that will allow satellite service providers, like Prime Star and Direct TV, to compete for television services in areas that have

until now, been traditionally dominated by cable companies.

This is because up until now, satellite service providers, unlike their land-based competitors, have not been allowed to rebroadcast local television signals. The result of this inequity has seriously undermined the ability of dish providers to provide meaningful competition to cable, notwithstanding the development of small dish-based systems that are more affordable than ever before. This inequity has only been further highlighted by cable companies, who in the spirit of American advertising, have waged a successful marketing war against satellite-based systems by point out the fact that even those customers with the finest satellite systems are still destined to be encumbered by old-fashioned "rabbit ear" antennas if they wanted to receive their regular local programming.

This bill rectifies this situation, by finally allowing satellite system providers to provide local television programming to their customers. This means that my constituents in Houston will be able to select between at least two services to satisfy their television needs—something that many of us have looked forward to for a long time. The fact that we are giving dish-providers the ability to rebroadcast local signals, however, does not come without additional responsibility. Under this bill, dish-providers will not be able to carry only those signals that stand to earn them a great deal of profit—they must also carry all of those local signals that are required of the cable companies. After all, this bill was designed in order to erase inequities, not further them.

Another mechanism in this bill that provides for an equal footing is the non-discrimination clause, which tells broadcasters that they must make their signals available for rebroadcast by cable and satellite companies. This prevents broadcasters from altering the landscape of competition in their markets by tipping the scales in favor of one side over the other by allowing them to choose whom will have the rights to rebroadcast their signals.

Having said that, although the debate on this bill, which came out of both the Commerce and Judiciary Committees, has been feverish at times, I believe we have reached an amicable situation to each of the interested parties involved. Most of all, however, I am convinced that we are addressing a topic that is vital to the comfortable living of our constituents. During debate on several of the more controversial provisions, we have received a great deal of mail from constituents, both satellite and cable customers, asking us to address this issue in earnest. I feel that with this bill, I can go back to Houston and reassure my community that relief is on the way.

I urge each of you to support this legislation, and to support meaningful competition for our constituents.

Mr. GILMAN. Mr. Speaker, I would first like to take this opportunity to thank my colleagues from the Commerce and Judiciary Committees for dedicating so much of their valuable time to this legislation.

Over the past few months I have received an overwhelming number of phone calls and letters from constituents who are outraged over the loss of their television stations. These families live in rural New York, among the peaks and valleys of the Catskill Mountains. They turned to the satellite industry to provide them with broadcast signals because cable

service was not an option. Moreover, satellite service offered them the clear, unobstructed signal they could not receive from a rooftop antenna. These hard working families do not deserve to lose the quality of the only service they have the option of enjoying.

As a cosponsor of the original legislation, I support H.R. 1554, "The Satellite Copyright, Competition, and Consumer Protection Act of 1999." I watched the development of this bill closely and I am very grateful to the Members who have worked together to bring this legislation to the floor. H.R. 1554 is more than a quick fix; by focusing on competition rather than regulation, this legislation addresses the heart and future of this market.

Each year more Americans subscribe to satellite service. However, these Americans cannot always access their local news, weather, or community stations. H.R. 1554 brings to the table the same "must carry" requirements that Congress implemented on the cable industry. Local broadcasting serves a "public good" by providing community programming and local information. If satellite service is to become an equal competitor in the broadcast market, they must be held to the same set of standards as their competition.

Moreover, this legislation addresses the discrepancies in the present "graded contour system," which fails to recognize the topography of certain regions. This system has unfairly prohibited many of my constituents from continuing to receive certain broadcast signals because of the location of their home. Thankfully, this legislation will require the FCC to review and reconstruct this outdated system and return service to the those who rely on this service.

Once again, I want to thank Chairman BILEY, Chairman HYDE, and all the members of the Commerce and Judiciary Committees for bringing this bill to the floor of the House.

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 1554.

The SPEAKER pro tempore (Mr. STEARNS). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. ARMEY) that the House suspend the rules and pass the bill, H.R. 1554, as amended.

The question was taken.

Mr. COBLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

DECLARING PORTION OF JAMES RIVER AND KANAWHA CANAL TO BE NONNAVIGABLE

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1034) to declare a portion of the James River and Kanawha Canal in Richmond, Virginia, to be nonnavigable waters of the United States for

purposes of title 46, United States Code, and other maritime laws of the United States, as amended.

The Clerk read as follows:

H.R. 1034

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds the following:

(1) The canal known as the James River and Kanawha Canal played an important part in the economic development of the Commonwealth of Virginia and the city of Richmond.

(2) The canal ceased to operate as a functioning waterway in the conduct of commerce in the late 1800s.

(3) Portions of the canal have been found by a Federal district court to be nonnavigable.

(4) The restored portion of the canal will be utilized to provide entertainment and education to visitors and will play an important part in the economic development of downtown Richmond.

(5) The restored portion of the canal will not be utilized for general public boating, and will be restricted to activities similar to those conducted on similar waters in San Antonio, Texas.

(6) The continued classification of the canal as a navigable waterway based upon historic usage that ceased more than 100 years ago does not serve the public interest and is unnecessary to protect public safety.

(7) Congressional action is required to clarify that the canal is no longer to be considered a navigable waterway for purposes of subtitle II of title 46, United States Code.

SEC. 2. DECLARATION OF NONNAVIGABILITY OF A PORTION OF THE CANAL KNOWN AS THE JAMES RIVER AND KANAWHA CANAL IN RICHMOND, VIRGINIA.

(a) CANAL DECLARED NONNAVIGABLE.—The portion of the canal known as the James River and Kanawha Canal in Richmond, Virginia, located between the Great Ship Lock on the east and the limits of the city of Richmond on the west is hereby declared to be a nonnavigable waterway of the United States for purposes of subtitle II of title 46, United States Code.

(b) ENSURING PUBLIC SAFETY.—The Secretary of Transportation shall provide such technical advice, information, and assistance as the city of Richmond, Virginia, or its designee may request to insure that the vessels operating on the waters declared nonnavigable by subsection (a) are built, maintained, and operated in a manner consistent with protecting public safety.

(c) TERMINATION OF DECLARATION.—

(1) IN GENERAL.—The Secretary of Transportation may terminate the effectiveness of the declaration made by subsection (a) by publishing a determination that vessels operating on the waters declared nonnavigable by subsection (a) have not been built, maintained, and operated in a manner consistent with protecting public safety.

(2) PUBLIC INPUT.—Before making a determination under this subsection, the Secretary of Transportation shall—

(A) consult with appropriate State and local government officials regarding whether such a determination is necessary to protect public safety and will serve the public interest; and

(B) provide to persons who might be adversely affected by the determination the opportunity for comment and a hearing on whether such action is necessary to protect public safety and will serve the public interest.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Mississippi (Mr. TAYLOR) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).