

# Union Calendar No. 36

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1037

[Report No. 109-75]

To make technical corrections to title 17, United States Code.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 2005

Mr. SMITH of Texas (for himself and Mr. BERMAN) introduced the following bill; which was referred to the Committee on the Judiciary

MAY 10, 2005

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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## A BILL

To make technical corrections to title 17, United States Code.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. AMENDMENTS RELATING TO STATUTORY LI-**  
4 **CENSE FOR SATELLITE CARRIERS.**

5 Section 119 of title 17, United States Code, is  
6 amended as follows:

1 (1) Subsection (a)(2)(C) is amended—

2 (A) in clause (i)—

3 (i) in the heading, by inserting “COM-  
4 MERCIAL” after “SINGLE”;

5 (ii) by inserting “commercial” after  
6 “a single”; and

7 (iii) by striking “(47 CFR 76.51)”  
8 and inserting “(section 76.51 of title 47,  
9 Code of Federal Regulations)”;

10 (B) in clause (ii), by striking “47 of the  
11 Code” and inserting “47, Code”;

12 (C) in clause (iii), by striking “if the sat-  
13 ellite carrier” and inserting “if a satellite car-  
14 rier or cable system”; and

15 (D) in clause (iv)(II), by inserting “U.S.  
16 Television Household Estimates by” after “ac-  
17 cording to”.

18 (2) Subsection (a)(2)(B)(i) is amended in the  
19 last sentence by striking “under paragraph (3)” and  
20 inserting “authorized under paragraph (3)”.

21 (3) Subsection (a)(3) is amended—

22 (A) in subparagraph (A), by striking  
23 “Commission, to be” and all that follows  
24 through the end and inserting “Commission to  
25 be significantly viewed, as defined in section

1           76.5 of title 47, Code of Federal Regulations,  
2           as in effect on April 15, 1976.”; and

3           (B) in subparagraph (C)(i) in the last sen-  
4           tence, by inserting “otherwise” after “specifi-  
5           cally stated”.

6           (4) Subsection (a)(4)(E) is amended to read as  
7           follows:

8                   “(E) OTHER PROVISIONS NOT AF-  
9                   FECTED.—Subparagraphs (A), (B), and (C)  
10                   shall not affect the applicability of the statutory  
11                   license to secondary transmissions authorized  
12                   under paragraphs (3) and (12).”.

13           (5) Subsection (a)(4)(F) is amended—

14                   (A) in the first sentence, by striking “(C)  
15                   or (D)” and inserting “(A) or (B)”; and

16                   (B) in the last sentence, by inserting “oth-  
17                   erwise” after “specifically stated”.

18           (6) Subsection (a)(14) is amended in the last  
19           sentence, by inserting “otherwise” after “specifically  
20           stated”.

21           (7) Subsection (c)(1) is amended—

22                   (A) in subparagraph (B)—

23                           (i) by inserting “notice” after “shall  
24                           cause”;

1 (ii) by inserting “and distributors”  
2 after “paid by satellite carriers”; and

3 (iii) by striking “analog transmission”  
4 and inserting “analog transmissions”;

5 (B) in subparagraph (C) in the second sen-  
6 tence—

7 (i) by striking “distributors and copy-  
8 right” and inserting “distributors, and  
9 copyright”; and

10 (ii) by striking “royalty fee” and in-  
11 sserting “royalty fees”;

12 (C) in subparagraph (D)—

13 (i) in clause (i), by striking “that a  
14 parties thereto” and inserting “that are  
15 parties thereto”; and

16 (ii) in clause (ii)(I), by striking “sub-  
17 paragraph (E)” and inserting “subpara-  
18 graph (F)”; and

19 (D) in subparagraph (F)—

20 (i) in clause (i)—

21 (I) by striking “royalty fee” and  
22 all that follows through “distributors”  
23 and inserting “royalty fees to be paid  
24 by satellite carriers and distributors  
25 for the secondary transmission of the

1 primary analog transmissions of net-  
2 work stations and superstations under  
3 subsection (b)(1)(B)”; and

4 (II) in the last sentence, by strik-  
5 ing “arbitrary” and inserting “arbi-  
6 tration”;

7 (ii) in clause (ii), by striking “fair  
8 market value of secondary transmissions”  
9 and inserting “fair market value of such  
10 secondary transmissions”;

11 (iii) in clause (iii)—

12 (I) in subclause (I), by striking  
13 “2004;” and inserting “2004;”; and

14 (II) by striking all that follows  
15 subclause (I) and inserting the fol-  
16 lowing:

17 “(II) is made by the Librarian  
18 under section 802(f) as in effect on  
19 the day before such date of enact-  
20 ment,

21 shall be effective as of January 1, 2005.”;

22 and

23 (iv) in clause (iv)—

24 (I) by striking “(iii)” and insert-  
25 ing “clause (iii)”; and

1 (II) by striking “distributors and  
2 copyright owners,” and inserting “dis-  
3 tributors, and copyright owners”.

4 (8) Subsection (c)(2) is amended—

5 (A) in subparagraph (A), by striking “sec-  
6 tion 298.3(b)(1)” and inserting “section  
7 258.3(b)(1)”; and

8 (B) in subparagraph (C), by striking “ac-  
9 cordance with to” and inserting “accordance  
10 with”.

11 (9) Subsection (a)(15)(A) is amended by strik-  
12 ing the comma after “television station”.

13 (10) Subsection (a)(16)(B) is amended by in-  
14 serting a comma after “Alaska if”.

15 (11) Subsection (d)(12) is amended by striking  
16 “low power television as defined” and inserting “low  
17 power television station as defined”.



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