

of Suicide before the Appropriations Subcommittee on Labor-Health and Human Services and Education.

With best regards,

RAYMOND D. FOWLER, Ph.D.,

*Executive Vice President and
Chief Executive Officer.*•

SMALL BUSINESS ADMINISTRATION'S PERSON OF THE YEAR: MR. GREGORY SULLIVAN

• Mr. ASHCROFT. Mr. President, it is with great pride that I stand before this body today to congratulate a truly remarkable Missourian, Mr. Gregory Sullivan—the Small Business Administration's Person of the Year. Mr. Sullivan founded G.A. Sullivan in 1982 with just \$300 in start-up capital. Today, it is one of the fastest growing technology companies in the nation. This custom software company has appeared on Inc. Magazine's 500 list of fastest growing companies for the past two years. G.A. Sullivan also is leader in the St. Louis community—ranking among the top seven fastest growing technology companies in St. Louis for the past three consecutive years.

In reading Greg's story, I was intrigued by his biggest challenge. To me it shows the remarkable risks taken by America's entrepreneurs. Ten years after starting the company—after paying his dues programming computers and building the foundation of the business—he knew that there would be a huge growth in information technology industry. At that point, he had to decide on his business' future. In December 1992, he decided to go forward with an aggressive business expansion program. He engaged an advertising agency, developed a business plan, designed a logo, hired a marketing consultant to build a sales staff and started aggressively recruiting technical talent. Since that time, sales have grown over 1,400 percent and he now employs nearly 175 people—his clear vision paid off.

While Greg's custom software development services company provides leading edge information technology in the business arena—he personally is a leader in the community. He was recently appointed Vice Chairman of Science and Technology for the St. Louis Regional Commerce and Growth Association. I understand that he personally conducts workshops on résumé writing skills, interviewing and networking to help students be competitive in the after-graduation job market. He also has established the G.A. Sullivan Scholarship fund.

Mr. Sullivan is the 36th recipient of this annual entrepreneurial award. He was selected from a field of 53 state small business persons of the year winners representing the 50 states, the District of Columbia, Puerto Rico and Guam. The national entrepreneur award is the highlight of the Small Business Administration's national Small Business Week celebration. Small Business Week honors contributions of the nation's small business

owners who are the backbone of this great nation. The SBA selects winners on their record of stability, growth in employment and sales, sound financial status, innovation, and the company's response to adversity and community service.

It honors me to stand before you today to congratulate Mr. Sullivan as the Small Business Administration's Person of the Year. Mr. Sullivan exemplifies the "American Dream," and is living proof that with hard work and dedication any one individual can succeed.•

SALUTE TO LOIS BODOKY

• Mr. LEAHY. Mr. President, I salute a longtime Vermont businesswoman, and a fixture on Burlington's Church Street Marketplace, Mrs. Lois Bodoky.

Lois is affectionately known in Burlington as the "Hot Dog Lady", for she recently celebrated the 25th anniversary of her business running a hot dog cart in downtown Burlington.

Lois went into the hot dog business not long after her hair salon was lost in a fire, and at the same time I was running my first campaign for U.S. Senator. Back then, Church Street was a typical Vermont downtown, and Lois operated her cart on the sidewalk as cars and buses passed on the street. Now, her cart is in a prime spot on Church Street Marketplace, which became a pedestrian mall in the early 1980's, and is one of Vermont's prime shopping areas.

Since Lois went into business, downtown Burlington has seen many changes, but the "Hot Dog Lady's" cart has remained a fixture, even in some of Vermont's coldest months. She is truly a Burlington institution and is most reliable to members of the downtown crowd who cannot let a lunch hour pass without a lunch from Lois.•

WESTPORT VOLUNTEER EMERGENCY SERVICES

• Mr. LIEBERMAN. Mr. President, I rise today to formally congratulate Westport Volunteer Emergency Services on its 20th Anniversary. The fine men and women who founded, operate, and support this organization have distinguished themselves as one the pillars on which the principles of community service rest.

The EMS team has truly been an asset to the town of Westport and has had a profound impact on the individuals and families who have benefited from its experience and training. Its quick service and professional response has made it one of the state's most well-respected EMS corps. We have all been taught that we have an obligation to help our neighbors in need, but this organization has truly taken this credo to heart and has earned commendation for the lives it has saved, the families it has assisted, and the time it has contributed to improving the entire community.

I give special congratulations to the 23 original members and staff of WVEMS who are still active today. They should be very proud of the positive impact of this organization, and I am certain that they appreciate more than anyone the growth and development of this outstanding EMS corps.

Westport EMS provides immediate, front-line assistance that is so valuable to our neighbors in needs and does so on a volunteer basis. Its efforts have made a difference to children and adults alike over these last two decades and done more than its part to improve the Town of Westport. I am confident that Westport Volunteer Emergency Medical Services will continue its sterling record of service far into the future.•

SATELLITE HOME VIEWERS IMPROVEMENT ACT

On May 20, 1999, the Senate amended and passed H.R. 1554, the Satellite Home Viewers Improvement Act, as follows:

Resolved, That the bill from the House of Representatives (H.R. 1554) entitled "An Act 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," do pass with the following amendment:

Strike out all after the enacting clause and insert:

TITLE I—SATELLITE HOME VIEWERS IMPROVEMENTS ACT

SEC. 101. SHORT TITLE.

This title may be cited as the "Satellite Home Viewers Improvements Act".

SEC. 102. 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 secondary transmission is permissible under the rules, regulations, or authorizations of the Federal Communications Commission; 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 and street address, including county and zip code) all subscribers to which the satellite carrier currently makes secondary transmissions of that primary transmission.

“(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 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 whom 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 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).

“(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 transmission 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, 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.

“(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) 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.

“(2) The term ‘local market’ for a television broadcast station has the meaning given that term under rules, regulations, and authorizations of the Federal Communications Commission relating to carriage of television broadcast signals by satellite carriers.

“(3) The terms ‘network station’, ‘satellite carrier’ and ‘secondary transmission’ have the meaning given such terms under section 119(d).

“(4) The term ‘subscriber’ means an entity 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) The term ‘television broadcast station’ means an over-the-air, commercial or non-commercial television broadcast station licensed by the Federal Communications Commission under subpart E of part 73 of title 47, Code of Federal Regulations.”.

(b) **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. 103. 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. 104. 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. 105. DEFINITIONS.

Section 119(d) of title 17, United States Code, is amended by striking paragraph (10) and inserting the following:

“(10) **UNSERVED HOUSEHOLD.**—The term ‘unserved household’, with respect to a particular television network, means a household that cannot receive, through the use of a conventional outdoor rooftop receiving antenna, an over-the-air signal of grade B intensity (as defined by the Federal Communications Commission) of a primary network station affiliated with that network or is not otherwise eligible to receive directly from a satellite carrier a signal of that television network (other than a signal provided under section 122) in accordance with section 338 of the Communications Act of 1934.”.

SEC. 106. PUBLIC BROADCASTING SERVICE SATELLITE FEED.

(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, the compulsory license shall be effective until January 1, 2002.”.

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

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

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

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

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

(2) by adding at the end the following:

“(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.”.

SEC. 107. APPLICATION OF FEDERAL COMMUNICATIONS COMMISSION REGULATIONS.

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

(1) in paragraph (1), by inserting “is permissible under the rules, regulations, and authorizations of the Federal Communications Commission,” after “satellite carrier to the public for private home viewing,”;

(2) in paragraph (2), by inserting “is permissible under the rules, regulations, and authorizations of the Federal Communications Commission,” after “satellite carrier to the public for private home viewing,”; and

(3) by adding at the end the following:

“(11) **STATUTORY LICENSE CONTINGENT ON COMPLIANCE WITH FCC RULES AND REMEDIAL STEPS.**—The willful or repeated secondary transmission to the public by a satellite carrier of a primary transmission made by a broadcast station licensed by the Federal Communications Commission is actionable as an act of infringement under section 501, and is fully subject to the remedies provided by sections 502 through 506 and 509, if, at the time of such transmission, the satellite carrier is not in compliance with the rules, regulations, and authorizations of the Federal Communications Commission concerning the carriage of television broadcast station signals.”.

SEC. 108. TELEVISION BROADCAST STATION STANDING.

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

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

SEC. 109. MORATORIUM ON COPYRIGHT LIABILITY.

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

SEC. 110. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on January 1, 1999, except the amendments made by section 104 shall take effect on July 1, 1999.

TITLE II—SATELLITE TELEVISION ACT OF 1999**SEC. 201. SHORT TITLE.**

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

SEC. 202. FINDINGS.

The Congress makes the following findings:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) there is no local network affiliate;

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

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

SEC. 203. PURPOSE.

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

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

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

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

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

“(b) **GOOD SIGNAL REQUIRED.**—

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

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

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

“(d) **DEFINITIONS.**—In this section:

“(1) **TELEVISION BROADCAST STATION.**—The term ‘television broadcast station’ means a full power local television broadcast station, but does not include a low-power or translator television broadcast station.

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

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

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

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

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

“SEC. 339. CARRIAGE OF DISTANT TELEVISION STATIONS BY SATELLITE CARRIERS.

“(a) **PROVISIONS RELATING TO NEW SUBSCRIBERS.**—

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

“(2) **ELIGIBILITY DETERMINATION.**—The determination of a new subscriber's eligibility to receive the signals of one or more distant network stations as a component of the service provided pursuant to paragraph (a) shall be made by ascertaining whether the subscriber resides within the predicted Grade B service area of a

local network station. The Individual Location Longley-Rice methodology described by the Commission in Docket 98-201 shall be used to make this determination. A direct-to-home satellite service provider may provide the signal of a distant network station to any subscriber determined by this method to be unserved by a local station affiliated with that network.

"(3) RULEMAKING REQUIRED.—"

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

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

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

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

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

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

"(b) PROVISIONS RELATING TO EXISTING SUBSCRIBERS.—"

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

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

"(3) RULEMAKING REQUIRED.—"

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

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

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

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

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

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

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

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

SEC. 205. RETRANSMISSION CONSENT.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 206. DESIGNATED MARKET AREAS.

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

SEC. 207. SEVERABILITY.

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

SEC. 208. DEFINITIONS.

In this title:

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

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

ORDERS FOR MAY 25, 1999

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 on Tuesday, May 25. I further ask consent that on Tuesday, immediately following the prayer, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved, and the Senate then resume consideration of S. 1059 as under that order.

I further ask unanimous consent that at the hour of 12:30 p.m. the Senate stand in recess until the hour of 2:15 p.m. in order for the party caucuses to meet.

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

Mr. WARNER. Mr. President, I ask unanimous consent that no additional amendments be in order, other than the amendments agreed to in the previous consent, prior to the votes at 2:15 p.m. on Tuesday.

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

PROGRAM

Mr. WARNER. For the information of all Senators, the Senate will resume consideration of the Defense Authorization bill tomorrow. Under the order, the Senate will debate several amendments, with the votes on those amendments occurring in a stacked sequence beginning at 2:15 p.m. Tuesday afternoon. All Senators should, therefore, expect at least three votes occurring at 2:15. It is the intention of the majority leader to complete action on this bill as early as possible this week.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. WARNER. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:33 p.m., adjourned until Tuesday, May 25, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 24, 1999:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PAUL STEVEN MILLER, OF CALIFORNIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2004. (REAPPOINTMENT)