

103^D CONGRESS
1ST SESSION

H. R. 1103

To amend title 17, United States Code, with respect to secondary transmissions of superstations and network stations for private home viewing, and with respect to cable systems.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 1993

Mr. HUGHES (for himself and Mr. MOORHEAD) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To amend title 17, United States Code, with respect to secondary transmissions of superstations and network stations for private home viewing, and with respect to cable systems.

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

3 **TITLE I—SATELLITE CARRIERS**

4 **SEC. 101. SECONDARY TRANSMISSIONS BY SATELLITE CAR-** 5 **RIERS.**

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

1 (1) Subsection (a)(2)(C) is amended in the first
2 sentence—

3 (A) by striking “90 days after the effective
4 date of the Satellite Home Viewer Act of 1988,
5 or”; and

6 (B) by striking “whichever is later,”.

7 (2) Subsection (b)(1)(B) is amended—

8 (A) in clause (i) by striking “12 cents”
9 and inserting “17.5 cents per subscriber in the
10 case of superstations not subject to syndicated
11 exclusivity under the regulations of the Federal
12 Communications Commission, and 14 cents per
13 subscriber in the case of superstations subject
14 to such syndicated exclusivity”; and

15 (B) in clause (ii) by striking “3” and in-
16 serting “6”.

17 (3) Subsection (c) is amended—

18 (A) in the subsection caption by striking
19 “DETERMINATION” and inserting “ADJUST-
20 MENT”;

21 (B) in paragraph (1)—

22 (i) by striking “until December 31,
23 1992,”; and

24 (ii) by striking “compulsory”;

25 (C) in paragraph (2)—

1 (i) by striking subparagraph (A) and
2 redesignating subparagraphs (B), (C), and
3 (D) as subparagraphs (A), (B), and (C),
4 respectively;

5 (ii) in subparagraph (A) (as so reded-
6 igned) by striking “Satellite” in the first
7 sentence and inserting “In accordance with
8 paragraph (3), satellite”; and

9 (iii) in subparagraph (C) (as so reded-
10 igned) by striking “December 31, 1994”
11 and inserting “adjusted under paragraph
12 (3)”; and

13 (D) in paragraph (3)(A) by striking the
14 first sentence and inserting the following: “On
15 or before June 1, 1995, and in each subsequent
16 fifth calendar year, the Copyright Royalty Tri-
17 bunal shall cause notice to be published in the
18 Federal Register of the initiation of arbitration
19 proceedings for the purpose of determining a
20 reasonable royalty fee to be paid under sub-
21 section (b)(1)(B) by satellite carriers who are
22 not parties to a voluntary agreement filed with
23 the Copyright Office in accordance with para-
24 graph (2).”.

1 **TITLE II—SECONDARY TRANS-**
2 **MISSIONS BY CABLE SYSTEMS**

3 **SEC. 201. DEFINITION OF CABLE SYSTEM.**

4 (a) DEFINITION.—Section 111(f) of title 17, United
5 States Code, is amended by striking the definition of
6 “cable system” and inserting the following:

7 “A ‘cable system’ is a facility, other than a satellite
8 carrier to which section 119 of this title applies, that in
9 whole or in part receives signals embodying a performance
10 or display of a work, transmitted by one or more broadcast
11 stations licensed by the Federal Communications Commis-
12 sion or an appropriate governmental authority of Canada
13 or Mexico, and makes secondary transmissions of such sig-
14 nals to subscribing members of the public who pay for
15 such service.”.

16 (b) APPLICABILITY OF FEDERAL COMMUNICATIONS
17 COMMISSION RULES AND REGULATIONS.—For purposes
18 of determining the royalty fees paid under subsection
19 (d)(1) of section 111 of title 17, United States Code, by
20 a cable system as defined in subsection (f) of such section
21 (as amended by subsection (a) of this section), the rules
22 and regulations of the Federal Communications Commis-
23 sion in effect on the date of the enactment of this Act
24 shall apply on and after such date to all cable systems

- 1 as so defined to the same extent as such rules and regula-
- 2 tions applied to cable systems before such date.

