

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5303

To make technical corrections in the Satellite Home Viewer Act of 1994.

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IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 29, 1994

Mr. HUGHES introduced the following bill; which was referred to the  
Committee on the Judiciary

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## A BILL

To make technical corrections in the Satellite Home Viewer  
Act of 1994.

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. TECHNICAL CORRECTIONS.**

4       The Satellite Home Viewer Act of 1994 (Public Law  
5       103–369) is amended as follows:

6               (1) Section 2(4)(C) is amended to read as fol-  
7       lows:

8                       “(C) in paragraph (3)—

9                               “(i) in subparagraph (A) by striking  
10                               ‘December 31, 1991’ and inserting ‘Janu-  
11                               ary 1, 1997’;

1           “(ii) by amending subparagraph (B)  
2           to read as follows:

3           “(B) ESTABLISHMENT OF ROYALTY  
4           FEES.—In determining royalty fees under this  
5           paragraph, the copyright royalty arbitration  
6           panel approved under chapter 8 shall establish  
7           fees for the retransmission of network stations  
8           and superstations that most clearly represent  
9           the fair market value of secondary trans-  
10          missions. In determining the fair market value,  
11          the arbitration panel shall base its decision on  
12          economic, competitive, and programming infor-  
13          mation presented by the parties, including—

14               “(i) the competitive environment in  
15               which such programming is distributed,  
16               the cost for similar signals in similar pri-  
17               vate and compulsory license marketplaces,  
18               and any special features and conditions of  
19               the retransmission marketplace;

20               “(ii) the economic impact of such  
21               fees on copyright owners and satellite car-  
22               riers; and

23               “(iii) the impact on the continued  
24               availability of secondary transmissions to  
25               the public.’; and

1                   “(iii) in subparagraph (C), by insert-  
2                   ing ‘or July 1, 1997, whichever is later’  
3                   after ‘section 802(g)’.”.

4                   (2) Section 119(a)(5)(C) of title 17, United  
5                   States Code, as amended by section 2(5) of the Sat-  
6                   ellite Home Viewer Act of 1994, is amended by  
7                   striking “this section” and inserting “the Satellite  
8                   Home Viewer Act of 1988”.

9   **SEC. 2. EFFECTIVE DATE.**

10           (a) SECTION 1(1).—The amendment made by section  
11   1(1) shall be effective as if enacted as part of the Satellite  
12   Home Viewer Act of 1994.

13           (b) SECTION 1(2).—The amendment made by section  
14   1(2) shall take effect on the date of the enactment of this  
15   Act.

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