From the Committee on the Judiciary, for consideration of the House bill and the Senate amendment, and modifications committee to conference:

HENRY HYDE,
HOWARD COBLE,
BOB GOODLATTE,
JOHN CONYERS,
HOWARD L. BERMAN,
Managers on the Part of the House.

From the Committee on the Judiciary:

ORRIN HATCH,
STROM THURMOND,
MIKE DEWINE,
PATRICK LEAHY,
HERB KOHL,

From the Committee on Commerce, Science, and Transportation:

TED STEVENS,
FRITZ HOLLINGS,
Managers on the Part of the Senate.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

CONFERENCE REPORT ON H.R. 1554, INTELLECTUAL PROPERTY AND COMMUNICATIONS OMNIBUS REFORM ACT OF 1999

Mr. ARMEY. Mr. Speaker, I move to suspend the rules and agree to the conference report on 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.

The Clerk read the title of the bill.

(For conference report and statement, see prior proceedings of the House of today.)

Mr. ARMEY. 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. I further ask unanimous consent that the gentleman from Michigan (Mr. CONYERS) and the gentleman from Massachusetts (Mr. MARKEY) each control 10 minutes on this motion.

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

There was no objection.

GENERAL LEAVE

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the conference report on H.R. 1554.

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

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

□ 1815

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

Mr. Speaker, this conference report represents the combined hard work of both the House and the Senate, which is, of course, long overdue. I am pleased to report that through this hard work we are able to present the House an agreement on changes to telecommunications and copyright law in order to provide the American consumer with a stronger, more viable competitor to their incumbent cable operator.

This legislation will enact comprehensive reforms to the offering of satellite television service. I expect that the reforms contained in this bill will have a dramatic and beneficial effect on the multichannel video programming marketplace for years to come.

Consumers today expect more from their video program providers, whether it is a cable company, a satellite company, their broadcaster or other distributors, including the Internet. Consumers are savvy and they now expect and indeed demand their video program distributor to offer a wide variety of programming at reasonable cost with exceptional picture quality.

Today, there are some limitations on the ability of satellite carriers to meet consumer demands. These limitations put satellite carriers at a competitive disadvantage to incumbent cable providers. The main limitation on satellite providers is the inherent difficulty in providing local broadcast programming via satellite. Even though broadcasters are experiencing a dramatic reduction in their overall viewing audience compared to a few years ago, the overwhelming number of consumers still want local broadcast programming. Consumer surveys conclude that the lack of local broadcast programming is the number one reason some consumers are unwilling to subscribe to satellite service.

This conference report we are placing before the House today is designed to put satellite on a competitive, equal footing with cable. The bill provides for a compulsory license to retransmit local broadcast programming, and ensures carriage for local broadcast stations through retransmission consent/must-carry elections. The bill also provides consumers with the enjoyment of the benefit of distant signals.

This bill is not what all the industry desires. I want to make that clear. Parts of our industry do not like the bill. But the bottom line is it is good for consumers, and that is what really matters. For C-band users in my district and across America who have been calling, this bill grandfathers them. They are now legally eligible under this bill to receive signals they wrote and called about.

Let me tell my colleagues some of the other good consumer things it does. It directs the FCC to develop a new program signal standard; that is, defines a better picture quality instead of the 1950 quality we were used to looking at and that currently exists. It gives it a year to do so and to come back to Congress with this new picture quality standard.

It requires broadcasters to respond within 30 days to requests for waivers to receive distant signals, if they cannot get a good local signal.

It makes it easier for consumers to either get the waiver or to take an eligibility test for the distant signal. And, by the way, it ensures that the consumer will not be required to pay for this testing.

It directs the FCC to assist consumers in reviewing those eligibility disputes.

It makes a national PBS satellite feed available nationwide to all satellite consumers and at a reduced copyright rate.

It eliminates the 90-day waiting period for current cable subscribers who want to switch over to satellites.

It sets the copyright rate for local signals at zero, ensuring such signals will be available at consumer friendly rates.

It extends existing satellite copyright license for another 5 years, making sure they can get local signals.

It cuts the copyright rates for distant network signals by as much as 45 percent, making service to American consumers cheaper and more affordable.

It even allows owners of recreation vehicles and long-haul trucks to be eligible to receive distant network signals in their vehicles through their satellite service.

For those who have been concerned or angered by the Corporation for Public Broadcasting sharing their donor list, worry no more. The bill prohibits the receipt of Federal funds to any CPB broadcast entity who shares their donor list, plain and simple, with any political entity.

It also allows the contributor an added bonus. It allows an opt-out to make sure a name is not shared with anyone, whether affiliated or not affiliated.

For those in rural America, this bill provides incentives.

This is a good conference report. It combines the telecommunications provisions of H.R. 851, the Save Our Satellites Act of 1999, as reported, and the copyright provisions of H.R. 1027, the Satellite Television Improvement Act, as reported. The history of the bill can, therefore, be found in the applicable portions of the two reports filed by our two committees on these two bills.

I think it strikes the right balance, and I urge my colleagues' support.

Mr. Speaker, let me thank the hard work of a large group of Members who had a role in bringing this conference report together: The gentleman from Virginia (Mr. BLILEY), the chairman of the Committee on Commerce, and the gentleman from Michigan (Mr. DINGELL), the ranking member; the gentleman from Massachusetts (Mr. MARKEY), the subcommittee ranking member; the gentleman from Virginia (Mr. BOUCHER) from the Committee on Commerce; the gentleman from Illinois

(Mr. HYDE), the chairman of the Committee on the Judiciary; the gentleman from North Carolina (Mr. COBLE), the subcommittee chairman; the gentleman from Michigan (Mr. CONYERS), the ranking member; and the gentleman from California (Mr. BERMAN), the subcommittee ranking member; and the gentleman from Virginia (Mr. GOODLATTE) from the Committee on the Judiciary.

This is a bipartisan, bicommittee approach to a very important legislative bill. If there is one bill that has to get done before we go home from this session, this is the must-pass bill. I am pleased we were able to work together to bring this compromise to the House.

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

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

Mr. Speaker, in urban America, for a generation, we have not been able to take advantage of the satellite revolution. Yes, laws have been passed to make it possible for those that live in rural America, whether they have these 8-foot dishes in their back yard that would have required zoning variances in Boston, to be able to capture programming that benefits their consumers.

In 1992, the gentleman from Louisiana (Mr. TAUZIN) and I, out here on the floor, argued for better programming access so that satellite dishes would have better access to more programming. And that passed and actually gave birth to the 18-inch dish, this pizza-sized satellite dish, which would make it possible in urban America to put a satellite dish on one's home or in the back yard without having the neighbors protest in those densely populated communities.

However, the problem existed for all urban consumers because they could not get their local TV stations on their satellite dish. So those who came from Boston could not get channel 4, channel 5, channel 7, channel 56, channel 38, channel 25, where the Bruins and the Celtics and the Red Sox reside. So, as a result, consumers in Boston and other urban areas were forced to continue to use cable as the other mechanism by which they could have programming other than broadcast plus broadcast come into their home.

This bill changes that. This bill, for the first time, makes it possible for consumers in urban areas to really think seriously about getting a satellite dish, because for the first time they can get their local TV stations. They do not have to get up and start fooling with the rabbit ears on their TV set if they want to switch over from satellite to their local TV stations. They will not have to buy the local basic cable package if they want to get their local TV stations in concert with their satellite dish.

So this local-into-local service is going to begin the revolution which will make it possible for urban Americans to enjoy the same video enjoyment which rural Americans have had access to for a generation. I know I am planning on considering that purchase this Christmas.

I am, however, very disappointed that the conference committee did not accept the stronger House version of this provision that would have been more competitive, more pro-consumer, and would have ensured that we have telescoped the time frame fully to the point where every single urban American would have been able to consider immediately this new satellite service.

In general, the House bill was a better bill than what the Senate produced or what we wound up with here at the end of the process. Late changes in the conference are a step in the right direction, and it made the bill more acceptable. And I believe that it is worthy of support, even though I believe Congress is giving up an excellent opportunity to promote greater choice and price competition, price competition to cable.

I am hopeful that we can return in the next Congress and revisit these cable competition issues. Consumers deserve greater choice and they deserve greater efforts on the part of policymakers to make such choice ubiquitous and affordable.

The gentleman from Louisiana (Mr. TAUZIN) has gone through the litany of legislative saints who played a role in bringing the bill this far, and I want to compliment in turn each of those that the gentleman from Louisiana has mentioned. This is, although not perfect, a step forward in bringing this technological revolution to urban Americans, and I hope that it can find support here on the floor this evening.

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 am pleased to rise in strong support of H.R. 1554, the Intellectual Property and Communications Omnibus Reform Act of 1999. Countless hours have been dedicated to fashioning the satellite provisions of this legislation, balancing the interest of our constituents, intellectual property owners, satellite carriers, and the local broadcasters. I would be remiss if I did not take a moment to congratulate Members of both the House and the Senate for their hard work and dedication in bringing this legislation to fruition. Time does not permit me to call each Member by name, so I will just reiterate what my friend from Louisiana said and thank all of them who had a hand in contributing to the formulation of this package.

We have spent the past 3 years working on this legislation, and I can say without hesitation, Mr. Speaker, that this is, indeed, a very good bill. The legislation will have a tremendously beneficial effect on the citizens of this country, whether they are subscribers to satellite television or not.

We have all been concerned about a lack of competition in the multichannel television industry and what that means in terms of prices and services to our constituents. The bill gives the satellite industry a new copyright license with the ability to compete on a more even playing field, thereby giving consumers a chance.

I have received numerous letters and calls from my constituents, as I am sure many of my colleagues have from theirs, distressed over their satellite service. Many customers claim they leave the store complaining 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 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 for 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 service for those signals. This, as my colleagues know, 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 as cable does.

It protects existing subscribers from having their distant network services shut off at the end of the year, and protects all C-band customers from having their network service cut off entirely.

It allows satellite carriers to rebroadcast a national signal of the Public Broadcasting Service.

It provides an incentive for the development of a system to bring local signals to smaller, mostly rural areas and markets.

It empowers the FCC to conduct a rulemaking to determine the appropriate standards for satellite carriers concerning which customers should be allowed to receive distant network Signals.

□ 1830

The legislation before us today is a balanced approach, Mr. Speaker. It is not perfect, like 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 a distant network signal. The real winners, Mr. Speaker, are our constituents, the consumers.

I urge all Members to support this constituent-friendly legislation.

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

Mr. CONYERS. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, paying due deference to all of the saints responsible for the bill listed by the gentleman from Louisiana (Chairman TAUZIN), the gentleman from North Carolina (Chairman COBLE), the gentleman from Massachusetts (Mr. MARKEY), the ranking member, and our colleagues on both committees, the gentleman from California (Mr. BERMAN) and the gentleman from Virginia (Mr. BOUCHER), this conference report has finally reached the floor.

Some think it may be the signal that we will be released soon because this is a bill that had to go through. It represents the culmination of several years of debate on intellectual property issues that affect both consumers, broadcasters, satellite companies, domain name holders, and patent holders.

The most important change the bill makes is allowing satellite carriers to offer local-to-local service. As we know, under current law, consumers may not receive local network signals along satellite services unless they are in a service area where local reception is blocked.

By eliminating this restriction, we will allow the satellite companies to provide more viable competition with cable, which will enhance consumer choice and services. This is good.

At the same time we are eliminating the barriers to entry by satellite, the bill also helps ensure that there is a level playing field between cable and satellite. This is good.

Under current law, cable is subject to legal must-carry requirements, which ensure that they carry all local service channels. This bill provides for a mechanism for importing this requirement on satellite companies, which again will serve to broaden the choices consumers have in programming.

Another important reform included in the bill includes loan guarantees provided for companies that want to retransmit local signals to rural markets. Far too much of the information revolution has passed by rural America. On our committee, the gentleman from Virginia (Mr. BOUCHER) has done an excellent job in this regard and has helped the bill immeasurably.

Telecommunication firms have argued that it is not economically feasible to offer satellite and other advanced services in these areas. We have done differently. The conference report will help to ensure that the capital exists to offer rural America access to their local signals.

I urge support of the measure before us.

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 for the purpose of engaging in a colloquy with my friend the gentleman from North Carolina (Mr. COBLE).

Mr. Speaker, a provision in this legislation provides that Internet service providers may not avail themselves of the compulsory license for terrestial systems under Section 111 of the Copyright Act and satellite systems under Sections 119 and 122.

I, the gentleman from Virginia (Mr. BLILEY), the gentleman from Michigan (Mr. DINGELL), and the gentleman from Massachusetts (Mr. MARKEY) believe that a wholesale exclusion from the compulsory license based solely on the technology used by potential licensees to retransmit the program may be inappropriate.

If on-line service providers can meet the underlying requirements of the compulsory license, they should not be discriminated against simply because of the medium used.

It is my understanding that the gentleman is committed to working with me, the gentleman from Virginia (Mr. BLILEY), the gentleman from Michigan (Mr. DINGELL), and the gentleman from Massachusetts (Mr. MARKEY) in addressing this concern this session.

Mr. Speaker, I ask the gentleman from North Carolina (Mr. COBLE), is that correct?

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

Mr. TAUZIN. I yield to the gentleman from North Carolina.

Mr. COBLE. Mr. Speaker, I would say that the gentleman from California (Mr. BERMAN), the gentleman from Michigan (Mr. CONYERS), and the gentleman from Illinois (Mr. HYDE) and are in agreement to work to address this matter.

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

Mr. TAUZIN. I yield to the gentleman from California.

Mr. BERMAN. Mr. Speaker, without conceding any of the assumptions in the preface to the question of the gentleman from Louisiana (Mr. TAUZIN), I would be enthusiastic about working with the gentleman on this issue.

Mr. TAUZIN. Mr. Speaker, I thank the gentleman for his comments.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Wyoming (Mrs. CUBIN.)

Mrs. CUBIN. Mr. Speaker, I would like to start by thanking the gentleman from Virginia (Chairman BLILEY), the chairman of the Committee on Commerce, for his remarkable work in getting this very important piece of legislation on the House floor tonight.

I am particularly pleased with the bill's rural provisions, which include a fiscally responsible plan that will ensure that all customers, including medium size and small markets, will have access to local broadcast signals by way of satellite.

The conference report includes a $1.25 billion Agriculture Department loan guarantee to help support the launch of satellite systems dedicated to provide television service to hundreds of rural and underserved markets.

Without this plan, only the largest television markets in America will be able to receive local-into-local service which is authorized by this legislation. The cities that will be served will only be those with millions-of-television households.

Even under the most optimistic local-to-local plan, it will require 2 to 3 years to put into service, and then it will only be available in about 70 of the 210 television markets in the United States.

The two largest television markets in Wyoming are Casper and Cheyenne. They both rank under 177. They would probably never receive local-into-local service without the loan guarantee provisions that are included in this bill.

Once again, I want to thank the gentleman from Virginia (Chairman BLILEY), the gentleman from Louisiana (Mr. TAUZIN), the gentleman from North Carolina (Chairman COBLE), and the gentleman from Virginia (Mr. BOUCHER) for all of their hard work in getting this bill to the floor in a timely manner.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. BOUCHER).

Mr. CONYERS. Mr. Speaker, I also yield 2 minutes to the gentleman from Virginia (Mr. BOUCHER).

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The gentleman from Virginia (Mr. BOUCHER) is recognized for 4 minutes.

Mr. BOUCHER. Mr. Speaker, I want to thank my friends and colleagues from Massachusetts and from Michigan for yielding me this time.

I rise in support of the conference agreement and offer congratulations to my fellow conferees for performing well the challenging task of balancing a range of complex policy choices.

The new ''satellite home viewer act'' will be good for consumers. It assures that millions of rural Americans who live a long way from local TV stations can continue to receive network signals delivered by satellite. It fully authorizes an entirely new satellite service for the benefit of TV viewers.

For the first time, satellite companies will be able to offer not just national programs but also local television stations. They will up-link local stations to the satellite and spot beam those stations back into the markets of their origination.

With this advance, satellite companies will become completely viable competitors for cable TV companies and will offer all of the choices including local programs that cable companies offer at the present time.

This advance will benefit consumers by giving them a viable alternative to cable for multi-channel video services. It will serve as a competitive check on cable rates, benefiting even those viewers who continue to subscribe to cable television. And it will assure local broadcasters that, for the first time, they can reliably reach every viewer within their market.

I particularly want to thank the conferees in the House and in the other

body for accepting a proposal that I made in partnership with my colleague, the gentleman from Virginia (Mr. GOODLATTE), to facilitate the offering of the new local-into-local satellite service, not just in the largest cities but in all 211 local television markets nationwide.

The commercial satellite companies have announced their intention to offer the local-into-local service only in the largest 67 cities.

The provision that the gentleman from Virginia (Mr. GOODLATTE) and I sponsored, which is a part of this conference report, will enable the U.S. Department of Agriculture to provide a loan guarantee in the amount of $1.25 billion to make feasible the construction, launch, and operation of enough satellites to provide the local-into-local service in all television markets nationwide, including the medium sized and the smaller markets that the commercial companies do not intend to serve.

I thank my colleague, the gentleman from Virginia (Mr. GOODLATTE), for his excellent efforts; and I thank other members of the conference for accepting this proposal. The interest of rural viewers will be well served by this advance, as they will by the adoption of this conference report. I am pleased to encourage its adoption by the House.

Mr. COBLE. Mr. Speaker, may I ask the Chair how much time I have remaining.

The SPEAKER pro tempore. The gentleman from North Carolina (Mr. COBLE) has 6 minutes remaining. The gentleman from Louisiana (Mr. TAUZIN) has 30 seconds remaining. The gentleman from Michigan (Mr. CONYERS) has 5½ minutes remaining. The gentleman from Massachusetts (Mr. MARKEY) has 4 minutes remaining.

Mr. COBLE. Mr. Speaker, I yield 2½ minutes to the gentleman from Roanoke Valley, Virginia (Mr. GOODLATTE).

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

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for yielding me the time, and I congratulate him and the gentleman from Illinois (Chairman HYDE) of the Committee on the Judiciary for their outstanding work on this.

This is truly a bipartisan effort. I want to thank the gentleman from Michigan (Mr. CONYERS), the ranking member, and the gentleman from California (Mr. BERMAN) as well and the Committee on Commerce. This is a cooperative venture between two committees that have worked out this very fine legislation.

But I, most especially, want to thank the gentleman from Virginia (Mr. BOUCHER), my colleague, for his very fine leadership on the rural local-into-local provisions in this bill. Because without those provisions, this bill would not do very much for those many, many tens of millions of Americans living in those smaller markets in this country.

And so it is truly exciting to have the opportunity to now know that in the near future my constituents who are having a problem being able to get their local news, weather, sports, emergency information, community information broadcast to them by satellite so they have a competitive alternative to cable, or in the rural areas the only alternative. And to be able to get that local broadcast is truly an exciting part of this bill.

But there are many other outstanding provisions, as well. That competition I just referred to that we will get now between satellite and cable in urban areas is a great development. The legislation in this bill dealing with cyber-squatting and cracking down on those who would steal other people's trademark names, as well as the patent provisions in this bill, are also all worth noting.

Now, one provision has been raised that is of concern to the on-line service provider industry, and I want to make it clear that I strongly support preserving the current law on this issue. On-line service providers should not be precluded from competing with satellite and cable providers if they qualify for the same license.

Especially important is this issue for people in rural areas to be able to get the choice of where they will get their programs, and Congress should be conscious of the unintended consequences of excluding an exciting new medium and the unintended consequences of excluding that medium.

So I intend to work with the other Members who have worked on this legislation to be sure that we find another vehicle to address those concerns before the House adjourns for the year.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. BERMAN), the ranking member on our subcommittee; and I thank him for his excellent work.

Mr. BERMAN. Mr. Speaker, I rise in support of H.R. 1554, a bill which is truly enormous in its scope.

Its central purpose, of course, is to afford more American consumers the opportunity to view their own local stations by satellite, a sensible goal that I strongly endorse.

At the same time that I endorse the competitive parity 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 important principles.

I have made no secret in the past of my distaste for compulsory licenses. Yet this bill extends such a license, indeed one that has been massively violated by its beneficiaries, for another 5 years.

I might just add at this particular point and for the comments of the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Louisiana (Mr. TAUZIN) that there is some thought that, without hearings, without consideration, we are going to take the copyrighted content of our creative communities around this country and around this world and all of a sudden, by legal brief or by interpretation of a definition enacted when no one had any idea about this dreaming technology, assume that now there is compulsory license for Internet service providers without hearings, without discussion, without consideration.

□ 1845

I would like to hear the compelling case for that particular move before this House is asked to consider it.

On another point, I strongly supported the marketplace approach taken 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 set at fair market value. Yet this conference report discounts the rate set by the Copyright Arbitration Royalty Panel and upheld by the U.S. Court of Appeals for the District of Columbia.

Finally and unfortunately in the last few days of the conference committee deliberations, a provision was added, which I strongly oppose, which delays for 6 months the obligation of multichannel video programming distributors to obtain consent for the retransmission of the signals of television broadcast stations in their local markets.

I look at these features of the conference report and I am struck by the degree to which this Congress, indeed this Republican majority, is imposing artificial, government-contrived impediments to the ability of the marketplace to determine the terms for delivery of broadcast signals.

Notwithstanding all of that, I am a supporter of this conference report, because it does provide the competition by satellite to cable that is needed through the delivery of local-to-local, through the addition of provisions fought for by the gentleman from Virginia. And if the urban legislators who once this passes have multifaceted choices for different media, in regular, free, on-the-air television, cable and satellite, are not willing to help the people in rural areas at least have some competitive alternative, it would be a very sad day.

I endorse the provisions of this bill.

Mr. MARKEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, up in Boston, there is one man whom we revere whose philosophy is instilled in each of us. His philosophy was, ''All politics is local.'' His name was Tip O'Neill. Tonight he would be saying, ''All politics is local-into-local,'' making sure you can take your local TV stations, beam them up to a satellite and bring them right back down, watch the Red Sox, watch the Bruins, watch the Celtics, on their local TV stations. Then you can disconnect your cable company if you like. If they are not coming soon enough to satisfy you and there is bad service, if they are putting up the rates too high for the limited number of

channels they are providing you, this option now becomes one that you can consider. My father used to say to me, ''Eddie, I'd disconnect cable in a second, but it would just be a pain to have to get up and flick the switch and then try to move the rabbit ears.''

Mr. Speaker, tonight for my father and for millions like him across the country, this gives them the opportunity to begin to make that decision.

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

Mr. COBLE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. ROGAN), a member of the Committee on the Judiciary.

Mr. ROGAN. I thank the gentleman for yielding me this time.

Mr. Speaker, I am pleased to join my colleagues tonight in support of the conference agreement. This legislation will significantly increase competition in the satellite broadcast market and provide consumers across the United States with cutting edge services.

In addition, the bill offered earlier by my good friend from Virginia and I is now incorporated as title III in this conference report. Our legislation, the Cyberpiracy Prevention Act of 1999, will address the issue of cyberpiracy.

Cyberpiracy is the deceptive practice of registering an Internet domain name using the name of an existing entity or individual for the purpose of commercial gain. This bill prevents cybersquatting when a trademark, service mark, famous name or any personal name is involved. Typically, cybersquatters act against registered trademarks in a variety of ways.

Mr. Speaker, this bill as amended will protect the interests of the public mark owners and famous individuals from these fraudulent practices on the Internet. This bill provides legal recourse for those who have been exploited by cybersquatters, and extends current trademark protections to the world of e-commerce.

I encourage my colleagues to support this important measure.

Mr. Speaker, if I may, I want to thank my good friend, my subcommittee chairman, for his leadership on this. I want to commend the leadership of my friend from Virginia who has just done exceptional work. I want to commend the staffs of both parties and also the distinguished Judiciary Committee chairman in the other body for his leadership. This is a good measure. I look forward to its passage.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I am so pleased to support this measure before us this evening, because it is going to help me answer a question that my constituents have been asking over and over again, which is why would Congress prevent local channels from being received by satellite dishes? I can see no reason for controlling competition in the way that we have done so. This measure will help bring competition to TV transmission.

There is a further issue that I think is enormously important, and that is the inclusion of patent reform. This Congress has been on record several times urging and hoping that we could bring American patent law into the modern era. Although we are making sausage here tonight, maybe this by way of process is not pristine, the absolute end result of a good patent reform bill is well worth our support, and I am grateful that it has been included.

Mr. TAUZIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. OXLEY).

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

Mr. OXLEY. Mr. Speaker, I rise in support of the conference report. The winner in this is the consumer.

Mr. MARKEY. Mr. Speaker, I yield myself 2 minutes.

It has been a long road, Mr. Speaker, to reach this point. We began in our committee probably 25 years ago with the cable revolution forcing telephone companies and electric companies to allow cable companies to put their wires on their poles. We had to pass laws forcing then as the cable companies got very large to force them to sell their programming to satellite companies so that the satellite companies would be able to compete against cable companies.

Each one of these steps is part of a government plan, part of a bipartisan, Federal Government plan to add more competition to the marketplace. If it was left just to the incumbent companies, we would never have any additions to the video revolution. We would never have reached the day here where we can debate whether or not streaming video, America OnLine, should be part of this debate. It is only because we have made these tough government decisions to break down barriers to entry to new technologies that we are able to debate this tonight.

For millions of Americans for the first time beginning this Christmas, they may have the opportunity of deciding just to disconnect their cable and to get their local television stations for the first time from a new place, a satellite dish, and to also have at the same time the freedom of having the couple of hundred channels that satellite offers to them. That is what makes me so excited about this bill. It no longer will be a rural revolution, it now becomes officially an urban revolution.

Again, not all of the provisions that I wanted are in this bill. I do not think we are going to see the price competition which would have been made possible if we had made some tougher decisions, but I do think we are tonight taking that first step towards making urban Americans equal citizens with rural Americans in this satellite revolution.

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

Mr. COBLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. WALDEN).

(Mr. WALDEN of Oregon asked and was given permission to revise and extend his remarks.)

Mr. WALDEN of Oregon. Mr. Speaker, I rise in support of the conference report and to show my support for this legislation, especially with the local-into-local commitment for our rural areas.

Mr. Speaker, I rise in support of the passage of this conference report.

On behalf of the thousands of people in rural Oregon whose only clear reception to the world of television is via satellite, passage of this measure is a welcome relief.

I would also like to commend the Committee for providing the resources to help bring local stations to rural areas. It would be unfair for the viewer in the smallest of TV markets if they were left behind while the satellite companies provide local to local service in only the largest and most lucrative markets. People in rural Oregon deserve to be able to watch the local news, weather and community service programming, provided by their community broadcasters.

This bill is a good piece of legislation that will provide new alternatives, and more competition in the market place. It deserves our support tonight in the House.

Mr. COBLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. STEARNS).

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

Mr. STEARNS. Mr. Speaker, I rise in support of the conference report.

Mr. Speaker, I rise in favor of the Conference Report to H.R. 1554 and its positive impact on consumers in the 6th District of Florida. This legislation restores television signals to those consumers who truly cannot receive their local television broadcast stations while also laying a framework for establishing local-into-local signals. And in smaller, more rural markets such as mine, it establishes loan guarantees to provide service in such areas.

But I also support this Conference Report for the privacy protections it extends to donors of public broadcasting entities. As everyone knows by now, the public broadcasting stations engaged in swapping their donor lists with Democratic party. As a result, I introduced H.R. 2791, to prohibit public broadcasting stations receiving any funding through the Corporation for Public Broadcasting from making available any lists of their financial donors.

Though the Commerce Committee did not have time to mark-up my legislation, this Conference Report extends the protections of my legislation to donors of public broadcasting entities by prohibiting any funds to a public station which swaps lists with a political entity or disclosed donor names without their consent.

I encourage my colleagues to vote in favor of the report.

Mr. COBLE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California (Mr. Rohrabacher).

Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of at least a provision, if not the entire conference report, because I just would like to talk

about a provision that I know about and where I have a little bit of expertise, and that has to do with the American patent system.

Part of this conference report has a very strong patent reform provision that has been the subject of much debate and hard work in this body for the last 5 years. It is a victory for the American inventor. We have provisions in this bill that protect American inventors from prepublication which was a major issue of contention. It protects the patent term. And it ensures a strong patent system for the money that is going in there. It is going to be kept in the patent system to strengthen it and educate the patent examiners and to make sure that America remains the number one technological power on this planet from the bottom up. There is nothing we can do from the top down when it comes to the great inventiveness of the American people.

This bill contains provisions, as I say, which we worked so hard on. A great victory for the American inventors is contained in this conference report.

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

Mr. Speaker, I want to observe the pro-consumer part of this bill a little more carefully, because this is generally a pro-consumer bill. Could we have provided greater reforms in the area of retransmission consent? I think so. Currently, large broadcasters can enter into sweetheart deals with large cable and satellite companies. That is why I supported including strong anti-discrimination language which would have allowed new firms to more fairly compete against the entrenched monopolies. Although the final language prevents exclusive contracts, it could have been tougher. It could have done more to prevent discriminatory contracts. I think we will have to continue to watch for that.

I am also a strong supporter of those provisions dealing with patent reform and cybersquatting. The patent provisions will help prevent the deceptive practices of submarine patents, extend the length of patent terms and provide for a more streamlined patent office and patent examination system. The Patent and Trademark Office is a critical cog in our high-tech economy, and the changes will help keep our country at the forefront of innovation. The cybersquatting changes will help prevent abusive registration of Internet domain names and ensure that trademark rights are respected in cyberspace.

This is a good conference report. I encourage its support by all of the Members.

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

This is the second omnibus copyright bill in as many Congresses, Mr. Speaker, revealing our commitment to address the challenges of the digital age as it involves the most important element, content. Without music, movies, software and books, all the machines in the world, Mr. Speaker, are meaningless. I am proud with my colleagues here today to stand up to protect property on the Internet, to help owners and consumers. This bill does that. This bill balances the interests involved. I urge support.

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

I want to conclude by congratulating my good friend the gentleman from Louisiana (Mr. TAUZIN) for his excellent work on this bill. We have worked many years on these issues.

I want to thank the gentleman from Virginia (Mr. BLILEY), the gentleman from Michigan (Mr. DINGELL) who wanted to be here, he is in another conference working on a health care-related issue right now; the gentleman from Michigan (Mr. CONYERS), the gentleman from California (Mr. BERMAN), the gentleman from North Carolina (Mr. COBLE), the gentleman from Virginia (Mr. BOUCHER), each one a saint, but I especially want to identify myself with the comments again of the gentleman from Michigan (Mr. CONYERS). It would have been far better if we had built in language which would have ensured that nondiscriminatory conduct against certain satellite companies could not have been engaged in. It would have been preferable if we had dealt with that issue today. Instead, our responsibility will be to monitor very closely marketplace activities and to identify wherever it occurs actions that are meant to harm those who seek to compete in this new marketplace.

Let us hope that this bill will be a success. I think each of us hopes that the revolution begins tonight.

I want to start off by commending Chairman BLILEY, Mr. DINGELL, and Chairman TAUZIN, as well as Chairman HYDE, Mr. CONYERS, Chairman COBLE, and Mr. BERMAN from the Judiciary Committee, for bringing back to the floor today the conference report on the Satellite Home Viewer Act (SHVA). And I want to thank my colleagues for their leadership and for the excellent work they have done in helping to bring a bipartisan, consensus approach to these complicated issues.

The impetus for Congress' activity on the Satellite Home Viewer Act this year is twofold. First, having deregulated cable programming services effective in April of this year, many members of this body sought ways in which to foster greater competition to incumbent cable systems. Second, lawmakers were responding to a series of court decisions that found that people were illegally selling distant network signals to consumers in violation of the Satellite Home Viewer Act. In proceeding legislatively, we have tried to remain true to two important communications values, namely localism and universal service. We have tried to balance these values even as we factor in the innovative changes that have occurred in satellite technology, as well as the dire need for greater competition to incumbent cable companies in the video marketplace.

In the Commerce Committee, I offered an amendment to accelerate the development of so-called ''local-to-local'' service. The local-to-local amendment that I offered was designed to help accelerate competition to incumbent cable systems by authorizing a service that would permit satellite carriers the ability to provide consumers a video service that was more comparable to cable. There's no question that many consumers today who would otherwise have switched to satellite TV do not do so because they cannot effectively receive their local channels.

This service avails a consumer of the opportunity to receive his or her local TV stations by way of satellite. This promotes our policy of localism and makes satellite service more attractive to consumers. I believe that local-to-local is the future of satellite broadcasting and that it will make satellite service more comparable to cable and I am very pleased that it is included in the legislation before the House.

At a time when cable programming has been deregulated, we must work quickly to provide incentives for greater competition to incumbent cable companies and we must do so in a way that fully recognizes the market power that the cable industry continues to wield in the marketplace.

I am very disappointed that the Conference Committee did not accept the stronger House version of this provision that would have been more competitive and more pro-consumer. In general, the House bill was a better bill than what the Senate produced, or what we have wound up with here at the end of the process. Late changes to the bill in the conference are a step in the right direction and have made the bill more acceptable. I believe that it is worthy of support, but we still have much work to do in order to promote greater choice and price competition to cable.

I am hopeful that we can return as a Congress and revisit these cable competition issues. Consumers deserve greater choice and they deserve greater efforts on the part of policymakers to make such choice ubiquitous and affordable.

Again, I want to commend Chairman BLILEY, and Chairman HYDE for bringing this bill to the floor and for their leadership in working with Mr. DINGELL, Mr. CONYERS, Chairman TAUZIN, Chairman COBLE, and myself as well as others on the Committee in attempting to fashion a consensus, bipartisan approach to this difficult issue.

I continue to believe that newly-granted retransmission consent rights for both local and distant signals must have appropriate safeguards against potential anticompetitive activity stemming from the cable industry's continued market dominance. Broadcasters have a non-marketplace safeguard built into the bill in the form of must-carry. Cable competitors must have similar protection against potential anticompetitive action because of the dominant position that incumbent cable companies are able to exercise. I hope that the FCC can clarify language in the bill as it is intended to serve consumers and our competition policy where it addresses the obligation for ''good faith'' negotiations.

Local-to-local service however, will not reach many markets initially. And even the most robust business plans on the drawing board today do not envision extending local-to-local beyond the top 70 markets or so. For that reason, we still need to address issues related to how we can supplement satellite service with the delivery of local TV channels

in those smaller, rural markets with other wireless cable, terrestrial wireless, or cable broadcast-only basic tier availability.

Facilitating deployment of new technologies, such as wireless terrestrial service, could also advance the important priority of stimulating direct competitors to cable in all markets. Strong price and quality competition to incumbent cable systems is still woefully absent in today's marketplace. There are, for example, several companies poised to offer competition to cable through wireless services. One of these potential cable rivals is Northpoint Technology, which could provide cable services using existing equipment.

Finally, the conference agreement requires the Commission to conduct a number of rulemaking proceedings related to the rights of television broadcast stations, such as network nonduplication. These rulemaking procedures shall apply to commercial and noncommercial televisions stations.

Again, my congratulations to the Commerce and Judiciary Committee conferees. I urge support of the bill and I urge members who support more effective competition to incumbent cable systems to support strong rules at the FCC clarifying ''good faith'' negotiating obligations on those entities offering retransmission consent of their station's signal. Phone companies, cable overbuilders, and satellite operators need clear, pro-competition rules at the FCC and I believe the Commission ought to do this on an expedited basis. There's no reason to delay. I again urge support of the bill.

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Mr. TAUZIN. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, in closing, let me say that this has been a long battle. I say congratulations to my friend, the gentleman from Massachusetts (Mr. MARKEY).

Today, we see real competition for cable. We know that when cable faces real competition, rates can fall as much as 25 percent. Today, real competition; tomorrow, real choice. This is a victory for consumers.

For those of my colleagues who want to read the bill, it is on the web site at http://clerkweb.house.gov. My colleagues can pick it up on the web. More importantly, Americans will soon be able to pick up local television off of their satellite.

Mr. OXLEY. Mr. Speaker, Satellite television has emerged in recent years as a major competitor in the multichannel video marketplace. This is especially so in suburban and rural regions such as Ohio's Fourth Congressional District. It is a development which has been welcomed by consumers and policy makers alike.

The measure before us permits satellite television providers to deliver local broadcast channels to local viewers, bringing local news, sports, and weather to satellite customers. This will provide a major boost to satellite as a competitor to cable television.

The legislation will provide greater consumer choice and enhanced price competition for multichannel video services.

The bill also grandfathers DBS subscribers outside of the metropolitan Grade A contour who have had or are soon to have their distant network signals terminated. In addition, all owners of the larger, C-Band dishes are grandfathered. I strongly support the grandfather provisions as a matter of basic fairness for consumers.

In addition, the measure includes an amendment I offered in conference committee to protect the privacy of donors to public broadcasting stations. As members know, a scandal erupted this summer when it was discovered that PBS and NPR stations around the nation had been swapping lists of their donors with the Democrat National Committee and other partisan entities.

The amendment prohibits the sharing of lists with political committees and campaigns. In addition, my amendment requires that donors to public broadcasting stations be given the opportunity to opt-out of any sharing of their personal data. The third-party opt-out is similar to the privacy amendment which I added to S. 900, Financial Services Modernization. I'm pleased that the conference committee has taken this step to protect the privacy of public broadcasting contributors.

Mr Speaker, I urge support for the conference report.

Mrs. CAPPS. Mr. Speaker, I rise in strong support of the satellite television conference report.

I am very pleased we are able to consider this important legislation that will enable satellite television users to receive network signals. This bill represents an important victory for consumers across the country.

My constituents in Santa Barbara and San Luis Obispo counties in California have been heavily affected by this issue. My district is a rural, mountainous area, and thousands of people have turned to satellites as the only way to receive television signals. These people bought their satellites with the understanding that they would be able to receive national network stations. I am pleased that this bill will enable them to continue to do so.

It is clear that satellite users expect—and deserve—access to all television signals. And most importantly, they should be able to receive local network stations. Local TV is in many ways our modern town square. Our constituents need local TV stations for complete and up-to-date news, weather, and information about community events. The local-into-local satellite broadcasting provision, which enables households to receive their local stations through their satellite package, is perhaps the most important in the bill.

As this bill made its way through the legislative process, I was concerned that limited satellite technological capacity could provide local-into-local coverage for only the largest media markets. This would mean that Central Coast citizens would not be able to get their local TV stations through their satellites since we live in a small, rural market. I brought these concerns to the attention of the conferees and am pleased that the bill now creates a loan guarantee program to encourage satellite service in rural areas and smaller markets. This provision should ensure that all consumers will have access to local television through their satellite dish.

I urge my colleagues to support this bill and restore fairness for satellite viewing customers.

Mr. DINGELL. Mr. Speaker, I rise in support of the Conference Report on H.R. 1554.

Consumers will greatly benefit from the bill. They will finally be legally entitled to receive their local broadcast stations when they subscribe to satellite television service. No longer will consumers be required to fool with rabbit ears, or erect a huge antenna on their rooftop, to receive their local network stations. The satellite dish they buy this holiday season will be able to provide them with a one-stop source for all their television programming.

But the bill helps consumers in another very important way. Cable television prices were deregulated on April 1st of this year, despite the fact that effective competition to these systems was practically non-existent at that time. This bill now will allow satellite companies to compete more effectively with cable systems, and provide a real-market check on the rates they charge consumers. If cable rates continue to climb, as they have done for the past several years, consumers will be able to fight back—they'll now have a real choice for their video programming service.

Despite these benefits, it is true that in some of the smaller markets around the country, satellite companies will not provide local broadcast signals right away. This is due to technical capacity limitations that currently exist. In those smaller markets, consumers who subscribe to satellite TV will still be required to get their local stations over-the-air through the use of a conventional antenna.

This raises an important question that is the subject of considerable debate. The question is whether these consumers can actually receive an acceptable picture over-the-air, through the use of an antenna. The House bill would have given the Federal Communications Commission authority to change the rules governing which consumers receive an acceptable picture, and which do not. Those who do not would be allowed to subscribe to out-of-market, or ''distant'' network signals as part of their satellite television service.

Unfortunately, the House position was not adopted by the Conferees. Instead, the Conference Report simply requires the FCC to study this question and report back to Congress. A study will not help consumers who want satellite service, but are denied access to network programming. I hope that the distinguished Chairman of the Commerce Committee will take swift and appropriate action when that FCC report comes back to this body with its recommended changes. These rules need to be changed if we are ever going to have truly effective competition to cable.

Mr. Speaker, I believe that the Conference Report, on balance, is a pro-consumer, pro-competitive piece of legislation and recommend its approval.

Mr. BLILEY. Mr. Speaker, I rise in strong support of the Conference Report on H.R. 1554, the Intellectual Property and Communications Omnibus Reform Act of 1999.

Mr. Speaker, this bill represents a significant achievement for the 106th Congress. When the Committee on Commerce began its deliberations on this measure nearly a year ago, we established that our overarching objective would be to produce a bill that creates competition with incumbent cable operators.

Because in the end, it is competition—and competition alone!—that will discipline cable operators. We tried cable rate regulation. And it failed—miserably.

But now the House stands on the brink of passing a strong pro-competition, pro-consumer bill.

I should add that, as early as last week, this legislation was headed in the wrong direction.

The draft legislation preserved the status quo * * * rather embracing the future and providing meaningful competition.

But during the last several days, several key provisions were included that put this legislation back on track. The Conferees included a provision that will jump-start local-into-local, and also included a provision that will permit many consumers to continue receiving two distant network signals.

With the addition of these two provisions, Congress can now genuinely represent to consumers that they will have a choice—and soon. This holiday season, for the first time, consumers will be able to go into their local consumer electronics store and purchase a true alternative to cable.

Until today, many consumers who considered buying satellite service decided not to buy it because satellite was missing a key ingredient: local broadcast channels. This legislation adds the missing ingredient. And every indication is that satellite subscribership will increase as a result.

Moreover, by phasing in local broadcasters' retransmission consent rights, this bill will jump-start local-into-local service. By this Christmas, tens of millions of satellite consumers will have access to local broadcast channels. DIRECTV alone will offer local broadcast channels to up to 50 million homes.

That accounts for about half of the nation's TV households. That's also a recipe for meaningful competition. And that's why I urge my colleagues to join me in supporting this Conference Report.

In closing, Mr. Speaker, let me acknowledge the work of several of my colleagues on the Conference. I commend the work of Mr. TAUZIN, Mr. OXLEY, and Mr. MARKEY, as well as the commitment of Mr. HYDE, Mr. COBLE, and Mr. GOODLATTE.

I also want to extend a special thanks to the Chairman of the Senate Judiciary Committee, Mr. HATCH. He and I worked closely together these last few days in an effort to forge a bill that not only would be good for consumers, but also a bill that key industry participants could jointly support. I commend him for his fine work in this area.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to speak on behalf of H.R. 1554, which I supported in an earlier vote on the floor. This conference report redefines the role of our telecommunications industry by establishing fair competition for those participating within this 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.

In the past, satellite service providers, unlike their land-based competitors, have not been allowed to re-broadcast 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 bill rectifies this situation, by finally allowing satellite service 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. 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 chose who will have the rights to re-broadcast their signals.

Most of all, however, I am convinced that we are addressing a topic that is vital to our constituents. Mr. Speaker, I would like to thank this bill's sponsors and those who participated in the conference on moving forward with this needed bill.

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 agree to the conference report on the bill, H.R. 1554.

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.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1390

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1390.

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

There was no objection.

DECEPTIVE MAIL PREVENTION AND ENFORCEMENT ACT

Mr. McHUGH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 335) to amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to sweepstakes, skill contests, facsimile checks, administrative procedures, orders, and civil penalties relating to such matter, and for other purposes, as amended.

The Clerk read as follows:

S. 335

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

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.
TITLE I—DECEPTIVE MAIL PREVENTION AND ENFORCEMENT
Sec. 101. Short title.
Sec. 102. Restrictions on mailings using misleading references to the United States Government.
Sec. 103. Restrictions on sweepstakes and deceptive mailings.
Sec. 104. Postal service orders to prohibit deceptive mailings.
Sec. 105. Temporary restraining order for deceptive mailings.
Sec. 106. Civil penalties and costs.
Sec. 107. Administrative subpoenas.
Sec. 108. Requirements of promoters of skill contests or sweepstakes mailings.
Sec. 109. State law not preempted.
Sec. 110. Technical and conforming amendments.
Sec. 111. Effective date.
TITLE II—FEDERAL RESERVE BOARD RETIREMENT PORTABILITY
Sec. 201. Short title.
Sec. 202. Portability of service credit.
Sec. 203. Certain transfers to be treated as a separation from service for purposes of the thrift savings plan.
Sec. 204. Clarifying amendments.
TITLE III—AMENDMENT TO THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.
Sec. 301. Transfer of certain property to State and local governments.

TITLE I—DECEPTIVE MAIL PREVENTION AND ENFORCEMENT

SEC. 101. SHORT TITLE.

This title may be cited as the ''Deceptive Mail Prevention and Enforcement Act''.

SEC. 102. RESTRICTIONS ON MAILINGS USING MISLEADING REFERENCES TO THE UNITED STATES GOVERNMENT.

Section 3001 of title 39, United States Code, is amended—

(1) in subsection (h)—

(A) in the first sentence by striking ''contains a seal, insignia, trade or brand name, or any other term or symbol that reasonably could be interpreted or construed as implying any Federal Government connection, approval or endorsement'' and inserting the following: ''which reasonably could be interpreted or construed as implying any Federal Government connection, approval, or endorsement through the use of a seal, insignia, reference to the Postmaster General, citation to a Federal statute, name of a Federal agency, department, commission, or program, trade or brand name, or any other term or symbol; or contains any reference to the Postmaster General or a citation to a Federal statute that misrepresents either the identity of the mailer or the protection or status afforded such matter by the Federal Government''; and

(B) in paragraph (2)—

(i) in subparagraph (A) by striking ''and'' at the end;

(ii) in subparagraph (B) by striking ''or'' at the end and inserting ''and''; and

(iii) by inserting after subparagraph (B) the following:

''(C) such matter does not contain a false representation stating or implying that Federal Government benefits or services will be affected by any purchase or nonpurchase; or'';

(2) in subsection (i) in the first sentence—

(A) in the first sentence by striking ''contains a seal, insignia, trade or brand name, or any other term or symbol that reasonably could be interpreted or construed as implying any Federal Government connection, approval or endorsement'' and inserting the following: ''which reasonably could be interpreted or construed as implying any Federal Government connection, approval, or endorsement through the use of a seal, insignia, reference to the Postmaster General, citation to a Federal statute, name of a Federal agency, department, commission, or