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cable industry. Any satellite carrier that retransmits a television broadcast signal to subscribers residing within the local market of that signal must carry all the television stations in the local market to subscribers residing in the local market. This approach of "carry one, then carry all" is subject to the retransmission consent election of section 10 of the bill. Thus, a satellite carrier does not have to carry a local television broadcast station if the station elects retransmission consent rather than must-carry. The "local market" of a broadcast station is defined as the station's Designated Market Area, as determined by Nielsen Media Research.

Section 11 tracks the cable must-carry provisions of the 1992 Cable Act by relieving satellite carriers from the burden of having to carry more than one affiliate of the same network if both of the affiliates are located in the same local market. Local broadcasters are also afforded channel positioning rights, and are required to provide a good quality signal to the satellite carrier's principal headend in order to assert must-carry rights. Satellite carriers are forbidden from obtaining compensation from local broadcasters in exchange for carriage. Section 11 also provides a means for broadcasters to seek redress from the Federal Communications Commission for violations of the must-carry obligations.

SECTION 12

Section 12 of the bill directs the Federal Communications Commission, within 45 days of enactment of the bill, to commence rulemaking proceedings to impose network nonduplication protection, syndicated exclusivity and sports blackout protection on satellite retransmissions of television broadcast signals for private home-viewing. The regulations adopted are to be similar to those currently in force for retransmissions of television broadcast signals by cable systems. In adopting network nonduplication protection rules, the Commission is directed to adopt rules that permit satellite carriers to provide distant network signals to subscribers who reside within the designated market area of a network station affiliated with the same network but who cannot receive an over-the-air signal of the local affiliate, and further do not receive the local signal from a cable or satellite service The purpose of this provision is to prevent local affiliates from asserting network nonduplication protection against subscribers who legitimately cannot or otherwise do not receive the local network affiliate signal. Thus, if the satellite carrier serving a subscriber provides him/her with the local affiliate for that designated market area, the satellite carrier may not also provide such subscriber with distant network signals affiliated with the same network.

## ON-LINE COPYRIGHT INFRINGEMENT LIABILITY LIMITATION ACT

### HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 12, 1998*

Mr. GOODLATTE. Mr. Speaker, I rise today to introduce, along with Representative HOWARD COBLE (R–NC)—my good friend from North Carolina and Chairman of the Judiciary Subcommittee on Courts and Intellectual Property—the "On-Line Copyright Infringement Liability Limitation Act." I would like to thank Chairman COBLE for asking me to lead the negotiations between the various parties on this issue, and also for his support through this process.

The issue of liability for on-line copyright infringement, especially where it involves third parties, is difficult and complex. For me personally, this issue is not a new one: during the 104th Congress, then-Chairman Carlos Moorhead asked me to lead negotiations between the parties. Although I held numerous meetings involving members of the content community and members of the service provider community, unfortunately we were not able to resolve this issue.

At the beginning of the 105th Congress, Chairman COBLE asked me to again lead the negotiations between the parties on this issue. As a starting point, we asked the parties involved to submit written comments on H.R. 2180, the "On-Line Copyright Liability Limitation Act," introduced by Chairman COBLE and Chairman HENRY HYDE. We then used those comments as a basis for a discussion draft, which I had hoped to offer as a substitute to H.R. 2180 during Subcommittee consideration of the legislation.

Comments on the first discussion draft led to a second discussion draft, in which I, along with my staff, Chairman COBLE's staff, and Ranking Member BARNEY FRANK's staff, attempted to combine suggestions from both sides into a bill that the parties could support. While both sides attempted to work within the structure of H.R. 2180, it became clear to us that the path we were on would not result in a resolution of this issue.

The bill introduced today marks a new beginning of this process. The "On-Line Copyright Infringement Liability Limitation Act" is intended as a codification of the decision in *Religious Technology Center v. Netcom*, 907 F. Supp. 1361 (N.D. Cal. 1995), in which the Court held that an Internet access provider was not directly liable for copyright infringement committed by a bulletin board subscriber. While I do not yet have a proposal that I can say is supported by both sides of this debate, I am not currently aware of any opposition to the principles adopted by the Court in *Netcom*.

It is my hope that this new bill will encourage the parties involved in this issue to come together and agree on a solution. I do not see the introduction of this bill as the end of negotiations on the issue of liability for on-lone copyright infringement; to the contrary, I believe that it will further the negotiations by beginning with basic principles on which the parties can agree. Undoubtedly both sides will want to see changes made to this legislation, and I am committed to continuing to work with the parties in the hope of reaching a successful resolution to this issue.

I would additionally like to discuss the importance of the World Intellectual Property Organization treaties, and the accompanying implementing legislation, which are critical to protecting U.S. copyrights overseas. The United States is the world leader in intellectual property. We export billions of dollars worth of creative works every year in the form of software, books, videotapes, and records. Our ability to create so many quality products has become a bulwark of our national economy, and it is vital that copyright protection for these products not stop at our borders. International protection of U.S. copyrights will be of tremendous benefit to our economy—but we need to ratify the WIPO treaties for this to happen.

Mr. Speaker, this is a critical issue to the development of the Internet, and I believe that both sides in this debate need each other. If America's creators do not believe that their works will be protected when they put them on-line, then the Internet will lack the creative content it needs to reach its true potential. And if America's service providers are subject to litigation for the acts of third parties at the drop of a hat, they will lack the incentive to provide quick and efficient access to the Internet.

The "On-Line Copyright Infringement Liability Limitation Act" will not solve every problem posed by the content and service provider communities. I do believe, however, that this bill is a good first step towards reaching consensus on this issue, and I encourage the parties involved to work together to create a mutually beneficial solution.

## TRIBUTE TO MARY ZANDER

### HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 12, 1998*

Mr. LEVIN. Mr. Speaker, I rise today to recognize Mary Zander, Sterling Heights City Clerk, on the occasion of her retirement from the City of Sterling Heights, Michigan.

Ms. Zander served her City for twenty years as the City Clerk. During her two decades of dedicated service, the City of Sterling Heights has grown from a population of 61,000 in 1967 to 123,000 in 1997, now the sixth largest city in the state. Ms. Zander's leadership was critical during this period of both incredible population growth and technological advancements which have revolutionized the local clerk's office.

Ms. Zander was the Director for the International Institute of Municipal Clerks, a distinguished position that only one other clerk in the world has served in for two terms. She also received special recognition as "Clerk of the Year" from the Michigan Municipal League. As President of the Michigan Municipal League's Clerks Association, First Vice-President of the Michigan Association of Clerks and a lifetime member of the Academy of Advanced Education, Ms. Zander was a leader in her field.

Mr. Speaker, in an era of valuing efficient, customer-oriented government, Mary Zander's work for the City of Sterling Heights deserves our recognition. I am pleased to join with the residents of Sterling Heights, as well as local government officials, in thanking Mary Zander, my friend and the friend of so many others, for her years of dedicated and personal service and in extending best wishes for a healthy and happy retirement.

## PUBLIC SCHOOL EDUCATION

### HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 12, 1998*

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today in recognition of the

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