DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA—00303; Lucas, Iowa, NAFTA—00303A; Mt. Ayr, Iowa, NAFTA—00303B; Osceola, Iowa, and NAFTA—00303C]

Iowa Assemblies, Inc., Murray, Iowa; Amended Certification Regarding Eligibility To Apply for NAFTA Transitional Adjustment Assistance

In accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 USC 2273), the Department of Labor issued a Notice of Certification of Eligibility to Apply for NAFTA Transitional Adjustment Assistance on January 12, 1995, applicable to all workers at Iowa Assemblies, Inc. in Lucas, Mt. Ayr and Osceola, Iowa.

At the request of the State Agency on behalf of the company, the Department reviewed the subject certification. The company reports worker separations will occur at the subject firm's manufacturing facilities in Mt. Ayr, Osceola, and Murray, Iowa. The workers produce among other products, automotive wiring harnesses and wiring assembly. The Department's review of the certification for workers of the subject firm found that workers in Mt. Ayr and Osceola, Iowa are currently covered under the certification. When the certification was issued, the Mt. Ayr and Osceola locations of the subject firm were not separately assigned a suffix number. The intent of the Department's certification is to include all workers of Iowa Assemblies, Inc. adversely affected by increased imports of wiring harnesses and assembly from Mexico or Canada. Therefore, the Department is amending the certification for workers of the subject firm to separately identify the Mt. Ayr and Osceola, Iowa locations, and provide for the worker separations in Murray, Iowa.

The amended notice applicable to NAFTA–00303 is hereby issued as follows:

''All workers of Iowa Assemblies, Inc., Lucas (NAFTA–303), Mt. Ayr (NAFTA–303A), Osceola (NAFTA–303B), and Murray (NAFTA–0303C) Iowa engaged in employment related to the production of wiring harnesses and assembly who became totally or partially separated from employment on or after December 8, 1993 are eligible to apply for NAFTA–TAA under Section 250 of the Trade Act of 1974.''

Signed at Washington, DC., this 5th day of December 1995.

Russell T. Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

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LIBRARY OF CONGRESS

Copyright Office

[Docket No. 95–8]

Copyright, Cable Compulsory License

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of policy decision.

SUMMARY: The Copyright Office of the Library of Congress is announcing a policy decision with respect to the examination and reporting of local broadcast signals in light of the amendment to section 111 of the Copyright Act made by the Satellite Home Viewer Act of 1994. For examining cable statements of account, the Office will use the same ADI list used by the Federal Communications Commission for its must-carry/retransmission consent election, and will treat a broadcast signal as local for copyright purposes only within that station's ADI.

FOR FURTHER INFORMATION CONTACT: Marilyn J. Kretsinger, Acting General Counsel, or William Roberts, Senior Attorney for Compulsory Licenses. Telephone (202) 707–8380. Telefax (202) 707–8366.

SUPPLEMENTARY INFORMATION:

I. Background

On October 18, 1994, the President of the United States signed into law the Satellite Home Viewer Act of 1994. Public Law No. 103–369. In addition to extending and amending the compulsory license for satellite carriers in 17 U.S.C. 119, the Home Viewer Act expanded the cable compulsory license definition of the ''local service area of a primary transmitter'' in 17 U.S.C. 111 to include a broadcast station's ''television market as defined in section 76.55(e) of title 47, Code of Federal Regulations (as in effect on September 18, 1993), or any modifications to such television market made, on or after September 18, 1993, pursuant to section 76.55(e) or 76.59 of title 47 of the Code of Federal Regulations'' (parenthetical in original). The amendment was made effective beginning with the second accounting period of 1994.

The definition of the ''local service area of a primary transmitter'' in 17 U.S.C. 111(f) determines whether a broadcast station is local or distant to a cable system and consequently when it must submit a royalty fee for retransmission of that signal. Cable systems pay royalties for carriage of distant signals and may retransmit local broadcast signals to their subscribers without incurring copyright liability.[1] Prior to the passage of the Home Viewer Act, the local service area definition provided that a broadcast station was local in the area that it could ''insist upon its signal being retransmitted by a cable system pursuant to the rules, regulations and authorizations of the Federal Communications Commission in effect on April 15, 1976* * *'' 17 U.S.C. 111(f) (1976). This was a reference to the Commission's must-carry rules in effect in 1976, and the Copyright Act fixed these rules for all future copyright determinations. Although these must-carry rules were ultimately declared unconstitutional, *see Quincy Cable T.V., Inc.* v. *FCC,* 768 F.2d 1434 (D.C. Cir. 1985), *cert. denied,* 476 U.S. 1169 (1986) and *Century Communications* v. *FCC,* 835 F.2d 292 (D.C. Cir. 1987), *cert. denied,* 486 U.S. 1032 (1988), they remain in effect for purposes of 17 U.S.C. 111. *See Quincy,* 768 F.2d at 1454 n. 42. However, because of the passage of time and changes in telecommunications law and policy, the 1976 must-carry rules no longer reflect the realities of the current marketplace. Congress, therefore, amended the local service area definition in the Home Viewer Act to provide an additional means of determining the local/distant copyright status of broadcast stations.

The Home Viewer Act amendment provides that, in addition to the area encompassed by the 1976 must-carry rules, a broadcast station is local for copyright purposes in the area that comprises that station's television market as defined in § 76.55(e) of the FCC's rules, and any subsequent modifications made by the FCC to that market. In many circumstances, a station's television market under § 76.55(e) creates a larger local service area than under the 1976 must-carry rules. Cable systems may use either the television market or the 1976 must-carry

[1] There is one exception to this rule: a cable system which retransmits only local broadcast signals must nonetheless submit a minimum royalty fee under 17 U.S.C. 111. However, if the system carries one or more distant signals, royalties are only paid for those distant signals, and the local signals carried are copyright-free. As a practical matter, there are very few cable systems which only carry local broadcast signals and no distant signals.