

99TH CONGRESS
1ST SESSION

H. R. 2752

To terminate the Copyright Royalty Tribunal and transfer its functions to the Register of Copyrights.

IN THE HOUSE OF REPRESENTATIVES

JUNE 12, 1985

Mr. SYNAR (for himself and Mrs. SCHROEDER) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To terminate the Copyright Royalty Tribunal and transfer its functions to the Register of Copyrights.

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. SHORT TITLE.**

4 This Act may be cited as the "Copyright Royalty Tribu-
5 nal Sunset Act of 1985".

6 **SEC. 2. TERMINATION OF COPYRIGHT ROYALTY TRIBUNAL.**

7 The following provisions of title 17, United States Code,
8 shall cease to be in effect on the date of the enactment of this
9 Act:

1 (1) ESTABLISHMENT OF COPYRIGHT ROYALTY
2 TRIBUNAL.—Subsections (a) and (c) of section 801.

3 (2) MEMBERSHIP OF TRIBUNAL.—Section 802.

4 (3) PROCEEDINGS OF TRIBUNAL.—Subsections
5 (a), (b), and (c) of section 804.

6 (4) STAFF OF TRIBUNAL.—Section 805.

7 (5) ADMINISTRATIVE SUPPORT OF TRIBUNAL.—
8 Section 806.

9 (6) REPORTS.—Section 808

10 **SEC. 3. TRANSFER OF FUNCTIONS OF COPYRIGHT ROYALTY**
11 **TRIBUNAL TO REGISTER OF COPYRIGHTS.**

12 (a) TRANSFER OF CERTAIN FUNCTIONS.—There are
13 hereby transferred to the Register of Copyrights all functions
14 of the Copyright Royalty Tribunal under the following provi-
15 sions of title 17, United States Code:

16 (1) AUTHORITY TO MAKE, DISTRIBUTE, AND DE-
17 TERMINE CONTROVERSIES REGARDING ROYALTY
18 FEES.—Paragraphs (1), (2), and (3) of section 801(b).

19 (2) PROCEDURES.—Section 803.

20 (3) NOTICE OF PROCEEDINGS; FINAL DECI-
21 SIONS.—Subsections (d) and (e) of section 804.

22 (4) DEDUCTION OF COSTS OF PROCEEDINGS.—
23 Section 807.

24 (b) GENERAL TRANSFER.—All functions of the Copy-
25 right Royalty Tribunal which are not terminated under sec-

tion 2 of this Act on or before the date of the enactment of
2 this Act and are not otherwise transferred under this section
3 are hereby transferred to the Register of Copyrights.

4 (c) LIMITATIONS.—

5 (1) PENDING MATTERS.—The functions trans-
6 ferred under this section may be exercised by the Reg-
7 ister of Copyrights only to the extent necessary to dis-
8 pose of matters pending before the Copyright Royalty
9 Tribunal on the date of the enactment of this Act.

10 (2) RATES.—The Register of Copyrights may not
11 increase, decrease, or in any other manner change the
12 royalty rates—

13 (A) established by the Copyright Royalty
14 Tribunal under sections 111, 115, 116, 118, and
15 801(b), of title 17, United States Code, and

16 (B) in effect on the date of the enactment of
17 this Act.

18 (d) EFFECTIVE DATES.—Any function transferred
19 under this section shall be effective for the period beginning
20 on the date of the enactment of this Act and ending on Janu-
21 ary 1, 1988.

22 **SEC. 4. FINAL DETERMINATIONS; JUDICIAL REVIEW.**

23 (a) EFFECTIVE DATE OF FINAL DETERMINATIONS.—
24 Section 809 of title 17, United States Code, relating to the
25 effective date of any final determination by the Copyright

1 Royalty Tribunal, shall apply under the same terms and con-
2 ditions and to the same extent to any final determination by
3 the Register of Copyrights made after the date of the enact-
4 ment of this Act.

5 (b) JUDICIAL REVIEW.—Section 810 of title 17, United
6 States Code, relating to judicial review of any final decision
7 of the Copyright Royalty Tribunal, shall apply under the
8 same terms and conditions and to the same extent to final
9 decisions of the Register of Copyrights made after the date of
10 the enactment of this Act.

11 **SEC. 5. TRANSITIONAL AND SAVINGS PROVISIONS.**

12 (a) TRANSFER AND ALLOCATIONS OF APPROPRIA-
13 TIONS.—The assets, liabilities, contracts, property, records,
14 and unexpended balances of appropriations, authorizations,
15 allocations, and other funds employed, held, used, arising
16 from, available to, or to be made available in connection
17 with, any function transferred by section 3 of this Act, sub-
18 ject to section 1531 of title 31, United States Code, shall be
19 transferred to the Register of Copyrights for appropriate allo-
20 cation. Unexpended funds transferred under this subsection
21 shall be used only for the purpose for which the funds were
22 originally authorized and appropriated.

23 (b) EFFECT ON PERSONNEL.—All commissioners, em-
24 ployees, and other personnel of the Copyright Royalty Tribu-

1 nal shall be terminated from employment 60 days after the
2 date of the enactment of this Act.

3 (c) INCIDENTAL TRANSFERS BY OFFICE OF MANAGE-
4 MENT AND BUDGET.—The Director of the Office of Manage-
5 ment and Budget, in consultation with the Copyright Royalty
6 Tribunal and the Copyright Office, shall—

7 (1) make such determinations as may be necessary
8 with regard to the functions transferred under this Act;
9 and

10 (2) make such additional incidental dispositions of
11 personnel, assets, liabilities, contracts, property,
12 records, and unexpended balances of appropriations,
13 authorizations, allocations, and other funds held, used,
14 arising from, available to, or to be made available in
15 connection with, such functions,
16 as may be necessary to resolve disputes between the Copy-
17 right Royalty Tribunal and the Register of Copyrights in car-
18 rying out the purposes of this Act.

19 (d) TRANSITION.—The Chairman of the Copyright
20 Royalty Tribunal and the Register of Copyrights shall, begin-
21 ning as soon as practicable after the date of the enactment of
22 this Act, jointly plan for the orderly transfer of functions
23 under section 3 of this Act.

1 (e) SAVINGS PROVISIONS.—(1) Subject to section 6 of
2 this Act, all orders, determinations, rules, regulations, per-
3 mits, contracts, certificates, licenses, and privileges—

4 (A) which have been issued, made, granted, or al-
5 lowed to become effective by the Copyright Royalty
6 Tribunal, any authorized official, or a court of compe-
7 tent jurisdiction, in the performance of functions which
8 are transferred under this Act to the Register of Copy-
9 rights, and

10 (B) which are in effect on the date of the enact-
11 ment of this Act,

12 shall continue in effect according to their terms until modi-
13 fied, terminated, superseded, set aside, or revoked in accord-
14 ance with law by the Register of Copyrights, any other au-
15 thorized official, a court of competent jurisdiction, or by oper-
16 ation of law.

17 (2) Subject to section 6 of this Act, the transfers of func-
18 tions under this Act shall not affect any proceedings or any
19 application for any license, permit, certificate, or financial as-
20 sistance pending at the time such transfers take effect before
21 the Copyright Royalty Tribunal; but such proceedings and
22 applications, to the extent that they relate to functions so
23 transferred, shall be continued. Orders shall be issued in such
24 proceedings, appeals shall be taken therefrom, and payments
25 shall be made pursuant to such orders, as if this Act had not

1 been enacted; and orders issued in any such proceedings shall
2 continue in effect until modified, terminated, superseded, or
3 revoked by a duly authorized official, by a court of competent
4 jurisdiction, or by operation of law. Nothing in this paragraph
5 shall be deemed to prohibit the discontinuance or modification
6 of any such proceeding under the same terms and conditions
7 and to the same extent that such proceeding could have been
8 discontinued or modified if this Act had not been enacted.

9 **SEC. 6. CERTAIN FUNCTIONS OF TRIBUNAL EXERCISED AFTER**

10 **JUNE 12, 1985, TO HAVE NO EFFECT.**

11 Any functions exercised by the Copyright Royalty Tri-
12 bunal after June 12, 1985, under any provision transferred
13 under section 3 of this Act shall not be effective.

14 **SEC. 7. DEFINITION.**

15 For purposes of this Act, the term "function" means
16 any duty, obligation, power, authority, responsibility, right,
17 privilege, and activity, or the plural thereof, as the case may
18 be.

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