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103D CONGRESS
1ST SESSION**H. R. 2840**

IN THE SENATE OF THE UNITED STATES

OCTOBER 13, 1993

Received

OCTOBER 20 (legislative day, OCTOBER 13), 1993

Read twice and ordered placed on the calendar

AN ACT

To amend title 17, United States Code, to establish copyright arbitration royalty panels to replace the Copyright Royalty Tribunal, and for other purposes.

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 Tri-
5 bunal Reform Act of 1993".

6 **SEC. 2. COPYRIGHT ARBITRATION ROYALTY PANELS.**

7 (a) ESTABLISHMENT AND PURPOSE.—Section 801 of
8 title 17, United States Code, is amended as follows:

1 (1) The section designation and heading are
2 amended to read as follows:

3 **“§ 801. Copyright arbitration royalty panels: estab-**
4 **lishment and purpose”.**

5 (2) Subsection (a) is amended to read as fol-
6 lows:

7 “(a) ESTABLISHMENT.—The Librarian of Congress,
8 upon the recommendation of the Register of Copyrights,
9 is authorized to appoint and convene copyright arbitration
10 royalty panels.”.

11 (3) Subsection (b) is amended—

12 (A) by inserting “PURPOSES.—” after
13 “(b)”;

14 (B) in the matter preceding paragraph (1),
15 by striking “Tribunal” and inserting “copyright
16 arbitration royalty panels”;

17 (C) in paragraph (2)—

18 (i) in subparagraph (A), by striking
19 “Commission” and inserting “copyright ar-
20 bitration royalty panels”; and

21 (ii) in subparagraph (B), by striking
22 “Copyright Royalty Tribunal” and insert-
23 ing “copyright arbitration royalty panels”;

1 (D) in paragraph (3), by striking “In de-
2 termining” and all that follows through the end
3 of the paragraph; and

4 (E) in paragraph (4) by striking “to deter-
5 mine” and all that follows through “chapter
6 10” and inserting “and to determine the dis-
7 tribution of such payments.”.

8 (4) By amending subsection (c) to read as fol-
9 lows:

10 “(c) RULINGS.—The Librarian of Congress, upon the
11 recommendation of the Register of Copyrights, may, be-
12 fore a copyright arbitration royalty panel is convened,
13 make any necessary procedural or evidentiary rulings that
14 would apply to the proceedings conducted by such panel.”.

15 (b) MEMBERSHIP AND PROCEEDINGS.—Section 802
16 of title 17, United States Code, is amended to read as
17 follows:

18 **“§ 802. Membership and proceedings of copyright ar-
19 bitration royalty panels**

20 “(a) COMPOSITION OF COPYRIGHT ARBITRATION
21 ROYALTY PANELS.—A copyright arbitration royalty panel
22 shall consist of 3 arbitrators selected by the Librarian of
23 Congress pursuant to subsection (b).

24 “(b) SELECTION OF ARBITRATION PANEL.—Not
25 later than 10 days after publication of a notice initiating

1 an arbitration proceeding under section 804, and in ac-
2 cordance with procedures specified by the Register of
3 Copyrights, the Librarian of Congress shall, upon the rec-
4 ommendation of the Register of Copyrights, select 2 arbi-
5 trators from lists of arbitrators provided to the Librarian
6 by parties participating in the arbitration and by profes-
7 sional arbitration associations or such similar organiza-
8 tions as the Librarian shall select. The 2 arbitrators so
9 selected shall, within 10 days after their selection, choose
10 a third arbitrator from the same lists, who shall serve as
11 the chairperson of the arbitrators. If such 2 arbitrators
12 fail to agree upon the selection of a third arbitrator, the
13 Librarian of Congress shall promptly select the third arbi-
14 trator.

15 “(c) ARBITRATION PROCEEDINGS.—Copyright arbi-
16 tration royalty panels shall conduct arbitration proceed-
17 ings, in accordance with such procedures as they may
18 adopt, for the purpose of making their determinations in
19 carrying out the purposes set forth in section 801. The
20 arbitration panels shall act on the basis of a fully docu-
21 mented written record, prior decisions of the Copyright
22 Royalty Tribunal, prior copyright arbitration panel deter-
23 minations, and rulings by the Librarian of Congress under
24 section 801(e). Any copyright owner who claims to be enti-
25 tled to royalties under section 111, 116, or 119, or any

1 interested copyright party who claims to be entitled to roy-
2 alties under section 1006, may submit relevant informa-
3 tion and proposals to the arbitration panels in proceedings
4 applicable to such copyright owner or interested copyright
5 party, and any other person participating in arbitration
6 proceedings may submit such relevant information and
7 proposals to the arbitration panel conducting the proceed-
8 ings. The parties to the proceedings shall bear the entire
9 cost thereof in such manner and proportion as the arbitra-
10 tion panels shall direct.

11 “(d) REPORT TO THE LIBRARIAN OF CONGRESS.—
12 Not later than 180 days after publication of the notice
13 initiating an arbitration proceeding, the copyright arbitra-
14 tion royalty panel conducting the proceeding shall report
15 to the Librarian of Congress its determination concerning
16 the royalty fee or distribution of royalty fees, as the case
17 may be. Such report shall be accompanied by the written
18 record, and shall set forth the facts that the arbitration
19 panel found relevant to its determination.

20 “(e) ACTION BY LIBRARIAN OF CONGRESS.—Within
21 60 days after receiving the report of a copyright arbitra-
22 tion royalty panel under subsection (d), the Librarian of
23 Congress, upon the recommendation of the Register of
24 Copyrights, shall adopt or reject the determination of the
25 arbitration panel. The Librarian shall adopt the deter-

1 mination of the arbitration panel unless the Librarian
2 finds that the determination is arbitrary. If the Librarian
3 rejects the determination of the arbitration panel, the Li-
4 brarian shall, before the end of that 60-day period, and
5 after full examination of the record created in the arbitra-
6 tion proceeding, issue an order setting the royalty fee or
7 distribution of fees, as the case may be. The Librarian
8 shall cause to be published in the Federal Register the
9 determination of the arbitration panel, and the decision
10 of the Librarian (including an order issued under the pre-
11 ceding sentence). The Librarian shall also publicize such
12 determination and decision in such other manner as the
13 Librarian considers appropriate. The Librarian shall also
14 make the report of the arbitration panel and the accom-
15 panying record available for public inspection and copying.

16 “(f) JUDICIAL REVIEW.—Any decision of the Librar-
17 ian of Congress under subsection (e) with respect to a de-
18 termination of an arbitration panel may be appealed, by
19 any aggrieved party who would be bound by the deter-
20 mination, to the United States Court of Appeals for the
21 District of Columbia Circuit, within 30 days after the pub-
22 lication of the decision in the Federal Register. If no ap-
23 peal is brought within such 30-day period, the decision of
24 the Librarian is final, and the royalty fee or determination
25 with respect to the distribution of fees, as the case may

1 be, shall take effect as set forth in the decision. The pend-
2 ency of an appeal under this paragraph shall not relieve
3 persons obligated to make royalty payments under sec-
4 tions 111, 115, 116, 118, 119, or 1003 who would be af-
5 fected by the determination on appeal to deposit the state-
6 ment of account and royalty fees specified in those sec-
7 tions. The court shall have jurisdiction to modify or vacate
8 a decision of the Librarian only if it finds, on the basis
9 of the record before the Librarian, that the Librarian
10 acted in an arbitrary manner. If the court modifies the
11 decision of the Librarian, the court shall have jurisdiction
12 to enter its own determination with respect to the amount
13 or distribution of royalty fees and costs, to order the re-
14 payment of any excess fees, and to order the payment of
15 any underpaid fees, and the interest pertaining respec-
16 tively thereto, in accordance with its final judgment. The
17 court may further vacate the decision of the arbitration
18 panel and remand the case for arbitration proceedings in
19 accordance with subsection (c).

20 “(g) ADMINISTRATIVE MATTERS.—

21 “(1) DEDUCTION OF COSTS FROM ROYALTY
22 FEES.—The Librarian of Congress and the Register
23 of Copyrights may, to the extent not otherwise pro-
24 vided under this title, deduct from royalty fees de-
25 posited or collected under this title the reasonable

1 costs incurred by the Library of Congress and the
2 Copyright Office under this chapter. Such deduction
3 may be made before the fees are distributed to any
4 copyright claimants.

5 “(2) POSITIONS REQUIRED FOR ADMINISTRA-
6 TION OF COMPULSORY LICENSING.—Section 307 of
7 the Legislative Branch Appropriations Act, 1994,
8 shall not apply to employee positions in the Library
9 of Congress that are required to be filled in order
10 to carry out section 111, 115, 116, 118, or 119 or
11 chapter 10.”.

12 (c) ADJUSTMENT OF COMPULSORY LICENSE
13 RATES.—Section 803 of title 17, United States Code, and
14 the item relating to such section in the table of sections
15 at the beginning of chapter 8 of such title, are repealed.

16 (d) INSTITUTION AND CONCLUSION OF PROCEED-
17 INGS.—Section 804 of title 17, United States Code, is
18 amended as follows:

19 (1) Subsection (a) is amended to read as fol-
20 lows:

21 “(a)(1) With respect to proceedings under section
22 801(b)(1) concerning the adjustment of royalty rates as
23 provided in sections 115 and 116, and with respect to pro-
24 ceedings under subparagraphs (A) and (D) of section
25 801(b)(2), during the calendar years specified in the

1 schedule set forth in paragraphs (2), (3), and (4), any
2 owner or user of a copyrighted work whose royalty rates
3 are specified by this title, established by the Copyright
4 Royalty Tribunal before the date of the enactment of the
5 Copyright Royalty Tribunal Reform Act of 1993, or estab-
6 lished by a copyright arbitration royalty panel after such
7 date of enactment, may file a petition with the Librarian
8 of Congress declaring that the petitioner requests an ad-
9 justment of the rate. The Librarian of Congress shall,
10 upon the recommendation of the Register of Copyrights,
11 make a determination as to whether the petitioner has
12 such a significant interest in the royalty rate in which an
13 adjustment is requested. If the Librarian determines that
14 the petitioner has such a significant interest, the Librarian
15 shall cause notice of this determination, with the reasons
16 therefor, to be published in the Federal Register, together
17 with the notice of commencement of proceedings under
18 this chapter.

19 “(2) In proceedings under section 801(b)(2)(A) and
20 (D), a petition described in paragraph (1) may be filed
21 during 1995 and in each subsequent fifth calendar year.

22 “(3) In proceedings under section 801(b)(1) concern-
23 ing the adjustment of royalty rates as provided in section
24 115, a petition described in paragraph (1) may be filed
25 in 1997 and in each subsequent tenth calendar year.

1 “(4)(A) In proceedings under section 801(b)(1) con-
2 cerning the adjustment of royalty rates as provided in sec-
3 tion 116, a petition described in paragraph (1) may be
4 filed at any time within 1 year after negotiated licenses
5 authorized by section 116 are terminated or expire and
6 are not replaced by subsequent agreements.

7 “(B) If a negotiated license authorized by section 116
8 is terminated or expires and is not replaced by another
9 such license agreement which provides permission to use
10 a quantity of musical works not substantially smaller than
11 the quantity of such works performed on coin-operated
12 phonorecord players during the 1-year period ending
13 March 1, 1989, the Librarian of Congress shall, upon peti-
14 tion filed under paragraph (1) within 1 year after such
15 termination or expiration, convene a copyright arbitration
16 royalty panel. The arbitration panel shall promptly estab-
17 lish an interim royalty rate or rates for the public perform-
18 ance by means of a coin-operated phonorecord player of
19 non-dramatic musical works embodied in phonorecords
20 which had been subject to the terminated or expired nego-
21 tiated license agreement. Such rate or rates shall be the
22 same as the last such rate or rates and shall remain in
23 force until the conclusion of proceedings by the arbitration
24 panel, in accordance with section 802, to adjust the roy-
25 alty rates applicable to such works, or until superseded

1 by a new negotiated license agreement, as provided in sec-
2 tion 116(b).”.

3 (2) Subsection (b) is amended—

4 (A) by striking “subclause” and inserting
5 “subparagraph”;

6 (B) by striking “Tribunal” the first place
7 it appears and inserting “Copyright Royalty
8 Tribunal or the Librarian of Congress”;

9 (C) by striking “Tribunal” the second and
10 third places it appears and inserting “Librar-
11 ian”;

12 (D) by striking “Tribunal” the last place it
13 appears and inserting “Copyright Royalty Tri-
14 bunal or the Librarian of Congress”; and

15 (E) by striking “(a)(2), above” and insert-
16 ing “subsection (a) of this section”.

17 (3) Subsection (c) is amended by striking “Tri-
18 bunal” and inserting “Librarian of Congress”.

19 (4) Subsection (d) is amended—

20 (A) by striking “Chairman of the Tribu-
21 nal” and inserting “Librarian of Congress”;
22 and

23 (B) by striking “determination by the Tri-
24 bunal” and inserting “a determination”.

1 (5) Section 804 is further amended by striking
2 subsection (e).

3 (e) REPEAL.—Sections 805 through 810 of title 17,
4 United States Code, and the items relating to such sec-
5 tions in the table of sections at the beginning of chapter
6 8 of such title, are repealed.

7 (f) CLERICAL AMENDMENT.—The table of sections at
8 the beginning of chapter 8 of title 17, United States Code,
9 is amended by striking the items relating to sections 801
10 and 802 and inserting the following:

“801. Copyright arbitration royalty panels: establishment and purpose.

“802. Membership and proceedings of copyright arbitration royalty panels.”.

11 **SEC. 3. JUKEBOX LICENSES.**

12 (a) REPEAL OF COMPULSORY LICENSE.—Section
13 116 of title 17, United States Code, and the item relating
14 to section 116 in the table of sections at the beginning
15 of chapter 1 of such title, are repealed.

16 (b) NEGOTIATED LICENSES.—(1) Section 116A of
17 title 17, United States Code, is amended—

18 (A) by redesignating such section as section
19 116;

20 (B) by striking subsection (b) and redesignating
21 subsections (c) and (d) as subsections (b) and (c),
22 respectively;

1 (C) in subsection (b)(2) (as so redesignated) by
2 striking “Copyright Royalty Tribunal” each place it
3 appears and inserting “Librarian of Congress”;

4 (D) in subsection (c) (as so redesignated)—

5 (i) in the subsection caption by striking
6 “ROYALTY TRIBUNAL” and inserting “ARBI-
7 TRATION ROYALTY PANEL”;

8 (ii) by striking “subsection (c)” and insert-
9 ing “subsection (b)”;

10 (iii) by striking “the Copyright Royalty
11 Tribunal” and inserting “a copyright arbitra-
12 tion royalty panel”;

13 (E) by striking subsections (e), (f), and (g).

14 (2) The table of sections at the beginning of chapter
15 1 of title 17, United States Code, is amended by striking
16 “116A” and inserting “116”.

17 **SEC. 4. PUBLIC BROADCASTING COMPULSORY LICENSE.**

18 Section 118 of title 17, United States Code, is
19 amended—

20 (1) in subsection (b)—

21 (A) by striking the first 2 sentences;

22 (B) in the third sentence by striking
23 “works specified by this subsection” and insert-
24 ing “published nondramatic musical works and

1 published pictorial, graphic, and sculptural
2 works”;

3 (C) in paragraph (1)—

4 (i) in the first sentence by striking “,
5 within one hundred and twenty days after
6 publication of the notice specified in this
7 subsection,”; and

8 (ii) by striking “Copyright Royalty
9 Tribunal” each place it appears and insert-
10 ing “Librarian of Congress”;

11 (D) in paragraph (2) by striking “Tribu-
12 nal” and inserting “Librarian of Congress”;

13 (E) in paragraph (3)—

14 (i) by striking the first sentence and
15 inserting the following: “In the absence of
16 license agreements negotiated under para-
17 graph (2), the Librarian of Congress shall,
18 pursuant to chapter 8, convene a copyright
19 arbitration royalty panel to determine and
20 publish in the Federal Register a schedule
21 of rates and terms which, subject to para-
22 graph (2), shall be binding on all owners of
23 copyright in works specified by this sub-
24 section and public broadcasting entities,
25 regardless of whether such copyright own-

1 ers have submitted proposals to the Li-
2 brarian of Congress.”;

3 (ii) in the second sentence—

4 (I) by striking “Copyright Roy-
5 alty Tribunal” and inserting “copy-
6 right arbitration royalty panel”; and

7 (II) by striking “clause (2) of
8 this subsection” and inserting “para-
9 graph (2)”; and

10 (iii) in the last sentence by striking
11 “Copyright Royalty Tribunal” and insert-
12 ing “Librarian of Congress”; and

13 (F) by striking paragraph (4);

14 (2) in subsection (c)—

15 (A) by striking “1982” and inserting
16 “1997”; and

17 (B) by striking “Copyright Royalty Tribu-
18 nal” and inserting “Librarian of Congress”;

19 (3) in subsection (d)—

20 (A) by striking “to the transitional provi-
21 sions of subsection (b)(4), and”;

22 (B) by striking “the Copyright Royalty
23 Tribunal” and inserting “a copyright arbitra-
24 tion royalty panel”; and

1 (C) in paragraphs (2) and (3) by striking
2 “clause” each place it appears and inserting
3 “paragraph”; and
4 (4) in subsection (g) by striking “clause” and
5 inserting “paragraph”.

6 **SEC. 5. SECONDARY TRANSMISSIONS BY SUPERSTATIONS**
7 **AND NETWORK STATIONS FOR PRIVATE**
8 **VIEWING.**

9 Section 119 of title 17, United States Code, is
10 amended—

11 (1) in subsection (b)—

12 (A) in paragraph (1) by striking “, after
13 consultation with the Copyright Royalty Tribu-
14 nal,” each place it appears;

15 (B) in paragraph (2) by striking “Copy-
16 right Royalty Tribunal” and inserting “Librar-
17 ian of Congress”;

18 (C) in paragraph (3) by striking “Copy-
19 right Royalty Tribunal” and inserting “Librar-
20 ian of Congress”; and

21 (D) in paragraph (4)—

22 (i) by striking “Copyright Royalty
23 Tribunal” each place it appears and insert-
24 ing “Librarian of Congress”;

1 (ii) by striking “Tribunal” each place
2 it appears and inserting “Librarian of
3 Congress”; and

4 (iii) in subparagraph (B) by striking
5 “conduct a proceeding” in the last sen-
6 tence and inserting “convene a copyright
7 arbitration royalty panel”; and

8 (2) in subsection (c)—

9 (A) in the subsection caption by striking
10 “DETERMINATION” and inserting “ADJUST-
11 MENT”;

12 (B) in paragraph (2) by striking “Copy-
13 right Royalty Tribunal” each place it appears
14 and inserting “Librarian of Congress”;

15 (C) in paragraph (3)—

16 (i) in subparagraph (A)—

17 (I) by striking “Copyright Roy-
18 alty Tribunal” and inserting “Librar-
19 ian of Congress”; and

20 (II) by striking the last sentence
21 and inserting the following: “Such ar-
22 bitration proceeding shall be con-
23 ducted under chapter 8.”;

24 (ii) by striking subparagraphs (B) and
25 (C);

1 (iii) in subparagraph (D)—

2 (I) by redesignating such sub-
3 paragraph as subparagraph (B); and

4 (II) by striking “Arbitration
5 Panel” and inserting “copyright arbi-
6 tration royalty panel appointed under
7 chapter 8”;

8 (iv) by striking subparagraphs (E)
9 and (F);

10 (v) by amending subparagraph (G) to
11 read as follows:

12 “(C) PERIOD DURING WHICH DECISION OF
13 ARBITRATION PANEL OR ORDER OF LIBRARIAN
14 EFFECTIVE.—The obligation to pay the royalty
15 fee established under a determination which—

16 “(i) is made by a copyright arbitration
17 royalty panel in an arbitration proceeding
18 under this paragraph and is adopted by
19 the Librarian of Congress under section
20 802(e), or

21 “(ii) is established by the Librarian of
22 Congress under section 802(e),
23 shall become effective as provided in section
24 802(f).”; and

25 (vi) in subparagraph (H)—

1 (I) by redesignating such sub-
2 paragraph as subparagraph (D); and

3 (II) by striking “adopted or or-
4 dered under subparagraph (F)” and
5 inserting “referred to in subparagraph
6 (C)”;

7 (D) by striking paragraph (4).

8 **SEC. 6. CONFORMING AMENDMENTS.**

9 (a) CABLE COMPULSORY LICENSE.—Section 111(d)
10 of title 17, United States Code, is amended as follows:

11 (1) Paragraph (1) is amended by striking “,
12 after consultation with the Copyright Royalty Tribu-
13 nal (if and when the Tribunal has been con-
14 stituted),”.

15 (2) Paragraph (1)(A) is amended by striking “,
16 after consultation with the Copyright Royalty Tribu-
17 nal (if and when the Tribunal has been con-
18 stituted),”.

19 (3) Paragraph (2) is amended by striking the
20 second and third sentences and by inserting the fol-
21 lowing: “All funds held by the Secretary of the
22 Treasury shall be invested in interest-bearing United
23 States securities for later distribution with interest
24 by the Librarian of Congress in the event no con-
25 troversy over distribution exists, or by a copyright

1 arbitration royalty panel in the event a controversy
2 over such distribution exists.”.

3 (4) Paragraph (4)(A) is amended—

4 (A) by striking “Copyright Royalty Tribu-
5 nal” and inserting “Librarian of Congress”;
6 and

7 (B) by striking “Tribunal” and inserting
8 “Librarian of Congress”.

9 (5) Paragraph (4)(B) is amended to read as
10 follows:

11 “(B) After the first day of August of each
12 year, the Librarian of Congress shall, upon the
13 recommendation of the Register of Copyrights,
14 determine whether there exists a controversy
15 concerning the distribution of royalty fees. If
16 the Librarian determines that no such con-
17 troversy exists, the Librarian shall, after de-
18 ducting reasonable administrative costs under
19 this section, distribute such fees to the copy-
20 right owners entitled to such fees, or to their
21 designated agents. If the Librarian finds the ex-
22 istence of a controversy, the Librarian shall,
23 pursuant to chapter 8 of this title, convene a
24 copyright arbitration royalty panel to determine
25 the distribution of royalty fees.”.

1 (6) Paragraph (4)(C) is amended by striking
2 “Copyright Royalty Tribunal” and inserting “Li-
3 brarian of Congress”.

4 (b) AUDIO HOME RECORDING ACT.—

5 (1) ROYALTY PAYMENTS.—Section 1004(a)(3)
6 of title 17, United States Code, is amended—

7 (A) by striking “Copyright Royalty Tribu-
8 nal” and inserting “Librarian of Congress”;
9 and

10 (B) by striking “Tribunal” and inserting
11 “Librarian of Congress”.

12 (2) DEPOSIT OF ROYALTY PAYMENTS.—Section
13 1005 of title 17, United States Code, is amended by
14 striking the last sentence.

15 (3) ENTITLEMENT TO ROYALTY PAYMENTS.—
16 Section 1006(c) of title 17, United States Code, is
17 amended by striking “Copyright Royalty Tribunal”
18 and inserting “Librarian of Congress shall convene
19 a copyright arbitration royalty panel which”.

20 (4) PROCEDURES FOR DISTRIBUTING ROYALTY
21 PAYMENTS.—Section 1007 of title 17, United States
22 Code, is amended—

23 (A) in subsection (a)(1)—

1 (i) by striking “Copyright Royalty
2 Tribunal” and inserting “Librarian of
3 Congress”; and

4 (ii) by striking “Tribunal” and insert-
5 ing “Librarian of Congress”;

6 (B) in subsection (b)—

7 (i) by striking “Copyright Royalty
8 Tribunal” and inserting “Librarian of
9 Congress”; and

10 (ii) by striking “Tribunal” each place
11 it appears and inserting “Librarian of
12 Congress”; and

13 (C) in subsection (c)—

14 (i) by striking the first sentence and
15 inserting “If the Librarian of Congress
16 finds the existence of a controversy, the Li-
17 brarian shall, pursuant to chapter 8 of this
18 title, convene a copyright arbitration roy-
19 alty panel to determine the distribution of
20 royalty payments.”;

21 (ii) by striking “Tribunal” each place
22 it appears and inserting “Librarian of
23 Congress”; and

24 (iii) in the last sentence by striking
25 “its reasonable administrative costs” and

1 inserting “the reasonable administrative
2 costs incurred by the Librarian”.

3 (5) ARBITRATION OF CERTAIN DISPUTES.—Sec-
4 tion 1010 of title 17, United States Code, is
5 amended—

6 (A) in subsection (b)—

7 (i) by striking “Copyright Royalty
8 Tribunal” and inserting “Librarian of
9 Congress”; and

10 (ii) by striking “Tribunal” each place
11 it appears and inserting “Librarian of
12 Congress”;

13 (B) in subsection (e)—

14 (i) in the subsection caption by strik-
15 ing “COPYRIGHT ROYALTY TRIBUNAL”
16 and inserting “LIBRARIAN OF CONGRESS”;
17 and

18 (ii) by striking “Copyright Royalty
19 Tribunal” and inserting “Librarian of
20 Congress”;

21 (C) in subsection (f)—

22 (i) in the subsection caption by strik-
23 ing “COPYRIGHT ROYALTY TRIBUNAL”
24 and inserting “LIBRARIAN OF CONGRESS”;

1 (ii) by striking “Copyright Royalty
2 Tribunal” and inserting “Librarian of
3 Congress”;

4 (iii) by striking “Tribunal” each place
5 it appears and inserting “Librarian of
6 Congress”; and

7 (iv) in the third sentence by striking
8 “its” and inserting “the Librarian’s”; and
9 (D) in subsection (g)—

10 (i) by striking “Copyright Royalty
11 Tribunal” and inserting “Librarian of
12 Congress”;

13 (ii) by striking “Tribunal’s decision”
14 and inserting “decision of the Librarian of
15 Congress”; and

16 (iii) by striking “Tribunal” each place
17 it appears and inserting “Librarian of
18 Congress”.

19 **SEC. 7. EFFECTIVE DATE AND TRANSITION PROVISIONS.**

20 (a) **IN GENERAL.**—This Act and the amendments
21 made by this Act shall take effect on January 1, 1994.

22 (b) **EFFECTIVENESS OF EXISTING RATES AND DIS-**
23 **TRIBUTIONS.**—All royalty rates and all determinations
24 with respect to the proportionate division of compulsory
25 license fees among copyright claimants, whether made by

1 the Copyright Royalty Tribunal, or by voluntary agree-
2 ment, before the effective date set forth in subsection (a)
3 shall remain in effect until modified by voluntary agree-
4 ment or pursuant to the amendments made by this Act.

5 (c) TRANSFER OF APPROPRIATIONS.—All unex-
6 pended balances of appropriations made to the Copyright
7 Royalty Tribunal, as of the effective date of this Act, are
8 transferred on such effective date to the Copyright Office
9 for use by the Copyright Office for the purposes for which
10 such appropriations were made.

Passed the House of Representatives October 12,
1993.

Attest: DONNALD K. ANDERSON,
Clerk.

Calendar No. 241

103^D CONGRESS
1ST SESSION

H. R. 2840

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