

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2840

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IN THE SENATE OF THE UNITED STATES

OCTOBER 13, 1993

Received

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## 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(c). 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 amend-  
5 ed—

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:

*Clerk.*

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