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REMARKS: INTRODUCED BY MR. SYNAR and MRS. SCHROEDER

COPYRIGHT ROYALTY TRIBUNAL SUNSET ACT OF 1985

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 1985

● Mr. SYNAR. Mr. Speaker, yesterday I introduced for myself and Mrs. SCHROEDER the Copyright Royalty Tribunal Sunset Act of 1985. I would like to request that the act be printed in full for the RECORD.

The act follows:

H.R. 2752

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Copyright Royalty Tribunal Sunset Act of 1985".

SEC. 2. TERMINATION OF COPYRIGHT ROYALTY TRIBUNAL.

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

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

(2) MEMBERSHIP OF TRIBUNAL.—Section 802.

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

(4) STAFF OF TRIBUNAL.—Section 805.

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

(6) REPORTS.—Section 808.

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

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

(1) AUTHORITY TO MAKE, DISTRIBUTE, AND DETERMINE CONTROVERSIES REGARDING ROYALTY FEES.—Paragraphs (1), (2), and (3) of section 801(b).

(2) PROCEDURES.—Section 803.

(3) NOTICE OF PROCEEDINGS; FINAL DECISIONS.—Subsections (d) and (e) of section 804.

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

(b) GENERAL TRANSFER.—All functions of the Copyright Royalty Tribunal which are not terminated under section 2 of this Act on or before the date of the enactment of this Act and are not otherwise transferred under this section are hereby transferred to the Register of Copyrights.

(c) LIMITATIONS.—

(1) PENDING MATTERS.—The functions transferred under this section may be exercised by the Register of Copyrights only to the extent necessary to dispose of matters pending before the Copyright Royalty Tribunal on the date of the enactment of this Act.

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

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

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

(d) EFFECTIVE DATES.—Any function transferred under this section shall be effective for the period beginning on the date of the enactment of this Act and ending on January 1, 1988.

SEC. 4. FINAL DETERMINATIONS; JUDICIAL REVIEW.

(a) EFFECTIVE DATE OF FINAL DETERMINATIONS.—Section 809 of title 17, United States Code, relating to the effective date of any final determination by the Copyright Royalty Tribunal, shall apply under the same terms and conditions and to the same extent to any final determination by the Register of Copyrights made after the date of the enactment of this Act.

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

SEC. 5. TRANSITIONAL AND SAVINGS PROVISIONS.

(a) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS.—The assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with, any function transferred by section 3 of this Act, subject to section 1531 of title 31, United States Code, shall be transferred to the Register of Copyrights for appropriate allocation. Unexpended funds transferred under this subsection shall be used only for the purpose for which the funds were originally authorized and appropriated.

(b) EFFECT ON PERSONNEL.—All commissioners, employees, and other personnel of the Copyright Royalty Tribunal shall be terminated from employment 60 days after the date of the enactment of this Act.

(c) INCIDENTAL TRANSFERS BY OFFICE OF MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget, in consultation with the Copyright Royalty Tribunal and the Copyright Office, shall—

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

(2) make such additional incidental dispositions of personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with, such functions,

as may be necessary to resolve disputes between the Copyright Royalty Tribunal and the Register of Copyrights in carrying out the purposes of this Act.

(d) TRANSITION.—The Chairman of the Copyright Royalty Tribunal and the Register of Copyrights shall, beginning as soon as practicable after the date of the enactment of this Act, jointly plan for the orderly transfer of functions under section 3 of this Act.

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

(A) which have been issued, made, granted, or allowed to become effective by the Copyright Royalty Tribunal, any authorized official, or a court of competent jurisdiction, in the performance of functions which are transferred under this Act to the Register of Copyrights, and

(B) which are in effect on the date of the enactment of this Act,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Register of Copyrights, any other authorized official, a court of competent jurisdiction, or by operation of law.

(2) Subject to section 6 of this Act, the transfers of functions under this Act shall not affect any proceedings or any application for any license, permit, certificate, or financial assistance pending at the time such transfers take effect before the Copyright Royalty Tribunal; but such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this paragraph shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

SEC. 6. CERTAIN FUNCTIONS OF TRIBUNAL EXERCISED AFTER JUNE 12, 1985, TO HAVE NO EFFECT.

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

SEC. 7. DEFINITION.

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