

110TH CONGRESS
2^D SESSION

H. R. 7084

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29 (legislative day, SEPTEMBER 17), 2008

Received

AN ACT

To amend section 114 of title 17, United States Code, to provide for agreements for the reproduction and performance of sound recordings by webcasters.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Webcaster Settlement
3 Act of 2008”.

4 **SEC. 2. AGREEMENTS ON BEHALF OF WEBCASTERS.**

5 Section 114(f)(5) of title 17, United States Code, is
6 amended—

7 (1) in subparagraph (A)—

8 (A) by striking “small commercial” each
9 place it appears and inserting “commercial”;

10 (B) by striking “during the period begin-
11 ning on October 28, 1998, and ending on De-
12 cember 31, 2004” and inserting “for a period
13 of not more than 11 years beginning on Janu-
14 ary 1, 2005”;

15 (C) by striking “a copyright arbitration
16 royalty panel or decision by the Librarian of
17 Congress” and inserting “the Copyright Roy-
18 alty Judges”; and

19 (D) in the second sentence, by striking
20 “webcasters shall include” and inserting
21 “webcasters may include”;

22 (2) in subparagraph (B), by striking “small
23 commercial” and inserting “commercial”;

24 (3) in subparagraph (C)—

25 (A) by striking “Librarian of Congress”
26 and inserting “Copyright Royalty Judges”;

1 (B) by striking “small webcasters” and in-
2 serting “webcasters”; and

3 (C) by adding at the end the following:
4 “This subparagraph shall not apply to the ex-
5 tent that the receiving agent and a webcaster
6 that is party to an agreement entered into pur-
7 suant to subparagraph (A) expressly authorize
8 the submission of the agreement in a pro-
9 ceeding under this subsection.”;

10 (4) in subparagraph (D)—

11 (A) by striking “the Small Webcasters Set-
12 tlement Act of 2002” and inserting “the
13 Webcaster Settlement Act of 2008” ; and

14 (B) by striking “Librarian of Congress of
15 July 8, 2002” and inserting “Copyright Royalty
16 Judges of May 1, 2007”; and

17 (5) in subparagraph (F), by striking “Decem-
18 ber 15, 2002” and all that follows through “2003”
19 and inserting “February 15, 2009”.

Passed the House of Representatives September 27,
2008.

Attest: LORRAINE C. MILLER,
Clerk.