To amend title 17, United States Code, to ensure fairness in the establishment of certain rates and fees under sections 114 and 115 of such title, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 2014

Mr. COLLINS of Georgia (for himself and Mrs. BLACKBURN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 17, United States Code, to ensure fairness in the establishment of certain rates and fees under sections 114 and 115 of such title, and for other purposes.

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 “Songwriter Equity Act of 2014”.

SEC. 2. EFFECT ON ROYALTIES FOR UNDERLYING WORKS.

Section 114(i) of title 17, United States Code, is amended to read as follows:
“(i) Effect on Royalties for Underlying Works.—It is the intent of Congress that royalties payable to copyright owners of musical works for the public performance of their works shall not be diminished in any respect as a result of the rights granted in section 106(6).”.

SEC. 3. APPLICATION TO SECTIONS 112(e) AND 114(f) SOUND RECORDING PROCEEDINGS.

(a) Proceedings Not Affected.—Neither section 2 of this Act nor the amendment made to section 114(i) of title 17, United States Code, by such section 2 shall be taken into account in any proceeding to set or adjust the rates and fees payable for the use of sound recordings under section 112(e) or section 114(f) of such title that is pending on, or commenced on or after, the date of the enactment of this Act.

(b) Decisions and Precedents Not Affected.—Neither section 2 of this Act nor the amendment made to section 114(i) of title 17, United States Code, by such section 2 shall have any effect upon the decisions, or the precedents established or relied upon, in any proceeding to set or adjust the rates and fees payable for the use of sound recordings under section 112(e) or section 114(f) of such title before the date of the enactment of this Act.
 SEC. 4. FUNCTIONS OF COPYRIGHT ROYALTY JUDGES.

(a) In General.—Section 801(b)(1) of title 17, United States Code, is amended by striking “The rates applicable under sections 114(f)(1)(B), 115, and 116 shall be calculated to achieve the following objectives” and inserting “The rates applicable under sections 114(f)(1)(B) and 116 shall be calculated to achieve the following objectives”.

(b) Effective Date.—The amendment made by subsection (a) shall apply to any proceeding that is pending on, or commenced on or after, the date of the enactment of this Act.

 SEC. 5. ROYALTY PAYABLE UNDER COMPULSORY LICENSE.

(a) In General.—Section 115(c)(3)(D) of title 17, United States Code, is amended by striking “In addition to the objectives set forth in section 801(b)(1), in establishing such rates and terms, the Copyright Royalty Judges may consider rates and terms under voluntary license agreements described in subparagraphs (B) and (C).” and inserting the following: “The Copyright Royalty Judges shall establish rates and terms that most clearly represent the rates and terms that would have been negotiated in the marketplace between a willing buyer and a willing seller. In establishing such rates and terms, the Copyright Royalty Judges shall base their decision on marketplace, economic, and use information presented by
the participants. In establishing such rates and terms, the
Copyright Royalty Judges may consider the rates and
terms for comparable uses and comparable circumstances
under voluntary license agreements.”.

(b) EFFECTIVE DATE.—The amendment made by
subsection (a) shall apply to any proceeding that is pendi-
ning on, or commenced on or after, the date of the enact-
ment of this Act.