

115TH CONGRESS
1ST SESSION

H. R. 1914

To amend title 17, United States Code, to grant owners of copyright in sound recordings the exclusive right to prohibit the broadcast transmission of the sound recordings by means of terrestrial radio stations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 5, 2017

Mr. ISSA (for himself and Mr. DEUTCH) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 17, United States Code, to grant owners of copyright in sound recordings the exclusive right to prohibit the broadcast transmission of the sound recordings by means of terrestrial radio stations, 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 “Performance Royalty
5 Owners of Music Opportunity To Earn Act of 2017” or
6 the “PROMOTE Act of 2017”.

1 **SEC. 2. EXCLUSIVE RIGHT OF AN OWNER OF COPYRIGHT**
2 **TO PROHIBIT THE BROADCAST TRANS-**
3 **MISSION OF A COPYRIGHTED SOUND RE-**
4 **CORDING BY A TERRESTRIAL RADIO STA-**
5 **TION.**

6 (a) IN GENERAL.—Section 106 of title 17, United
7 States Code, is amended—

8 (1) in paragraph (5), by striking “; and” and
9 inserting a semicolon;

10 (2) in paragraph (6), by striking the period and
11 inserting “; and”; and

12 (3) by adding at the end the following new
13 paragraph:

14 “(7) to prohibit performance of a sound recording
15 publicly by means of a broadcast transmission (as that
16 term is defined in section 114(k)) by a terrestrial radio
17 station.”.

18 (b) LIMITATION ON EXCLUSIVE RIGHT TO PROHIBIT
19 THE BROADCAST TRANSMISSION OF A SOUND RECORDING
20 BY MEANS OF A TERRESTRIAL RADIO STATION.—Section
21 114 of title 17, United States Code, is amended—

22 (1) in subsection (a), by striking “(3) and (6)”
23 and inserting “(3), (6), and (7)”;

24 (2) by redesignating subsection (j) as sub-
25 section (k); and

1 (3) by inserting after subsection (i) the fol-
 2 lowing new subsection:

3 “(j) LIMITATION ON EXCLUSIVE RIGHT TO PRO-
 4 HIBIT THE BROADCAST TRANSMISSION OF A SOUND RE-
 5 CORDING BY A TERRESTRIAL RADIO STATION.—

6 “(1) IN GENERAL.—An owner of copyright in a
 7 sound recording may not exercise the exclusive right
 8 under paragraph (7) of section 106 to prohibit the
 9 broadcast transmission of the sound recording by a
 10 terrestrial radio station with regard to—

11 “(A) a terrestrial radio station that pays
 12 the applicable royalties under terms described
 13 in paragraph (2);

14 “(B) a broadcast transmission of a sound
 15 recording of religious services;

16 “(C) a broadcast transmission by an edu-
 17 cational terrestrial radio station;

18 “(D) a broadcast transmission by a terres-
 19 trial radio station conforming to rules estab-
 20 lished for low-power FM radio stations in sub-
 21 part G of part 73 of title 47, Code of Federal
 22 Regulations; or

23 “(E) an incidental use.

24 “(2) ROYALTIES AND TERMS.—

1 “(A) IN GENERAL.—Subject to subpara-
2 graph (B), the royalties and terms described in
3 this paragraph shall be identical to those re-
4 garding a license for eligible nonsubscription
5 transmission services for audio transmissions
6 under subsection (f)(2).

7 “(B) ROYALTY DISTRIBUTIONS.—To the
8 extent that any compensation is provided to an
9 owner of copyright in a sound recording for the
10 broadcast transmission by a terrestrial radio
11 station of the sound recording, 50 percent of
12 such compensation shall be paid to the agent
13 designated to distribute receipts under sub-
14 section (f). The agent shall distribute such pay-
15 ments in accordance with subparagraphs (B)
16 through (D) of subsection (g)(2), and such pay-
17 ments shall be the only payments to which fea-
18 tured and nonfeatured artists are entitled by
19 virtue of such compensation for such broadcast
20 transmission.”.

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