115TH CONGRESS
1ST SESSION

H. R._____

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

Mr. Issa introduced the following bill; which was referred to the Committee on ________________

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 Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

3 This Act may be cited as the “Performance Royalty Owners of Music Opportunity to Earn Act of 2017” or the “PROMOTE ACT of 2017”.

April 5, 2017 (10:05 a.m.)
SEC. 2. EXCLUSIVE RIGHT OF AN OWNER OF COPYRIGHT TO PROHIBIT THE BROADCAST TRANSMISSION OF A COPYRIGHTED SOUND RECORDING BY A TERRESTRIAL RADIO STATION.

(a) In General.—Section 106 of title 17, United States Code, is amended—

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

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

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

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

(b) Limitation on Exclusive Right to Prohibit the Broadcast Transmission of a Sound Recording by Means of a Terrestrial Radio Station.—Section 114 of title 17, United States Code, is amended—

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

(2) by redesignating subsection (j) as subsection (k); and
(3) by inserting after subsection (i) the follow-
(1) ing new subsection:

“(j) LIMITATION ON EXCLUSIVE RIGHT TO PROHIBIT
THE BROADCAST TRANSMISSION OF A SOUND RECORDING
BY A TERRESTRIAL RADIO STATION.—

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

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

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

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

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

“(E) an incidental use.

“(2) ROYALTIES AND TERMS.—
“(A) IN GENERAL.—Subject to subparagraph (B), the royalties and terms described in this paragraph shall be identical to those regarding a license for eligible nonsubscription transmission services for audio transmissions under subsection (f)(2).

“(B) ROYALTY DISTRIBUTIONS.—To the extent that any compensation is provided to an owner of copyright in a sound recording for the broadcast transmission by a terrestrial radio station of the sound recording, 50 percent of such compensation shall be paid to the agent designated to distribute receipts under subsection (f). The agent shall distribute such payments in accordance with subparagraphs (B) through (D) of subsection (g)(2), and such payments shall be the only payments to which featured and nonfeatured artists are entitled by virtue of such compensation for such broadcast transmission.”.