

110TH CONGRESS  
2D SESSION

# H. R. 7084

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## 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:

*Clerk.*

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