

HR 848

Performance Rights Act

Congress: 111 (2009–2011, Ended)

Chamber: House

Policy Area: Commerce

Introduced: Feb 4, 2009

Current Status: Placed on the Union Calendar, Calendar No. 405.

Latest Action: Placed on the Union Calendar, Calendar No. 405. (Dec 14, 2010)

Official Text: <https://www.congress.gov/bill/111th-congress/house-bill/848>

Sponsor

Name: Rep. Conyers, John, Jr. [D-MI-14]

Party: Democratic • **State:** MI • **Chamber:** House

Cosponsors (55 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Berman, Howard L. [D-CA-28]	D · CA		Feb 4, 2009
Rep. Blackburn, Marsha [R-TN-7]	R · TN		Feb 4, 2009
Rep. Cohen, Steve [D-TN-9]	D · TN		Feb 4, 2009
Rep. Harman, Jane [D-CA-36]	D · CA		Feb 4, 2009
Rep. Hodes, Paul W. [D-NH-2]	D · NH		Feb 4, 2009
Rep. Issa, Darrell E. [R-CA-49]	R · CA		Feb 4, 2009
Rep. Jackson-Lee, Sheila [D-TX-18]	D · TX		Feb 4, 2009
Rep. Johnson, Henry C. "Hank," Jr. [D-GA-4]	D · GA		Feb 4, 2009
Rep. Nadler, Jerrold [D-NY-8]	D · NY		Feb 4, 2009
Rep. Peterson, Collin C. [D-MN-7]	D · MN		Feb 4, 2009
Rep. Sánchez, Linda T. [D-CA-39]	D · CA		Feb 4, 2009
Rep. Schiff, Adam B. [D-CA-29]	D · CA		Feb 4, 2009
Rep. Shadegg, John B. [R-AZ-3]	R · AZ		Feb 4, 2009
Rep. Sherman, Brad [D-CA-27]	D · CA		Feb 4, 2009
Rep. Wasserman Schultz, Debbie [D-FL-20]	D · FL		Feb 4, 2009
Rep. Waxman, Henry A. [D-CA-30]	D · CA		Feb 4, 2009
Rep. Weiner, Anthony D. [D-NY-9]	D · NY		Feb 4, 2009
Rep. Wexler, Robert [D-FL-19]	D · FL		Feb 4, 2009
Rep. Slaughter, Louise McIntosh [D-NY-28]	D · NY		Feb 10, 2009
Rep. Cooper, Jim [D-TN-5]	D · TN		Feb 23, 2009
Rep. Higgins, Brian [D-NY-27]	D · NY		Feb 26, 2009
Rep. Polis, Jared [D-CO-2]	D · CO		Feb 26, 2009
Rep. Adler, John H. [D-NJ-3]	D · NJ		Mar 3, 2009
Rep. Capps, Lois [D-CA-23]	D · CA		Mar 3, 2009
Rep. Moran, James P. [D-VA-8]	D · VA		Mar 3, 2009
Rep. Tonko, Paul [D-NY-21]	D · NY		Mar 3, 2009
Rep. Towns, Edolphus [D-NY-10]	D · NY		Mar 3, 2009
Del. Norton, Eleanor Holmes [D-DC-At Large]	D · DC		Mar 10, 2009
Rep. Clarke, Yvette D. [D-NY-11]	D · NY		Mar 10, 2009
Rep. Holt, Rush [D-NJ-12]	D · NJ		Mar 10, 2009
Rep. Israel, Steve [D-NY-2]	D · NY		Mar 10, 2009
Rep. Johnson, Eddie Bernice [D-TX-30]	D · TX		Mar 10, 2009
Rep. Rothman, Steven R. [D-NJ-9]	D · NJ		Mar 10, 2009
Rep. Gutierrez, Luis V. [D-IL-4]	D · IL		Mar 23, 2009
Rep. Cleaver, Emanuel [D-MO-5]	D · MO		Mar 30, 2009
Rep. Thompson, Bennie G. [D-MS-2]	D · MS		Mar 30, 2009
Rep. Fudge, Marcia L. [D-OH-11]	D · OH		Apr 2, 2009
Rep. Miller, George [D-CA-7]	D · CA		Apr 2, 2009
Rep. Wamp, Zach [R-TN-3]	R · TN		Apr 2, 2009
Rep. Van Hollen, Chris [D-MD-8]	D · MD		Apr 30, 2009
Rep. Inslee, Jay [D-WA-1]	D · WA		May 7, 2009

Cosponsor	Party / State	Role	Date Joined
Rep. Crowley, Joseph [D-NY-7]	D · NY		May 13, 2009
Rep. Watson, Diane E. [D-CA-33]	D · CA		May 13, 2009
Rep. Eshoo, Anna G. [D-CA-14]	D · CA		May 21, 2009
Rep. Gordon, Bart [D-TN-6]	D · TN		May 21, 2009
Rep. Maloney, Carolyn B. [D-NY-14]	D · NY		Jul 13, 2009
Rep. Tierney, John F. [D-MA-6]	D · MA		Jul 15, 2009
Rep. Brady, Robert A. [D-PA-1]	D · PA		Sep 9, 2009
Rep. Sutton, Betty [D-OH-13]	D · OH		Oct 27, 2009
Rep. Garamendi, John [D-CA-10]	D · CA		Apr 26, 2010
Rep. Schakowsky, Janice D. [D-IL-9]	D · IL		Apr 29, 2010
Rep. Woolsey, Lynn C. [D-CA-6]	D · CA		Apr 29, 2010
Rep. Kennedy, Patrick J. [D-RI-1]	D · RI		May 20, 2010
Rep. Deutch, Theodore E. [D-FL-19]	D · FL		Jun 22, 2010
Rep. Rooney, Thomas J. [R-FL-16]	R · FL		Jun 22, 2010

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Reported By	Dec 14, 2010

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

Bill	Relationship	Last Action
111 S 379	Related bill	Oct 15, 2009: Placed on Senate Legislative Calendar under General Orders. Calendar No. 181.

Performance Rights Act - (Sec. 2) Amends federal copyright law to: (1) grant performers of sound recordings equal rights to compensation from terrestrial broadcasters (AM and FM radio); and (2) modify the circumstances under which the public performance of a sound recording is subject to statutory licensing.

(Sec. 3) Establishes separate annual flat fees in lieu of royalty payments for certain minority, female, religious, rural, small, noncommercial, public, educational, and community terrestrial broadcast stations that have annual revenues falling within corresponding separate specified ranges.

Prohibits such annual fees from being taken into account in any Copyright Royalty Board rate-setting proceeding or in any other federal government proceeding.

Includes broadcasts of religious services and incidental uses of musical sound recordings publicly by digital audio transmission among performances of a sound recording that are not copyright infringements.

(Sec. 4) Provides a per program license option for terrestrial broadcast stations that make limited feature uses of sound recordings.

(Sec. 5) Prohibits: (1) license fees payable for the public performance of sound recordings from being used in any governmental proceeding to set the license fees payable to copyright owners of musical works for the public performance of their works to adversely affect such license fees; (2) a licensee of a sound recording from publicly performing such sound recording unless a license has been granted for the public performance of any copyrighted musical work contained in the sound recording; (3) anything in this Act from adversely affecting the public performance rights or royalties payable to songwriters or copyright owners of musical works; and (4) rates established by the Copyright Royalty Judges for the public performance of sound recordings from being used in any governmental proceeding to adversely affect license fees payable to copyright owners of musical works for the public performance of their works by terrestrial broadcast stations.

(Sec. 6) Entitles a featured recording artist who performs on a sound recording that has been licensed for public performance by means of an audio transmission to payments from the sound recording's copyright owner in accordance with the terms of the artist's contract.

Requires: (1) sound recording copyright owners to deposit 1% of the receipts from their licensing of public performance rights by means of an audio transmission into the American Federation of Musicians and American Federation of Television and Radio Artists Intellectual Property Rights Distribution Fund for distribution to nonfeatured performers who have performed on sound recordings; and (2) the Fund to pay 50% to nonfeatured musicians and 50% to nonfeatured vocalists.

(Sec. 7) Prohibits a broadcaster's payment of royalties on underlying works publicly performed by terrestrial broadcast stations from affecting that broadcaster's public interest obligations to its local community under the Federal Communications Commission (FCC) regulations related to radio broadcast services.

(Sec. 8) Directs copyright royalty judges making determinations or adjustments of rates and terms of copyright royalty payments for public performances of sound recordings, to consider the effect of such rates and terms on: (1) religious, minority-owned, female-owned, small, and noncommercial broadcasters; (2) non-music programming, including local news and information programming for stations that are part of station groups located in one designated market area; and (3) religious, minority or minority-owned, and female or female-owned royalty recipients.

Actions Timeline

- **Dec 14, 2010:** Reported (Amended) by the Committee on Judiciary. H. Rept. 111-680.
- **Dec 14, 2010:** Placed on the Union Calendar, Calendar No. 405.
- **May 13, 2009:** Committee Consideration and Mark-up Session Held.
- **May 13, 2009:** Ordered to be Reported (Amended) by the Yeas and Nays: 21 - 9.
- **Mar 10, 2009:** Committee Hearings Held.
- **Feb 4, 2009:** Introduced in House
- **Feb 4, 2009:** Sponsor introductory remarks on measure. (CR E202-203)
- **Feb 4, 2009:** Referred to the House Committee on the Judiciary.