

expenditures of the PromoFlor Council in administering a provision of an order.

Approved December 14, 1993.

LEGISLATIVE HISTORY—S. 994 (H.R. 3515):

HOUSE REPORTS: No. 103-394 accompanying H.R. 3515 (Comm. on Agriculture).
CONGRESSIONAL RECORD, Vol. 139 (1993):

Nov. 20, S. 994 considered and passed Senate. H.R. 3515 considered and passed House.

Nov. 21, S. 994 considered and passed House.

Public Law 103-191
103d Congress

An Act

To amend the Thomas Jefferson Commemoration Commission Act to extend the deadlines for reports.

Dec. 14, 1993
[S. 1716]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPORTS FROM THE COMMISSION.

Section 9 of the Thomas Jefferson Commemoration Commission Act (36 U.S.C. 149 note) is amended—

- (1) in subsection (a), by striking “December 31, 1992” and inserting “March 15, 1994”; and
- (2) in subsection (b), by striking “December 31, 1993” and inserting “December 31, 1994”.

SEC. 2. AUDIT OF FINANCIAL TRANSACTIONS.

Section 10(b) of the Thomas Jefferson Commemoration Commission Act (36 U.S.C. 149 note) is amended—

- (1) by striking “December 31, 1992” each place it appears and inserting “March 15, 1994”;
- (2) by striking “March 4, 1994” and inserting “March 3, 1995”; and
- (3) by striking “1993” and inserting “1994”.

Approved December 14, 1993.

LEGISLATIVE HISTORY—S. 1716:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Nov. 20, considered and passed Senate.
Nov. 21, considered and passed House.

Public Law 103-192
103d Congress

An Act

Dec. 14, 1993
[S. 1732]

To extend arbitration under the provisions of chapter 44 of title 28, United States Code, 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. EXTENSION OF ARBITRATION.

(a) **AMENDMENT OF REPEAL.**—Section 906 of the Judicial Improvements and Access to Justice Act (28 U.S.C. 651 note; Public Law 100-702; 102 Stat. 4664) is amended in the first sentence by striking out “5 years after the date of the enactment of this Act” and inserting in lieu thereof “December 31, 1994”.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 905 of the Judicial Improvements and Access to Justice Act (28 U.S.C. 651 note; Public Law 100-702; 102 Stat. 4664) is amended in the first sentence by striking out “4” and inserting in lieu thereof “7”.

SEC. 2. TREATMENT OF EXPIRED PROVISIONS.

Chapter 44 of title 28, United States Code, and the item relating to that chapter in the table of chapters at the beginning of part III of such title, shall be effective on or after the date of the enactment of this Act as if such chapter and item had not been repealed by section 906 of the Judicial Improvements and Access to Justice Act, as such section was in effect on the day before the date of the enactment of this Act.

Approved December 14, 1993.

Effective date.
28 USC 651
note.

LEGISLATIVE HISTORY—S. 1732:

CONGRESSIONAL RECORD, Vol. 139 (1993):
Nov. 19, considered and passed Senate.
Nov. 22, considered and passed House, amended.
Nov. 24, Senate concurred in House amendment.

Public Law 103-193
103d Congress

An Act

To provide for the extension of certain authority for the Marshal of the Supreme Court and the Supreme Court Police.

Dec. 14, 1993

[S. 1764]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9(c) of the Act entitled "An Act relating to the policing of the building and grounds of the Supreme Court of the United States," approved August 18, 1949 (40 U.S.C. 13n(c)), is amended in the first sentence by striking out "1993" and inserting in lieu thereof "1996".

Approved December 14, 1993.

LEGISLATIVE HISTORY—S. 1764:

CONGRESSIONAL RECORD, Vol. 139 (1993):

Nov. 20, considered and passed Senate.

Nov. 22, considered and passed House.

Public Law 103-194
103d Congress

An Act

Dec. 14, 1993

[S. 1766]

Lime Research,
Promotion, and
Consumer
Information
Improvement
Act.

7 USC 6201 note.

7 USC 6201 note.

To amend the Lime Research, Promotion, and Consumer Information Act of 1990 to cover seedless and not seeded limes, to increase the exemption level, to delay the initial referendum date, and to alter the composition of the Lime Board, 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 "Lime Research, Promotion, and Consumer Information Improvement Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) **FINDINGS.**—Congress finds the following:

(1) The Lime Research, Promotion, and Consumer Information Act of 1990 was enacted on November 28, 1990, for the purpose of establishing an orderly procedure for the development and financing of an effective and coordinated program of research, promotion, and consumer information to strengthen the domestic and foreign markets for limes.

(2) The lime research, promotion, and consumer information order required by such Act became effective on January 27, 1992.

(3) Although the intent of such Act was to cover seedless limes, the definition of the term "lime" in section 1953(6) of such Act applies to seeded limes. Therefore, the Act and the order need to be revised before a research, promotion, and consumer information program on seedless limes can go into effect.

(4) Since the enactment of the Lime Research, Promotion, and Consumer Information Act of 1990, the United States production of fresh market limes has plummeted and the volume of imports has risen dramatically. The drop in United States production is primarily due to damage to lime orchards in the State of Florida by Hurricane Andrew in August 1992. United States production is not expected to reach pre-Hurricane Andrew levels for possibly two to three years because a majority of the United States production of limes is in Florida.

(b) **PURPOSES.**—The purpose of this Act is—

(1) to revise the definition of the term "lime" in order to cover seedless and not seeded limes;

(2) to increase the exemption level;

(3) to delay the initial referendum date; and

(4) to alter the composition of the Lime Board.

SEC. 3. DEFINITION OF LIME.

Section 1953(6) of the Lime Research, Promotion, and Consumer Information Act of 1990 (7 U.S.C. 6202(6)) is amended by striking "citrus aurantifolia" and inserting "citrus latifolia".

SEC. 4. REQUIRED TERMS IN ORDERS.

(a) **COMPOSITION OF LIME BOARD.**—Subsection (b) of section 1955 of the Lime Research, Promotion, and Consumer Information Act of 1990 (7 U.S.C. 6204) is amended—

- (1) in paragraph (1)(A), by striking "7" and inserting "3";
- (2) in paragraph (2)(B), by striking "7" and inserting "3";
- (3) in paragraph (2)(F), by adding at the end the following new sentence: "The Secretary shall terminate the initial Board established under this subsection as soon as practicable after the date of the enactment of the Lime Research, Promotion, and Consumer Information Improvement Act."; and

(4) by inserting after paragraph (2)(F) the following new paragraph:

"(G) **BOARD ALLOCATION.**—The producer and importer representation on the Board shall be allocated on the basis of 2 producer members and 1 importer member from the district east of the Mississippi River and 1 producer member and 2 importer members from the district west of the Mississippi River."

(b) **TERMS OF MEMBERS.**—Subsection (b)(4) of such section is amended—

(1) by striking "Members" and all that follows through "appointed—" and inserting "The initial members of the Board appointed under the amended order shall serve a term of 30 months. Subsequent appointments to the Board shall be for a term of 3 years, except that—";

- (2) in subparagraph (A), by striking "3" and inserting "2";
- (3) in subparagraph (B), by striking "4" and inserting "2";

and

(4) in subparagraph (C), by striking "4" and inserting "3".

(c) **DE MINIMIS EXCEPTION.**—Subsection (d)(5) of such section is amended by striking "35,000" each place it appears and inserting "200,000".

SEC. 5. INITIAL REFERENDUM.

Section 1960(a) of the Lime Research, Promotion, and Consumer Information Act of 1990 (7 U.S.C. 6209(a)) is amended by striking "Not later than 2 years after the date on which the Secretary first issues an order under section 1954(a)," and inserting

“Not later than 30 months after the date on which the collection of assessments begins under the order pursuant to section 1955(d),”.

Approved December 14, 1993.

LEGISLATIVE HISTORY—S. 1766 (H.R. 3515):

HOUSE REPORTS: No. 103-394 accompanying H.R. 3515 (Comm. on Agriculture).

CONGRESSIONAL RECORD, Vol. 139 (1993):

Nov. 20, S. 1766 considered and passed Senate. H.R. 3515 considered and passed House.

Nov. 21, S. 1766 considered and passed House.

Public Law 103-195
103d Congress

An Act

To make a technical amendment, and for other purposes.

Dec. 14, 1993

[S. 1769]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Community
development.

SECTION 1. CDBG TECHNICAL AMENDMENT.

Notwithstanding any other provision of law, the city of Slidell, Louisiana may submit, not later than 10 days after the enactment of this Act, and the Secretary of Housing and Urban Development shall consider and accept, the final statement of community development objectives and projected use of funds required by section 104(a)(1) of the Housing and Community Development Act of 1974 in connection with a grant to the city of Slidell under title 1 of such Act for fiscal year 1994.

SEC. 2. INCREASE OF CDBG PUBLIC SERVICES CAP.

(a) **IN GENERAL.**—Section 105(a)(8) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(8)) is amended—

- (1) by striking “and” after the penultimate comma; and
- (2) by inserting before the semicolon at the end the following: “, and except that of any amount of assistance under this title (including program income) in fiscal year 1994 to the City of Pittsburgh, Pennsylvania, such city may use not more than 20 percent in each such fiscal year for activities under this paragraph”.

SEC. 3. CONVERSION PROJECTS.

(a) **SECTION 23 CONVERSION.**—

(1) **AUTHORIZATION.**—Notwithstanding contracts entered into pursuant to section 14(b)(2) of the United States Housing Act of 1937, the Secretary is authorized to enter into obligations for conversion of Leonard Terrace Apartments in Grand Rapids, Michigan, from a leased housing contract under section 23 of such Act to a project-based rental assistance contract under section 8 of such Act.

(2) **REPAYMENT REQUIRED.**—The authorization made in paragraph (1) is conditioned on the repayment to the Secretary of all amounts received by the public housing agency under the comprehensive improvement assistance program under section 14 of the United States Housing Act of 1937 for the Leonard Terrace Apartment project and the amounts, as determined by the Secretary, received by the public housing agency under the formula in section 14(k) of such Act by reason of the project.

SEC. 4. EXCEPTION TO FIRE SAFETY REQUIREMENT FOR NEWLY CONSTRUCTED MULTIFAMILY PROPERTY.

In the case of any newly constructed multifamily property, as defined in section 31(c)(2)(A)(ii) of the Federal Fire Prevention and Control Act of 1974, in the city of New York in the State of New York, the requirement contained in section 31(c)(2)(A)(i) of the Federal Fire Prevention and Control Act of 1974 with respect to an automatic sprinkler system shall be deemed to be met if such property meets an equivalent level of safety (as defined in section 31(a)(3) of such Act).

Approved December 14, 1993.

LEGISLATIVE HISTORY—S. 1769:**CONGRESSIONAL RECORD**, Vol. 139 (1993):

Nov. 22, considered and passed Senate; considered and passed House, amended.

Nov. 24, Senate concurred in House amendment.

Public Law 103-196
103d Congress

Joint Resolution

Designating January 16, 1994, as "Religious Freedom Day".

Dec. 14, 1993
[S.J. Res. 154]

Whereas December 15, 1991, is the 200th anniversary of the completion of the ratification of the Bill of Rights;

Whereas the first amendment to the Constitution of the United States guarantees religious liberty to the people of the United States;

Whereas millions of people from all parts of the world have come to the United States fleeing religious persecution and seeking to worship;

Whereas in 1777 Thomas Jefferson wrote the bill entitled "A Bill for Establishing Religious Freed in Virginia" to guarantee freedom of conscience and separation of church and State;

Whereas in 1786, through the devotion of Virginians such as George Mason and James Madison, the General Assembly of Virginia passed such bill;

Whereas the Statute of Virginia for Religious Freedom inspired and shaped the guarantee of religious freedom in the first amendment;

Whereas the Supreme Court of the United States has recognized repeatedly that the Statute of Virginia for Religious Freedom was an important influence in the development of the Bill of Rights;

Whereas scholars across the United States have proclaimed the vital importance of such statute and leader in fields such as law and religion have devoted time, energy and resources to celebrating its contribution to international freedom; and

Whereas America's First Freedom Center, located in Richmond, Virginia, plans a permanent monument to the Statute of Religious Freedom, accompanied by educational programs and commemorative activities for visitors from around the world: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That January 16, 1994, is designated as "Religious Freedom Day", and the President is authorized and requested to issue a proclamation calling

on the people of the United States to join together to celebrate their religious freedom and to observe the day with appropriate ceremonies and activities.

Approved December 14, 1993.

LEGISLATIVE HISTORY—S.J. Res. 154:

CONGRESSIONAL RECORD, Vol. 139 (1993):

Nov. 20, considered and passed Senate.

Nov. 21, considered and passed House.

Public Law 103-197
103d Congress

An Act

To provide for additional development at War in the Pacific National Historical Park, and for other purposes.

Dec. 17, 1993
[H.R. 1944]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Guam.
Northern
Mariana Islands.
16 USC 410dd
note.

SECTION 1. FINDINGS.

Congress finds that—

(1) June 15 through August 10, 1994, marks the 50th anniversary of the Mariana campaign of World War II in which American forces captured the islands of Saipan and Tinian in the Northern Marianas and liberated the United States Territory of Guam from Japanese occupation;

(2) an attack during this campaign by the Japanese Imperial fleet, aimed at countering the American forces that had landed on Saipan, led to the battle of the Philippine Sea, which resulted in a crushing defeat for the Japanese by United States naval forces and the destruction of the effectiveness of the Japanese carrier-based airpower;

(3) the recapture of Guam liberated one of the few pieces of United States territory that was occupied for two and one-half years by the enemy during World War II and restored freedom to the indigenous Chamorros on Guam who suffered as a result of the Japanese occupation;

(4) Army, Navy, Marine Corps, and Coast Guard units distinguished themselves with their heroic bravery and sacrifice;

(5) the Guam Insular Force Guard, the Guam militia, and the people of Guam earned the highest respect for their defense of the island during the Japanese invasion and their resistance during the occupation; their assistance to the American forces as scouts for the American invasion was invaluable; and their role, as members of the Guam Combat Patrol, was instrumental in seeking out the remaining Japanese forces and restoring peace to the island;

(6) during the occupation, the people of Guam—

(A) were forcibly removed from their homes;

(B) were relocated to remote sections of the island;

(C) were required to perform forced labor and faced other harsh treatment, injustices, and death; and

(D) were placed in concentration camps when the American invasion became imminent and were brutalized by their occupiers when the liberation of Guam became apparent to the Japanese;

(7) the liberation of the Mariana Islands marked a pivotal point in the Pacific war and led to the American victories at Iwo Jima, Okinawa, the Philippines, Taiwan, and the south China coast, and ultimately against the Japanese home islands;

(8) the Mariana Islands of Guam, Saipan, and Tinian provided, for the first time during the war, air bases which allowed land-based American bombers to reach strategic targets in Japan; and

(9) the air offensive conducted from the Marianas against the Japanese war-making capability helped shorten the war and ultimately reduced the toll of lives to secure peace in the Pacific.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) an appropriate commemoration of the 50th anniversary of the Mariana campaign should be planned by the United States in conjunction with the Government of Guam and the Government of the Commonwealth of the Northern Mariana Islands;

(2) the Secretary of the Interior should take all necessary steps to ensure that appropriate visitor facilities at War in the Pacific National Historical Park on Guam are expeditiously developed and constructed; and

(3) the Secretary of the Interior should take all necessary steps to ensure that the monument referenced in section 3(b) is completed before July 21, 1994, for the 50th anniversary commemoration, to provide adequate historical interpretation of the events described in section 1.

SEC. 3. WAR IN THE PACIFIC NATIONAL HISTORICAL PARK.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subsection (k) of section 6 of the Act entitled “An Act to authorize appropriations for certain insular areas of the United States, and for other purposes”, approved August 18, 1978 (92 Stat. 493; 16 U.S.C. 410dd) is amended by striking “\$500,000” and inserting “\$8,000,000”.

(b) DEVELOPMENT.—Section 6 is further amended by adding at the end the following subsections:

“(l) Within the boundaries of the park, the Secretary is authorized to construct a monument which shall commemorate the loyalty of the people of Guam and the heroism of the American forces that liberated Guam.

“(m) Within the boundaries of the park, the Secretary is authorized to implement programs to interpret experiences of the people of Guam during World War II, including, but not limited to, oral histories of those people of Guam who experienced the occupation.

“(n) Within six months after the date of enactment of this subsection, the Secretary, through the Director of the National Park Service, shall develop and transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report containing updated cost estimates for the development of the park. Further, this report shall contain a general plan to implement subsections (l) and (m), including, at a minimum, cost estimates for the design and construction of the monument authorized in section (l).

Monuments.

Reports.

“(o) The Secretary may take such steps as may be necessary to preserve and protect various World War II vintage weapons and fortifications which exist within the boundaries of the park.”

Approved December 17, 1993.

LEGISLATIVE HISTORY—H.R. 1944:

HOUSE REPORTS: No. 103-145 (Comm. on Natural Resources).

SENATE REPORTS: No. 103-98 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 139 (1993):

June 21, considered and passed House.

July 21, considered and passed Senate, amended.

Nov. 21, House concurred in Senate amendment with an amendment.

Nov. 22, Senate concurred in House amendment.

Public Law 103-198
103d Congress

An Act

Dec. 17, 1993
[H.R. 2840]

To amend title 17, United States Code, to establish copyright arbitration royalty panels to replace the Copyright Royalty Tribunal, and for other purposes.

Copyright
Royalty
Tribunal Reform
Act of 1993.
17 USC 101 note.

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 "Copyright Royalty Tribunal Reform Act of 1993".

SEC. 2. COPYRIGHT ARBITRATION ROYALTY PANELS.

(a) **ESTABLISHMENT AND PURPOSE.**—Section 801 of title 17, United States Code, is amended as follows:

(1) The section designation and heading are amended to read as follows:

"§ 801. Copyright arbitration royalty panels: Establishment and purpose".

(2) Subsection (a) is amended to read as follows:

"(a) **ESTABLISHMENT.**—The Librarian of Congress, upon the recommendation of the Register of Copyrights, is authorized to appoint and convene copyright arbitration royalty panels."

(3) Subsection (b) is amended—

(A) by inserting "PURPOSES.—" after "(b)";

(B) in the matter preceding paragraph (1), by striking "Tribunal" and inserting "copyright arbitration royalty panels";

(C) in paragraph (2)—

(i) in subparagraph (A), by striking "Commission" and inserting "copyright arbitration royalty panels";

(ii) in subparagraph (B), by striking "Copyright Royalty Tribunal" and inserting "copyright arbitration royalty panels"; and

(iii) in subparagraph (D) by adding "and" after the semicolon;

(D) in paragraph (3)—

(i) by striking "and 119(b)," and inserting "119(b), and 1003,"; and

(ii) by striking the sentence beginning with "In determining" through "this title; and"; and

(E) by striking paragraph (4);

(4) by amending subsection (c) to read as follows:

"(c) **RULINGS.**—The Librarian of Congress, upon the recommendation of the Register of Copyrights, may, before a copyright arbitration royalty panel is convened, make any necessary proce-

dural or evidentiary rulings that would apply to the proceedings conducted by such panel.”; and

(5) by adding at the end the following new subsection:

“(d) ADMINISTRATIVE SUPPORT OF COPYRIGHT ARBITRATION ROYALTY PANELS.—The Librarian of Congress, upon the recommendation of the Register of Copyrights, shall provide the copyright arbitration royalty panels with the necessary administrative services related to proceedings under this chapter.”

(b) MEMBERSHIP AND PROCEEDINGS.—Section 802 of title 17, United States Code, is amended to read as follows:

“§ 802. Membership and proceedings of copyright arbitration royalty panels

“(a) COMPOSITION OF COPYRIGHT ARBITRATION ROYALTY PANELS.—A copyright arbitration royalty panel shall consist of 3 arbitrators selected by the Librarian of Congress pursuant to subsection (b).

“(b) SELECTION OF ARBITRATION PANEL.—Not later than 10 days after publication of a notice in the Federal Register initiating an arbitration proceeding under section 803, and in accordance with procedures specified by the Register of Copyrights, the Librarian of Congress shall, upon the recommendation of the Register of Copyrights, select 2 arbitrators from lists provided by professional arbitration associations. Qualifications of the arbitrators shall include experience in conducting arbitration proceedings and facilitating the resolution and settlement of disputes, and any qualifications which the Librarian of Congress, upon the recommendation of the Register of Copyrights, shall adopt by regulation. The 2 arbitrators so selected shall, within 10 days after their selection, choose a third arbitrator from the same lists, who shall serve as the chairperson of the arbitrators. If such 2 arbitrators fail to agree upon the selection of a third arbitrator, the Librarian of Congress shall promptly select the third arbitrator. The Librarian of Congress, upon the recommendation of the Register of Copyrights, shall adopt regulations regarding standards of conduct which shall govern arbitrators and the proceedings under this chapter.

“(c) ARBITRATION PROCEEDINGS.—Copyright arbitration royalty panels shall conduct arbitration proceedings, subject to subchapter II of chapter 5 of title 5, for the purpose of making their determinations in carrying out the purposes set forth in section 801. The arbitration panels shall act on the basis of a fully documented written record, prior decisions of the Copyright Royalty Tribunal, prior copyright arbitration panel determinations, and rulings by the Librarian of Congress under section 801(c). Any copyright owner who claims to be entitled to royalties under section 111, 116, or 119, or any interested copyright party who claims to be entitled to royalties under section 1006, may submit relevant information and proposals to the arbitration panels in proceedings applicable to such copyright owner or interested copyright party, and any other person participating in arbitration proceedings may submit such relevant information and proposals to the arbitration panel conducting the proceedings. In ratemaking proceedings, the parties to the proceedings shall bear the entire cost thereof in such manner and proportion as the arbitration panels shall direct. In distribution proceedings, the parties shall bear the cost in direct proportion to their share of the distribution.

Federal Register, publication.

Regulations.

Regulations.

Effective date.
Regulations.

“(d) PROCEDURES.—Effective on the date of the enactment of the Copyright Royalty Tribunal Reform Act of 1993, the Librarian of Congress shall adopt the rules and regulations set forth in chapter 3 of title 37 of the Code of Federal Regulations to govern proceedings under this chapter. Such rules and regulations shall remain in effect unless and until the Librarian, upon the recommendation of the Register of Copyrights, adopts supplemental or superseding regulations under subchapter II of chapter 5 of title 5.

“(e) REPORT TO THE LIBRARIAN OF CONGRESS.—Not later than 180 days after publication of the notice in the Federal Register initiating an arbitration proceeding, the copyright arbitration royalty panel conducting the proceeding shall report to the Librarian of Congress its determination concerning the royalty fee or distribution of royalty fees, as the case may be. Such report shall be accompanied by the written record, and shall set forth the facts that the arbitration panel found relevant to its determination.

“(f) ACTION BY LIBRARIAN OF CONGRESS.—Within 60 days after receiving the report of a copyright arbitration royalty panel under subsection (e), the Librarian of Congress, upon the recommendation of the Register of Copyrights, shall adopt or reject the determination of the arbitration panel. The Librarian shall adopt the determination of the arbitration panel unless the Librarian finds that the determination is arbitrary or contrary to the applicable provisions of this title. If the Librarian rejects the determination of the arbitration panel, the Librarian shall, before the end of that 60-day period, and after full examination of the record created in the arbitration proceeding, issue an order setting the royalty fee or distribution of fees, as the case may be. The Librarian shall cause to be published in the Federal Register the determination of the arbitration panel, and the decision of the Librarian (including an order issued under the preceding sentence). The Librarian shall also publicize such determination and decision in such other manner as the Librarian considers appropriate. The Librarian shall also make the report of the arbitration panel and the accompanying record available for public inspection and copying.

“(g) JUDICIAL REVIEW.—Any decision of the Librarian of Congress under subsection (f) with respect to a determination of an arbitration panel may be appealed, by any aggrieved party who would be bound by the determination, to the United States Court of Appeals for the District of Columbia Circuit, within 30 days after the publication of the decision in the Federal Register. If no appeal is brought within such 30-day period, the decision of the Librarian is final, and the royalty fee or determination with respect to the distribution of fees, as the case may be, shall take effect as set forth in the decision. The pendency of an appeal under this paragraph shall not relieve persons obligated to make royalty payments under sections 111, 115, 116, 118, 119, or 1003 who would be affected by the determination on appeal to deposit the statement of account and royalty fees specified in those sections. The court shall have jurisdiction to modify or vacate a decision of the Librarian only if it finds, on the basis of the record before the Librarian, that the Librarian acted in an arbitrary manner. If the court modifies the decision of the Librarian, the court shall have jurisdiction to enter its own determination with respect to the amount or distribution of royalty fees and costs, to order the repayment of any excess fees, and to order the payment of any

Federal
Register,
publication.

Public
information.

underpaid fees, and the interest pertaining respectively thereto, in accordance with its final judgment. The court may further vacate the decision of the arbitration panel and remand the case to the Librarian for arbitration proceedings in accordance with subsection (c).

“(h) ADMINISTRATIVE MATTERS.—

“(1) DEDUCTION OF COSTS FROM ROYALTY FEES.—The Librarian of Congress and the Register of Copyrights may, to the extent not otherwise provided under this title, deduct from royalty fees deposited or collected under this title the reasonable costs incurred by the Library of Congress and the Copyright Office under this chapter. Such deduction may be made before the fees are distributed to any copyright claimants. If no royalty pool exists from which their costs can be deducted, the Librarian of Congress and the Copyright Office may assess their reasonable costs directly to the parties to the most recent relevant arbitration proceeding.

“(2) POSITIONS REQUIRED FOR ADMINISTRATION OF COMPULSORY LICENSING.—Section 307 of the Legislative Branch Appropriations Act, 1994, shall not apply to employee positions in the Library of Congress that are required to be filled in order to carry out section 111, 115, 116, 118, or 119 or chapter 10.”

(c) PROCEDURES OF THE TRIBUNAL.—Section 803 of title 17, United States Code, and the item relating to such section in the table of sections at the beginning of chapter 8 of such title, are repealed.

(d) INSTITUTION AND CONCLUSION OF PROCEEDINGS.—Section 804 of title 17, United States Code, is amended as follows:

(1) The section heading is amended to read as follows:

“§ 803. Institution and conclusion of proceedings”.

(2) Subsection (a) is amended to read as follows:

“(a)(1) With respect to proceedings under section 801(b)(1) concerning the adjustment of royalty rates as provided in sections 115 and 116, and with respect to proceedings under subparagraphs (A) and (D) of section 801(b)(2), during the calendar years specified in the schedule set forth in paragraphs (2), (3), and (4), any owner or user of a copyrighted work whose royalty rates are specified by this title, established by the Copyright Royalty Tribunal before the date of the enactment of the Copyright Royalty Tribunal Reform Act of 1993, or established by a copyright arbitration royalty panel after such date of enactment, may file a petition with the Librarian of Congress declaring that the petitioner requests an adjustment of the rate. The Librarian of Congress shall, upon the recommendation of the Register of Copyrights, make a determination as to whether the petitioner has such a significant interest in the royalty rate in which an adjustment is requested. If the Librarian determines that the petitioner has such a significant interest, the Librarian shall cause notice of this determination, with the reasons therefor, to be published in the Federal Register, together with the notice of commencement of proceedings under this chapter.

“(2) In proceedings under section 801(b)(2)(A) and (D), a petition described in paragraph (1) may be filed during 1995 and in each subsequent fifth calendar year.

“(3) In proceedings under section 801(b)(1) concerning the adjustment of royalty rates as provided in section 115, a petition

described in paragraph (1) may be filed in 1997 and in each subsequent tenth calendar year.

“(4)(A) In proceedings under section 801(b)(1) concerning the adjustment of royalty rates as provided in section 116, a petition described in paragraph (1) may be filed at any time within 1 year after negotiated licenses authorized by section 116 are terminated or expire and are not replaced by subsequent agreements.

“(B) If a negotiated license authorized by section 116 is terminated or expires and is not replaced by another such license agreement which provides permission to use a quantity of musical works not substantially smaller than the quantity of such works performed on coin-operated phonorecord players during the 1-year period ending March 1, 1989, the Librarian of Congress shall, upon petition filed under paragraph (1) within 1 year after such termination or expiration, convene a copyright arbitration royalty panel. The arbitration panel shall promptly establish an interim royalty rate or rates for the public performance by means of a coin-operated phonorecord player of non-dramatic musical works embodied in phonorecords which had been subject to the terminated or expired negotiated license agreement. Such rate or rates shall be the same as the last such rate or rates and shall remain in force until the conclusion of proceedings by the arbitration panel, in accordance with section 802, to adjust the royalty rates applicable to such works, or until superseded by a new negotiated license agreement, as provided in section 116(b).”.

(3) Subsection (b) is amended—

(A) by striking “subclause” and inserting “subparagraph”;

(B) by striking “Tribunal” the first place it appears and inserting “Copyright Royalty Tribunal or the Librarian of Congress”;

(C) by striking “Tribunal” the second and third places it appears and inserting “Librarian”;

(D) by striking “Tribunal” the last place it appears and inserting “Copyright Royalty Tribunal or the Librarian of Congress”; and

(E) by striking “(a)(2), above” and inserting “subsection (a) of this section”.

(4) Subsection (c) is amended by striking “Tribunal” and inserting “Librarian of Congress”.

(5) Subsection (d) is amended—

(A) by striking “Chairman of the Tribunal” and inserting “Librarian of Congress”; and

(B) by striking “determination by the Tribunal” and inserting “a determination”.

(6) Subsection (e) is stricken out.

(e) REPEAL.—Sections 805 through 810 of title 17, United States Code, are repealed.

(f) CLERICAL AMENDMENT.—The table of sections for chapter 8 of title 17, United States Code, is amended to read as follows:

**“CHAPTER 8—COPYRIGHT ARBITRATION ROYALTY
PANELS**

“Sec.

“801. Copyright arbitration royalty panels: establishment and purpose.

“802. Membership and proceedings of copyright arbitration royalty panels.

“803. Institution and conclusion of proceedings.”.

SEC. 3. JUKEBOX LICENSES.

(a) **REPEAL OF COMPULSORY LICENSE.**—Section 116 of title 17, United States Code, and the item relating to section 116 in the table of sections at the beginning of chapter 1 of such title, are repealed.

(b) **NEGOTIATED LICENSES.**—(1) Section 116A of title 17, United States Code, is amended—

(A) by redesignating such section as section 116;

(B) by striking subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c), respectively;

(C) in subsection (b)(2) (as so redesignated) by striking “Copyright Royalty Tribunal” each place it appears and inserting “Librarian of Congress”;

(D) in subsection (c) (as so redesignated)—

(i) in the subsection caption by striking “ROYALTY TRIBUNAL” and inserting “ARBITRATION ROYALTY PANEL”;

(ii) by striking “subsection (c)” and inserting “subsection (b)”;

(iii) by striking “the Copyright Royalty Tribunal” and inserting “a copyright arbitration royalty panel”;

(E) by striking subsections (e), (f), and (g).

(2) The table of sections at the beginning of chapter 1 of title 17, United States Code, is amended by striking “116A” and inserting “116”.

SEC. 4. PUBLIC BROADCASTING COMPULSORY LICENSE.

Section 118 of title 17, United States Code, is amended—

(1) in subsection (b)—

(A) by striking the first 2 sentences;

(B) in the third sentence by striking “works specified by this subsection” and inserting “published nondramatic musical works and published pictorial, graphic, and sculptural works”;

(C) in paragraph (1)—

(i) in the first sentence by striking “, within one hundred and twenty days after publication of the notice specified in this subsection,”; and

(ii) by striking “Copyright Royalty Tribunal” each place it appears and inserting “Librarian of Congress”;

(D) in paragraph (2) by striking “Tribunal” and inserting “Librarian of Congress”;

(E) in paragraph (3)—

(i) by striking the first sentence and inserting the following: “In the absence of license agreements negotiated under paragraph (2), the Librarian of Congress shall, pursuant to chapter 8, convene a copyright arbitration royalty panel to determine and publish in the Federal Register a schedule of rates and terms which, subject to paragraph (2), shall be binding on all owners of copyright in works specified by this subsection and public broadcasting entities, regardless of whether such copyright owners have submitted proposals to the Librarian of Congress.”;

(ii) in the second sentence—

(I) by striking “Copyright Royalty Tribunal” and inserting “copyright arbitration royalty panel”; and

Federal
Register,
publication.

- (II) by striking "clause (2) of this subsection" and inserting "paragraph (2)"; and
- (iii) in the last sentence by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress"; and
- (F) by striking paragraph (4);
- (2) in subsection (c)—
 - (A) by striking "1982" and inserting "1997"; and
 - (B) by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress";
- (3) in subsection (d)—
 - (A) by striking "to the transitional provisions of subsection (b)(4), and";
 - (B) by striking "the Copyright Royalty Tribunal" and inserting "a copyright arbitration royalty panel"; and
 - (C) in paragraphs (2) and (3) by striking "clause" each place it appears and inserting "paragraph"; and
 - (4) in subsection (g) by striking "clause" and inserting "paragraph".

SEC. 5. SECONDARY TRANSMISSIONS OF SUPERSTATIONS AND NETWORK STATIONS FOR PRIVATE HOME VIEWING.

Section 119 of title 17, United States Code, is amended—

- (1) in subsection (b)—
 - (A) in paragraph (1) by striking ", after consultation with the Copyright Royalty Tribunal," each place it appears;
 - (B) in paragraph (2) by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress";
 - (C) in paragraph (3) by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress"; and
 - (D) in paragraph (4)—
 - (i) by striking "Copyright Royalty Tribunal" each place it appears and inserting "Librarian of Congress";
 - (ii) by striking "Tribunal" each place it appears and inserting "Librarian of Congress"; and
 - (iii) in subparagraph (B) by striking "conduct a proceeding" in the last sentence and inserting "convene a copyright arbitration royalty panel"; and
- (2) in subsection (c)—
 - (A) in the subsection caption by striking "DETERMINATION" and inserting "ADJUSTMENT";
 - (B) in paragraph (2) by striking "Copyright Royalty Tribunal" each place it appears and inserting "Librarian of Congress";
 - (C) in paragraph (3)—
 - (i) in subparagraph (A)—
 - (I) by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress"; and
 - (II) by striking the last sentence and inserting the following: "Such arbitration proceeding shall be conducted under chapter 8.";
 - (ii) by striking subparagraphs (B) and (C);
 - (iii) in subparagraph (D)—
 - (I) by redesignating such subparagraph as subparagraph (B); and

(II) by striking "Arbitration Panel" and inserting "copyright arbitration royalty panel appointed under chapter 8";

(iv) by striking subparagraphs (E) and (F);

(v) by amending subparagraph (G) to read as follows:

"(C) PERIOD DURING WHICH DECISION OF ARBITRATION PANEL OR ORDER OF LIBRARIAN EFFECTIVE.—The obligation to pay the royalty fee established under a determination which—

"(i) is made by a copyright arbitration royalty panel in an arbitration proceeding under this paragraph and is adopted by the Librarian of Congress under section 802(f), or

"(ii) is established by the Librarian of Congress under section 802(f),

shall become effective as provided in section 802(g)."; and

(vi) in subparagraph (H)—

(I) by redesignating such subparagraph as subparagraph (D); and

(II) by striking "adopted or ordered under subparagraph (F)" and inserting "referred to in subparagraph (C)"; and

(D) by striking paragraph (4).

SEC. 6. CONFORMING AMENDMENTS.

(a) CABLE COMPULSORY LICENSE.—Section 111(d) of title 17, United States Code, is amended as follows:

(1) Paragraph (1) is amended by striking ", after consultation with the Copyright Royalty Tribunal (if and when the Tribunal has been constituted),".

(2) Paragraph (1)(A) is amended by striking ", after consultation with the Copyright Royalty Tribunal (if and when the Tribunal has been constituted),".

(3) Paragraph (2) is amended by striking the second and third sentences and inserting the following: "All funds held by the Secretary of the Treasury shall be invested in interest-bearing United States securities for later distribution with interest by the Librarian of Congress in the event no controversy over distribution exists, or by a copyright arbitration royalty panel in the event a controversy over such distribution exists."

Securities.

(4) Paragraph (4)(A) is amended—

(A) by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress"; and

(B) by striking "Tribunal" and inserting "Librarian of Congress".

(5) Paragraph (4)(B) is amended to read as follows:

"(B) After the first day of August of each year, the Librarian of Congress shall, upon the recommendation of the Register of Copyrights, determine whether there exists a controversy concerning the distribution of royalty fees. If the Librarian determines that no such controversy exists, the Librarian shall, after deducting reasonable administrative costs under this section, distribute such fees to the copyright owners entitled to such fees, or to their designated agents. If the Librarian finds the existence of a

controversy, the Librarian shall, pursuant to chapter 8 of this title, convene a copyright arbitration royalty panel to determine the distribution of royalty fees.”

(6) Paragraph (4)(C) is amended by striking “Copyright Royalty Tribunal” and inserting “Librarian of Congress”.

(b) AUDIO HOME RECORDING ACT.—

(1) ROYALTY PAYMENTS.—Section 1004(a)(3) of title 17, United States Code, is amended—

(A) by striking “Copyright Royalty Tribunal” and inserting “Librarian of Congress”; and

(B) by striking “Tribunal” and inserting “Librarian of Congress”.

(2) DEPOSIT OF ROYALTY PAYMENTS.—Section 1005 of title 17, United States Code, is amended by striking the last sentence.

(3) ENTITLEMENT TO ROYALTY PAYMENTS.—Section 1006(c) of title 17, United States Code, is amended by striking “Copyright Royalty Tribunal” and inserting “Librarian of Congress shall convene a copyright arbitration royalty panel which”.

(4) PROCEDURES FOR DISTRIBUTING ROYALTY PAYMENTS.—Section 1007 of title 17, United States Code, is amended—

(A) in subsection (a)(1)—

(i) by striking “Copyright Royalty Tribunal” and inserting “Librarian of Congress”; and

(ii) by striking “Tribunal” and inserting “Librarian of Congress”;

(B) in subsection (b)—

(i) by striking “Copyright Royalty Tribunal” and inserting “Librarian of Congress”; and

(ii) by striking “Tribunal” each place it appears and inserting “Librarian of Congress”; and

(C) in subsection (c)—

(i) by striking the first sentence and inserting “If the Librarian of Congress finds the existence of a controversy, the Librarian shall, pursuant to chapter 8 of this title, convene a copyright arbitration royalty panel to determine the distribution of royalty payments.”;

(ii) by striking “Tribunal” each place it appears and inserting “Librarian of Congress”; and

(iii) in the last sentence by striking “its reasonable administrative costs” and inserting “the reasonable administrative costs incurred by the Librarian”.

(5) ARBITRATION OF CERTAIN DISPUTES.—Section 1010 of title 17, United States Code, is amended—

(A) in subsection (b)—

(i) by striking “Copyright Royalty Tribunal” and inserting “Librarian of Congress”; and

(ii) by striking “Tribunal” each place it appears and inserting “Librarian of Congress”;

(B) in subsection (e)—

(i) in the subsection caption by striking “COPYRIGHT ROYALTY TRIBUNAL” and inserting “LIBRARIAN OF CONGRESS”; and

(ii) by striking “Copyright Royalty Tribunal” and inserting “Librarian of Congress”;

(C) in subsection (f)—

(i) in the subsection caption by striking "COPYRIGHT ROYALTY TRIBUNAL" and inserting "LIBRARIAN OF CONGRESS";

(ii) by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress";

(iii) by striking "Tribunal" each place it appears and inserting "Librarian of Congress"; and

(iv) in the third sentence by striking "its" and inserting "the Librarian's"; and

(D) in subsection (g)—

(i) by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress";

(ii) by striking "Tribunal's decision" and inserting "decision of the Librarian of Congress"; and

(iii) by striking "Tribunal" each place it appears and inserting "Librarian of Congress".

SEC. 7. EFFECTIVE DATE AND TRANSITION PROVISIONS.

17 USC 801 note.

(a) **IN GENERAL.**—This Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) **EFFECTIVENESS OF EXISTING RATES AND DISTRIBUTIONS.**—All royalty rates and all determinations with respect to the proportionate division of compulsory license fees among copyright claimants, whether made by the Copyright Royalty Tribunal, or by voluntary agreement, before the effective date set forth in subsection (a) shall remain in effect until modified by voluntary agreement or pursuant to the amendments made by this Act.

(c) **TRANSFER OF APPROPRIATIONS.**—All unexpended balances of appropriations made to the Copyright Royalty Tribunal, as of the effective date of this Act, are transferred on such effective date to the Copyright Office for use by the Copyright Office for the purposes for which such appropriations were made.

SEC. 8. LIMITATIONS ON PERFORMANCE OF LONGSHORE WORK BY ALIEN CREWMEMBERS—ALASKA EXCEPTION.

(a) **ALASKA EXCEPTION.**—Section 258 of the Immigration and Nationality Act (8 U.S.C. 1288) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d) **STATE OF ALASKA EXCEPTION.**—(1) Subsection (a) shall not apply to a particular activity of longshore work at a particular location in the State of Alaska if an employer of alien crewmen has filed an attestation with the Secretary of Labor at least 30 days before the date of the first performance of the activity (or anytime up to 24 hours before the first performance of the activity, upon a showing that the employer could not have reasonably anticipated the need to file an attestation for that location at that time) setting forth facts and evidence to show that—

"(A) the employer will make a bona fide request for United States longshore workers who are qualified and available in sufficient numbers to perform the activity at the particular time and location from the parties to whom notice has been provided under clauses (ii) and (iii) of subparagraph (D), except that—

"(i) wherever two or more contract stevedoring companies have signed a joint collective bargaining agreement with a single labor organization described in subparagraph