AMENDMENT NO._______ Calendar No._______

Purpose: In the nature of a substitute.


S.1010

To amend title 17, United States Code, to provide additional responsibilities for the Register of Copyrights, and for other purposes.

Referred to the Committee on ________________ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. BLUNT

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Register of Copyrights
5 Selection and Accountability Act of 2018”.

6 SEC. 2. REGISTER OF COPYRIGHTS.

7 (a) AMENDMENTS.—Section 701 of title 17, United
8 States Code, is amended—
9 (1) in subsection (a)—
10 (A) by striking “(a) All administrative”
11 and inserting the following:
“(a) Register and Director.—

“(1) In general.—All administrative”; and

(B) in paragraph (1), as so designated—

(i) in the first sentence, by striking “director” and inserting “Director”;

(ii) by inserting after the first sentence the following: “The Register of Copyrights shall be a citizen of the United States with a professional background and experience in copyright law, and shall be appointed by the President, by and with the advice and consent of the Senate.”;

and

(iii) in the last sentence, by striking “shall be appointed” and all that follows through the period at the end and inserting the following: “shall act under the general direction and supervision of the Librarian of Congress.”;

(2) in subsection (b), by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and adjusting the margins accordingly;

(3) by redesignating subsection (b) as paragraph (2), and adjusting the margins accordingly;
(4) in paragraph (2), as so redesignated by paragraph (3) of this subsection, by inserting “DUTIES.—” before “In addition”;

(5) by inserting after paragraph (2), as so redesignated by paragraph (3) of this subsection, the following:

“(3) OATH.—The Register of Copyrights shall, before taking office, take an oath to discharge faithfully the duties of the Copyright Office described in paragraph (2).

“(4) REMOVAL.—

“(A) IN GENERAL.—The Register of Copyrights may be removed from office by the President.

“(B) NOTIFICATION.—The President shall provide notification to both Houses of Congress of a removal under subparagraph (A).

“(5) TERM OF OFFICE.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Register of Copyrights—

“(i) shall be appointed for a term of 10 years; and

“(ii) may serve until a successor is appointed, confirmed, and taken the oath of office.
“(B) LIMITATION.—The Register of Copyrights may not continue to serve after the date on which Congress adjourns sine die after the date on which the 10-year period described in subparagraph (A)(i) ends.

“(C) REAPPOINTMENT.—An individual appointed to the position of Register of Copyrights, by and with the advice and consent of the Senate, may be reappointed to that position in accordance with the requirements of this section.

“(6) COMMISSION FOR REGISTER OF COPYRIGHTS RECOMMENDATIONS.—

“(A) IN GENERAL.—There is established a commission to recommend individuals to the President for appointment to the office of the Register of Copyrights.

“(B) MEMBERSHIP.—The commission described in subparagraph (A) shall be composed of—

“(i) the Speaker of the House of Representatives;

“(ii) the President pro tempore of the Senate;
“(iii) the majority and minority leaders of the House of Representatives and

the Senate; and

“(iv) the Librarian of Congress.

“(C) NUMBER OF RECOMMENDATIONS.—
The commission established under subparagraph (A) shall recommend not fewer than 3 in-
dividuals for appointment to the office of the

Register of Copyrights.”;

(6) by redesignating subsections (c) through (f) as subsections (b) through (e), respectively;

(7) in subsection (b), as so redesignated, by in-
serting “SEAL.—” before “The Register”;

(8) in subsection (c), as so redesignated, by in-
serting “ANNUAL REPORT.—” before “The Reg-

ister”;

(9) in subsection (d), as so redesignated, by in-
serting “APPLICABILITY OF TITLE 5.—” before “Except as provided”; and

(10) in subsection (e), as so redesignated—

(A) by inserting “COMPENSATION.—” be-

fore “The Register”; and

(B) in the first sentence, by inserting “or

at a rate of pay that is fixed in accordance with
section 5376 of that title, whichever is greater”

after “of title 5”.

(b) Applicability.—

(1) In general.—Except as provided in paragraph (2), the amendments made by subsection (a) shall apply with respect to any vacancy for the Register of Copyrights after the date of enactment of this Act.

(2) Exceptions.—

(A) Effect of appointment between December 4, 2018, and enactment.—

(i) In general.—If, during the period beginning on December 4, 2018, and ending on the day before the date of enactment of this Act, the Librarian of Congress appoints an individual to serve as the Register of Copyrights, that individual may serve in that position for the 10-year period beginning on the date on which the Librarian of Congress makes the appointment.

(ii) Effect.—The amendments made by subsection (a) shall not apply with respect to an individual appointed to serve as the Register of Copyrights under clause
(i), except that, beginning on the date of enactment of this Act, section 701(e) of title 17, United States Code, as so redesignated by subsection (a)(6), and as amended by subsection (a)(10), shall apply with respect to that individual.

(B) APPOINTMENT BETWEEN ENACTMENT AND DECEMBER 31, 2018.—

(i) IN GENERAL.—During the period beginning on the date of enactment of this Act and ending on December 31, 2018, the Librarian of Congress may appoint an individual to serve as the Register of Copyrights for the 10-year period beginning on the date on which the Librarian of Congress makes the appointment.

(ii) EFFECT.—The amendments made by subsection (a) shall not apply with respect to an individual appointed to serve as the Register of Copyrights under clause (i), except that section 701(e) of title 17, United States Code, as so redesignated by subsection (a)(6), and as amended by subsection (a)(10), shall apply with respect to that individual.
SEC. 3. CONSTRUCTION.

Nothing in this Act may be construed to impact the mandatory deposit requirements in title 17, United States Code.