

## SUMMARY OF EFFECTS ON DIRECT SPENDING AND RECEIPTS

By fiscal year in millions of dollars—

	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Change in outlays .....	21	0	-4	-4	-4	14	-2	-2	-2	-2
Change in receipts .....										Not applicable

Estimated impact on State, local, and tribal governments: S. 967 contains at least one intergovernmental mandate as defined in UMRA, but CBO estimates that any costs imposed on state, local, and tribal governments would be minimal and would not exceed the threshold established in that act (\$50 million in 1996, adjusted annually for inflation).

*Mandates*

Section 1 of this bill would amend the Alaska National Interest Lands Conservation Act to clarify what lands are eligible for automatic land protections, including exemption from property taxes. This provision would impose a mandate on the state of Alaska and its constituent local governments because it could increase the amount of land exempt from state and local property taxes. (UMRA defines the direct costs of mandates to include revenues that state, local, or tribal governments would be prohibited from collecting.) Based on information provided by Alaska state officials, we estimate that the impact would be negligible, because Alaska has no state property tax and most of the land affected would be in areas of the state and no local property taxes.

By exempting the bonds of native corporations and the income from those bonds from the determination of eligibility for some means-tested federal assistance programs, Section 3 would increase spending for those programs. Because states share these costs, this provision would impose costs on state governments. CBO cannot determine whether some of these costs would result from an intergovernmental mandate, as defined in UMRA. In any event, CBO estimates that any additional costs of states would be minimal.

*Other impacts*

Other sections of the bill would result in both costs and benefits for state, local, and tribal governments. Several sections of the bill would benefit specific Alaska native corporations, but some of these provisions could affect the distribution of land and other resources among the corporations. For example, section 7 would allow regional corporations to dispose of sand, gravel, and similar materials without distributing part of the proceeds among the other regional corporations, as required by current law. This change would allow village corporations to gain greater access to these resources.

Other provisions would benefit Alaska native corporations by expanding their rights to property and resources currently held by the federal government. Section 5 would specify the value of the properties to be exchanged by the Calista Corporation for other federal properties. This section would effectively increase the amount of property that the corporation could obtain. Section 2 would allow Doyon, Ltd., a regional native corporation, to obtain additional subsurface rights now retained by the federal government. Section 4 would give CIRI subsurface rights to an additional 3,520 acres.

Section 8 would authorize the creation of five additional native corporations. This section would authorize the appropriation of \$1 million for planning grants for the new corporations, but would not give them any entitlement to federal land. This provision would not affect the entitlements of any other native corporations.

Estimated impact on the private sector: This bill would impose no new private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Costs: Victoria V. Heid. Impact on State, Local, and Tribal Governments: Marjorie Miller.

Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

## ORDER OF BUSINESS

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

## TECHNICAL CORRECTIONS TO THE SATELLITE HOME VIEWER ACT OF 1994

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 672, and further that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 672) to make technical amendments to certain provisions of title 17 of the United States Code.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

## AMENDMENT NO. 1541

(Purpose: To make clarifying amendments to section 303 of title 17, United States Code)

Mr. GRASSLEY. Mr. President, Senator HATCH has an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for Mr. HATCH, proposes an amendment numbered 1541.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 15, insert the following after line 8 and redesignate the succeeding sections, and references thereto, accordingly:

**SEC. 11. DISTRIBUTION OF PHONORECORDS.**

Section 303 of title 17, United States Code, is amended—

(1) by striking "Copyright" and inserting "(a) Copyright"; and

(2) by inserting at the end the following:

"(b) The distribution before January 1, 1978, of a phonorecord shall not for any purpose constitute a publication of the musical work embodied therein."

Mr. LEAHY. Mr. President, in March, the House passed H.R. 672. On April 17, the Senate Judiciary Committee reported our companion bill, S. 506.

The only substantive difference between the two bills is that S. 506 provides that the reasonable costs of a ratemaking proceeding conducted by a copyright arbitration royalty panel will be split 50-50 between the parties who would receive royalties from the royalty rate adopted in the proceeding and the parties who would pay the royalty rate so adopted. H.R. 672 provides that the costs shall be borne by the parties in direct proportion to their share of the distribution. The Copyright Office believes that the House version provides the copyright arbitration royalty panels with greater flexibility in certain circumstances. It is for this reason that the Senate is taking up the House version of the bill.

Last year, when the House considered and passed a similar bill, H.R. 1861, it included another section clarifying that the distribution of phonorecords prior to 1978 did not constitute action divesting copyright for the musical composition. This section was intended to clarify the Copyright Law of 1909 on an issue that has become a matter of increasing litigation in a number of Federal Circuits since the Ninth Circuit decision in the ZZ Top case. I was disappointed last year that the Senate did not proceed to consider and pass that bill.

We now have that opportunity. The amendment to H.R. 672 adds back into the bill clarifications, which Chairman Hatch and I have cosponsored as part of another measure this year. This improvement will clarify an esoteric but increasingly important point of copyright law under the 1909 Act with respect to copyrights of musical compositions created more than 20 years ago.

I therefore urge the adoption of the amendment to H.R. 672 and the immediate passage of the bill.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the amendment be considered read, agreed to, the bill be considered read for a third time, and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1541) was agreed to.