vision of general public notice detailing the action being taken by the Register in response to the national emergency under subsection (a) is sufficient to effectuate such action. The Register may make such action effective both prospectively and retroactively in relation to a particular provision as the Register determines to be appropriate based on the timing, scope, and nature of the public emergency, but any action by the Register may only be retroactive with respect to a deadline that has not already passed before the declaration described in subsection (a).

(c) STATEMENT REQUIRED.—Except as provided in subsection (d), not later than 20 days after taking any action that results in a provision being modified for a cumulative total of longer than 120 days, the Register shall submit to Congress a statement detailing the action taken, the relevant background, and rationale for the action.

(d) EXCEPTIONS.—The authority of the Register to act under subsection (a) does not extend[1] provisions under this title requiring the commencement of an action or proceeding in Federal court within a specified period of time, except that if the Register adjusts the license availability date defined in section 115(e)(15), such adjustment shall not affect the ability to commence actions for any claim of infringement of exclusive rights provided by paragraphs (1) and (3) of section 106 against a digital music provider arising from the unauthorized reproduction or distribution of a musical work by such digital music provider in the course of engaging in covered activities that accrued after January 1, 2018, provided that such action is commenced within the time periods prescribed under section 115(d)(10)(C)(i) or 115(d)(10)(C)(ii) as calculated from the adjusted license availability date. If the Register adjusts the license availability date, the Register must provide the statement to Congress under subsection (c) at the same time as the public notice of such adjustment with a detailed explanation of why such adjustment is needed.

(e) COPYRIGHT TERM EXCEPTION.—The authority of the Register to act under subsection (a) does not extend to provisions under chapter 3, except section 304(c), or section 1401(a)(2).

(f) OTHER LAWS.—Notwithstanding section 301 of the National Emergencies Act (50 U.S.C. 1631), the authority of the Register under subsection (a) is not contingent on a specification made by the President under such section or any other requirement under that Act (other than the emergency declaration under section 201(a) of such Act (50 U.S.C. 1621(a))). The authority described in this section supersedes the authority of title II of the National Emergencies Act (50 U.S.C. 1621 et seq.).

(Added Pub. L. 116–136, div. B, title IX, §19011(a), Mar. 27, 2020, 134 Stat. 581.)

Editorial Notes

REFERENCES IN TEXT

The National Emergencies Act, referred to in subsecs. (a) and (f), is Pub. L. 94–412, Sept. 14, 1976, 90 Stat. 1255, which is classified principally to chapter 34 (§1601 et

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[1] So in original. Probably should be followed by ''to''.

seq.) of Title 50, War and National Defense. Title II of the Act is classified generally to subchapter II (§1621 et seq.) of chapter 34 of Title 50. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 50 and Tables.

PRIOR PROVISIONS

A prior section 710, Pub. L. 94–553, title I, §101, Oct. 19, 1976, 90 Stat. 2594, related to forms and procedures for granting the Library of Congress licenses to reproduce works for the blind and physically handicapped, prior to repeal by Pub. L. 106–379, §3(a)(1), Oct. 27, 2000, 114 Stat. 1445.

CHAPTER 8—PROCEEDINGS BY COPYRIGHT ROYALTY JUDGES

Editorial Notes

PRIOR PROVISIONS

This chapter consisted of sections 801 to 803, related to proceedings by copyright arbitration royalty panels, prior to being amended generally by Pub. L. 108–419.

AMENDMENTS

2004—Pub. L. 108–419, §3(a), Nov. 30, 2004, 118 Stat. 2341, amended chapter heading and analysis generally, substituting chapter heading and items 801 to 805 for chapter heading ''COPYRIGHT ARBITRATION ROYALTY PANELS'', and items 801 ''Copyright arbitration royalty panels: Establishment and purpose'', 802 ''Membership and proceedings of copyright arbitration royalty panels'', and 803 ''Institution and conclusion of proceedings''.

1997—Pub. L. 105–80, §12(a)(18), Nov. 13, 1997, 111 Stat. 1535, substituted ''Establishment'' for ''establishment'' in item 801.

1993—Pub. L. 103–198, §2(f), Dec. 17, 1993, 107 Stat. 2308, amended table of sections generally, substituting chapter heading and items 801 to 803 for chapter heading ''COPYRIGHT ROYALTY TRIBUNAL'', item 801 ''Copyright Royalty Tribunal: Establishment and purpose'', item 802 ''Membership of the Tribunal'', item 804 ''Institution and conclusion of proceedings'', item 805 ''Staff of the Tribunal'', item 806 ''Administrative support of the Tribunal'', item 807 ''Deduction of costs of proceedings'', item 808 ''Reports'', item 809 ''Effective date of final determinations'', and item 810 ''Judicial review''.

Pub. L. 103–198, §2(c), Dec. 17, 1993, 107 Stat. 2307, struck out item 803 ''Procedures of the Tribunal.''

§801. Copyright Royalty Judges; appointment and functions

(a) APPOINTMENT.—The Librarian of Congress shall appoint 3 full-time Copyright Royalty Judges, and shall appoint 1 of the 3 as the Chief Copyright Royalty Judge. The Librarian shall make appointments to such positions after consultation with the Register of Copyrights.

(b) FUNCTIONS.—Subject to the provisions of this chapter, the functions of the Copyright Royalty Judges shall be as follows:

(1) To make determinations and adjustments of reasonable terms and rates of royalty payments as provided in sections 112(e), 114, 115, 116, 118, 119, and 1004.

(2) To make determinations concerning the adjustment of the copyright royalty rates