

(2) **BANKING REGULATOR.**—The term “banking regulator” means the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the National Credit Union Administration.

(3) **SENIOR APPOINTED LEADERSHIP.**—With respect to a banking regulator, the term “senior appointed leadership” means a position that requires Senate confirmation.

(e) **SUNSET.**—The provisions of this section shall have no force or effect on or after the date that is 7 years after the date of enactment of this Act.

## TITLE II—INTELLECTUAL PROPERTY

### Subtitle A—Copyrights

#### SEC. 211. UNAUTHORIZED STREAMING.

(a) **AMENDMENT.**—Chapter 113 of title 18, United States Code, is amended by inserting after section 2319B the following:

#### “§ 2319C. Illicit digital transmission services

18 USC 2319C.

“(a) **DEFINITIONS.**—In this section—

“(1) the terms ‘audiovisual work’, ‘computer program’, ‘copies’, ‘copyright owner’, ‘digital transmission’, ‘financial gain’, ‘motion picture’, ‘motion picture exhibition facility’, ‘perform’, ‘phonorecords’, ‘publicly’ (with respect to performing a work), ‘sound recording’, and ‘transmit’ have the meanings given those terms in section 101 of title 17;

“(2) the term ‘digital transmission service’ means a service that has the primary purpose of publicly performing works by digital transmission;

“(3) the terms ‘publicly perform’ and ‘public performance’ refer to the exclusive rights of a copyright owner under paragraphs (4) and (6) of section 106 (relating to exclusive rights in copyrighted works) of title 17, as limited by sections 107 through 122 of title 17; and

“(4) the term ‘work being prepared for commercial public performance’ means—

“(A) a computer program, a musical work, a motion picture or other audiovisual work, or a sound recording, if, at the time of unauthorized public performance—

“(i) the copyright owner has a reasonable expectation of commercial public performance; and

“(ii) the copies or phonorecords of the work have not been commercially publicly performed in the United States by or with the authorization of the copyright owner; or

“(B) a motion picture, if, at the time of unauthorized public performance, the motion picture—

“(i)(I) has been made available for viewing in a motion picture exhibition facility; and

“(ii) has not been made available in copies for sale to the general public in the United States by or with the authorization of the copyright owner in a format intended to permit viewing outside a motion picture exhibition facility; or

“(ii) had not been commercially publicly performed in the United States by or with the authorization of the copyright owner more than 24 hours before the unauthorized public performance.

“(b) PROHIBITED ACT.—It shall be unlawful for a person to willfully, and for purposes of commercial advantage or private financial gain, offer or provide to the public a digital transmission service that—

“(1) is primarily designed or provided for the purpose of publicly performing works protected under title 17 by means of a digital transmission without the authority of the copyright owner or the law;

“(2) has no commercially significant purpose or use other than to publicly perform works protected under title 17 by means of a digital transmission without the authority of the copyright owner or the law; or

“(3) is intentionally marketed by or at the direction of that person to promote its use in publicly performing works protected under title 17 by means of a digital transmission without the authority of the copyright owner or the law.

“(c) PENALTIES.—Any person who violates subsection (b) shall be, in addition to any penalties provided for under title 17 or any other law—

“(1) fined under this title, imprisoned not more than 3 years, or both;

“(2) fined under this title, imprisoned not more than 5 years, or both, if—

“(A) the offense was committed in connection with 1 or more works being prepared for commercial public performance; and

“(B) the person knew or should have known that the work was being prepared for commercial public performance; and

“(3) fined under this title, imprisoned not more than 10 years, or both, if the offense is a second or subsequent offense under this section or section 2319(a).

“(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

“(1) affect the interpretation of any other provision of civil copyright law, including the limitations of liability set forth in section 512 of title 17, or principles of secondary liability; or

“(2) prevent any Federal or State authority from enforcing cable theft or theft of service laws that are not subject to preemption under section 301 of title 17.”

(b) TABLE OF SECTIONS AMENDMENT.—The table of section for chapter 113 of title 18, United States Code, is amended by inserting after the item relating to section 2319B the following:

“2319C. Illicit digital transmission services.”.

**SEC. 212. COPYRIGHT SMALL CLAIMS.**

(a) SHORT TITLE.—This section may be cited as the “Copyright Alternative in Small-Claims Enforcement Act of 2020” or the “CASE Act of 2020”.

(b) AMENDMENT.—Title 17, United States Code, is amended by adding at the end the following:

18 USC 2311  
prec.

Copyright  
Alternative in  
Small-Claims  
Enforcement Act  
of 2020.  
17 USC 101 note.