

119TH CONGRESS
1ST SESSION

H. R. 4017

To amend title 17, United States Code, to secure the rights of visual artists to copyright, to provide for resale royalties, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 17, 2025

Mr. NADLER (for himself and Ms. CHU) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 17, United States Code, to secure the rights of visual artists to copyright, to provide for resale royalties, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “American Royalties
5 Too Act of 2025”.

6 **SEC. 2. RESALE ROYALTY.**

7 (a) COLLECTION OF RESALE ROYALTY FOR VISUAL
8 ART.—Chapter 1 of title 17, United States Code, is
9 amended by inserting after section 106A the following:

1 **“§ 106B. Collection of resale royalty for visual art**

2 “(a) DEFINITIONS.—In this section:

3 “(1) ART MARKET PROFESSIONAL.—The term
4 ‘art market professional’ means a person engaged in
5 the business of buying and selling works of visual
6 art to the public.

7 “(2) AUTHOR’S SUCCESSOR.—The term ‘au-
8 thor’s successor’ means an individual who holds the
9 right of the author of a work of visual art to the re-
10 sale royalty after the death of the author as defined
11 under subsection (e)(3).

12 “(3) COMMERCIAL RESALE.—The term ‘com-
13 mercial resale’ means a sale of a resale copy of a
14 work of visual art by, or with the intervention of, an
15 art market professional, subsequent to the first sale
16 of that copy.

17 “(4) PRICE.—The term ‘price’ means the ag-
18 gregate of all payments in cash, credit, or in-kind by
19 or on behalf of a purchaser, excluding any fees for
20 services rendered by the art market professional in
21 connection with such sale.

22 “(5) RESALE COPY.—The term ‘resale copy’,
23 for the purposes of this section, means the material
24 object in which the work of visual art is fixed by or
25 under the authority of the author, in a single or lim-
26 ited edition.

1 “(6) VISUAL ARTISTS’ COLLECTING SOCI-
2 ETIES.—The term ‘visual artists’ collecting societies’
3 means entities that have been designated to admin-
4 ister the resale royalty under this section.

5 “(b) COLLECTION GENERALLY.—Independent of the
6 exclusive rights provided in section 106, the author of a
7 work of visual art shall be entitled to a royalty for the
8 commercial resale of a resale copy of the work by a person
9 other than the author or the author’s successor for a price
10 of \$5,000 or more.

11 “(c) DURATION.—The entitlement to a resale royalty
12 shall subsist simultaneously with and for the duration of
13 the term of copyright protection afforded to the work of
14 visual art pursuant to chapter 3 of this title.

15 “(d) CALCULATION AND PAYMENT OF ROYALTY.—

16 “(1) IN GENERAL.—The royalty for the sale of
17 a resale copy of a work of visual art under this sec-
18 tion shall be an amount equal to the lesser of—

19 “(A) 5 percent of the price paid for the re-
20 sale copy of the work of visual art in that sale;

21 or

22 “(B) \$50,000.

23 “(2) ADJUSTMENT OF AMOUNT.—In 2022 and
24 each year thereafter, the dollar amount described in

1 paragraph (1)(B) shall be increased by an amount
2 equal to the product of—

3 “(A) that dollar amount; and

4 “(B) the cost-of-living adjustment deter-
5 mined under section 1(f)(3)(A) of the Internal
6 Revenue Code of 1986 for the year, determined
7 by substituting ‘the C–CPI–U for calendar year
8 2024’ for ‘the CPI for calendar year 2024’ and
9 all that follows in clause (ii) of that section.

10 “(e) COLLECTION AND PAYMENT OF ROYALTY.—

11 “(1) COLLECTION.—Not later than 90 days
12 after the date of the final payment for the purchase
13 of the resale copy of the work of visual art, the art
14 market professional shall pay the resale royalty cal-
15 culated under subsection (d) to such visual artists’
16 collecting societies as are designated by the Register
17 of Copyrights under subsection (i).

18 “(2) DISTRIBUTION.—Not fewer than four
19 times each year at quarterly intervals, any visual
20 artists’ collecting society to which payments are
21 made under paragraph (1) shall distribute to the au-
22 thor or the author’s successor as copyright owner in
23 an amount equal to the difference between—

1 “(A) all royalties attributable to the sales
2 of resale copies of works of visual art by the au-
3 thor; and

4 “(B) the reasonable administrative ex-
5 penses of the collecting society as determined
6 by regulations issued under subsection (i).

7 “(3) SUCCESSORS.—In a case in which an au-
8 thor is dead, the right of that author to the resale
9 royalty shall transfer as bequeathed by will. In the
10 absence of a will, the right shall be apportioned as
11 follows:

12 “(A) The widow or widower is entitled to
13 the entire royalty of the author unless there are
14 any surviving children or grandchildren of the
15 author, in which case the widow or widower is
16 entitled to one-half of the author’s royalty.

17 “(B) Any surviving child of the author,
18 and any surviving child of any dead child of the
19 author, is entitled to the royalty of the author
20 in accordance with this section as follows:

21 “(i) A single surviving child of the au-
22 thor or single surviving grandchild that is
23 the child of a deceased child of the author
24 is entitled to the entire royalty of the au-
25 thor if there is no surviving spouse.

1 “(ii) If there is no surviving spouse
2 and more than one child of the author,
3 alive or dead, each child is entitled to an
4 equal share of the royalty, and the share of
5 any deceased child shall be split equally
6 among all surviving grandchildren that de-
7 scend from the deceased child.

8 “(iii) If there is a surviving spouse,
9 each child of the author is entitled to an
10 equal share of one-half of the royalty, and
11 the share of any deceased child shall be
12 split equally among all surviving grand-
13 children that descend from the deceased
14 child.

15 “(C) In the event that the author’s widow
16 or widower, children, and grandchildren are not
17 living, the entitlement to collect a resale royalty
18 is extinguished.

19 “(D) Where a work of visual art is a joint
20 work, each joint author is entitled to an equal
21 share of any resale royalty. Where an author
22 who is a joint author is dead, his or her share
23 of any resale royalty shall be apportioned
24 among his or her successors in accordance with
25 this paragraph (3).

1 “(4) UNCLAIMED ROYALTIES.—

2 “(A) ESCROW.—Subject to subparagraph
3 (B), if, after a good faith effort, a visual artists’
4 collecting society is not able to make a timely
5 distribution under paragraph (2) because the
6 collecting society is unable to locate the author
7 or the author’s successor, the collecting society
8 shall—

9 “(i) deposit the amount that would
10 have been distributed to the author or au-
11 thors’ successor into an interest-bearing
12 escrow account until the author or the au-
13 thor’s successor has been identified and lo-
14 cated, and continue to make reasonable
15 good faith efforts to identify and locate the
16 author or author’s successor, including by
17 administering and publicizing, including on
18 the visual artists’ collecting society’s
19 website, a process by which authors or the
20 author’s successor can claim any royalty
21 due under this subsection; and

22 “(ii) upon locating the author or au-
23 thor’s successor, distribute the amount de-
24 scribed in clause (i), including interest, to
25 the author or author’s successor.

1 “(B) TRANSFER.—If the author or the au-
2 thor’s successor is not located during the 3-year
3 period beginning on the date on which the sale
4 of the resale copy of the work of visual art cov-
5 ered under this section occurs, the amount that
6 would have been distributed to the author or
7 the author’s successor under paragraph (2)
8 shall be transferred to the Copyright Office for
9 the purposes of developing and conducting pro-
10 grams and educational initiatives in support of
11 artists in the United States. Distribution of
12 funds under this subparagraph satisfies the ob-
13 ligations of the visual artists’ collecting society
14 under this subsection with respect to those
15 funds.

16 “(5) ADMINISTRATION.—Visual artists’ col-
17 lecting societies shall administer all amounts col-
18 lected under this subsection in accordance with gen-
19 erally accepted accounting principles.

20 “(f) FAILURE TO PAY OR DISTRIBUTE ROYALTY.—

21 “(1) RIGHT OF ACTION.—

22 “(A) If an art market professional fails to
23 pay a royalty in accordance with subsection (e)
24 to a visual artists’ collecting society designated
25 by the Register of Copyrights, such a society,

1 either by itself or jointly with any other such
2 society, may bring an action in a district court
3 of the United States to recover an amount
4 equal to the amount of the royalty and attor-
5 ney's fees but if no such society exercises this
6 right within one year from the date payment is
7 due, the author or author's successors may
8 within three years from the date payment is
9 due bring an action in a district court of the
10 United States to recover an amount equal to
11 three times the amount of the royalty and at-
12 torney's fees.

13 “(B) If a visual artists' collecting society
14 to which a royalty payment is made under sec-
15 tion (e)(1) fails to distribute the royalty in ac-
16 cordance with subsection (e)(2) or (3), the au-
17 thor or author's successors may within three
18 years from the date the society received the roy-
19 alty payment bring an action in a district court
20 of the United States to recover an amount
21 equal to three times the amount of the royalty
22 and attorney's fees.

23 “(2) COLLECTING SOCIETIES.—With the per-
24 mission of the person to whom the resale royalty is
25 due under paragraph (1), visual artists' collecting

1 societies may bring a suit on that person’s behalf
2 under this subsection.

3 “(3) EXCLUSIVE REMEDIES.—The remedies
4 provided under this subsection shall be the exclusive
5 remedies for a failure to pay or distribute a royalty
6 in accordance with subsection (e).

7 “(g) NO TRANSFERS.—The entitlement to a royalty
8 under this section may not be sold, assigned, or otherwise
9 transferred or waived.

10 “(h) ELIGIBILITY TO RECEIVE ROYALTY PAY-
11 MENT.—Any visual artists’ collecting society that collects
12 a royalty under this section for the sale of a resale copy
13 of a work of visual art shall distribute the royalty to—

14 “(1) any author of the work of visual art—

15 “(A) who is a citizen of or domiciled in the
16 United States;

17 “(B) who is a citizen of or domiciled in a
18 country that provides a royalty for the resale of
19 a resale copy of a work of visual art; or

20 “(C) whose work of visual art is first cre-
21 ated in the United States or in a country that
22 provides a royalty for the resale of a copy of a
23 work of visual art; or

24 “(2) the successor of an author described in
25 paragraph (1).

1 “(i) REGULATIONS.—The Register of Copyrights may
2 conduct such proceedings and adopt such regulations as
3 necessary or appropriate to effectuate the provisions of
4 this section, including to—

5 “(1) establish a process by which entities are
6 designated as a visual artists’ collecting societies au-
7 thorized to administer royalty collections and dis-
8 tributions under this section, which process shall re-
9 quire such entities to—

10 “(A) have experience in licensing the copy-
11 rights of authors of works of visual art in the
12 United States; or

13 “(B) have experience in collecting, main-
14 taining, and distributing monies on behalf of
15 artists in accordance with generally accepted
16 accounting principles;

17 “(2) determine the reasonable administrative
18 expenses that the visual artists’ collecting societies
19 may deduct from the royalties payable under sub-
20 section (e)(2)(B);

21 “(3) establish a process by which—

22 “(A) visual artists’ collecting societies may
23 obtain from any art market professional the
24 sale price, date of sale, and other such informa-
25 tion as the Register of Copyrights deems appro-

1 appropriate, for each sale of a resale copy of a work
2 of visual art covered by this section; and

3 “(B) an author of a work of visual art or,
4 if the author is dead, the author’s successor
5 may obtain from visual artists’ collecting soci-
6 eties any information in the possession of the
7 collecting societies, including the information
8 obtained under clause (A) and the amount of
9 any royalty paid to the collecting societies, that
10 relates to a sale of any resale copies of such au-
11 thor’s work; and

12 “(4) establish a process by which the visual art-
13 ists’ collecting societies may lose their designation as
14 such if, in the judgment of the Register, the entity
15 fails to substantially carry out the duties of a visual
16 artist’s collecting society or fails to comply with the
17 appropriate standards of conduct under this section
18 or any applicable regulations adopted by the Reg-
19 ister.

20 “(j) CLOSEST ALTERNATIVE DESIGNATION.—If the
21 Register is unable to identify an entity that fulfills each
22 of the qualifications set forth in clauses (A) through (B)
23 in section (i)(1), or if an entity is identified and the Reg-
24 ister finds cause not to designate such entity, the Register
25 may designate any entity that most nearly fulfills such

1 qualifications for purposes of carrying out the responsibil-
 2 ities of the visual artists’ collecting societies and for which
 3 the Register does not find cause not to designate. If the
 4 Register judges that no entity nearly fulfills the qualifica-
 5 tions for the purposes of carrying out the responsibilities
 6 of the visual artists’ collecting societies, then the Register
 7 may promulgate regulations for an alternative method for
 8 collecting and distributing resale royalties.”.

9 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—
 10 The table of sections for chapter 1 of title 17, United
 11 States Code, is amended by inserting after the item relat-
 12 ing to section 106A the following:

“106B. Collection of resale royalty for visual art.”.

13 **SEC. 3. NOTICE OF COPYRIGHT.**

14 Section 401 of title 17, United States Code, is
 15 amended by adding at the end the following:

16 “(e) **NON-APPLICABILITY TO WORKS OF VISUAL**
 17 **ART.**—The provisions of this section shall not apply to a
 18 work of visual art.”.

19 **SEC. 4. STUDY REQUIRED.**

20 Not later than 5 years after the date of the enact-
 21 ment of this Act, the Register of Copyrights shall conduct
 22 a study on the implementation of this Act and submit to
 23 the Committee on the Judiciary of the Senate and the
 24 Committee on the Judiciary of the House of Representa-

1 tives a report on the results, including any recommenda-
2 tions for legislation.

3 **SEC. 5. EFFECTIVE DATE.**

4 This Act and the amendments made by this Act shall
5 take effect on the date that is one year after the date of
6 enactment of this Act.

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