

Military Department's BCM/NR decision, the DARB will notify the petitioner in writing of its final decision. If the DARB recommends to upgrade or partially upgrade the characterization of a discharge or dismissal, the Secretary of the Military Department concerned will notify the petitioner in writing of its final decision.

(1) If the Secretary of the Military Department approves the DARB recommendation, the petitioner will be notified of the approved change and any change to the characterization of a discharge or dismissal will be effective as of the date of discharge.

(2) If the Secretary of the Military Department disapproves the DARB recommendation, the Secretary concerned must provide the petitioner a written explanation detailing its rationale for disapproving the DARB's recommendation.

(c) The Secretaries of the Military Departments may delegate, in writing, the authority to act on DARB recommendations to a PAS official but further re-delegation is not authorized.

(d) The Secretary's or designee's action will be the final action. The petitioner has no right to a further review or to appeal this decision.

§ 73.8 Annual reporting requirements.

(a) The DARB President will submit draft reports to OUSD(P&R) by the 1st of October for the preceding FY (October 1st through September 30th). The first report will be published on October 1, 2022, and the report will contain the DARB data for FY 2022.

(b) The reporting period will be inclusive from the first through the last days of each reporting period.

(c) The report will contain the following information:

- (1) The number of requests received;
- (2) The number of requests rejected for failure to meet eligibility criteria for a final review;
- (3) The number of requests considered;
- (4) The number of requests returned to the BCM/NRs for reconsideration;
- (5) The number of recommendations to upgrade the characterization of a discharge or dismissal granted by the Secretaries of the Military Departments pursuant to the DARB, to include the most common reasons for such upgrades; and

(6) The number of recommendations to upgrade the characterization of a discharge or dismissal declined by the Secretaries of the Military Departments pursuant to the DARB, to include the most common reasons for such declinations.

(d) The annual reports will be published on a publicly accessible DoD website; the reports can be accessed at https://boards.law.af.mil/OSD_DARB.htm.

Dated: November 18, 2024.

Patricia L. Toppings,

*OSD Federal Register Liaison Officer,
Department of Defense.*

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Copyright Royalty Board

37 CFR Part 381

[Docket No. 24–CRB–0009–PBR (2023–2027) COLA (2025)]

Cost of Living Adjustment to Public Broadcasters Compulsory License Royalty Rate

AGENCY: Copyright Royalty Board, Library of Congress.

ACTION: Final rule; cost of living adjustment.

SUMMARY: The Copyright Royalty Judges announce a cost of living adjustment (COLA) to the royalty rate that noncommercial radio stations at certain colleges, universities, and other educational institutions that are not affiliated with National Public Radio must pay for the use in 2025 of published nondramatic musical compositions in the SESAC Performing Rights, LLC (SESAC) and Global Music Rights, LLC (GMR) repertoires pursuant to the statutory license under the Copyright Act for noncommercial broadcasting.

DATES:

Effective date: November 29, 2024.

Applicability dates: These rates are applicable to the period January 1, 2025, through December 31, 2025.

FOR FURTHER INFORMATION CONTACT:

Anita Brown, CRB Program Assistant, (202) 707–7658, crb@loc.gov.

SUPPLEMENTARY INFORMATION: Section 118 of the Copyright Act, title 17 of the United States Code, creates a statutory license for the use of published nondramatic musical works and published pictorial, graphic, and sculptural works in connection with noncommercial broadcasting.

On June 28, 2023, the Copyright Royalty Judges (Judges) adopted final regulations governing the rates and terms of copyright royalty payments under section 118 of the Copyright Act for the license period 2023–2027. *See* 88

FR 41827. Pursuant to these regulations, on or before December 1 of each year, the Judges shall publish in the **Federal Register** notice of the change in the cost of living and a revised schedule of the rates codified at § 381.5(c)(3) and (4) relating to compositions in the repertory of SESAC and GMR. The adjustment, fixed to the nearest dollar, shall be the greater of (1) the change in the cost of living as determined by the Consumer Price Index (all consumers, all items) (“CPI–U”) “during the period from the most recent index published prior to the previous notice to the most recent index published prior to December 1 of that year” or (2) 1.5%. 37 CFR 381.10.

The change in the cost of living as determined by the CPI–U during the period from the most recent index published prior to the previous notice, *i.e.*, before December 1, 2023, to the most recent index published before December 1, 2024, is 2.6%.¹ In accordance with 37 CFR 381.10(b), the Judges announce that the COLA for calendar year 2025 shall be 2.6%. Application of the 2.6% COLA to the 2024 rates for the performance of published nondramatic musical compositions in the repertory of SESAC and GMR—\$194 per station—results in an adjusted rate of \$199 per station, rounded to the nearest dollar.

List of Subjects in 37 CFR Part 381

Copyright, Music, Radio, Rates, Television.

Final Regulations

In consideration of the foregoing, the Copyright Royalty Judges amend part 381 of title 37 of the Code of Federal Regulations as follows:

PART 381—USE OF CERTAIN COPYRIGHTED WORKS IN CONNECTION WITH NONCOMMERCIAL EDUCATIONAL BROADCASTING

- 1. The authority citation for part 381 continues to read as follows:

Authority: 17 U.S.C. 118, 801(b)(1) and 803.

- 2. Section 381.5 is amended by revising paragraphs (c)(3)(iii) and (c)(4)(iii) as follows:

§ 381.5 Performance of musical compositions by public broadcasting entities licensed to colleges and universities.

* * * * *

(c) * * *

(3) * * *

¹ On November 13, 2024, the Bureau of Labor Statistics announced that the CPI–U increased 2.6% over the last 12 months.

(iii) 2025: \$199 per station.
* * * * *
(4) * * *
(iii) 2025: \$199 per station.
* * * * *

Dated: November 21, 2024.

David P. Shaw,
Chief Copyright Royalty Judge.

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Copyright Royalty Board

37 CFR Part 386

[Docket No. 24-CRB-0011-SA-COLA (2025)]

Cost of Living Adjustment to Satellite Carrier Compulsory License Royalty Rates

AGENCY: Copyright Royalty Board (CRB), Library of Congress.

ACTION: Final rule; cost of living adjustment.

SUMMARY: The Copyright Royalty Judges announce a cost of living adjustment (COLA) of 2.6% in the royalty rates satellite carriers pay for a compulsory license under the Copyright Act. The COLA is based on the change in the Consumer Price Index from October 2023 to October 2024.

DATES:

Effective date: November 29, 2024.

Applicability dates: These rates are applicable to the period January 1, 2025, through December 31, 2025.

FOR FURTHER INFORMATION CONTACT: Anita Brown, (202) 707-7658, crb@loc.gov.

SUPPLEMENTARY INFORMATION: The satellite carrier compulsory license establishes a statutory copyright licensing scheme for the distant

retransmission of television programming by satellite carriers. 17 U.S.C. 119. Congress created the license in 1988 and reauthorized the license for additional five-year periods until 2019 when it made the license permanent.¹

On August 31, 2010, the Copyright Royalty Judges (Judges) adopted rates for the section 119 compulsory license for the 2010–2014 term. See 75 FR 53198. The rates were proposed by Copyright Owners and Satellite Carriers² and were unopposed. *Id.* Section 119(c)(2) of the Copyright Act provides that, effective January 1 of each year, the Judges shall adjust the royalty fee payable under section 119(b)(1)(B) “to reflect any changes occurring in the cost of living as determined by the most recent Consumer Price Index (for all consumers and for all items) [CPI-U] published by the Secretary of Labor before December 1 of the preceding year.” Section 119 also requires that “[n]otification of the adjusted fees shall be published in the **Federal Register** at least 25 days before January 1.” 17 U.S.C. 119(c)(2).

The change in the cost of living as determined by the CPI-U during the period from the most recent index published before December 1, 2023, to the most recent index published before December 1, 2024, is 2.6%.³ Application of the 2.6% COLA to the current rate for the secondary transmission of broadcast stations by satellite carriers for private

¹ The most recent five-year reauthorization was pursuant to the STELA Reauthorization Act of 2014, Public Law 113–200. The license was made permanent by the Satellite Television Community Protection and Promotion Act of 2019, Public Law 116–94, div. P, title XI, section 1102(a), (c)(1), 133 Stat. 3201, 3203.

² Program Suppliers and Joint Sports Claimants comprised the Copyright Owners while DIRECTV, Inc., DISH Network, LLC, and National Programming Service, LLC, comprised the Satellite Carriers.

³ On November 13, 2024, the Bureau of Labor Statistics announced that the CPI-U increased 2.6% over the last 12 months.

home viewing—35 cents per subscriber per month—results in a rate of 36 cents per subscriber per month (rounded to the nearest cent). See 37 CFR 386.2(b)(1). Application of the 2.6% COLA to the current rate for viewing in commercial establishments—72 cents per subscriber per month—results in a rate of 74 cents per subscriber per month (rounded to the nearest cent). See 37 CFR 386.2(b)(2).

List of Subjects in 37 CFR Part 386

Copyright, Satellites, Television.

Final Regulations

In consideration of the foregoing, the Copyright Royalty Judges amend part 386 of title 37 of the Code of Federal Regulations as follows:

PART 386—ADJUSTMENT OF ROYALTY FEES FOR SECONDARY TRANSMISSIONS BY SATELLITE CARRIERS

■ 1. The authority citation for part 386 continues to read as follows:

Authority: 17 U.S.C. 119(c), 801(b)(1).

■ 2. Section 386.2 is amended by adding paragraphs (b)(1)(xvi) and (b)(2)(xvi) to read as follows:

§ 386.2 Royalty fee for secondary transmission by satellite carriers.

* * * * *

(b) * * *

(1) * * *

(xvi) 2025: 36 cents per subscriber per month.

(2) * * *

(xvi) 2025: 74 cents per subscriber per month.

Dated: November 21, 2024.

David P. Shaw,
Chief Copyright Royalty Judge.

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