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ABOLISH COPYRIGHT ROYALTY TRIBUNAL

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 12, 1985

● Mr. KASTENMEIER. Mr. Speaker, I welcome introduction of a bill by Mr. SYNAR and Mrs. SCHROEDER to abolish the Copyright Royalty Tribunal, to transfer its functions on an interim basis to the Register of Copyrights, and to freeze copyright royalty rates until Congress establishes a more workable ratemaking scheme. The bill provides a temporary solution to the infirmities suffered by the Tribunal. Before January 1, 1988, Congress will have to draft a more permanent solution for administration of the copyright compulsory licenses.

I am not a cosponsor of the legislation and want to keep my options open. I do feel, however, that the proposal serves two important purposes: First, to stimulate debate during the hearings that my subcommittee—which has jurisdiction over copyrights—will be holding on June 19 and July 11; and, second, to send a clear message to the outside world that Congress has a pressing political issue on its hands.

At the recent conference of the National Cable Television Association, I stated that the time has come to think about abolishing the Tribunal and to force interested parties to consider other alternatives for the periodic rate adjustments. For example, rates might be set by a Copyright Royalty Court, composed of three Federal judges appointed by the Chief Justice; by Congress itself; by an executive branch entity—perhaps in the Department of Commerce—or by compulsory arbitration.

Mr. Speaker, let me remind Members that the Copyright Royalty Tribunal is a small but increasingly powerful Federal regulatory agency that sets rates that cable television and jukebox operators and others must pay for retransmission or performance of works, such as movies and records, protected by copyright. The Tribunal additionally divides the millions of dollars in royalty fees it collects among copyright owners. Recently, the Reagan administration-appointed Chairman of the Tribunal resigned from office after public disclosure of her role in writing a controversial book entitled "Foundations of Sand."

One of the core functions of Congress is to assess whether the statutory structure of a Government agency is adequate and whether the agency is fulfilling its legal and constitutional obligations. After watching the Tribunal in action since its creation in 1978, I believe it is a governmental agency beyond repair, and a waste of increasingly finite taxpayers' dollars.

Introduction of this bill will assist Congress in resolving the thorny issues pending before us.●