GAO

Congressional Record, 102nd Congress, Extension of Remarks

1. Bill	2. Date	3. Pages
H.R.1612	Mar 22, 1991 (50)	E1105-06

4. Action:

INTRODUCED BY MR. HUGHES

ELIMINATION OF THE LIBRARY PHOTOCOPYING REPORT

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. HUGHES. Mr. Speaker, I am pleased to introduce a housekeeping measure designed to save the taxpayers money by eliminating a recurring report about library reproduction of copyrighted works. The bill simply deletes paragraph (i) of section 108 of the Copyright Act of 1976, which established the 5-year review as part of the 1976 general revision of the copyright laws.

Currently, section 108(i) directs the Register of Copyrights to prepare and file a report every 5 years "setting forth the extent to which this section has achieved the intended statutory balancing of the rights of creators, and the needs of users." The Register is also directed to "describe any problems that may have arisen, and present legislative or other recommendations, if warranted."

The Register of Copyrights filed reports in 1983, David Ladd, Register; and 1988, Ralph Oman, Register. The reports presented useful information to the Congress. In 1983, the Register made several detailed recommendations for the Congress to consider. The House and Senate chose not to act upon the recommendations. Hearings were not even held on the recommendations. In the 1988 report, the Register recommended elimination of the report requirement, unless the focus of the report were changed by statute.

Mr. Speaker, the 5-year reports submitted by two Registers of Copyrights in 1983 and 1988 fulfill the original congressional charge. Congress wanted to have oversight of library photocopying developments to determine whether it had struck the appropriate balance between the rights of creators and the needs of the public for access to copyrighted works. We have now had more than 12 years of experience under the library reproduction provisions of section 108. While publishers and librarians may occasionally differ about the enforcement of section 108 in specific cases, it is clear that Congress struck a fair balance between the public and proprietary interests.

I am informed by the Register of Copyrights that a preliminary survey of the publishing and library communities indicates they would agree that the section 108(i) report could be eliminated. Many say another report would be useless and redundant. Of course, if any legislative issues arise about library reproduction of copyrighted works, Congress can air them through the usual procedure of legislative hearings. And if a specific problem in the library photocopying area arises that Congress wants the Register of Copyrights to report on in depth, Congress can simply request that he do so, and he will comply with alacrity, as he has done on numerous other occasions. We do not need a legislative directive on the books to prompt action. Let's save the taxpayers several hundred thousand dollars by passing this simple, noncontroversial bill.

I thank the ranking minority Member, the gentleman from California [Mr. MOORHEAD] of my subcommittee, the Subcommittee on Intellectual Property and Judicial Administration, for cosponsoring the measure. The bill, after it is referred to the Subcommittee, will be processed in the near future.

I urge support for the proposal. Any questions about the bill may be addressed to the Subcommittee on Intellectual Property and Judicial Administration, 207 Cannon Building, Washington, DC, telephone (202) 225-3926.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 108 of title 17, United States Code, is amended by deleting paragraph (i).