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Bill	Date	Page(s)
H.R.3046	Nov. 13, 1989 (158)	H8457-8460

Action:

HOUSE PASSED

Copyright Royalty Tribunal: H.R. 3046, amended, to reduce the number of commissioners on the Copyright Royalty Tribunal, to change the salary classification rates for members of the Copyright Tribunal and the United States Parole Commission and for the Deputy and Assistance Commissioner of Patents and Trademarks. Agreed to amend the title;

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COPYRIGHT ROYALTY TRIBUNAL REFORM AND MISCELLANEOUS PAY ACT OF 1989

Mr. KASTENMEIER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3046) to reduce the number of commissioners on the Copyright Royalty Tribunal, to change the salary classification rates for members of the Copyright Tribunal and the United States Parole Commission and for the Deputy and Assistant Commissioners of Patents and

Trademarks, and for other purposes as amended.

The Clerk read as follows:

H.R. 3046

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Copyright Royalty Tribunal Reform and Miscellaneous Pay Act of 1989".

SEC. 2. COPYRIGHT ROYALTY TRIBUNAL AND COPYRIGHT OFFICE.

(a) MEMBERSHIP OF THE COPYRIGHT ROYALTY TRIBUNAL; LAPSED TERMS; PAY.—Section 802(a) of title 17, United States Code, is amended to read as follows:

"(a) The Tribunal shall be composed of three Commissioners appointed by the President, by and with the advice and consent of the Senate. The term of office of any individual appointed as a Commissioner shall be seven years, except that a Commissioner may serve after the expiration of his or her terms until a successor has taken office. Each Commissioner shall be compensated at the rate of pay in effect for level V of the Executive Schedule under section 5316 of title 5.".

(b) COPYRIGHT OFFICE.—Section 701 of title 17, United States Code, is amended by adding at the end the following new subsection:

"(e) The Register of Copyrights shall be compensated at the rate of pay in effect for level IV of the Executive Schedule under section 5315 of title 5. The Librarian of Congress shall establish not more than 4 positions for Associated Registers of Copyrights, in accordance with the recommendations of the Reigister of Copyrights. The Librarian shall make appointments to such positions after consultation with the Register of Copyrights. Each Associate Register of Copyrights shall be paid at a rate not to exceed the maximum annual rate of basic pay payable for GS-18 of the General Schedule under section 5332 of title 5.".

SEC. 3. PAY RATES FOR PAROLE COMMISSION.

(a) CHAIRMAN.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Chairman, United States Parole Commission.".

(b) OTHER COMMISSIONERS.—Section 5316 of title 5, United States Code, is amended by adding at the end the following:

"Commissioners, United States Parole Commission (8).".

SEC. 4. PAY RATES FOR DEPUTY AND ASSISTANT COMMISSIONERS OF PATENTS AND TRADEMARKS.

Section 5316 of title 5, United States Code, is amended by adding at the end the following:

"Deputy Commissioner of Patents and Trademarks.

"Assistant Commissioner for Patents.

"Assistant Commissioner for Trademarks.".

SEC. 5. EFFECTIVE DATE; BUDGET ACT.

(a) EFFECTIVE DATE.—The amendments made by this Act shall take effect on the date of enactment of this Act.

(b) BUDGET ACT.—Any new spending authority (within the meaning of section 401 of the Congressional Budget Act of 1974) which is provided under this Act shall be effective for any fiscal year only to the extent or in such amounts as are provided in appropriations Acts.

The SPEAKER pro tempore. Is a second demanded?

Mr. MOORHEAD. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore.The gentleman from Wisconsin [Mr. KASTENMEIER] will be recognized for 20 minutes, and the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. KASTENMEIER].

Mr. KASTENMEIER. Mr. Speaker, I yield myself as much time as I may consume.

(Mr. KASTENMEIER asked and was given permission to revise and extend his remarks.)

Mr. KASTENMEIER. Mr. Speaker, today I bring before the House the bill, H.R. 3046, the Copyright Royalty Tribunal and Miscellaneous Pay Act of 1989.

At the outset, I would like to thank the members of my subcommittee—the Subcommittee on Courts, Intellectual Property, and the Administration of Justice—for helping to develop this legislation. I would underline the efforts of the ranking minority member of the subcommittee, the gentleman from California [Mr. MOORHEAD] and the ranking minority member of the full Committee, the gentleman from New York [Mr. FISH].

H.R. 3046, as amended, is a housekeeping bill which, in the long run, will improve the functioning of four important Government entities: Three with important intellectual property responsibilities and one in the criminal justice arena. The proposed legislation, the outgrowth of hearings held by my subcommittee earlier this year, seeks to assure that high level officials at the Copyright Royalty Tribunal, the Copyright Office, the U.S. Parole Commission, and the U.S. Patent and Trademark Office receive salaries consistent with their counterparts in Government. H.R. 3046 also provides several structural reforms for the Copyright Royalty Tribunal.

First. The Copyright Royalty Tribunal: The Copyright Royalty Tribunal, located in the legislative branch of Government, was created by the Copyright Revision Act of 1976. The primary functions of the Tribunal are first, the distribution of funds collected for cable and satellite transmitted television signals and for jukeboxes and second, the setting of rates for the cable and jukebox compulsory licenses.

H.R. 3046 reduces the number of Commissioners on the Tribunal—from five to three—provides for lapsed terms so that a Commissioner may serve beyond the expiration of his or her term, until a new Commissioner is confirmed; and changes the salary classification rates for members of the Tribunal—from GS-18 of the General Schedule to Executive Level V. In this latter regard, Executive Level V is equal to the entry level for Presidential appointees in the executive branch.

When the Tribunal was created in 1976, GS-18 was the highest level for Civil Service employees. Subsequently, in 1978 Congress revised the supergrade system, supplementing it with the Senior Executive Service [SES]. Since then almost all GS-18 positions have been converted to SES. The GS-18 position, which once numbered in the thousands now number less than 80, mostly non-supervisory personnel in the executive branch. Although the pay levels for GS-18 is the same as that of Executive Level V, the President's Quadrennial Pay Commission recommended revisions in the Executive Level salary schedule and not the General Schedule. H.R. 3046 does not therefore result in a pay increase for the Commissioners of the Tribunal but it does pave the way if a pay raise occurs for high-ranking individuals in the congressional, executive and judicial branches.

Second, the U.S. Copyright Office: The U.S. Copyright Office, located in the Library of Congress, is responsible for administering the copyright law and the semiconductor chip protection law pursuant to title 17 of the United States Code. The Copyright Office is directed by the Register of Copyrights and several Associate Registers of Copyrights. The Office, being a part of the Library, is located in the legislative branch and is an excellent resource for Members of Congress.

H.R. 3046 provides that the Register is to be compensated at the rate of pay in effect for Level IV of the Executive Schedule, treating the Register similarly with the Commissioner of Patents and Trademarks. The bill also provides that the Librarian of Congress shall appoint Associate Registers of Copyrights in accordance with the recommendations of the Register of Copyrights in accordance with the recommendations of the Register of Copyrights to assist in the performance of the Register's duties. The Associate Registers shall be paid at a rate not to exceed the maximum annual rate of pay payable to GS-18 of the General Schedule. If the Library is reorganized at any time in the future, the subcommittee will be consulted and will, in turn, participate constructively in the reorganization. A reorganization might, for example, convert General Schedule position into SES positions, creating a situation where further amendments to the Copyright Office charter are necessary.

Third, the United States Parole Commission: The United States Parole Commission is an independent agency within the U.S. Department of Justice. It currently is comprised of nine members appointed by the President. Among the Commissioners, the President designates one to serve as Chair.

Although the Parole Commission is slated for abolition in 1992, it still

serves a very important function for inmates sentenced before 1987. Therefore, H.R. 3046 transfers the Commissioner positions from GS-18 to Executive Level V; it also makes the Chair of the Parole Commission an Executive Level IV.

The need to amend the Parole Commission charter was originally brought to my attention by the gentleman from Maryland [Mr. HOYER], who deserves credit for this provision.

4. U.S. Patent and Trademark Office: Finally, the Patent and Trademark Office, within the U.S. Department of Commerce, administers laws relating to patents and trademarks to promote the progress of science and technology, to strengthen the national economy, and to benefit the public interest. H.R. 3046 upgrades three high-ranking Presidential appointees—the Deputy Commissioner, the Assistant Commissioner of Patents, and the Assistant Commissioner of Trademarks—from the General Schedule to Executive Level V. Again, the rationale for this change is the same as for the Copyright Royalty Tribunal, U.S. Copyright Office and the Parole Commission.

H.R. 3046 will not require additional budgetary outlays. I am aware of no opposition to the measure.

Given the current emphasis of this country in a more effective criminal justice system as well as improved intellectual property laws, it makes eminent good sense to treat high-level Government employees—especially those appointed by the President of the United States—with the respect that they deserve. As recently noted by Paul Volcker, in his capacity as chairman of the National Commission on the Public Service: the Federal Government * * * is increasingly unable to attract, retain, and motivate the kinds of people it will need to do the essential work of the republic in the years and decades ahead. H.R. 3046 is a short step in the right direction of solving this quiet crisis in Government. I am just thankful that the four Government entities affected by this legislation have, over the years, been ably led by individuals devoted to public service and have fulfilled their legislative charters in a time of budgetary stress. The bill is in part a tribute to their leadership, in part a message to keep up the good work. The Congress and this country need your services.

I urge your support of this important piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend our subcommittee chairman, the gentleman from Wisconsin [Mr. KASTENMEIER] for bringing this legislation to the floor and for his support in working out the adjustments for the Copyright Office.

With regard to the Copyrights Royalty Tribunal [CRT] bill (H.R. 3046) it is important legislation and is long overdue. Without this bill I am concerned with whether the CRT will be able to function, since they have been operating with only two Commissioners out of five, which is not good practice and may not even be a quorum. This legislation would reduce the number of Commissioners from five to three.

Another important part of this bill provides that the CRT Commissioners and the Patent and Trademark Deputy and two Assistant Commissioners who are presently compensated at a GS-18 level will be transferred to an Executive level V.

Mr. Speaker, I would like to take this opportunity to commend the former Commissioner of Patents for a job well done. He took over that position in October 1985 and during his tenure, which ended last month he contributed significantly to the growth and protection of intellectual property both nationally and internationally. One of the many significant accomplishments he attained was reducing the time period a person has to wait before receiving a patent. In 1981 the PTO budget model showed that the pendency was headed for 48 months by the late 1980's. With the help and encouragements of our subcommittee chairman and the former Secretary of Commerce Malcolm Baldrige who reaffirmed the administration commitment to 18 months' pendency in May, 1989. It is with great pride that I advise this House that the goal of 18 in 1989 was met last month and I want to particularly congratulate and thank Don Quigg for his tremendous leadership and his staff of examiners for their tremendous effort and for all Don Quigg has done for the PTO during his term in office. He will be missed.

Presently the Commissioner of Patents is compensated at Executive level IV. H.R. 3046 brings the compensation level of the Register of Copyrights into parity with the Commissioner of Patents. This change would not have any immediate fiscal consequences because all the positions are already at the maximum pay level.

Mr. Speaker, the Register of Copyrights not only presides over administrative rulemakings and the collection of cable TV's compulsory license royalties set by the Tribunal, but also supervises a staff of several hundred persons engaged in important task such as examining copyright registration applications, drafting legislation, advising the Congress and executive branch on matters of Copyright policy and representing the United States in international copyright matters.

In carrying out these responsibilities the Register has been assisted by three Associate Registers of Copyrights. One of these positions is currently vacant and there is some question whether the Library of Congress has sufficient authorized positions at the appropriate pay grade to fill it. H.R. 3046 would codify these positions and raise them from a level of GS-17 to a GS-18, bringing them into closer parity with their colleagues at the Patent and Trademark Office. This change would not have any immediate fiscal consequences because all the positions are already at the maximum pay level. Given the fact that the Copyright Office currently is handling 42 percent more claims to copyright than 10 years ago as well as increased responsibilities associated with United States adherence to the Berne Convention and an increased volume of legislation requiring analysis by the Copyright Office.

The Copyright Office is an important division of the Library of Congress, which, as we all know, is a tremendous resource arm of this body. If we expect this resource to continue to be available and do the job we expect of them we must provide them with the support and resources needed. I have been in touch with the Librarian of Congress who shares our commitment to a strong U.S. Copyright Office. The Librarian—Dr. Billington—has assured this committee that he will fully consider the needs of the Copyright Office in his review of senior management positions of the Library and will continue to work toward making that office an international example of efficiency and productivity. He has also assured this committee that he will consult with us when his review of the Library and the Copyright Office is completed.

Mr. Speaker, I am not aware of any opposition to this legislation and urge a favorable vote.

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Mr. KASTENMEIER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I would like to join in the remarks made by the gentleman from California [Mr. MOORHEAD] about the former Commissioner of Patents and Trademarks. Donald Quigg took over the helm of the Office in the fall of 1985 and guided its course for 4 years. During that time, the importance of patients and trademarks continued to grow in our society. In expert and unflappable fashion, the Commissioner presided over a large and growing Government enterprise, one with growing obligations in a constantly changing technological environment. Although I have had some difference with the Commissioner on certain policy issues, I commend him for a job well done and thank him for his service to the public.

In a related regard, another individual deserves our commendation. Edward Ray recently retired from the Copyright Royalty Tribunal, where he had served for almost 8 years. Mr. Ray chaired the Tribunal on several occasions, at least once under extremely

difficult circumstances when the Tribunal was down to two Commissioners and under a great deal of public scrutiny. His leadership allowed the Tribunal to survive and even grow to its respected statute today. Mr. Ray deserves our tribute.

Mr. Speaker, I yield back the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume, and I certainly do join the gentleman from Wisconsin in commanding the service of Eddie Ray. He has done an outstanding job.

Mr. FISH. Mr. Speaker, I rise in support of H.R. 2046. In many respects this legislation is technical, in that it would reduce the size of the Tribunal from five to three but three has been the size of the CRT for the last couple of years. We are merely codifying that practice. The bill would also transfer the salary levels of the Parole Commissioners, the Commissioners of the CRT, the Assistant Commissioners of the Patent Office and the Register of Copyrights from GS–18 to level V of the executive schedule, bringing them in parity with each other. The CRT is a small agency even though it divides the distribution of hundreds of millions of dollars and like the Copyright Office it too is located in the legislative branch. Therefore, they look to this committee, not OMB, for budgetary assistance and guidance. The administration has no objection to this legislation. I commend the gentleman from Wisconsin [Mr. KASTENMEIER] and the gentleman from California [Mr. MOORHEAD] for their continued support and oversight of the Copyright and Patent Office.

Mr. Speaker, I would like to take a minute and applaud the job being done by our present Register of Copyrights Ralph Oman. His expertise and assistance to the Judiciary Committee and the Congress is greatly appreciated and valued. We expect that Office to become more and more critical as we try and stem the tens of billions of dollars and thousands of jobs lost every year to the pirates of copyrights.

Also Mr. Speaker, I would like to identify with the remarks of the gentleman from California [Mr. MOORHEAD] concerning the retirement of the Commissioner of Patents, Don Quigg. He too was very important to the committee as we went through the decade of the eighties, reorganizing and upgrading the Patent and Trademark Office. We owe him our gratitude and our appreciation and we wish him well in his retirement from a very distinguished patent attorney career.

Mr. Speaker, I urge a favorable vote on H.R. 2046.

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KASTENMEIER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. (Mr. MCDERMOTT). The question is on the motion offered by the gentleman from Wisconsin [Mr. KASTENMEIER] that the House suspend the rules and pass the bill, H.R. 3046, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill as amended was passed.

That title of the bill was amended so as to read: "A bill to reduce the number of Commissioners on the Copyright Royalty Tribunal, to change the salary classification rates for members of the Copyright Tribunal and the U.S. Parole Commission, for the Register and Associate Registers of Copyrights, and for the Deputy and Assistant Commissioners of Patents and Trademarks, and for other purposes."

A motion to reconsider was laid on the table.