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H.R.1612	Nov 18, 1991 (170)	H10288-89

4. Action:

PASSED UNDER SUSPENSION OF THE RULES

Library reproduction reporting: H.R. 1612, to amend section 108 of title 17, United States Code, to eliminate the library reproduction reporting requirement;
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LIBRARY REPRODUCTION REPORTING REQUIREMENTS

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1612) to amend section 108 of title 17, United States Code to eliminate the library reproduction reporting requirement.

The Clerk read as follows:

H.R. 1612

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 108 of title 17, United States Code, is amended by striking subsection (i).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. BROOKS] 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 Texas [Mr. BROOKS].

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

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

Mr. BROOKS. Mr. Speaker, H.R. 1612 eliminates the present library reproduction reporting requirement under section 108(i) of the Copyright Act. In passing the general revision of the copyright laws in 1976, Congress added a requirement of a recurring 5-year report to the library reproduction provisions of the Copyright Act. This was included as a mechanism for Congress to assess whether an appropriate balance between the rights of creators and the needs of library users had been struck in enacting section 108 of the Copyright Act.

The recurring report mechanism of section 108 has fulfilled its purpose of informing Congress about the practical operation of the library reproduction provisions and the experience of copyright owners and users under the law. Since the desired statutory balance has been achieved, Congress can dispense with further automatic reports—and save the taxpayers' money—by eliminating that automatic reporting requirement.

Mr. HUGHES, who chairs the Subcommittee on Intellectual Property and Judicial Administration, and Mr. MOORHEAD, the ranking minority member, deserve credit for bringing this bill forward. I urge the Members to support H.R. 1612.

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 would like to commend our subcommittee chairman, the gentleman from New Jersey [Mr. HUGHES] for his hard work and guidance in the copyright area. I would also like to thank and commend the chairman of our full committee, the gentleman from Texas [Mr. BROOKS] and our ranking Republican member, the gentleman from New York [Mr. FISH] for their effort and support of the work of our subcommittee. In 1976, we were not sure how the new copyright law was going to affect copyright owners and the needs of libraries and other users. So we directed the Register of Copyrights to monitor our intended statutory balancing of the rights of creators and the needs of users and report to Congress every 5 years on the problems, if any. Well, the last two reports have concluded that the 1976 law is working fine and after 12 years of experience we really don't need the third report. I think it's clear that these reports have served their intended purpose and they are no longer necessary. A third report would be burdensome to the Copyright Office and an unnecessary expenditure of taxpayer money. Therefore, H.R. 1612 would eliminate the requirement for a third report and I urge its adoption.

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

Mr. BROOKS. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. HUGHES], the distinguished chairman of the subcommittee on Intellectual Property and Judicial Administration.

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

Mr. HUGHES. Mr. Speaker, I will make several very brief comments in support of H.R. 1612, a bill that will save the taxpayers money—close to one-half million dollars—by eliminating a statutory report requirement about library reproduction of copyrighted works. The bill simply deletes paragraph (i) of section 108 of the Copyright Act of 1976, which established the recurrent 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 of Copyrights filed reports in 1983 and 1988.

The 5-year reports submitted by two Registers of Copyrights fulfill the original congressional charge. Congress has now had more than 12 years of experience under the library reproduction statute, and it is clear that Congress struck a fair balance between public and proprietary interests.

Enactment of H.R. 1612 will in no way change the substantive balance incorporated in the library photocopying provisions of the Copyright Act.

The Register of Copyrights—Ralph Oman—has informed us that the publishing and library communities agree that the section 108(i) report could be eliminated. Of course, if any legislative issues arise about library reproduction of copyrighted works, we can ask the Register to file a report, and he has assured us that he will do so.

Let us save the taxpayers' several hundred thousand dollars by passing this simple, noncontroversial bill.

I would like to commend the ranking minority member of the subcommittee, the gentleman from California [Mr. MOORHEAD], for his support of the measure. I also thank the Register of Copyrights and his able staff for bringing this matter to the subcommittee's attention.

There is no known opposition to the bill. I urge your undivided support.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 1612.

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

A motion to reconsider was laid on the table.