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3-14-1973

## Authors League of America (1973): Correspondence 01

Jerome Weidman

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# The Authors League of America, Inc.

234 WEST 44TH STREET • NEW YORK, N.Y. 10036 • TELEPHONE (212) 736-4811

March 14, 1973

The Honorable Claiborne Pell  
United States Senate  
Washington, D. C. 20510

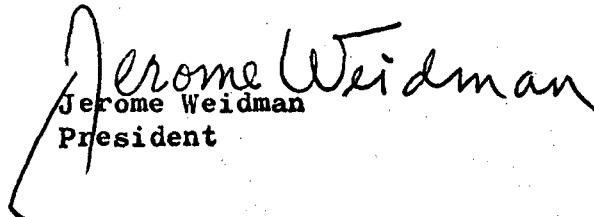
Dear Senator Pell:

We enclose for your information a copy of H.R. 4850, introduced on February 27th, by Congressman Reid. This Bill would establish a Commission to study and recommend methods by which the Federal Government could pay authors compensation - "lending royalties" - for the use of their books by libraries. As you know, Sweden and Denmark now make such payments to their authors; and Great Britain is working toward the establishment of such a system. Any method of payment recommended by the Commission would not be part of, or affect, the Copyright Act.

We enclose herewith a copy of the statement made by Congressman Reid when he introduced the Bill and a copy of The Authors League's statement. We very much hope that you will introduce the Bill in the Senate. We would appreciate hearing from you.

Kindest personal regards.

Sincerely yours,

  
Jerome Weidman  
President

JW/eap  
Encls.

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Cable Address:  
AUTHOLEAG, NEW YORK

# The Authors League of America, Inc.

234 WEST 44TH STREET • NEW YORK, N.Y. 10036 • TELEPHONE (212) 736-4811

February 28, 1973

## FOR IMMEDIATE RELEASE

The attached Bill - H.R. 4850 was introduced by Congressman Ogden R. Reid on February 27th, at the request of The Authors League of America.

This Bill creates a Commission to study methods for paying authors "lending royalties" for uses of their books through libraries. Funds for the royalties would be provided by the Federal government and any system recommended by the Commission would not affect the Copyright Act.

As some European countries recognize, authors are not adequately compensated when their books are used through libraries. No matter how valuable his book, an author's income from it depends on the number of uses, under the royalty system. However, when his book is used through public libraries, he is not compensated fairly since his royalties are not based on the number of times it is used. Although a copy of his book may be read by 30, or 40, or 50 people, he receives only one royalty when the copy is purchased by the library.

Recognizing this inequity, some European countries now pay authors royalties for the uses of their works through public libraries; and Great Britain is now studying the establishment of such a system.

The eleven member Commission appointed under this Bill would consider alternative methods for determining lending royalties. The Bill does not direct the Commission to study a particular method or confine its enquiry to one set of criteria for computing or allocating royalties. The Commission is asked to consider some of the alternative factors and standards that might be employed. But it is free to study, evaluate and recommend any methods and criteria it deems appropriate. SEE Sections 4(a) and (b).

The Commission would also consider various problems and questions listed in Section 4(d). Among these: whether lending royalties should be paid for works published prior to the time a system is established; whether royalties should only be paid for a limited number of years following the publication of a book; whether minimum and maximum limits should be placed on the amount of lending royalties payable to an author in any year; and whether, and to what extent, publishers would share in lending royalties.

The Congress has appropriated millions of dollars each year for "the Arts." But the most significant and enduring of all American "arts", literature, has benefited little from this generosity. Indeed, the Council on the Arts has been hard put to find meaningful literary "projects" to allocate funds to. Yet authors of books, especially those of artistic and social value, are not fairly compensated for their contributions. The appropriation of Federal funds for library lending royalties would aid the literary arts - but not "subsidize" them. The payment of lending royalties is not largesse; it is payment of compensation the author is entitled to have. And it avoids all the pitfalls of subsidy. Since payments are based on the public's use of books, through libraries, there is no opportunity for government influence or control over the contents of literary works.

The members of the Commission would be appointed by the President from authors, publishers, librarians and members of the public. SEE Sec. 5. They would serve without compensation. A limited staff would be under the direction of the Librarian of Congress who is the eleventh member of the Commission. SEE Sec. 7. The Commission would make its report to the President and Congress within 18 months after its first meeting.

93<sup>d</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 4850

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 1973

Mr. REID introduced the following bill; which was referred to the Committee on House Administration

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## A BILL

To establish a commission to study and make recommendations on methods for compensating authors for the use of their books by libraries.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

3                ESTABLISHMENT AND PURPOSE OF COMMISSION

4                SECTION 1. There is hereby created in the Library of  
5 Congress a National Commission on Compensation of Au-  
6 thors for Library Uses of Their Works (hereinafter called the  
7 Commission).

8                SEC. 2. (a) The purposes of the Commission are—

9                        (i) to study and compile data on methods by which  
10                the United States may compensate authors for uses of

1 their books by public libraries, college and university  
2 libraries, and similar institutions; and

3 (ii) to recommend procedures for determining and  
4 paying such compensation from funds to be appropriated  
5 by Congress or from a trust fund established for such  
6 purpose.

7 (b) The Commission shall consider methods and pro-  
8 cedures that shall not be incorporated into, and shall not  
9 affect the provisions of, the United States Copyright Act  
10 (17 U.S.C.).

11 (c) The library uses for which compensation shall be  
12 paid to authors includes lending of copies for use outside  
13 the library premises, interlibrary loans, and consultation on  
14 library premises. The compensation to be paid to authors for  
15 such uses shall be known as lending royalties.

16 SEC. 3. In carrying out its purposes, the Commission  
17 shall evaluate and report on the systems which are employed  
18 or are under consideration in Sweden, Denmark, Great  
19 Britain, and other countries for compensating authors for  
20 library uses of their work.

21 SEC. 4. In carrying out its purposes—

22 (a) the Commission shall consider various criteria  
23 for determining the amount of lending royalties, includ-  
24 ing the following, and any others it deems appropriate:  
25 the number of copies sold to libraries, the number of

1 copies stocked by libraries, and the number of  
2 circulations;

3 (b) the Commission shall consider various methods  
4 for accumulating data required to apply the criteria rec-  
5 ommended, including the following, and any others it  
6 deems appropriate: reports from libraries, reports from  
7 publishers, use of copyright office registrations, and the  
8 use of sampling methods based on reports and records of  
9 selected libraries in various categories and areas, during  
10 designated periods;

11 (c) the Commission shall consider whether any  
12 categories of works other than books shall be eligible for  
13 lending royalties;

14 (d) the Commission shall consider the following  
15 questions:

16 (i) Whether lending royalties shall be paid for  
17 works published prior to the effective date of the Act  
18 establishing a system of compensation.

19 (ii) Whether payment of lending royalties shall  
20 be limited to copyrighted works; and to works by  
21 citizens of the United States and aliens domiciled  
22 in the United States.

23 (iii) Whether lending royalties shall be paid  
24 only for a specified number of years following the  
25 publication of a work.

1           (iv) Whether any maximum or minimum  
2           limits should be placed on the amount of lending  
3           royalties payable to an author during a calendar or  
4           fiscal year.

5           (v) Whether, and to what extent, publishers  
6           should be permitted to share in an author's lend-  
7           ing royalties; and whether payments should be made  
8           to actual writers, or their employers, in the case  
9           of works-made-for-hire.

10          (vi) Whether lending royalties shall be paid  
11          directly to the widow and children of deceased au-  
12          thors; and whether such royalties may be be-  
13          queathed or inherited.

14          (e) the Commission shall consider whether a  
15          lending royalty system should be administered by the  
16          Librarian of Congress, the Department of Health, Educa-  
17          tion, and Welfare, or other existing agency or depart-  
18          ment, or by a new agency created for such purpose; and

19          (f) the Commission shall consider and make esti-  
20          mates, assuming various levels of available funds, for the  
21          cost of administering the system and the amount of lend-  
22          ing royalties that would be paid (i) in the aggregate,  
23          and (ii) on the average, to individual, eligible authors or  
24          their successors, to the extent the Commission finds such  
25          estimates feasible.

## MEMBERSHIP OF THE COMMISSION

1  
2 SEC. 5. (a) The Commission shall consist of eleven  
3 voting members; one shall be the Librarian of Congress and  
4 ten shall be appointed by the President, as follows:

5 (i) two members selected from authors;

6 (ii) two members selected from publishers;

7 (iii) three members selected from librarians; and

8 (iv) three members selected from the public  
9 generally.

10 (b) The Commission shall select its Chairman and Vice  
11 Chairman, who shall act as Chairman in the absence of the  
12 Chairman for any cause; and may fill a vacancy in either  
13 office.

14 (c) Six members of the Commission shall constitute  
15 a quorum.

16 (d) Any vacancy in the Commission shall be filled in  
17 the same manner as the original appointment was made.

## COMPENSATION

18  
19 SEC. 6. Members of the Commission shall serve without  
20 compensation, but shall be reimbursed for travel, subsistence,  
21 and other necessary expenses in connection with the per-  
22 formance of their duties.

## STAFF

23  
24 SEC. 7. (a) The Commission may appoint a staff, not  
25 to exceed four members, which shall be an administrative part



1 of the Library of Congress, and its operations shall be di-  
2 rected by the Librarian of Congress who shall be responsi-  
3 ble to the Commission for the administration of the duties  
4 of the staff.

5 (b) The Commission may procure temporary intermit-  
6 tent services to the same extent as is authorized by section  
7 3109 of title 5, United States Code, but at rates not to exceed  
8 \$60 a day.

#### 9 EXPENSES OF THE COMMISSION

10 SEC. 8. There are hereby authorized to be appropriated  
11 such sums as may be necessary to carry out the provisions of  
12 this Act.

#### 13 REPORTS

14 SEC. 9. (a) Within eighteen months after the enact-  
15 ment of this Act the Commission shall submit to the Presi-  
16 dent and the Congress a final report of its study and investi-  
17 gation which shall include its recommendations and such  
18 proposals for legislation and administrative action as it may  
19 deem necessary to carry out its recommendations.

20 (b) The Commission shall append to such report any  
21 statements commenting on its report and recommendations  
22 submitted by organizations representing authors, publishers,  
23 librarians, and others interested in the subject; and for that  
24 purpose, the Commission shall make available to interested

1 parties a draft of its report no less than forty-five days before  
2 its submission to the President and the Congress.

3 (c) In addition to the draft report and final report re-  
4 quired by this section, the Commission may publish such  
5 interim reports as it may determine, including but not  
6 limited to consultant's reports, transcripts of testimony,  
7 seminar reports, and other Commission findings.

#### 8 POWERS OF THE COMMISSION

9 SEC. 10. (a) The Commission, or with the authorization  
10 of the Commission, any three or more of its members, may,  
11 for the purpose of carrying out the provisions of this Act,  
12 hold hearings, administer oaths, and require, by subpoena or  
13 otherwise, the attendance and testimony of witnesses, and the  
14 production of documentary material.

15 (b) With the consent of the Commission, any of its  
16 members may hold any meetings, seminars, or conferences  
17 considered appropriate to provide a forum for the discussion  
18 of the problems with which it is dealing.

#### 19 TERMINATION

20 SEC. 11. On the sixtieth day after the date of the sub-  
21 mission of its final report, the Commission shall terminate  
22 and all offices and employment under it shall terminate.

93<sup>d</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 4850

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## A BILL

To establish a commission to study and make recommendations on methods for compensating authors for the use of their books by libraries.

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By Mr. REID

FEBRUARY 27, 1973

Referred to the Committee on House Administration