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Authors League of America (1973): Correspondence 01

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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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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.
A BILL

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

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

ESTABLISHMENT AND PURPOSE OF COMMISSION

SECTION 1. There is hereby created in the Library of Congress a National Commission on Compensation of Authors for Library Uses of Their Works (hereinafter called the Commission).

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

(i) to study and compile data on methods by which the United States may compensate authors for uses of
their books by public libraries, college and university libraries, and similar institutions; and

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

(b) The Commission shall consider methods and procedures that shall not be incorporated into, and shall not affect the provisions of, the United States Copyright Act (17 U.S.C.).

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

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

Sec. 4. In carrying out its purposes—

(a) the Commission shall consider various criteria for determining the amount of lending royalties, including the following, and any others it deems appropriate:

the number of copies sold to libraries, the number of
copies stocked by libraries, and the number of

circulations;

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

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

(d) the Commission shall consider the following
questions:

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

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

(iii) Whether lending royalties shall be paid
only for a specified number of years following the
publication of a work.
(iv) Whether any maximum or minimum limits should be placed on the amount of lending royalties payable to an author during a calendar or fiscal year.

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

(vi) Whether lending royalties shall be paid directly to the widow and children of deceased authors; and whether such royalties may be bequeathed or inherited.

(e) the Commission shall consider whether a lending royalty system should be administered by the Librarian of Congress, the Department of Health, Education, and Welfare, or other existing agency or department, or by a new agency created for such purpose; and

(f) the Commission shall consider and make estimates, assuming various levels of available funds, for the cost of administering the system and the amount of lending royalties that would be paid (i) in the aggregate, and (ii) on the average, to individual, eligible authors or their successors, to the extent the Commission finds such estimates feasible.
MEMBERSHIP OF THE COMMISSION

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

(i) two members selected from authors;
(ii) two members selected from publishers;
(iii) three members selected from librarians; and
(iv) three members selected from the public generally.

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

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

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

COMPENSATION

SEC. 6. Members of the Commission shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses in connection with the performance of their duties.

STAFF

SEC. 7. (a) The Commission may appoint a staff, not to exceed four members, which shall be an administrative part
of the Library of Congress, and its operations shall be di-
rected by the Librarian of Congress who shall be responsi-
ble to the Commission for the administration of the duties
of the staff.

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

EXPENSES OF THE COMMISSION

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

REPORTS

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

(b) The Commission shall append to such report any
statements commenting on its report and recommendations
submitted by organizations representing authors, publishers,
librarians, and others interested in the subject; and for that
purpose, the Commission shall make available to interested
parties a draft of its report no less than forty-five days before its submission to the President and the Congress.

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

POWERS OF THE COMMISSION

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

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

TERMINATION

SEC. 11. On the sixtieth day after the date of the submission of its final report, the Commission shall terminate and all offices and employment under it shall terminate.
A BILL

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

By Mr. Reid

February 27, 1973

Referred to the Committee on House Administration