

—
Diana,

The Legislative
Branch enrolled
bill memo is
attached. It mentions
the blind-related
provision. Neil Fabron
51490



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

Pending
9/5/96
1:10 PM

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 3754 -- Legislative Branch
Appropriations Act, FY 1997

Sponsors: Representative Packard (R), California
Senator Mack (R), Florida

Last Day for Action

September __, 1996 -

Purpose

Provides FY 1997 funding for the Congress, the Congressional Budget Office, the Architect of the Capitol, the General Accounting Office, the Government Printing Office, and the Library of Congress.

Agency Recommendations

Office of Management and Budget	Approval (Signing Statement attached)
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Discussion

H.R. 3754 provides \$2.2 billion in discretionary budget authority, \$42 million (two percent) above the FY 1996 enacted level. The conference report on H.R. 3754 passed the House by a vote of 392-22 and the Senate by means of a unanimous consent agreement.

The enrolled bill provides an overall funding level for the House of Representatives that is approximately two percent above the FY 1996 enacted level. Similarly, the enrolled bill provides overall Senate funding that is approximately three percent above the FY 1996 operating level.

The Congressional Budget Office (CBO) is funded at the requested level of \$25 million, one million over the FY 1996 enacted level.

FY 1997 is the second year of a planned two year, 25-percent reduction of the General Accounting Office (GAO). In FY 1997, GAO is funded at \$333 million, \$42 million (11 percent) below the FY 1996 funding level.

The enrolled bill contains a provision that will help blind and disabled persons. The provision will expedite the process used to convert certain books into formats for blind and disabled persons.

Recommendation

I recommend that you sign the enrolled bill. A signing statement is attached for your consideration.

Jacob J. Lew
Acting Director

Attachment

STATEMENT BY THE PRESIDENT

I have signed into law H.R. 3754, the "Legislative Branch Appropriations Act, FY 1997."

The Act provides fiscal year 1997 appropriations for the Congress, the Congressional Budget Office, the Architect of the Capitol, the General Accounting Office, the Government Printing Office, and the Library of Congress.

I commend the Congress for including a provision in this Act that will help blind and disabled persons. The provision expedites the process used to convert certain books into formats for blind and disabled persons.

I urge Congress to complete action on the remaining regular FY 1997 appropriations bills and to send them to me in an acceptable form. Regrettably, this is only the second appropriations bill that I have been able to sign for the coming fiscal year.

I urge Congress to meet its responsibilities by sending me the remaining regular FY 1997 appropriations bills in acceptable form.

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

05-Sep-1996 05:12pm

TO: Neil R. Lobron

FROM: Diana M. Fortuna
 Domestic Policy Council

CC: William White

SUBJECT: draft text for president statement

Below is a suggested paragraph for the President's signing statement of the legislative branch appropriations bill. (Bill: it includes this good provision that will give the blind quicker access to books; I think I told you about this a month ago.)

"I am especially pleased to sign into a law a provision that will allow the blind and people with visual disabilities [I am checking this term with Liz Savage, so PLEASE don't make final until I get back to you] to get earlier access to books and other reading matter. As a result of an agreement between the publishing industry and advocates for people with disabilities, books can now be converted into alternative formats such as Braille as soon as they appear in print. Prior to this change, the Library of Congress and other organizations that sought to provide these materials had to obtain permission from copyright holders on a case by case basis, leading to lengthy delays in access to all types of reading material. This law will help us reach our goal of full inclusion of people with disabilities."

Is this too long, Neil? Bill, what do you think?

NATIONAL FEDERATION OF THE BLIND

1800 Johnson Street
Baltimore, Maryland 21230
Telephone: (410) 659-9314 • Fax: (410) 685-5653

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NFB1800 Johnson Street
Baltimore, Maryland 21230
(410) 659-9314

Marc Maurer, President

For more information contact:
James Gashel
Director of Governmental Affairs

IMPORTANT NOTICE ON COPYRIGHT CHANGES

On July 29, 1996, Senator John Chafee (Republican from Rhode Island) presented an amendment on the Senate floor to make permanent changes in the Copyright Act. In statements made to support the amendment, Senator Chafee said that the legislation was based on an agreement reached by the National Federation of the Blind (NFB) and the Association of American Publishers (AAP). In fact, except for the addition of a clause concerning computer programs, agreed to in advance, the text of the Chafee amendment is exactly the same as the NFB/AAP agreement. The agreement had received broad support in Congress and from all agencies and organizations affected.

The copyright amendments passed the Senate by unanimous consent on July 30 as part of a bill to appropriate funds for operating the Congress and other agencies of the Legislative Branch, including the Library of Congress. The bill was then referred to a conference committee so that provisions which the Senate had added or altered could be considered by members of the House. Although the copyright amendments had not been included in the House version, the conferees from the House readily accepted them.

When the legislation is signed by President Clinton, which is expected, the changes in the copyright law resulting from the Chafee amendment will go into effect immediately. This will mean the following:

- (1) The permission of publishers or copyright owners is now not required if an authorized entity reproduces or distributes a nondramatic literary work in a specialized format for the exclusive use of blind persons or others with physical disabilities.
- (2) An "authorized entity" refers to a nonprofit organization or governmental agency whose primary mission is to provide specialized services relating to training, education, or adaptive reading or information access needs of blind or other persons with disabilities.

"Changing what it means to be blind"

IMPORTANT NOTICE ON COPYRIGHT CHANGES

Page two

(3) "Specialized formats" include Braille, audio, or digital text exclusively for use by blind or other persons with disabilities.

(4) "Blind or other persons with disabilities" means individuals who are eligible for or can qualify to receive specialized library services under existing definitions used by the National Library Service for the Blind and Physically Handicapped of the Library of Congress and its network of cooperating libraries. Permission is no longer required from the copyright holder if reading matter is reproduced or distributed in a specialized format exclusively to members of this population.

(5) Every work which is reproduced in a specialized format must include a notice that further reproduction without permission of the copyright holder is prohibited unless the reproduction is in a specialized format. The notice must identify the copyright owner and the date of the original publication.

(6) Two types of materials--standardized tests and certain portions of computer programs--cannot be reproduced without permission. The exact language of this exception says: "The provisions of this section shall not apply to standardized, secure, or norm-referenced tests and related testing material, or to computer programs, except the portions thereof that are in conventional human language (including descriptions of pictorial works) and displayed to users in the ordinary course of using the computer programs."

The important, bottom-line result of the new legislation is that the copyright permission process is now a thing of the past. The procedures and delays involved in securing copyright clearance are also now in the past. In the short run, this should mean much faster service for readers. As for the future, the Chafee amendment will very likely prove to be crucial as the national information infrastructure evolves.

According to Mr. Frank Kurt Cylke, Director of the National Library Service for the Blind and Physically Handicapped of the Library of Congress, the changes in the copyright law made by the Chafee amendment represent the most significant development in making reading matter available to the blind since Congress established the National Library Service program in the Library of Congress in 1931. In a letter sent to Senator Chafee on August 1, Mr. Cylke said: "I know I join Kenneth Jernigan, President Emeritus of the National Federation of the Blind, and all others in the community in extending heartfelt appreciation." As word of the Chafee amendment has begun to circulate, Mr. Cylke's sentiments have been echoed by blind individuals and officials of agencies that serve them.

NFB

1800 Johnson Street
Baltimore, Maryland 21230
(410) 659-9314

Marc Maurer, President

August 5, 1996

**JOINT STATEMENT OF THE NATIONAL FEDERATION OF THE BLIND (NFB)
AND THE ASSOCIATION OF AMERICAN PUBLISHERS (AAP)**

DRAFT

FOR IMMEDIATE RELEASE

DRAFT

**CONTACT: Marc Maurer, President, National Federation of the Blind (NFB)
(410) 659-9314**

and

**Allan Adler, Vice President for Legal and Governmental Affairs,
Association of American Publishers (AAP)
(202) 232-3335 ext. 232**

BLIND READERS A STEP CLOSER TO EQUAL ACCESS

With the signing by President Clinton of a bill to fund Congressional operations (including the Library of Congress) a new era in publishing of books for the blind has begun. The change was set in motion in January, 1996, when the National Federation of the Blind (NFB) and the Association of American Publishers (AAP) reached an agreement to set aside the existing copyright permission process and allow books and other reading matter to be reproduced for the blind immediately upon first appearing in print. Then on July 29, 1996, Senator John Chafee (R-RI) offered the NFB/AAP agreement as an amendment to a bill to fund the legislative branch. Two days later the amendment was accepted by the House of Representatives.

According to Marc Maurer, President of the NFB, the Chafee amendment "removes the current bottleneck caused by the Copyright Act, which has required that permission from the copyright holder be received before published materials can be converted to forms accessible to those who cannot read print." "Every American who cannot read print easily today or who will lose this ability sometime in the future will be substantially affected by this legislative breakthrough," Maurer said. He noted that publishers are almost always willing to grant permission for Braille or recorded reproductions for the blind, but permission must be obtained on a piecemeal basis, book by book, which, for example, can delay the reproduction of a best

"Changing what it means to be blind"

seller for as much as a year or more.

Speaking for the AAP, Allan Adler, Vice President for Legal and Governmental Affairs, commended Senator Chafee for recognizing the legitimate interest expressed by blind Americans in having immediate access to printed matter. "On behalf of the AAP," Mr. Adler said, "I think it is fair to say that our members have enthusiastically supported this important change in the law." "In reaching the agreement which is now becoming part of the Copyright Act, we were especially pleased to work directly with blind people themselves through the National Federation of the Blind," Mr. Adler added.

Reading matter for the blind, consisting of books and popular magazines, is reproduced by a section of the Library of Congress known as the National Library Service for the Blind and Physically Handicapped (NLS). The material which has been reproduced into Braille or sound recordings is distributed free to qualified blind or physically disabled readers by using a network of cooperating state and local libraries covering the entire nation. The program presently serves approximately 800,000 readers at a cost of 45 million dollars this year. Mr. Frank Kurt Cylke, Director of the NLS program, hailed the Chafee amendment as the "single most positive event for the program" since the original authorizing legislation was enacted in 1931.

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LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1997 (Senate - July 29, 1996)

Mr. CHAFEE. Mr. President, on behalf of myself, and Senators Frahm, Stevens, Leahy, McConnell, and Bingaman, I send a printed amendment to the desk. At the proper time I will ask that it be set aside.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

[Page: S9066]

The Senator from Rhode Island (Mr. Chafee), for himself, Mrs. Frahm, Mr. Stevens, Mr. Leahy, Mr. McConnell, and Mr. Bingaman, proposes an amendment numbered 5119.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following new section:

SEC. . LIMITATION ON EXCLUSIVE COPYRIGHTS FOR LITERARY WORKS IN SPECIALIZED FORMAT FOR THE BLIND AND DISABLED.

(a) In General: Chapter 1 of title 17, United States Code, is amended by adding after section 120 the following new section:

‘121. Limitations on exclusive rights: reproduction for blind or other people with disabilities

‘(a) Notwithstanding the provisions of sections 106 and 710, it is not an infringement of copyright for an authorized entity to reproduce or to distribute copies or phonorecords of a previously published, nondramatic literary work if such copies or phonorecords are reproduced or distributed in specialized formats exclusively for use by blind or other persons with disabilities.

‘(b)(1) Copies or phonorecords to which this section applies shall--

‘(A) not be reproduced or distributed in a format other than a specialized format exclusively for use by blind or other persons with disabilities;

‘(B) bear a notice that any further reproduction or distribution in a format other than a specialized format is an infringement; and

(C) include a copyright notice identifying the copyright owner and the date of the original publication.

(2) The provisions of this section shall not apply to standardized, secure, or norm-referenced tests and related testing material, or to computer programs, except the portions thereof that are in conventional human language (including descriptions of pictorial works) and displayed to users in the ordinary course of using the computer programs.

(c) For purposes of this section, the term--

(1) 'authorized entity' means a nonprofit organization or a governmental agency that has a primary mission to provide specialized services relating to training, education, or adaptive reading or information access needs of blind or other persons with disabilities;

(2) 'blind or other persons with disabilities' means individuals who are eligible or who may qualify in accordance with the Act entitled 'An Act to provide books for the adult blind', approved March 3, 1931 (2 U.S.C. 135a; 46 Stat. 1487) to receive books and other publications produced in specialized formats; and

(3) 'specialized formats' means braille, audio, or digital text which is exclusively for use by blind or other persons with disabilities.'

(b) **Technical and Conforming Amendment.** The table of sections for chapter 1 of title 17, United States Code, is amended by adding after the item relating to section 120 the following:

'121. Limitations on exclusive rights: reproduction for blind or other people with disabilities.'

Mr. CHAFEE. Mr. President, this is an amendment that I am offering on behalf of myself and those Senators that I just listed.

This amendment is supported by the Association of American Publishers, the National Federation of the Blind, the American Foundation for the Blind, the American Printing House for the Blind, Recording for the Blind and Dyslexic, and the U.S. Copyright Office.

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