

The original documents are located in Box 47, folder “6/21/76 S3187 Extend Appropriation Authorization for National Commission on New Technological Uses of Copyrighted Works” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library.

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APPROVED
JUN 21 1976

15/6/21/76

THE WHITE HOUSE
WASHINGTON
June 18, 1976

ACTION
Last Day: June 23

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON

SUBJECT:

S. 3187 - Extend Apropriation
Authorization for National Commission
on New Technological Uses of
Copyrighted Works

Attached for your consideration is S. 3187, sponsored by Senator McClellan, which would extend the appropriation authorization for the National Commission on New Technological Uses of Copyrighted Works to the termination date of the Commission.

Additional information is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Lazarus) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign S. 3187 at Tab B.

Posted
6/22/76

Archives
6/22/76





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

JUN 17 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 3187 - Extend appropriation
authorization for National Commission on New
Technological Uses of Copyrighted Works
Sponsor - Sen. McClellan (D) Arkansas

Last Day for Action

June 23, 1976 - Wednesday

Purpose

To extend the appropriation authorization for the National Commission on New Technological Uses of Copyrighted Works to the termination date of the Commission.

Agency Recommendations

Office of Management and Budget	Approval
Library of Congress	Approval

Discussion

Public Law 93-573, enacted December 31, 1974, established a National Commission on New Technological Uses of Copyrighted Works to study and make recommendations to the President and the Congress concerning the use of copyrighted works. The Commission is required to submit a final report within three years of the enactment of P.L. 93-573, i.e., by December 31, 1977 and it must terminate not later than 60 days thereafter, i.e., no later than March 1, 1978.

Appropriations are now authorized for the Commission through September 30, 1976. The enrolled bill would extend the authorization to the termination date of the Commission.

James M. Frey
Assistant Director
for Legislative Reference

Enclosures

To-
J. Commission
6-17-76
3:30 p.m.



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

JUN 17 1976

MEMORANDUM FOR THE PRESIDENT

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THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: June 17

Time: 400pm

FOR ACTION:

~~Sarah Massengale~~
Max Friedersdorf
Ken Kazarus

cc (for information):

Jack Marsh
Jim Cavanaugh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: June 18

Time: 200pm

SUBJECT:

S. 3187 - Extend appropriation authorization
for National Commission on New Technolggical
Uses of Copyrighted Works

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President



THE LIBRARY OF CONGRESS

WASHINGTON, D.C. 20540

LEGISLATIVE LIAISON OFFICE

June 11, 1976

Dear Mr. Frey:

This is in response to your request for the Library of Congress' views with respect to enrolled bill, S. 3187, an Act to extend the authorization of appropriations for the National Commission on New Technological Uses of Copyrighted Works.

The National Commission on New Technological Uses of Copyrighted Works was established by Public Law 93-573. It is required to submit a final report by December 31, 1977. The Act also provides for a 60-day time period after the submission of the final report for the winding up of the Commission's business. The present appropriation authorization will expire on September 30, 1976, at the end of the transition quarter. This bill authorizes funding for the Commission for the remainder of its statutory life. The original limitation on appropriation authority was to provide legislative oversight of the Commission's activities. The Executive Director of the Commission testified before the Subcommittee on Courts, Civil Liberties, and the Administration of Justice, House Judiciary Committee, on February 23, 1976, in fulfillment of these oversight responsibilities.

The Library of Congress recommends that S. 3187 be signed by the President.

Sincerely yours,

A handwritten signature in cursive script that reads "Adoreen M. McCormick".

Adoreen M. McCormick
Legislative Liaison Officer

Mr. James M. Frey
Assistant Director for
Legislative Reference
Executive Office of the President
Office of Management and Budget
Washington, D. C. 20503

THE WHITE HOUSE

WASHINGTON

June 18, 1976

MEMORANDUM FOR: JIM CAVANAUGH
FROM: MAX L. FRIEDERSDORF *M.L.F.*
SUBJECT: S. 3187 - Extend appropriation authorization
for National Commission on New Technological
Uses of Copyrighted Works

The Office of Legislative Affairs concurs with the agencies
that the subject bill be signed.

Attachments

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: June 17

Time: 400pm

FOR ACTION: Sarah Massengale
Max Friedersdorf
Ken Lazarus

cc (for information): Jack Marsh
Jim Cavanaugh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: June 18

Time: 200pm

SUBJECT:

S. 3187 - Extend appropriation authorization
for National Commission on New Technological
Uses of Copyrighted Works

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

No objection -- Ken Lazarus 6/18/76

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a
delay in submitting the required material, please
telephone the Staff Secretary immediately.

James M. Cannon
For the President

AUTHORIZATION FOR CONTU APPROPRIATIONS

MAY 14, 1976.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. KASTENMEIER, from the Committee on the Judiciary,
submitted the following

REPORT

[including cost estimate and comparison of the Congressional Budget Office]
[To accompany H.R. 11877]

The Committee on the Judiciary, to whom was referred the bill (H.R. 11877) to extend the authorization of appropriations for the National Commission on New Technological Uses of Copyrighted Works to be coextensive with the life of such Commission, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 11877 is to extend the authorization for appropriations for the National Commission on New Technological Uses of Copyrighted Works (hereinafter called "CONTU") through the life of that Commission. The present act, Public Law 93-573, amended title 17 of the U.S. Code and created CONTU, requiring it to conduct studies and to submit a final report within three years of enactment, that is by Dec. 31, 1977. The act also allows a 60-day wind-down period. However, the present authorization for appropriations for CONTU will expire after September 30, 1976. H.R. 11877 will remedy that situation by making the authorization of appropriations coextensive with the life of CONTU.

H.R. 11877 would amend Sec. 205, Title II of Public Law 93-573 (17 U.S. Code 201 note) by extending the authorization for appropriations to "and including the day on which the Commission terminates." That date would be no later than March 1, 1978, sixty days after the final report of CONTU is due.

BACKGROUND

Title II of Public Law 93-573 created a National Commission on New Technological Uses of Copyrighted Works whose purpose was to study and compile data on;

- (1) the reproduction and use of copyrighted works of authorship—
 - (A) in conjunction with automatic systems capable of storing, processing, retrieving, and transferring information, and
 - (B) by various forms of machine reproduction, not including reproduction by or at the request of instructors for use in face-to-face teaching activities; and
- (2) the creation of new works by the application or intervention of such automatic systems or machine reproduction.

CONTU is required to make recommendations to the President and Congress as to changes in copyright law or procedures which would assure access to copyrighted works, while providing recognition for the rights of copyright owners. The Commission is composed of thirteen voting members, including the Librarian of Congress. The President is authorized to select four members from each of three sets of groups. The present members include the following:

I. Authors and copyright owners:

John Hersey, New Haven, Conn., president, Authors League of America;

Dan Lacy, Irvington, New York, vice president, McGraw-Hill, Inc.

E. Gabriel Perle, New York, N.Y., vice president—Law, Time, Inc.;

Hershel B. Sarbin, New York, president, Ziff-Davis Publishing Co.

II. Users of copyrighted works:

William S. Dix, Princeton, N.Y., librarian emeritus, Princeton University.

Arthur R. Miller, Belmont, Mass., professor of law, Harvard Law School;

Robert Wedgeworth, Chicago, Illinois, executive director, American Library Association;

Alice E. Wilcox, Wayzata, Minn., director, Minitex, Minneapolis, Minn.

III. General public, including at least one expert in consumer protection:

Hon. Stanley H. Fuld, New York, N.Y., retired Chief of Justice, New York Court of Appeals, and currently Special counsel, Kaye, Scholer, Fierman, Hays, and Handler, chairman.

Melville B. Nimmer, Los Angeles, Calif., professor of Law, U.C.L.A. School of Law, vice chairman;

George D. Cary, District of Columbia, retired Registrar of Copyrights;

Rhoda H. Karpatkin, New York, N.Y. executive director Consumers Union.

The Registrar of Copyrights is designated as an ex officio non voting member.

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CONTU is required to submit to the President and Congress a preliminary report on its activities within one year after its first meeting. The president appointed the 12 members of the Commission on July 25, 1975, and the initial meeting was held on October 8, 1975. The final report must be filed within three years of enactment, that is by Dec. 31, 1977.

The legislative history of Sec. 205 of Public Law 93-573, indicates that, although the Senate initially passed the legislation (S. 3976) allowing authorization for appropriations as necessary to carry out the provisions of Title II, the House version passed on Dec. 19, 1974, limited that authorization for appropriations to "such sums as may be necessary to carry out the provisions of this title until June 30, 1976." The Senate concurred in the amendment on the same date. The purpose of this restriction was to insure legislative oversight for appropriate funds subsequent to June 30, 1976. Oversight by this Committee was exercised on Feb. 23, 1976, when the Subcommittee on Courts, Civil Liberties, and the Administration of Justice held a hearing on the activities of CONTU and the need for the extended authorization. On May 4, 1976, the Committee by voice vote reported the bill favorably, unanimously, and without amendment, with nineteen members present.

STATEMENT

H.R. 11877 would extend the authorization for appropriations for CONTU "until and including the day on which the Commission terminates." The legislation does not extend the life of CONTU, since its final report is due by Dec. 31, 1977, and the Commission will expire by March 1, 1978.

At the hearing on Feb. 23, 1976, the executive director of CONTU expressed his confidence that the tasks would be completed on schedule, and that the total costs of CONTU would be reduced almost fifty percent. Since the estimated staff number has been decreased from forty-five to sixteen persons, and the other expenses are also lowered, the total anticipated costs are \$1,267,000, rather the original projection of \$2,461,400.

Although the language of Public Law 93-573 states that the authorization for appropriations will expire on June 30, 1976, Public Law 94-144 extended that and other authorizations for appropriations until Sept. 30, 1976, to coincide with the beginning of the new fiscal year.

CONTU has held six sets of meetings, and, since the initial meeting on Oct. 8, 1975, the Commission members have been surveying ongoing projects relating to the Commission's work, studying the history, nature, and functioning of computer systems, and examining information systems employing new technology in particular disciplines or areas. At the last meeting, a hearing was held on the issue of computer software protection. Meetings will be scheduled on a regular basis and the preliminary report on CONTU's activities is due Oct. 8, 1976.

OVERSIGHT

Oversight of the National Commission on New Technological Uses of Copyrighted Works is the responsibility of the Committee on the

H.R. 1137

Judiciary. The hearing on Feb. 23, 1976, was a combination oversight and legislative hearing, and included as witnesses, the Executive Director of CONTU, Mr. Arthur Levine, and the Budget Officer of the Library of Congress, Mr. Donald Curran. The Committee intends to exercise its oversight on a regular basis.

STATEMENT OF THE COMMITTEE ON GOVERNMENT OPERATIONS

No statement has been received on the legislation from the House Committee on Government Operations.

STATEMENT OF THE CONGRESSIONAL BUDGET OFFICE

Pursuant to clause 7, rule XIII of the Rules of the House of Representatives, and section 403 of the Congressional Budget Act of 1974, the Committee estimates the following costs of the Commission.

CONGRESS OF THE UNITED STATES, CONGRESSIONAL BUDGET OFFICE, *Washington, D.C., April 2, 1976.*

HON. PETER W. RODINO, JR.
Chairman, Committee on the Judiciary, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for H.R. 11877, a bill to extend the authorization of appropriations for the National Commission on New Technological Uses of Copyrighted Works.

Should the Committee so desire, we would be pleased to provide further details on the attached cost estimate.

Sincerely,

Alice M. Rivlin,
Director.

CONGRESSIONAL BUDGET OFFICE

COST ESTIMATE

April 2, 1976.

1. Bill Number: H.R. 11877.
2. Bill Title: To extend the authorization of appropriations for the National Commission on New Technological Uses of Copyrighted Works.
3. Purpose of bill: The bill authorizes appropriations beyond June 30, 1976 to the expected legislative termination date of the Commission of March 1, 1978, as defined in Section 208 of P.L. 93-573. This is an authorization bill that requires subsequent appropriation action.
4. Cost estimate: The costs of H.R. 11877 are summarized in the table below. The costs for FY 1978 include only the period from October 1, 1977 to March 1, 1978, the legislative termination date.

	T.O.	Fiscal year 1977	Fiscal year 1978
Staff salaries-----	94,000	434,073	187,000
Other-----	24,000	129,927	61,000
Total-----	118,000	564,000	248,000

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5. Basis for estimate: Cost estimates were based on budgetary data supplied by the Commission. Staff salaries include salaries for commissioners and consultants. Other costs include travel, publication costs, and supplies.

6. Estimate comparison: None.

7. Previous CBO estimate: None.

8. Estimate prepared by: James Manaro (225-5275).

9. Estimate approved by:

C. G. NUCKOLS
(For James L. Blum,
Assistant Director for Budget Analysis).

INFLATIONARY IMPACT STATEMENT

The legislation will have no foreseeable inflationary impact on prices or costs in the operation of the national economy.

COMMITTEE VOTE

H.R. 11877 was reported favorably and unanimously by voice vote of the Committee on May 4, 1976. Nineteen members of the Committee were present.

SECTION ANALYSIS

Section 205 of Public Law 93-573 (17 U.S. Code note) is amended by striking "June 30, 1976" and inserting in lieu thereof the following: "and including the day on which the Commission terminates".

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 205 OF THE ACT OF DECEMBER 31, 1974

AN ACT To amend title 17 of the United States Code to remove the expiration date for a limited copyright in sound recordings, to increase the criminal penalties for piracy and counterfeiting of sound recordings, to extend the duration of copyright protection in certain cases, to establish a National Commission on New Technological Uses of Copyrighted Works, and for other purposes.

TITLE II—NATIONAL COMMISSION ON NEW TECHNOLOGICAL USES OF COPYRIGHTED WORKS

EXPENSES OF THE COMMISSION

SEC. 205. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this title until [June 30, 1976] and including the day on which the Commission terminates.

H.R. 1137



Calendar No. 758

94TH CONGRESS }
2d Session

SENATE

} REPORT
No. 94-798

EXTENDING THE AUTHORIZATION OF APPROPRIATIONS FOR THE NATIONAL COMMISSION ON NEW TECHNOLOGICAL USES OF COPYRIGHTED WORKS

MAY 6, 1976.—Ordered to be printed

Mr. McCLELLAN, from the Committee on the Judiciary,
submitted the following

REPORT

[To accompany S. 3187]

The Committee on the Judiciary, to which was referred the bill (S. 3187) to extend the authorization of appropriations for the National Commission on New Technological Uses of Copyrighted Works to be coextensive with the life of such Commission, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of S. 3187 is to extend the authorization of appropriations for the National Commission on New Technological Uses of Copyrighted Works to be coextensive with the life of such Commission.

STATEMENT

Public Law 93-573, enacted December 31, 1974, established within the Library of Congress a National Commission on New Technological Uses of Copyrighted Works to study and make recommendations to the Congress concerning the use of copyrighted works (1) in automatic systems capable of storing, processing, retrieving, and transferring information, and by various forms of machine reproduction, not including reproduction by instructors for use in face-to-face teaching activities; (2) and the creation of new works by the application or intervention of automatic systems or machine reproduction. The Commission is required to submit a final report within 3 years of the effective date of Public Law 93-573, and terminate not later than 60

days thereafter. Public Law 93-573 authorized appropriations until June 30, 1976, which authorization has been extended through September 30, 1976, under Public Law 94-144.

The Commission is currently studying the state-of-the art of computer based information systems and reprographic technology, gathering data on the economic effects these new technologies are exerting on creators, disseminators, and users of copyrighted works and attempting to project the future effects of these new technologies.

COST OF LEGISLATION

Under the existing authorization, the Commission has been appropriated \$337,000, which the Commission estimates will be obligated by June 30, 1976. The Commission further estimates that its obligations during the budget transition period (July 1, 1976 through September 30, 1976) will be \$118,000. The Commission estimates that its obligations during fiscal year 1977 will be \$564,000, and during that portion of fiscal year 1978 prior to the determination of the Commission, \$248,000.



Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

An Act

To extend the authorization of appropriations for the National Commission on New Technological Uses of Copyrighted Works to be coextensive with the life of such Commission.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 205 of the Act entitled "An Act to amend title 17 of the United States Code to remove the expiration date for a limited copyright in sound recordings, to increase the criminal penalties for piracy and counterfeiting of sound recordings, to extend the duration of copyright protection in certain cases, to establish a National Commission on New Technological Uses of Copyrighted Works, and for other purposes", is amended by striking out "June 30, 1976" and inserting in lieu thereof the following: "and including the day on which the Commission terminates".

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

June 11, 1976

Dear Mr. Director:

The following bills were received at the White House on June 11th:

S.J. Res 168 ✓
S. 532 ✓
S. 1466 ✓
S. 2760 ✓
S. 3187 ✓

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

The Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D.C.