Report on Copyright and HEA Amendments

On April 7, 1976, the House Judiciary Subcommittee on Courts, Civil Liberties and the Administration of Justice marked up the Copyright Revision Bill (HR 2223), taking action on section 108(g)(2), the section dealing with photocopying in libraries. The position of the six professional library associations, the American Library Association, the Association of Research Libraries, the American Association of Law Libraries, the Medical Library Association, the Music Library Association, and the Special Libraries Association, which asked for the deletion of the photocopying restriction, was discussed as well as the position of the copyright proprietors. Members of the subcommittee frequently mentioned during the mark-up session the number of librarians who had written them on this issue and the solidarity of the library point of view. An amendment to section 108(g)(2) was introduced by Chairman Robert Kastenmeier (D-Wis.) and approved by voice vote of the members of the subcommittee. The language of the amendment follows with new wording underscored.

108(g) The rights of reproduction and distribution under this section extended to the isolated and unrelated reproduction or distribution of a single copy or phonorecord of the same material on separate occasions, but do not extend to cases where the library or archives, or its employee:

(1) is aware or has substantial reason to believe that it is engaging in the related or concerted reproduction or distribution of multiple copies or phonorecords of the same material, whether made on one occasion or over a period of time, and whether intended for aggregate use by one or more individuals or for separate use by the individual members of a group; or

(2) engages in the systematic reproduction or distribution of single or multiple copies or phonorecords of material described in subsection (d); provided that nothing in this clause prevents a library or archives from participating in interlibrary arrangements that do not have, as their purpose or effect, that the library or archives re-

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Renewable Resources Program for ABSS

The Agriculture and Biological Sciences Section of the Association of College and Research Libraries of the American Library Association is pleased to announce that they will have Dr. Robert Z. Callaham, director of forest environment research in the U.S. Forest Service, as a guest speaker for their annual meeting on Wednesday, July 21, 1976, to be held at the Museum of Science and Industry during the ALA Annual Conference. Dr. Callaham is responsible for the creation and emergence of the Renewable Resource Technical Information System presently being developed by the U.S. Forest Service and its cooperators. He has been an editor of *Silva Genetica* and is now divisional coordinator of forest plants and forest protection for the International Union of Forestry Research Organizations.

Dr. Callaham's presentation will consider the Renewable Resource Technical Information System in terms of local, state, federal, and international cooperation; the present and future capabilities in information analysis and document delivery within the system; the role of libraries in an information network for forestry. A selected panel of librarians will interact with Dr. Callaham's presentation and field questions from the audience.

Advance tickets will be $7.00 for the program, luncheon, business and membership meeting of the section, a tour of the Museum of Science and Industry, and round-trip bus transportation. To obtain tickets, mail a stamped self-addressed envelope and your check made out to the American Library Association to: Linnea Sodergren, 1401 E. 55th St. #314N, Chicago, IL 60615. This all-day program is open to all but limited to the first 100 people making paid reservations; tickets may be transferred to another individual but are nonrefundable. Any remaining tickets may be available at the Meal Ticket Desk beginning on Friday, July 16, during the Annual Conference through 9:30 a.m. on Monday, July 19. Buses will depart for the museum promptly at 9:30 a.m. on Wednesday, July 21 from the State Street side of the Palmer House, picking up other participants directly thereafter at the Eighth Street side of the Conrad Hilton. Return buses will leave at 3:30 p.m. from the museum to return to both downtown stops.

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> ceiving such copies or phonorecords for distribution does so in such aggregate quantities as to substitute for a subscription to or purchase of such work.

At the same session, the subcommittee also approved an amendment adding a new section 108(i) providing an automatic oversight of the photocopying section at five-year intervals by a review to be made by the Registrar of Copyrights in consultation with authors, publishers, library users, and librarians.

While the six professional library organizations consistently called for the deletion of 108(g)(2) and while that continued to be their preference to the end, the new language must be studied with the advice of legal counsel for its full impact. The library community may well be able to support it as it appears to be a decided improvement. Copyright proprietors themselves have been silent, and their reactions are not known. Susan Wagner reported in the April 18, 1976, issue of *Publishers Weekly* that the new language was "intended to dispel the fear of librarians that enactment . . . would force them to abandon interlibrary loans where the actual item could not be lent." At the date of this writing, April 27, 1976, the American Library Association had not yet taken an official position. The new language does clarify two aspects of the issue, however. First, the amendment places the responsibility for photocopies in lieu of interlibrary loans on the library receiving copies and not on the library supplying copies; and, second, the amendment stresses that libraries have a right to participate in interlibrary loan arrangements so long as these does not result in such aggregate quantities as to substitute for a subscription to or purchase of the work copied. As John MacDonald of the Association of Research Libraries has pointed out, taken together these two changes seem to recognize the realities of library acquisitions and operating policies as well as the rationale of interlibrary cooperation and resource sharing.

There is still considerable work ahead on the copyright bill. After further mark-up on other sections of the bill is completed, the entire bill will be voted on by the subcommittee and additional amendments could then be made. The bill will then be sent to the full Judiciary Committee, chaired by Peter W. Rodino (D-N.J.), where it may also be amended. Finally, the bill will go to the floor of the House, where it may again be amended. After the House passes the bill, a conference committee will be appointed to resolve differences between the House version and that of the Senate which voted favorably for an unamended section 108(g)(2). Additional amendments may occur at this stage. Eventually, the final version of the bill will come back to both houses for approval. At each of these stages parts of the library community may be asked to inform their members of Congress of their concern with the photocopying aspects of the bill with the idea of still working to delete section 108(g)(2).

Meanwhile, a report to accompany the bill is being prepared in the House subcommittee. Undoubtedly, the report language will be a significant factor in the discussion and will have to do with how well the amended 108(g)(2) stands up against the Senate version. The report of the conference committee issuing the final version of the bill will determine how 108(g)(2) is interpreted and applied in the future.

Members of the ACRL Committee on Legislation with the aid of Carol Henderson of the ALA Washington Office followed the progress of the legislation closely and specifically asked librarians living in key districts having members of Congress on the subcommittee to write these members expressing their views on the bill's effect on the availability of library resources. An impressive volume of mail was received supporting the library position.

Title IIC

Another piece of legislation which will have major impact on libraries is that containing the amendments to the Higher Education Act which expires June 30, 1976. On April 6, 1976, the Senate Labor and Public Welfare Committee approved a five-year extension of the Higher Education Act (S 2657), including Title II, parts A and B, "College Library Programs." The committee also approved a new Title II, part C, "Strengthening Research Library Resources." (The old Title IIC, which traditionally benefited research libraries, supported the National Program for Acquisitions and Cataloging at the Library of Congress. This was repealed as no longer being necessary since NPAC is now administered by the Library of Congress under its own authority.)

CLR Fellowship Program

The Council on Library Resources will continue its fellowship program for U.S. and Canadian librarians for the 1977–78 academic year. Interested librarians may receive an application form by sending a self-addressed #10 envelope or mailing label to: CLR Fellowship Committee, Council on Library Resources, Inc., One Dupont Circle, Suite 620, Washington, DC 20036.

The new Title IIC's purpose is to promote research and education of high quality throughout the nation by assisting major research libraries and will be accomplished by providing grants for library resources to institutions of higher education, independent research libraries, and those state and public libraries which are recognized as major research libraries. This proposal is based on a recommendation of the Carnegie Council on Higher Education and had the support of the Association of Research Libraries and other major higher educational organizations. It should be noted that institutions receiving a Title IIC grant will be ineligible to receive Title IIA basic grants for library resources, thereby reserving the basic grants for the nation's over 2,500 medium-sized and smaller institutions of higher education. More detailed information about Title IIC may be found in Christopher Wright's description of the bill in *College & Research Libraries News,* November 1975.

The House version of the amendments to the Higher Education Act has been reported favorably from the Committee on Education and Labor, chaired by Representative Carl Perkins (D-Ky.). It includes extensions of Title IIA and B for one year, but does not provide for the new Title IIC. When the bill goes to the House-Senate conference committee, it is expected that the new Title IIC will be introduced into the House version. Librarians in key districts will then be asked to explain the relationship of the bill to the increase in recorded knowledge and the rising cost of maintaining acquisition coverage in depth to their members of Congress as necessary.

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