

Distance Education—S. 487

The full Senate passed S. 487, the "TEACH" Act, formally called the "Technology Education and Copyright Harmonization Act" on June 7. This follows changes made to the bill that were developed through extended discussions among the various stakeholders following the bill's introduction in March. The same day, Representatives Rick Boucher (R-Virginia) and Darrell Issa (R-California) introduced a similar bill, H.R. 2100, in the House.

Current law and the Copyright Office Report

Under the current provisions of the Copyright Act of 1976, instructors may perform or display any copyrighted material (audiovisual, literary, and musical works) in a classroom without securing permission from the copyright owner. Though the law also provides a limited extension of this classroom exemption to distance education, the distance education exemption was developed in an era of television transmission and does not accommodate online distance education. Moreover, the current exemption is limited to performances of certain kinds of works (non-dramatic literary and musical), requires delivery of educational content to a remote location serving as a physical classroom, and requires simultaneous delivery and receipt of a performance or display.

As instructed in the Digital Millennium Copyright Act of 1998, the U.S. Copyright Office conducted a study on the need for revising the copyright. After a thorough, balanced study, the office submitted a report to Congress in May 1999 concluding that changes to copyright law were needed to bring the intent of prior law into accord with current technology (<http://www.loc.gov/copyright/disted>).

The changes in copyright law recommended by the office included: eliminating the physical classroom requirement; permit-

ting material to be stored on a server for asynchronous use by students; expanding the categories of works that may be used to include reasonable and limited portions of audiovisual and dramatic works as well as sound recordings; and expanding the rights subject to the exemption to those necessary to ensure that the workings of the Internet do not create unintended liability.

The Copyright Office report also recommended safeguards for protecting digital copyrighted material used in distance education, including: limiting the distribution of material to enrolled students; requiring materials to be used through mediated instruction (analogous to classroom use); requiring the use of technological measures that reasonably prevent downstream redistribution; and limiting performances of many types of works to reasonable and limited portions of those works. The TEACH bill closely tracks the recommendations of the Copyright Office.

Senate shift may impact e-government legislation

S. 803, the E-Government Act of 2001, will likely see increased attention from the Senate now that its chief author, Senator Joseph Lieberman (D-Connecticut) is chair of the Senate Government Affairs Committee. S. 803 was introduced on May 1 by Senators Lieberman, Burns, McCain, and others. With Senator Jim Jeffords announcing his move to being an Independent and the control of the Senate shifting to the Democrats, Lieberman is now in a position to push this bill.

S. 803 makes a number of proposals related to electronic government transactions and seeking to insure improved life-cycle management of government information. According to Lieberman's office, this bill is still a "work in progress." It was the subject of much discussion at the ALA Annual Conference, within ALA Committee on Legislation, its Government Information Subcommittee, GODORT, ACRL, and others. A Senate hearing could take place early this summer, so watch for more information on this important bill. ■



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