

could have competed against one another in Olympic competition. It is a sad part of our history that politicians kept this great race from happening in the Olympics.

With the benefit of history, we know that the Olympic boycotts were futile and ineffective attempts to settle cold war disputes.

I believe we should do absolutely all that we can to ensure this never happens again.

No one can foretell the future and what actions might be called for to protect our country's national interest, but we should never again lose sight of the interests of our athletes.

Unfortunately, Members of Congress are politicizing the Olympic Games. My resolution has one primary objective—to separate politics from sport and particularly from the Olympic Games. Simply put, I believe politics has no place in the dreams of future Olympians.

I want to thank Senator TED STEVENS for joining me in this effort. Senator STEVENS has a long history of involvement with the Olympic Movement.

I am not aware of another elected official in this country who has done more for U.S. athletes than Senator STEVENS. And I thank the Senator for once again standing up for the interests of U.S. athletes.

The Murray/Stevens resolution on the Olympics has a number of key provisions and clauses. However, I want to focus on three sections which represent the real intent of our bill.

First, our resolution encourages members of the International Olympic Committee to abide by all rules of the IOC when considering and voting for host cities for future Olympic Games.

Members of the IOC take an oath which requires individual members to keep free from political influence.

Our resolution calls upon the four members of the International Olympic Committee from the United States to reject all political influences on their work as members of the IOC, including their votes on host cities for future Olympic Games.

Second, our resolution recognizes that any government action designating a preference or displeasure with any Olympic Games host city is inconsistent with the IOC's Charter, Code of Ethics and rules.

Essentially, this provision says the IOC should not acknowledge or consider any political interference in the host city selection process for future Olympic Games.

And finally, our resolution says the Olympic Games are about the athletes, that we do endorse the concept that the Olympic Games are a competition between athletes in individual and team events and not between countries.

We believe the Olympic Games are best left to the athletes. It is that simple.

I encourage my colleagues to consider this issue carefully in the days

ahead. And I invite all Senators to join me in seeking to reject political interference in the Olympic Movement.

I yield the floor.

AMENDMENTS SUBMITTED AND PROPOSED

SA 792. Mr. WARNER (for himself, Mr. SMITH of Oregon, and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table.

SA 793. Mr. REID (for Mr. HATCH (for himself and Mr. LEAHY)) proposed an amendment to the bill S. 487, to amend chapter 1 of title 17, United States Code, relating to the exemption of certain performances or displays for educational uses from copyright infringement provisions, to provide that the making of copies or phonorecords of such performances or displays is not an infringement under certain circumstances, and for other purposes.

SA 794. Mr. REID (for Mr. HATCH (for himself and Mr. LEAHY)) proposed an amendment to the bill S. 487, supra.

TEXT OF AMENDMENTS

SA 792. Mr. WARNER (for himself, Mr. SMITH of Oregon and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965, which was ordered to lie on the table, as follows:

At the end, add the following:

SEC. 1. RECIPIENTS OF FEDERAL PELL GRANTS WHO ARE PURSUING PROGRAMS OF STUDY IN MATHEMATICS OR SCIENCE (INCLUDING COMPUTER SCIENCE OR ENGINEERING).

Section 401(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(2)) is amended by adding at the end the following:

“(C)(i) Notwithstanding subparagraph (A) and subject to clause (ii), in the case of a student who is eligible under this part and who is pursuing a degree with a major or minor in, or a certificate or program of study relating to, mathematics or science (including computer science or engineering), the amount of the Federal Pell Grant shall be 150 percent of the amount specified in clauses (i) through (v) of subparagraph (A), for the academic year involved, less an amount equal to the amount determined to be the expected family contribution with respect to that student for that year.

“(ii) No student who received a Federal Pell Grant for academic year 2000-2001 prior to the date of enactment of the Better Education for Students and Teachers Act shall receive a subsequent Federal Pell Grant in an amount that is less than the amount of the student's Federal Pell Grant for academic year 2000-2001, due to the requirements of clause (i).”.

SA 793. Mr. REID (for Mr. HATCH (for himself and Mr. LEAHY)) proposed an amendment to the bill S. 487, to amend chapter 1 of title 17, United States Code, relating to the exemption of certain performances or displays for educational uses from copyright infringement provisions, to provide that the making of copies or phonorecords of such performances or displays is not an infringement under certain circumstances.

and for other purposes; as follows:

On page 9, lines 14 and 15, strike “, in the ordinary course of their operations,” and insert “reasonably”.

SA 794. Mr. REID (for Mr. HATCH (for himself and Mr. LEAHY)) proposed an amendment to the bill S. 487, to amend chapter 1 of title 17, United States Code, relating to the exemption of certain performances or displays for educational uses from copyright infringement provisions, to provide that the making of copies or phonorecords of such performances or displays is not an infringement under certain circumstances, and for other purposes; as follows:

Amend the title so as to read: “A bill to amend chapter 1 of title 17, United States Code, relating to the exemption of certain performances or displays for educational uses from copyright infringement provisions, to provide that the making of copies or phonorecords of such performances or displays is not an infringement under certain circumstances, and for other purposes.”.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, June 14, 2001, at 9:30 a.m., in room SD-106 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on potential problems in the gasoline markets this summer.

Those wishing to submit written statements should address them to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510-6150.

For further information, please contact Shirley Neff at (202) 224-4103.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON SEAPOWER

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, June 7, 2001, at 2:00 p.m., in open session to receive testimony regarding Navy and Marine Corps equipment for 21st century operational requirements, in review of the defense authorization request for fiscal year 2002 and the Future Years Defense Program.

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

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro

tempore, upon the recommendation of the majority leader, pursuant to Public Law 105-292, as amended by Public Law 106-55, appoints the following individuals to the United States Commission on International Religious Freedom: Dr. Firuz Kazemzadeh of California, vice John Bolton; and Charles Richard Stith of Massachusetts, vice Theodore Cardinal McCarrick.

TECHNOLOGY, EDUCATION AND COPYRIGHT HARMONIZATION ACT OF 2001

Mr. REID. Madam President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 66, S. 487.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 487) to amend chapter 1 of title 17, United States Code, relating to the exemption of certain performances or displays for educational uses from copyright infringement provisions, to provide that the making of a single copy of such performances or displays is not an infringement, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which has been reported from the Committee on the Judiciary with an amendment to strike all after the enacting clause and insert the part printed in italic.

SECTION 1. EDUCATIONAL USE COPYRIGHT EXEMPTION.

(a) **SHORT TITLE.**—This Act may be cited as the “Technology, Education, and Copyright Harmonization Act of 2001”.

(b) **EXEMPTION OF CERTAIN PERFORMANCES AND DISPLAYS FOR EDUCATIONAL USES.**—Section 110 of title 17, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

“(2) except with respect to a work produced or marketed primarily for performance or display as part of mediated instructional activities transmitted via digital networks, or a performance or display that is given by means of a copy or phonorecord that is not lawfully made and acquired under this title, and the transmitting government body or accredited nonprofit educational institution knew or had reason to believe was not lawfully made and acquired, the performance of a nondramatic literary or musical work or reasonable and limited portions of any other work, or display of a work in an amount comparable to that which is typically displayed in the course of a live classroom session, by or in the course of a transmission, if—

“(A) the performance or display is made by, at the direction of, or under the actual supervision of an instructor as an integral part of a class session offered as a regular part of the systematic mediated instructional activities of a governmental body or an accredited nonprofit educational institution;

“(B) the performance or display is directly related and of material assistance to the teaching content of the transmission;

“(C) the transmission is made solely for, and to the extent technologically feasible, the reception of such transmission is limited to—

“(i) students officially enrolled in the course for which the transmission is made; or

“(ii) officers or employees of governmental bodies as a part of their official duties or employment; and

“(D) the transmitting body or institution—

“(i) institutes policies regarding copyright, provides informational materials to faculty, stu-

dents, and relevant staff members that accurately describe, and promote compliance with, the laws of the United States relating to copyright, and provides notice to students that materials used in connection with the course may be subject to copyright protection; and

“(ii) in the case of digital transmissions—

“(I) applies technological measures that, in the ordinary course of their operations, prevent—

“(aa) retention of the work in accessible form by recipients of the transmission from the transmitting body or institution for longer than the class session; and

“(bb) unauthorized further dissemination of the work in accessible form by such recipients to others; and

“(II) does not engage in conduct that could reasonably be expected to interfere with technological measures used by copyright owners to prevent such retention or unauthorized further dissemination;”; and

(2) by adding at the end the following:

“In paragraph (2), the term ‘mediated instructional activities’ with respect to the performance or display of a work by digital transmission under this section refers to activities that use such work as an integral part of the class experience, controlled by or under the actual supervision of the instructor and analogous to the type of performance or display that would take place in a live classroom setting. The term does not refer to activities that use, in 1 or more class sessions of a single course, such works as textbooks, course packs, or other material in any media, copies or phonorecords of which are typically purchased or acquired by the students in higher education for their independent use and retention or are typically purchased or acquired for elementary and secondary students for their possession and independent use.

“For purposes of paragraph (2), accreditation—

“(A) with respect to an institution providing post-secondary education, shall be as determined by a regional or national accrediting agency recognized by the Council on Higher Education Accreditation or the United States Department of Education; and

“(B) with respect to an institution providing elementary or secondary education, shall be as recognized by the applicable state certification or licensing procedures.

“For purposes of paragraph (2), no governmental body or accredited nonprofit educational institution shall be liable for infringement by reason of the transient or temporary storage of material carried out through the automatic technical process of a digital transmission of the performance or display of that material as authorized under paragraph (2). No such material stored on the system or network controlled or operated by the transmitting body or institution under this paragraph shall be maintained on such system or network in a manner ordinarily accessible to anyone other than anticipated recipients. No such copy shall be maintained on the system or network in a manner ordinarily accessible to such anticipated recipients for a longer period than is reasonably necessary to facilitate the transmissions for which it was made.”.

(c) **EPHEMERAL RECORDINGS.**—

(1) **IN GENERAL.**—Section 112 of title 17, United States Code, is amended—

(A) by redesignating subsection (f) as subsection (g); and

(B) by inserting after subsection (e) the following:

“(f)(1) Notwithstanding the provisions of section 106, and without limiting the application of subsection (b), it is not an infringement of copyright for a governmental body or other nonprofit educational institution entitled under section 110(2) to transmit a performance or display to make copies or phonorecords of a work that is in digital form and, solely to the extent permitted in paragraph (2), of a work that is in analog

form, embodying the performance or display to be used for making transmissions authorized under section 110(2), if—

“(A) such copies or phonorecords are retained and used solely by the body or institution that made them, and no further copies or phonorecords are reproduced from them, except as authorized under section 110(2); and

“(B) such copies or phonorecords are used solely for transmissions authorized under section 110(2).

“(2) This subsection does not authorize the conversion of print or other analog versions of works into digital formats, except that such conversion is permitted hereunder, only with respect to the amount of such works authorized to be performed or displayed under section 110(2), if—

“(A) no digital version of the work is available to the institution; or

“(B) the digital version of the work that is available to the institution is subject to technological protection measures that prevent its use for section 110(2).”.

(2) **TECHNICAL AND CONFORMING AMENDMENT.**—Section 802(c) of title 17, United States Code, is amended in the third sentence by striking “section 112(f)” and inserting “section 112(g)”.

(d) **PATENT AND TRADEMARK OFFICE REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act and after a period for public comment, the Undersecretary of Commerce for Intellectual Property, after consultation with the Register of Copyrights, shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report describing technological protection systems that have been implemented, are available for implementation, or are proposed to be developed to protect digitized copyrighted works and prevent infringement, including upgradeable and self-repairing systems, and systems that have been developed, are being developed, or are proposed to be developed in private voluntary industry-led entities through an open broad based consensus process. The report submitted to the Committees shall not include any recommendations, comparisons, or comparative assessments of any commercially available products that may be mentioned in the report.

(2) **LIMITATIONS.**—The report under this subsection—

(A) is intended solely to provide information to Congress; and

(B) shall not be construed to affect in any way, either directly or by implication, any provision of title 17, United States Code, including the requirements of clause (ii) of section 110(2)(D) of that title (as added by this Act), or the interpretation or application of such provisions, including evaluation of the compliance with that clause by any governmental body or nonprofit educational institution.

Mr. LEAHY. Madam President. I am pleased that the Senate is considering the TEACH Act, S. 487, today. This legislation will help clarify the law and allow educators to use the same rich material in distance learning over the Internet that they are able to use in face-to-face classroom instruction. The Senate has been focused on education reform for the past two months. The legislation we report today reflects our understanding that we must be able to use new technologies to advance our education goals in a manner that recognizes and protects copyrighted works.

The genesis of this bill was in the Digital Millennium Copyright Act (DMCA), where we asked the Copyright Office to study the complex copyright