

the statute, recommends the change contained in S. 531, and I urge a favorable vote.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from California has indicated, many cases that come before the circuit court involved a 3-judge panel. Those decisions will frequently include a senior or retired judge as a member of the panel. If the case goes to the full circuit court, the senior judge that took part in that decision can continue considering that case in the full court.

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The circuits have split as to what happened when a judge changes from regular status to senior status during the trial and the circuits are split. This bill just merely says that, if he takes senior status while the case is still pending, he can continue to consider the case. This bill has unanimous support from the Committee on the Judiciary, and I urge support of the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from California [Mr. MOORHEAD] that the House suspend the rules and pass the Senate bill, S. 531.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 531, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

#### NATIONAL FILM PRESERVATION ACT OF 1996

Mr. MOORHEAD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1734) to reauthorize the National Film Preservation Board, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1734

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### TITLE I—REAUTHORIZATION OF THE NATIONAL FILM PRESERVATION BOARD

##### SEC. 101. SHORT TITLE.

This title may be cited as the "National Film Preservation Act of 1996".

##### SEC. 102. NATIONAL FILM REGISTRY OF THE LIBRARY OF CONGRESS.

The Librarian of Congress (hereafter in this Act referred to as the "Librarian") shall

continue the National Film Registry established and maintained under the National Film Preservation Act of 1988 (Public Law 100-446), and the National Film Preservation Act of 1992 (Public Law 102-307) pursuant to the provisions of this title, for the purpose of maintaining and preserving films that are culturally, historically, or aesthetically significant.

##### SEC. 103. DUTIES OF THE LIBRARIAN OF CONGRESS.

###### (a) POWERS.—

(1) IN GENERAL.—The Librarian shall, after consultation with the Board established pursuant to section 104—

(A) continue the implementation of the comprehensive national film preservation program for motion pictures established under the National Film Preservation Act of 1992, in conjunction with other film archivists, educators and historians, copyright owners, film industry representatives, and others involved in activities related to film preservation, taking into account the objectives of the national film preservation study and the comprehensive national plan conducted under the National Film Preservation Act of 1992. This program shall—

(i) coordinate activities to assure that efforts of archivists and copyright owners, and others in the public and private sector, are effective and complementary;

(ii) generate public awareness of and support for these activities;

(iii) increase accessibility of films for educational purposes; and

(iv) undertake studies and investigations of film preservation activities as needed, including the efficacy of new technologies, and recommend solutions to improve these practices;

(B) establish criteria and procedures under which films may be included in the National Film Registry, except that no film shall be eligible for inclusion in the National Film Registry until 10 years after such film's first publication;

(C) establish procedures under which the general public may make recommendations to the Board regarding the inclusion of films in the National Film Registry; and

(D) determine which films satisfy the criteria established under subparagraph (B) and qualify for inclusion in the National Film Registry, except that the Librarian shall not select more than 25 films each year for inclusion in the Registry.

(2) PUBLICATION OF FILMS IN REGISTRY.—The Librarian shall publish in the Federal Register the name of each film that is selected for inclusion in the National Film Registry.

(3) SEAL.—The Librarian shall provide a seal to indicate that a film has been included in the National Film Registry and is the Registry version of that film. The Librarian shall establish guidelines for approval of the use of the seal in accordance with subsection (b).

(b) USE OF SEAL.—The seal provided under subsection (a)(3) may only be used on film copies of the Registry version of a film. Such seal may be used only after the Librarian has given approval to those persons seeking to apply the seal in accordance with the guidelines under subsection (a)(3). In the case of copyrighted works, only the copyright owner or an authorized licensee of the copyright owner may place or authorize the placement of the seal on any film copy of a Registry version of a film selected for inclusion in the National Film Registry, and the Librarian may place the seal on any film copy of the Registry version of any film that is maintained in the National Film Registry Collection in the Library of Congress. Anyone authorized to place the seal on any film copy of any Registry version of a film may accompany such seal with the following lan-

guage: "This film was selected for inclusion in the National Film Registry by the National Film Preservation Board of the Library of Congress because of its cultural, historical, or aesthetic significance."

##### SEC. 104. NATIONAL FILM PRESERVATION BOARD.

###### (a) NUMBER AND APPOINTMENT.—

(1) MEMBERS.—The Librarian shall establish in the Library of Congress a National Film Preservation Board to be comprised of 20 members, who shall be selected by the Librarian in accordance with this section. Subject to subparagraphs (C) and (N), the Librarian shall request each organization listed in subparagraphs (A) through (Q) to submit a list of 3 candidates qualified to serve as a member of the Board. Except for the members-at-large appointed under subparagraph (2), the Librarian shall appoint one member from each such list submitted by such organizations, and shall designate from that list an alternate who may attend at Board expense those meetings to which the individual appointed to the Board cannot attend. The organizations are the following:

(A) The Academy of Motion Picture Arts and Sciences.

(B) The Directors Guild of America.

(C) The Writers Guild of America. The Writers Guild of America East and the Writers Guild of America West shall each nominate three candidates, and a representative from one organization shall be selected as the member and a representative from the other organization as the alternate.

(D) The National Society of Film Critics.

(E) The Society for Cinema Studies.

(F) The American Film Institute.

(G) The Department of Film and Television of the School of Theater, Film and Television at the University of California, Los Angeles.

(H) The Department of Film and Television of the Tisch School of the Arts at New York University.

(I) The University Film and Video Association.

(J) The Motion Picture Association of America.

(K) The Alliance of Motion Picture and Television Producers.

(L) The Screen Actors Guild of America.

(M) The National Association of Theater Owners.

(N) The American Society of Cinematographers and the International Photographers Guild, which shall jointly submit one list of 3 candidates from which a member and alternate will be selected.

(O) The United States Members of the International Federation of Film Archives.

(P) The Association of Moving Image Archivists.

(Q) The Society of Composers and Lyricists.

(2) MEMBERS-AT-LARGE.—In addition to the Members appointed under paragraph (1), the Librarian shall appoint up to 3 members-at-large. The Librarian shall also select an alternate for each member at-large, who may attend at Board expense those meetings which the member at-large cannot attend.

(b) CHAIR.—The Librarian shall appoint one member of the Board to serve as Chair.

###### (c) TERM OF OFFICE.—

(1) TERMS.—The term of each member of the Board shall be 4 years, except that there shall be no limit to the number of terms that any individual member may serve.

(2) REMOVAL OF MEMBER OR ORGANIZATION.—The Librarian shall have the authority to remove any member of the Board, or the organization listed in subsection (a) such member represents, if the member, or organization, over any consecutive 2-year period, fails to attend at least one regularly scheduled Board meeting.

(3) VACANCIES.—A vacancy in the Board shall be filled in the manner in which the original appointment was made under subsection (a), except that the Librarian may fill the vacancy from a list of candidates previously submitted by the organization or organizations involved. Any member appointed to fill a vacancy before the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term.

(d) QUORUM.—11 members of the Board shall constitute a quorum but a lesser number may hold hearings.

(e) REIMBURSEMENT OF EXPENSES.—Members of the Board shall serve without pay, but may be reimbursed for the actual and necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Board.

(f) MEETINGS.—The Board shall meet at least once each fiscal year. Meetings shall be at the call of the Librarian.

(g) CONFLICT OF INTEREST.—The Librarian shall establish rules and procedures to address any potential conflict of interest between a member of the Board and responsibilities of the Board.

#### SEC. 105. RESPONSIBILITIES AND POWERS OF BOARD.

(a) IN GENERAL.—The Board shall review nominations of films submitted to it for inclusion in the National Film Registry and consult with the Librarian, as provided in section 103, with respect to the inclusion of such films in the Registry and the preservation of these and other films that are culturally, historically, or aesthetically significant.

(b) NOMINATION OF FILMS.—The Board shall consider, for inclusion in the National Film Registry, nominations submitted by the general public as well as representatives of the film industry, such as the guilds and societies representing actors, directors, screenwriters, cinematographers, and other creative artists, producers, and film critics, archives and other film preservation organizations, and representatives of academic institutions with film study programs. The Board shall nominate not more than 25 films each year for inclusion in the Registry.

#### (c) POWERS.—

(1) IN GENERAL.—The Board may, for the purpose of carrying out its duties, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Librarian and the Board consider appropriate.

(2) SERVICE ON FOUNDATION.—Two sitting members of the Board shall be appointed by the Librarian, and shall serve, as Board members of the National Film Preservation Foundation, in accordance with section 203.

#### SEC. 106. NATIONAL FILM REGISTRY COLLECTION OF THE LIBRARY OF CONGRESS.

(a) ACQUISITION OF ARCHIVAL QUALITY COPIES.—The Librarian shall endeavor to obtain, by gift from the owner, an archival quality copy of the Registry version of each film included in the National Film Registry. Whenever possible, the Librarian shall endeavor to obtain the best surviving materials, including preprint materials. Copyright owners and others possessing copies of such materials are strongly encouraged, to further the preservation purposes of this Act, to provide preprint and other archival elements to the Library of Congress.

(b) ADDITIONAL MATERIALS.—The Librarian shall endeavor to obtain, for educational and research purposes, additional materials related to each film included in the National Film Registry, such as background materials, production reports, shooting scripts (including continuity scripts) and other similar materials.

(c) PROPERTY OF UNITED STATES.—All copies of films on the National Film Registry that are received as gifts or bequests by the Librarian and other materials received by the Librarian under subsection (b), shall become the property of the United States Government, subject to the provisions of title 17, United States Code.

(d) NATIONAL FILM REGISTRY COLLECTION.—All copies of films on the National Film Registry that are received by the Librarian under subsection (a), and other materials received by the Librarian under subsection (b), shall be maintained in the Library of Congress and be known as the "National Film Registry Collection of the Library of Congress". The Librarian shall, by regulation, and in accordance with title 17, United States Code, provide for reasonable access to the films and other materials in such collection for scholarly and research purposes.

#### SEC. 107. SEAL OF THE NATIONAL FILM REGISTRY.

##### (a) USE OF THE SEAL.—

(1) PROHIBITION ON DISTRIBUTION AND EXHIBITION.—No person shall knowingly distribute or exhibit to the public a version of a film or any copy of a film which bears the seal described in section 103(a)(3) if such film—

(A) is not included in the National Film Registry; or

(B) is included in the National Film Registry, but such film or film copy has not been approved for use of the seal by the Librarian pursuant to section 103(a)(1)(D).

(2) PROHIBITION ON PROMOTION.—No person shall knowingly use the seal described in section 103(a)(3) to promote any version of a film or film copy other than a Registry version.

(b) EFFECTIVE DATE OF THE SEAL.—The use of the seal described in section 103(a)(3) shall be effective for each film after the Librarian publishes in the Federal Register, in accordance with section 103(a)(2), the name of that film as selected for inclusion in the National Film Registry.

#### SEC. 108. REMEDIES.

(a) JURISDICTION.—The several district courts of the United States shall have jurisdiction, for cause shown, to prevent and restrain violations of section 107(a).

##### (b) RELIEF.—

(1) REMOVAL OF SEAL.—Except as provided in paragraph (2), relief for violation of section 107(a) shall be limited to the removal of the seal of the National Film Registry from the film involved in the violation.

(2) FINE AND INJUNCTIVE RELIEF.—In the case of a pattern or practice of the willful violation of section 107(a), the United States district courts may order a civil fine of not more than \$10,000 and appropriate injunctive relief.

#### SEC. 109. LIMITATIONS OF REMEDIES.

The remedies provided in section 108 shall be the exclusive remedies under this title, or any other Federal or State law, regarding the use of the seal described in section 103(a)(3).

#### SEC. 110. STAFF OF BOARD; EXPERTS AND CONSULTANTS.

(a) STAFF.—The Librarian may appoint and fix the pay of such personnel as the Librarian considers appropriate to carry out this title.

(b) EXPERTS AND CONSULTANTS.—The Librarian may, in carrying out this title, procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum rate of basic pay payable for GS-15 of the General Schedule. In no case may a member of the Board or an alternate be paid as an expert or consultant under this section.

#### SEC. 111. DEFINITIONS.

As used in this title—

(1) the term "Librarian" means the Librarian of Congress;

(2) the term "Board" means the National Film Preservation Board;

(3) the term "film" means a "motion picture" as defined in section 101 of title 17, United States Code, except that such term does not include any work not originally fixed on film stock, such as a work fixed on videotape or laser disk;

(4) the term "publication" means "publication" as defined in section 101 of title 17, United States Code; and

(5) the term "Registry version" means, with respect to a film, the version of a film first published, or as complete a version as bona fide preservation and restoration activities by the Librarian, an archivist other than the Librarian, or the copyright owner can compile in those cases where the original material has been irretrievably lost.

#### SEC. 112. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Librarian such sums as may be necessary to carry out the purposes of this title, but in no fiscal year shall such sum exceed \$250,000.

#### SEC. 113. EFFECTIVE DATE.

The provisions of this title shall be effective for 7 years beginning on the date of the enactment of this Act. The provisions of this title shall apply to any copy of any film, including those copies of films selected for inclusion in the National Film Registry under the National Film Preservation Act of 1988 and the National Film Preservation Act of 1992, except that any film so selected under either Act shall be deemed to have been selected for the National Film Registry under this title.

#### SEC. 114. REPEAL.

The National Film Preservation Act of 1992 (2 U.S.C. 179 and following) is repealed.

### TITLE II—THE NATIONAL FILM PRESERVATION FOUNDATION ACT

#### SEC. 201. SHORT TITLE.

This title may be cited as the "National Film Preservation Foundation Act".

#### SEC. 202. ESTABLISHMENT AND PURPOSE OF FOUNDATION.

(a) ESTABLISHMENT.—There is established the National Film Preservation Foundation (hereafter in this title referred to as the "Foundation"). The Foundation is a charitable and nonprofit corporation and is not an agency or establishment of the United States.

(b) PURPOSES.—The purposes of the Foundation are—

(1) to encourage, accept, and administer private gifts to promote and ensure the preservation and public accessibility of the nation's film heritage held at the Library of Congress and other public and nonprofit archives throughout the United States;

(2) to further the goals of the Library of Congress and the National Film Preservation Board in connection with their activities under the National Film Preservation Act of 1996; and

(3) to undertake and conduct other activities, alone or in cooperation with other film related institutions and organizations, as will further the preservation and public accessibility of films made in the United States, particularly those not protected by private interests, for the benefit of present and future generations of Americans.

#### SEC. 203. BOARD OF DIRECTORS OF THE FOUNDATION.

(a) ESTABLISHMENT AND MEMBERSHIP.—The Foundation shall have a governing Board of Directors (hereafter in this title referred to as the "Board"), which shall consist of 9 Directors, each of whom shall be a United

States citizen and at least 6 of whom must be knowledgeable or experienced in film production, distribution, preservation, or restoration, including 2 who shall be sitting members of the National Film Preservation Board. These 6 members of the Board shall, to the extent practicable, represent diverse points of views from the film community, including motion picture producers, creative artists, nonprofit and public archivists, historians, film critics, theater owners, and laboratory and university personnel. The Librarian of Congress (hereafter in this title referred to as the "Librarian") shall be an ex officio nonvoting member of the Board. Appointment to the Board shall not constitute employment by, or the holding of an office of, the United States for the purpose of any Federal law.

(b) **APPOINTMENT AND TERMS.**—Within 90 days after the date of the enactment of this Act, the Librarian shall appoint the Directors of the Board. Each Director shall be appointed for a term of 4 years. A vacancy on the Board shall be filled, within 60 days after the vacancy occurs, in the manner in which the original appointment was made. No individual may serve more than 2 consecutive terms as a Director.

(c) **CHAIR.**—The initial Chair shall be appointed by the Librarian from the membership of the Board for a 2-year term, and thereafter shall be appointed and removed in accordance with the Foundation's bylaws.

(d) **QUORUM.**—A majority of the current membership of the Board shall constitute a quorum for the transaction of business.

(e) **MEETINGS.**—The Board shall meet at the call of the Librarian or the Chair at least once a year. If a Director misses 3 consecutive regularly scheduled meetings, that individual may be removed from the Board by the Librarian, and that vacancy shall be filled in accordance with subsection (b).

(f) **REIMBURSEMENT OF EXPENSES.**—Members of the Board shall serve without pay, but may be reimbursed for the actual and necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Foundation.

(g) **GENERAL POWERS.**—

(1) **ORGANIZATION OF FOUNDATION.**—The Board may complete the organization of the Foundation by—

(A) appointing, removing, and replacing officers, except as provided for in paragraph (2)(B);

(B) adopting a constitution and bylaws consistent with the purposes of the Foundation and the provisions of this title; and

(C) undertaking such other acts as may be necessary to carry out the provisions of this title.

(2) **LIMITATION ON APPOINTMENT OF EMPLOYEES.**—The following limitations apply with respect to the appointment of employees of the Foundation:

(A) Except as provided in subparagraph (B), employees of the Foundation shall be appointed, removed, and replaced by the Secretary of the Board. All employees (including the Secretary of the Board) shall be appointed and removed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay in effect for grade GS-15 of the General Schedule. Neither the Board, nor any of the employees of the Foundation, including the Secretary of the Board, shall be construed to be employees of the Library of Congress.

(B) The first employee appointed shall be the Secretary of the Board. The Secretary

shall be appointed, and may be removed by, the Librarian.

(C) The Secretary of the Board shall—

(i) serve as its executive director, and

(ii) be knowledgeable and experienced in matters relating to film preservation and restoration activities, financial management, and fund-raising.

**SEC. 204. RIGHTS AND OBLIGATIONS OF THE FOUNDATION**

(a) **GENERAL.**—The Foundation—

(1) shall have perpetual succession;

(2) may conduct business in the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States;

(3) shall have its principal offices in the District of Columbia; and

(4) shall at all times maintain a designated agent authorized to accept service of process for the Foundation.

The serving of notice to, or service of process upon, the agent required under paragraph (4), or mailed to the business address of such agent, shall be deemed as service upon or notice to the Foundation.

(b) **SEAL.**—The Foundation shall have an official seal selected by the Board which shall be judicially noticed.

(c) **POWERS.**—To carry out its purposes under section 202, the Foundation shall have, in addition to the powers otherwise given it under this title, the usual powers of a corporation acting as a trustee in the District of Columbia, including the power—

(1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein;

(2) to acquire by purchase or exchange any real or personal property or interest therein;

(3) unless otherwise required by the instrument of transfer, to sell, donate, lease, invest, reinvest, retain, or otherwise dispose of any property or income therefrom;

(4) to borrow money and issue bonds, debentures, or other debt instruments;

(5) to sue and be sued, and complain and defend itself in any court of competent jurisdiction, except that the Directors of the Board shall not be personally liable, except for gross negligence;

(6) to enter into contracts or other arrangements with public agencies and private organizations and persons and to make such payments as may be necessary to carry out its functions; and

(7) to do any and all acts necessary and proper to carry out the purposes of the Foundation.

A gift, devise, or bequest may be accepted by the Foundation even though it is encumbered, restricted, or subject to beneficial interests of private persons, if any current or future interest therein is for the benefit of the Foundation.

**SEC. 205. ADMINISTRATIVE SERVICES AND SUPPORT.**

The Librarian may provide personnel, facilities, and other administrative services to the Foundation, including reimbursement of expenses under section 203, not to exceed the current per diem rates for the Federal Government, and the Foundation shall reimburse the Librarian therefor. Amounts so reimbursed shall be deposited in the Treasury to the credit of the appropriations then current and chargeable for the cost of providing such services.

**SEC. 206. VOLUNTEER STATUS.**

The Librarian may accept, without regard to the civil service classification laws, rules, or regulations, the services of the Foundation, the Board, and other officers and employees of the Board, without compensation from the Library of Congress, as volunteers

in the performance of the functions authorized in this title.

**SEC. 207. AUDITS, REPORT REQUIREMENTS, AND PETITION OF ATTORNEY GENERAL, FOR EQUITABLE RELIEF.**

(a) **AUDITS.**—The Foundation shall be treated as a private corporation established under Federal law for purposes of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law.", approved August 30, 1964 (36 U.S.C. 1101-1103).

(b) **REPORT.**—The Foundation shall, as soon as practicable after the end of each fiscal year, transmit to the Congress a report of its proceedings and activities during such year, including a full and complete statement of its receipts, expenditures, and investments.

(c) **RELIEF WITH RESPECT TO CERTAIN FOUNDATION ACTS OR FAILURE TO ACT.**—If the Foundation—

(1) engages in, or threatens to engage in, any act, practice, or policy that is inconsistent with its purposes set forth in section 202(b), or

(2) refuses, fails, or neglects to discharge its obligations under this title, or threatens to do so,

the Attorney General of the United States may file a petition in the United States District Court for the District of Columbia for such equitable relief as may be necessary or appropriate.

**SEC. 208. UNITED STATES RELEASE FROM LIABILITY.**

The United States shall not be liable for any debts, defaults, acts, or omissions of the Foundation, nor shall the full faith and credit of the United States extend to any obligation of the Foundation.

**SEC. 209. AUTHORIZATION OF APPROPRIATIONS.**

(a) **AUTHORIZATION.**—There are authorized to be appropriated to the Library of Congress such sums as may be necessary to carry out the purposes of this title, not to exceed \$250,000 for each of the fiscal years 2000 through 2003, to be made available to the Foundation to match private contributions (whether in currency, services, or property) made to the Foundation by private persons and State and local governments.

(b) **ADMINISTRATIVE EXPENSES.**—No Federal funds authorized under this section may be used by the Foundation for administrative expenses of the Foundation, including for salaries, travel, and transportation expenses, and other overhead expenses.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from California [Mr. MOORHEAD] and the gentleman from Virginia [Mr. SCOTT] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1734, the National Film Preservation Act of 1996, as amended.

This bill authorizes an existing program first established in 1988, that developed a national strategy to deal with the problem of preserving film for educational and historical purposes. The purpose of H.R. 1734 is to reauthorize a program that is saving films which, but for preservation efforts, will be lost forever. Film is currently celebrating its bittersweet 100th anniversary. The seminal study on the film preservation problem which we authorized in the 1992 act documented that for films produced before 1950, over 50

percent no longer survive; and, of films made before 1920, fewer than 10 percent still exist. More recent films face no less danger—from color fading, vinegar syndrome, and a host of other colorfully named but equally destructive maladies. The 1992 authorization ended last month. Without the reauthorization provided by H.R. 1734 and the support and intervention of the Federal Government, many of the remaining materials will be irretrievably lost.

In 1988, Congress created the National Film Preservation Board within the Library of Congress which recognized the importance and fragile nature of our film heritage. In the 1992 reauthorization, the program was redefined with a mission to identify the technical and policy problems related to preserving film in this country, and to coordinate the development of a public and private sector plan to address the problems so identified.

The 1992 legislation created a methodical two-step program, coordinated by the Librarian of Congress and the Film Board. The first step was the completion in 1993 of a comprehensive study conducted under the auspices of the Library of Congress to take a snapshot of the film preservation problem in the United States. Public hearings and public witnesses from Government and private entities including film studios, independent film producers, creative artists, educators and other users of film materials described the technical and policy problems that must be addressed to save film from disintegration and to make them more readily available to the public. Following the study was the development in 1994 of a second document known as "the national plan" to fix the problem via a public/private partnership with very realistic and specific implementation steps.

Both public documents were very well received and in fact, other countries are modeling their film preservation efforts on our methodology. Implementation of the plan is now underway. H.R. 1734 will authorize the continued implementation of the national plan by the Librarian of Congress, since that authorization expired in June.

The materials that are the focus of H.R. 1734 are not the Hollywood films but films which are vital for educational, rather than commercial reasons, and which will not survive without public intervention. Examples of such films include documentaries and newsreels, independent films, animation and short subjects, silent films, films by and/or documenting minority or ethnic groups, films of historical, educational or regional importance, and films that are no longer under copyright protection. These films are held and maintained by public and non-profit archives, State and local historical societies, university and public libraries and similar institutions in all 50 States.

Our bill, crafted with bipartisan support, will help save our film heritage,

with a very minimal amount of Federal spending, that is, \$250,000 per year, which is the current authorized rate, increasing moderately after fiscal year 1999. Title I will continue the work of the coordinating body within the Library of Congress, the National Film Preservation Board, to enable the continued implementation of the national plan developed by the 1992 act. H.R. 1734 picks up the work already completed by the Library of Congress and the National Film Preservation Board and takes it to the next logical step by partnering the private sector with the public sector, creating a 501(c) organization known as the National Film Preservation Foundation. The Foundation (title II) is modeled on similar entities created by Congress and will give grants to archives and libraries that are preserving films.

The libraries and archives with film collections must spend \$10,000 to \$100,000 or more per film to preserve, restore, catalog and/or store the materials properly. The Foundation needs to raise a considerable sum of private money from within and outside the film community. Examples of the diversity of institutions with such film holdings that will be eligible for Foundation grants include: the George Eastman House, the Library of Congress, the Museum of Modern Art, UCLA Film and Television Archive, the National Center for Jewish Film, Anthology Film Archives, Pacific Film Archives, Northeast Historic Film, the Oregon Historical Society, the Japanese American National Museum, the Black Film Center at Indiana University, and many similar institutions large and small, including for example, those supporting and promoting film preservation, such as the American Film Institute. All of these entities are in full support of H.R. 1734.

H.R. 1734 fulfills the Government's role in film preservation of facilitator or coordinator of the work already being done in hundreds of archives, libraries, laboratories, and film studios nationwide and to add some public funds where needed. Via the Foundation the Government will provide the seed money to raise private funds to save the so-called orphan films. It will enable information about technology to be more readily shared, and to coordinate lab efforts and solve storage problems. The Government will not spend its money on Hollywood feature films but will encourage the studios to continue to share information and coordinate efforts with the archives and independent filmmakers and others.

I wish to thank the ranking member of the Subcommittee on Courts and Intellectual Property, Mrs. SCHROEDER, for her work on H.R. 1734. I also wish to thank my colleagues who cosponsored this legislation, Mr. COBLE, Mr. BONO, and Mr. CONYERS, and my colleague on the Committee on House Oversight, Mr. THOMAS, for working with Judiciary to craft a responsible bill in these lean financial times that will allow

this important work to continue. I would also like to commend the Librarian and his staff, especially Steve Leggett, and the Film Board for the work they have done to date.

Mr. Speaker, I urge the passage of H.R. 1734.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1734. This bill takes two critical steps toward preserving America's very rich but threatened heritage of culturally, historically, and aesthetically significant films.

The first is the reauthorization of the National Film Preservation Board. Congress established this board in 1988 tasking it with the annual selection of 25, "culturally, historically or aesthetically significant," films to the National Film Registry and the development of labeling guidelines for films that have been "materially altered."

In 1992, when Congress reauthorized the board, our focus was on film preservation. The labeling guideline provision was dropped in the 1992 reauthorization because it had proved to be too contentious and problematic with little likelihood of consensus among the interested stakeholders.

Two significant accomplishments result from this 1992 reauthorization act. First, the 1-year study completed in 1993 persuasively demonstrated that the American film heritage was at risk. It found that fewer than 20 percent of the feature films from the 1920's survive in complete form. For features from the 1910's, the survival rate falls to about 10 percent. Only about half of the films made before 1950 survive. The study found that many lost American films can only be found in foreign archives. This study accomplished the important step of assessing the nature and scope of the threat to our film heritage.

The second major achievement was the development of a national consensus plan for film preservation, representing 6 months of negotiations and consensus building among archivists, educators, film makers, and film industry executives.

Today, by reauthorizing the Film Preservation Board for 7 years, we can ensure that these efforts to preserve our historical and cultural film heritage will continue. By creating a new federally chartered nonprofit foundation, the National Film Preservation Foundation, this bill creates an important new mechanism to further these efforts.

These two provisions will increase film availability for educational and public exhibition. They will spur the development of public-private partnerships to restore key films, share preservation information and repatriate lost American films that are now found only in foreign archives. The foundation will be able to raise money for the preservation of newsreels, documentaries, independent and avant garde

films, socially significant amateur footage, regional historical films and other features of cultural and historical importance that otherwise could not survive.

All of this is done with an extremely modest authorization level. The film board is kept at \$250,000, and the foundation authorized for no funds until the fiscal year 2000 when an annual ceiling of \$250,000 takes effect. While Hollywood films have the commercial value which will ensure their preservation, the same cannot be said for much of our film heritage, which nonetheless has enormous cultural and historical significance.

It is for these latter works, the public domain or educational films, historical footage, documentaries, and other films that this bill is so vitally important.

Let me mention one example of a film now available to the American public because of the efforts of the Film Preservation Board. A film entitled "Within Our Gates," the oldest film directed by an African-American, was selected and preserved by the film board. It was a film that very few people had seen because so few copies were available.

A copy of this important but essential lost work, a 1920 film directed by Oscar Micheau, was found in the Spanish film archives as a result of the preservation board efforts. The Library of Congress has been able to release this film on video and make it widely available to the public. But for the existence of the film board, this important bit of African-American cultural heritage would be languishing, unseen in the Spanish film archives.

H.R. 1734 uses creative and collaborative approaches to ensure that America's rich film heritage is preserved for future generations. I urge my colleagues to support it.

Mr. Speaker, I yield back the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MOORHEAD] that the House suspend the rules and pass the bill, H.R. 1734, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill as amended, was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1734, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

#### LOBBYING DISCLOSURE TECHNICAL AMENDMENTS ACT OF 1996

Mr. HOKE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3435), to make technical amendments to the Lobbying Disclosure Act of 1995, as amended.

The Clerk read as follows:

H.R. 3435

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE AND REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Lobbying Disclosure Technical Amendments Act of 1996".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Lobbying Disclosure Act of 1995".

#### SEC. 2. DEFINITION OF COVERED EXECUTIVE BRANCH OFFICIAL.

Section 3(3)(F) (2 U.S.C. 1602(3)(F)) is amended by striking "7511(b)(2)" and inserting "7511(b)(2)(B)".

#### SEC. 3. CLARIFICATION OF EXCEPTION TO LOBBYING CONTACT.

(a) CERTAIN COMMUNICATIONS.—Section 3(8)(B)(ix) (2 U.S.C. 1602(8)(B)(ix)) is amended by inserting before the semicolon the following: ", including any communication compelled by a Federal contract, grant, loan, permit, or license".

(b) DEFINITION OF "PUBLIC OFFICIAL".—Section 3(15)(F) (2 U.S.C. 1602(15)(F)) is amended by inserting ", or a group of governments acting together as an international organization" before the period.

#### SEC. 4. INTERESTS.

(a) SECTION 4.—Section 4(b)(4)(C) (2 U.S.C. 1603(b)(4)(C)) is amended by striking "direct interest" and inserting "significant direct interest".

(b) SECTION 5.—Section 5(b)(2)(D) (2 U.S.C. 1604(b)(2)(D)) is amended by striking "of the interest, if any," and inserting "of any significant direct interest".

(c) SECTION 14.—Section 14 (2 U.S.C. 1609) is amended—

(1) in subsection (a)(2), by striking "a direct interest" and inserting "a significant direct interest"; and

(2) in subsection (b)(2), by striking "a direct interest" and inserting "a significant direct interest".

#### SEC. 5. ESTIMATES BASED ON TAX REPORTING SYSTEM.

(a) SECTION 15(a).—Section 15(a) (2 U.S.C. 1601 (a)) is amended—

(1) by striking "A registrant" and inserting "A person, other than a lobbying firm,"; and

(2) by amending paragraph (2) to read as follows:

"(2) for all other purposes consider as lobbying contacts and lobbying activities only—

"(A) lobbying contacts with covered legislative branch officials (as defined in section 3(4)) and lobbying activities in support of such contacts; and

"(B) lobbying of Federal executive branch officials to the extent that such activities are influencing legislation as defined in section 4911(d) of the Internal Revenue Code of 1986.".

(b) SECTION 15(b).—Section 15(b) (2 U.S.C. 1610(b)) is amended—

(1) by striking "A registrant that is subject to" and inserting "A person, other than a lobbying firm, who is required to account and does account for lobbying expenditures pursuant to"; and

(2) by amending paragraph (2) to read as follows:

(2) for all other purposes consider as lobbying contacts and lobbying activities only—

"(A) lobbying contacts with covered legislative branch officials (as defined in section 3(4)) and lobbying activities in support of such contacts; and

"(B) lobbying of Federal executive branch officials to the extent that amounts paid or costs incurred in connection with such activities are not deductible pursuant to section 162(e) of the Internal Revenue Code of 1986.".

(c) SECTION 5(C).—Section 5(c) (2 U.S.C. 1604(c)) is amended by striking paragraph (3).

#### SEC. 6. DISCLOSURE OF INDIVIDUAL REGISTERED LOBBYISTS.

Section 5(b) (2 U.S.C. 1604(b))—

(1) in paragraph (2), by inserting "and" at the end of subparagraph (B), by striking subparagraph (C), and by redesignating subparagraph (D) as subparagraph (C), and

(2) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively, and by adding after paragraph (1) the following:

"(2) a list of employees of the registrant who acted as lobbyists on behalf of the client during the semi-annual reporting period;".

#### SEC. 7. EXEMPTION BASED ON REGISTRATION UNDER LOBBYING ACT.

Section 3(h) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 613(h)) is amended by striking "is required to register and does register" and inserting "has engaged in lobbying activities and has registered".

#### SEC. 8. FURNISHING INFORMATION.

(a) INFORMATION TO AGENCY OR OFFICIAL OF GOVERNMENT.—Section 4(e) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 614(e)) is amended—

(1) by striking "political propaganda" and inserting "informational materials"; and

(2) by striking "the propaganda" and inserting "the informational materials".

(b) REPORTS.—Section 11 of the Foreign Agents Registration Act of 1938 (22 U.S.C. 621) is amended by striking "political propaganda" and inserting "informational materials".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. HOKE] and the gentleman from Virginia [Mr. SCOTT] each will control 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. HOKE].

#### GENERAL LEAVE

Mr. HOKE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 3435, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HOKE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3435, the Lobbying Disclosure Technical Amendments Act of 1996 addresses several technical issues which have been raised during the initial months of implementation of the Lobbying Disclosure Act of 1995. The amendments made by the bill will strengthen what is already widely viewed as a significant and successful law.

The Lobbying Disclosure Act of 1995 was the first substantive reform in the