

the registrant has elected to make its estimates under such procedures; and

(2) make all such estimates, in a given calendar year, under such procedures.

(d) Study

Not later than March 31, 1997, the Comptroller General of the United States shall review reporting by registrants under subsections (a) and (b) of this section and report to the Congress—

(1) the differences between the definition of “lobbying activities” in section 1602(7) of this title and the definitions of “lobbying expenditures”, “influencing legislation”, and related terms in sections 162(e) and 4911 of title 26, as each are implemented by regulations;

(2) the impact that any such differences may have on filing and reporting under this chapter pursuant to this subsection; and

(3) any changes to this chapter or to the appropriate sections of title 26 that the Comptroller General may recommend to harmonize the definitions.

(Pub. L. 104-65, §15, Dec. 19, 1995, 109 Stat. 702; Pub. L. 105-166, §4(a), (b), Apr. 6, 1998, 112 Stat. 38.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (c) and (d)(2), (3), was in the original “this Act” meaning Pub. L. 104-65, Dec. 19, 1995, 109 Stat. 691, known as the Lobbying Disclosure Act of 1995. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

AMENDMENTS

1998—Subsec. (a). Pub. L. 105-166, §4(a)(1), in introductory provisions, substituted “A person, other than a lobbying firm,” for “A registrant”.

Subsec. (a)(2). Pub. L. 105-166, §4(a)(2), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “in lieu of using the definition of ‘lobbying activities’ in section 1602(7) of this title, consider as lobbying activities only those activities that are influencing legislation as defined in section 4911(d) of title 26.”

Subsec. (b). Pub. L. 105-166, §4(b)(1), in introductory provisions, substituted “A person, other than a lobbying firm, who is required to account and does account for lobbying expenditures pursuant to” for “A registrant that is subject to”.

Subsec. (b)(2). Pub. L. 105-166, §4(b)(2), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “in lieu of using the definition of ‘lobbying activities’ in section 1602(7) of this title, consider as lobbying activities only those activities, the costs of which are not deductible pursuant to section 162(e) of title 26.”

§ 1611. Exempt organizations

An organization described in section 501(c)(4) of title 26 which engages in lobbying activities shall not be eligible for the receipt of Federal funds constituting an award, grant, or loan.

(Pub. L. 104-65, §18, Dec. 19, 1995, 109 Stat. 703; Pub. L. 104-99, title I, §129(a), Jan. 26, 1996, 110 Stat. 34.)

AMENDMENTS

1996—Pub. L. 104-99 substituted “award, grant, or loan” for “award, grant, contract, loan, or any other form”.

EFFECTIVE DATE OF 1996 AMENDMENT

Section 129(b) of Pub. L. 104-99 provided that: “The amendment made by subsection (a) [amending this sec-

tion] shall take effect as if included in the Lobbying Disclosure Act of 1995 [Pub. L. 104-65] on the date of the enactment of such Act [Dec. 19, 1995].”

[For provision that notwithstanding section 106 of Pub. L. 104-99 [110 Stat. 27], section 129 of Pub. L. 104-99 [see above] to remain in effect as if enacted as part of Pub. L. 104-134, see section 21103 of Pub. L. 104-134, set out as a note following note captioned 501 First Street SE., District of Columbia; Disposal of Real Property, under section 2001 of this title].

§ 1612. Sense of Senate that lobbying expenses should remain nondeductible

(a) Findings

The Senate finds that ordinary Americans generally are not allowed to deduct the costs of communicating with their elected representatives.

(b) Sense of Senate

It is the sense of the Senate that lobbying expenses should not be tax deductible.

(Pub. L. 104-65, §23, Dec. 19, 1995, 109 Stat. 705.)

CHAPTER 27—SOUND RECORDING PRESERVATION BY THE LIBRARY OF CONGRESS

SUBCHAPTER I—NATIONAL RECORDING REGISTRY

- Sec.
1701. National Recording Registry of the Library of Congress.
1702. Duties of Librarian of Congress.
(a) Establishment of criteria and procedures.
(b) Publication of sound recordings in the Registry.
1703. Seal of the National Recording Registry.
(a) In general.
(b) Use of seal.
(c) Effective date of the seal.
(d) Prohibited uses of the seal.
(e) Remedies for violations.
1704. National Recording Registry Collection of the Library of Congress.
(a) In general.
(b) Acquisition of quality copies.
(c) Property of United States.

SUBCHAPTER II—NATIONAL SOUND RECORDING PRESERVATION PROGRAM

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1721. Establishment.
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1724. Responsibilities of Board.
(a) Review and recommendation of nominations for National Recording Registry.
(b) Study and report on sound recording preservation and restoration.

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1725. General powers of Board.
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SUBCHAPTER IV—GENERAL PROVISIONS

1741. Definitions.
1742. Staff; experts and consultants.
 (a) Staff.
 (b) Experts and consultants.
1743. Authorization of appropriations.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 36 section 152402.

SUBCHAPTER I—NATIONAL RECORDING
REGISTRY

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 1724 of this title.

§ 1701. National Recording Registry of the Library of Congress

The Librarian of Congress shall establish the National Recording Registry for the purpose of maintaining and preserving sound recordings that are culturally, historically, or aesthetically significant.

(Pub. L. 106-474, title I, §101, Nov. 9, 2000, 114 Stat. 2085.)

SHORT TITLE

Pub. L. 106-474, §1, Nov. 9, 2000, 114 Stat. 2085, provided that: "This Act [enacting this chapter and chapter 1524 of Title 36, Patriotic and National Observances, Ceremonies, and Organizations] may be cited as the 'National Recording Preservation Act of 2000'."

§ 1702. Duties of Librarian of Congress

(a) Establishment of criteria and procedures

For purposes of carrying out this subchapter, the Librarian shall—

- (1) establish criteria and procedures under which sound recordings may be included in the National Recording Registry, except that no sound recording shall be eligible for inclusion in the National Recording Registry until 10 years after the recording's creation;
- (2) establish procedures under which the general public may make recommendations to the National Recording Preservation Board established under subchapter III of this chapter regarding the inclusion of sound recordings in the National Recording Registry; and
- (3) determine which sound recordings satisfy the criteria established under paragraph (1) and select such recordings for inclusion in the National Recording Registry.

(b) Publication of sound recordings in the Registry

The Librarian shall publish in the Federal Register the name of each sound recording that is selected for inclusion in the National Recording Registry.

(Pub. L. 106-474, title I, §102, Nov. 9, 2000, 114 Stat. 2085.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1703 of this title.

§ 1703. Seal of the National Recording Registry

(a) In general

The Librarian shall provide a seal to indicate that a sound recording has been included in the National Recording Registry and is the Registry version of that recording.

(b) Use of seal

The Librarian shall establish guidelines for approval of the use of the seal provided under subsection (a) of this section, and shall include in the guidelines the following:

(1) The seal may only be used on recording copies of the Registry version of a sound recording.

(2) The seal may be used only after the Librarian has given approval to those persons seeking to apply the seal in accordance with the guidelines.

(3) In the case of copyrighted mass distributed, broadcast, or published works, only the copyright legal owner or an authorized licensee of that copyright owner may place or authorize the placement of the seal on any recording copy of the Registry version of any sound recording that is maintained in the National Recording Registry Collection in the Library of Congress.

(4) Anyone authorized to place the seal on any recording copy of any Registry version of a sound recording may accompany such seal with the following language: "This sound recording is selected for inclusion in the National Recording Registry by the Librarian of Congress in consultation with the National Recording Preservation Board of the Library of Congress because of its cultural, historical, or aesthetic significance."

(c) Effective date of the seal

The use of the seal provided under subsection (a) of this section with respect to a sound recording shall be effective beginning on the date the Librarian publishes in the Federal Register (in accordance with section 1702(b) of this title) the name of the recording, as selected for inclusion in the National Recording Registry.

(d) Prohibited uses of the seal

(1) Prohibition on distribution and exhibition

No person may knowingly distribute or exhibit to the public a version of a sound recording or any copy of a sound recording which bears the seal described in subsection (a) of this section if such recording—

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

(B) is included in the National Recording Registry but has not been approved for use of the seal by the Librarian pursuant to the guidelines established under subsection (b) of this section.

(2) Prohibition on promotion

No person may knowingly use the seal described in subsection (a) of this section to promote any version of a sound recording or recording copy other than a Registry version.

(e) Remedies for violations

(1) Jurisdiction

The several district courts of the United States shall have jurisdiction, for cause

shown, to prevent and restrain violations of subsection (d) of this section.

(2) Relief

(A) Removal of seal

Except as provided in subparagraph (B), relief for violation of subsection (d) of this section shall be limited to the removal of the seal from the sound recording involved in the violation.

(B) Fine and injunctive relief

In the case of a pattern or practice of the willful violation of subsection (d) of this section, the court may order a civil fine of not more than \$10,000 and appropriate injunctive relief.

(3) Limitation of remedies

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

(Pub. L. 106-474, title I, §103, Nov. 9, 2000, 114 Stat. 2086.)

§ 1704. National Recording Registry Collection of the Library of Congress

(a) In general

All copies of sound recordings on the National Recording Registry that are received by the Librarian under subsection (b) of this section shall be maintained in the Library of Congress and be known as the “National Recording Registry Collection of the Library of Congress”. The Librarian shall by regulation and in accordance with title 17 provide for reasonable access to the sound recordings and other materials in such collection for scholarly and research purposes.

(b) Acquisition of quality copies

(1) In general

The Librarian shall seek to obtain, by gift from the owner, a quality copy of the Registry version of each sound recording included in the National Recording Registry.

(2) Limit on number of copies

Not more than one copy of the same version or take of any sound recording may be preserved in the National Recording Registry. Nothing in the preceding sentence may be construed to prohibit the Librarian from making or distributing copies of sound recordings included in the Registry for purposes of carrying out this Act.

(c) Property of United States

All copies of sound recordings on the National Recording Registry that are received by the Librarian under subsection (b) of this section shall become the property of the United States Government, subject to the provisions of title 17.

(Pub. L. 106-474, title I, §104, Nov. 9, 2000, 114 Stat. 2087.)

REFERENCES IN TEXT

This Act, referred to in subsec. (b)(2), is Pub. L. 106-474, Nov. 9, 2000, 114 Stat. 2085, known as the National Recording Preservation Act of 2000, which en-

acted this chapter and chapter 1524 (§152401 et seq.) of Title 36, Patriotic and National Observances, Ceremonies, and Organizations. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of this title and Tables.

SUBCHAPTER II—NATIONAL SOUND RECORDING PRESERVATION PROGRAM

§ 1711. Establishment of program by Librarian of Congress

(a) In general

The Librarian shall, after consultation with the National Recording Preservation Board established under subchapter III of this chapter, implement a comprehensive national sound recording preservation program, in conjunction with other sound recording archivists, educators and historians, copyright owners, recording industry representatives, and others involved in activities related to sound recording preservation, and taking into account studies conducted by the Board.

(b) Contents of program specified

The program established under subsection (a) of this section shall—

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

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

(3) increase accessibility of sound recordings for educational purposes;

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

(5) utilize the audiovisual conservation center of the Library of Congress at Culpeper, Virginia, to ensure that preserved sound recordings included in the National Recording Registry are stored in a proper manner and disseminated to researchers, scholars, and the public as may be appropriate in accordance with title 17 and the terms of any agreements between the Librarian and persons who hold copyrights to such recordings.

(Pub. L. 106-474, title I, §111, Nov. 9, 2000, 114 Stat. 2087.)

§ 1712. Promoting accessibility and public awareness of sound recordings

The Librarian shall carry out activities to make sound recordings included in the National Recording Registry more broadly accessible for research and educational purposes and to generate public awareness and support of the Registry and the comprehensive national sound recording preservation program established under this subchapter.

(Pub. L. 106-474, title I, §112, Nov. 9, 2000, 114 Stat. 2088.)

SUBCHAPTER III—NATIONAL RECORDING PRESERVATION BOARD

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 1702, 1711 of this title.

§ 1721. Establishment

The Librarian shall establish in the Library of Congress a National Recording Preservation Board whose members shall be selected in accordance with the procedures described in section 1722 of this title.

(Pub. L. 106-474, title I, §121, Nov. 9, 2000, 114 Stat. 2088.)

§ 1722. Appointment of members**(a) Selections from lists submitted by organizations****(1) In general**

The Librarian shall request each organization described in paragraph (2) to submit a list of three candidates qualified to serve as a member of the Board. The Librarian shall appoint one member from each such list, and shall designate from that list an alternate who may attend at Board expense those meetings which the individual appointed to the Board cannot attend.

(2) Organizations described

The organizations described in this paragraph are as follows:

(A) National Academy of Recording Arts and Sciences (NARAS).

(B) Recording Industry Association of America (RIAA).

(C) Association for Recorded Sound Collections (ARSC).

(D) American Society of Composers, Authors and Publishers (ASCAP).

(E) Broadcast Music, Inc. (BMI).

(F) Songwriters Association (SESAC).

(G) American Federation of Musicians (AF of M).

(H) Music Library Association.

(I) American Musicological Society.

(J) National Archives and Record Administration.

(K) National Association of Recording Merchandisers (NARM).

(L) Society for Ethnomusicology.

(M) American Folklore Society.

(N) Country Music Foundation.

(O) Audio Engineering Society (AES).

(P) National Academy of Popular Music.

(Q) Digital Media Association (DiMA).

(b) Other members

In addition to the members appointed under subsection (a) of this section, the Librarian may appoint not more than five members-at-large. The Librarian shall select an alternate for each member-at-large, who may attend at Board expense those meetings that the member-at-large cannot attend.

(c) Chair

The Librarian shall appoint one member of the Board to serve as Chair.

(d) 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 of organization

The Librarian shall have the authority to remove any member of the Board (or, in the case of a member appointed under subsection (a)(1) of this section, the organization that 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) of this section, 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 shall be appointed for the remainder of the term of the member's predecessor.

(Pub. L. 106-474, title I, §122, Nov. 9, 2000, 114 Stat. 2088.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1721 of this title.

§ 1723. Service of members; meetings**(a) Reimbursement of expenses**

Members of the Board shall serve without pay, but may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5.

(b) 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.

(c) Meetings

The Board shall meet at least once each fiscal year. Meetings shall be at the call of the Librarian.

(d) Quorum

Eleven members of the Board shall constitute a quorum for the transaction of business.

(Pub. L. 106-474, title I, §123, Nov. 9, 2000, 114 Stat. 2089.)

§ 1724. Responsibilities of Board**(a) Review and recommendation of nominations for National Recording Registry****(1) In general**

The Board shall review nominations of sound recordings submitted to it for inclusion in the National Recording Registry and advise the Librarian, as provided in subchapter I of this chapter, with respect to the inclusion of such recordings in the Registry and the preservation of these and other sound recordings that are culturally, historically, or aesthetically significant.

(2) Source of nominations

The Board shall consider for inclusion in the National Recording Registry nominations submitted by the general public as well as representatives of sound recording archives and the sound recording industry (such as the

guilds and societies representing sound recording artists) and other creative artists.

(b) Study and report on sound recording preservation and restoration

The Board shall conduct a study and issue a report on the following issues:

(1) The current state of sound recording archiving, preservation and restoration activities.

(2) Taking into account the research and other activities carried out by or on behalf of the National Audio-Visual Conservation Center at Culpeper, Virginia—

(A) the methodology and standards needed to make the transition from analog “open reel” preservation of sound recordings to digital preservation of sound recordings; and

(B) standards for access to preserved sound recordings by researchers, educators, and other interested parties.

(3) The establishment of clear standards for copying old sound recordings (including equipment specifications and equalization guidelines).

(4) Current laws and restrictions regarding the use of archives of sound recordings, including recommendations for changes in such laws and restrictions to enable the Library of Congress and other nonprofit institutions in the field of sound recording preservation to make their collections available to researchers in a digital format.

(5) Copyright and other laws applicable to the preservation of sound recordings.

(Pub. L. 106-474, title I, §124, Nov. 9, 2000, 114 Stat. 2089.)

§ 1725. General powers of Board

(a) 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.

(b) Service on Foundation

Two sitting members of the Board shall be appointed by the Librarian and shall serve as members of the board of directors of the National Recording Preservation Foundation, in accordance with section 152403 of title 36.

(Pub. L. 106-474, title I, §125, Nov. 9, 2000, 114 Stat. 2090.)

SUBCHAPTER IV—GENERAL PROVISIONS

§ 1741. Definitions

As used in this chapter:

(1) The term “Librarian” means the Librarian of Congress.

(2) The term “Board” means the National Recording Preservation Board.

(3) The term “sound recording” has the meaning given such term in section 101 of title 17.

(4) The term “publication” has the meaning given such term in section 101 of title 17.

(5) The term “Registry version” means, with respect to a sound recording, the version of a

recording first published or offered for mass distribution whether as a publication or a broadcast, or as complete a version as bona fide preservation and restoration activities by the Librarian, an archivist other than the Librarian, or the copyright legal owner can compile in those cases where the original material has been irretrievably lost or the recording is unpublished.

(Pub. L. 106-474, title I, §131, Nov. 9, 2000, 114 Stat. 2090.)

§ 1742. Staff; 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 chapter.

(b) Experts and consultants

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

(Pub. L. 106-474, title I, §132, Nov. 9, 2000, 114 Stat. 2091.)

REFERENCES IN TEXT

The General Schedule, referred to in subsec. (b), is set out under section 5332 of Title 5, Government Organization and Employees.

§ 1743. Authorization of appropriations

There are authorized to be appropriated to the Librarian for each of the first 7 fiscal years beginning on or after November 9, 2000, such sums as may be necessary to carry out this chapter, except that the amount authorized for any fiscal year may not exceed \$250,000.

(Pub. L. 106-474, title I, §133, Nov. 9, 2000, 114 Stat. 2091.)

CHAPTER 28—ARCHITECT OF THE CAPITOL

SUBCHAPTER I—GENERAL

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1803.	Delegation of authority.
1804.	Deputy Architect of the Capitol to act in case of absence, disability, or vacancy.
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