

(b) REFERENCES.—A reference to a law replaced by this Act, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provision enacted by this Act.

(c) CONTINUING EFFECT.—An order, rule, or regulation in effect under a law replaced by this Act continues in effect under the corresponding provision enacted by this Act until repealed, amended, or superseded.

(d) ACTIONS AND OFFENSES UNDER PRIOR LAW.—An Action taken or an offense committed under a law replaced by this Act is deemed to have been taken or committed under the corresponding provision enacted by this Act.

(e) INFERENCES.—An inference of a legislative construction is not to be drawn by reason of the location in the United States Code of a provision enacted by this Act or by reason of a caption or catchline of the provision.

(f) SEVERABILITY.—If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provisions remain in effect. If a provision enacted by this Act is held invalid in any of its applications, the provision remains valid for all valid applications that are severable from any of the invalid applications.

SEC. 10. REPEALS.

(a) INFERENCES OF REPEAL.—The repeal of a law by this Act may not be construed as a legislative inference that the provision was or was not in effect before its repeal.

(b) REPEALER SCHEDULE.—The law specified in the following schedule is repealed, except for rights and duties that matured, penalties that were incurred, and proceedings that were begun before the date of enactment of this Act:

SCHEDULE OF LAWS REPEALED

Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large		U.S. Code	
			Volume	Page	Title	Section
1916 Sept. 3, 5.	436		39	721, 722	45	65, 66

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. MOORHEAD asked and was given permission to revise and extend his remarks.)

Mr. MOORHEAD. Mr. Speaker, I rise in support of H.R. 2297, which restates without substantive change, laws related to transportation and makes other technical improvements in the United States Code. The bill was prepared for the House Judiciary Committee by the Office of the Law Revision Counsel under its authority under section 285(b) of title 2, United States Code, to prepare and submit periodically revisions of positive law titles of the Code to keep those titles current.

The Office of the Law Revision Counsel is engaged in an ongoing project of preparing various titles of the United States Code for enactment into positive law. Such codifications are impor-

tant because they facilitate access to the law on a particular subject by putting it in one place—obviating the necessity of examining disparate statutes. Amending positive law involves fewer technical complexities—and thus presents fewer opportunities for errors—because the United States Code itself is amended rather than having to enact changes in various acts. Finally, positive law facilitates proof in judicial proceedings, because the text of United States Code titles enacted into positive law is legal evidence in Federal and State courts of the laws contained therein.

Congress codified title 49 into positive law in segments—initially completing the task with the July 5, 1994 enactment of Public Law 103-272. Later that year, Congress enacted Public Law 103-429 to make technical improvements and incorporate title 49 transportation related laws enacted after the June 30, 1993 cutoff date for Public Law 103-272 or not otherwise included in title 49.

Today, we again update title 49—this time to incorporate an additional law not already included in the codification and make further technical corrections. Some of these technical changes are necessitated by events after the September 25, 1994 cutoff date for the last transportation related codification—including the enactment of Public Law 103-88, the ICC Termination Act of 1995, on December 29, 1995.

As the result of comments received from various departments and agencies concerned with transportation, and interested private parties, the Office of Law Revision Counsel prepared an amendment in the nature of a substitute to incorporate changes resulting from the comments. After reviewing the legislation as reported by the Committee on the Judiciary, the chairman of the Committee on Commerce, Mr. BLILEY, and the chairman of the Committee on Science, Mr. WALKER, advised me of their support. To reflect comments from the Committee on Transportation and Infrastructure, the Office of Law Revision Counsel proposed some additional changes—which are incorporated in the manager's amendment.

The Law Revision Counsel assures me that H.R. 2297, as amended, makes no change in the substance of existing law. Therefore, no additional cost to the Government would be incurred as a result of enactment. Pay-as-you-go procedures would not apply, because enactment would not affect direct spending or receipts.

By updating and improving the codification of title 49, this legislation will provide to be beneficial to Congress, the courts, and the public. I urge my colleagues to support it.

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

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

Mr. Speaker, these changes in the bill are technical. There are no substantive changes in the law. It merely codifies and clarifies present law, and I urge the Members to support 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. 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. 2297, 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.

AUTHORIZING CIRCUIT JUDGE WHO HAS TAKEN PART IN EN BANC HEARING TO CONTINUE TO PARTICIPATE AFTER TAKING SENIOR STATUS

Mr. MOORHEAD. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 531) to authorize a circuit judge who has taken part in an en banc hearing of a case to continue to participate in that case after taking senior status, and for other purposes.

The Clerk read as follows:

S. 531

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

SECTION 1. AMENDMENT.

The last sentence of section 46(c) of title 28, United States Code, is amended by inserting "(1)" after "eligible" and by inserting the period at the end of the sentence ", or (2) to continue to participate in the decision of a case or controversy that was heard or reheard by the court en banc at a time when such judge was in regular active service".

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. MOORHEAD asked and was given permission to revise and extend his remarks.)

Mr. MOORHEAD. Mr. Speaker, I rise in support of S. 531. This act amends section 46(c) of title 28, to authorize a circuit judge who has taken part in an en banc hearing of a case to continue to participate in that case after taking senior status. There is an inadvertent problem in the law as it exist today. While section 46(c) allows a senior circuit judge who was a member of a panel whose decision is being reviewed en banc to sit on the en banc court, it has been interpreted to require a circuit judge in regular active service who has heard argument in an en banc case to case participating in that case upon taking senior status. This problem leads to uncertainty in deciding who will be eligible to vote on the final disposition of an appeal and may create the perception that a judge is delaying the release of an en banc opinion until a member of the en banc court takes senior status.

This is an unintended result and a basic drafting problem in the statute. The judicial council of the seventh circuit, the most recent court to construe

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 pane. 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.

□ 1415

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. Any-one 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.