

S. 2159

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

The 1st session of the 105th Congress shall convene at noon on January 7, 1997.

RELIEF OF OSCAR SALAS-VELAZQUEZ

Mr. NICKLES. I ask unanimous consent the Senate now proceed to consideration of H.R. 1031 which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1031) for the relief of Oscar Salas-Velazquez.

Mr. NICKLES. Mr. President, I ask unanimous consent the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (H.R. 1031) was deemed read for a third time and passed.

Mr. NICKLES. Mr. President, this is a bill that I know Congressman Ramstad and others have worked very hard on. I am pleased we were able to get it passed this evening.

NATIONAL DUCK CALLING DAY

Mr. NICKLES. Mr. President, I ask unanimous consent the Senate turn to the immediate consideration of Senate Resolution 305, a resolution submitted earlier today by Senators PRYOR, BUMPERS, JOHNSTON, BREAUX, and FORD.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 305) to designate Saturday, November 30, 1996, as "National Duck Calling Day."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. NICKLES. I ask unanimous consent the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear at the appropriate place in the RECORD.

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

The resolution (S. Res. 305) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 305

Whereas Stuttgart, Arkansas, with its flooded rice and soybean fields, is located in the heart of the Mississippi River flyway for migratory birds;

Whereas for the past 60 years, the World's Championship Duck Calling Contest and the Wings Over the Prairie Festival have at-

tached waterfowl enthusiasts from around the world to come to Stuttgart, Arkansas, on Thanksgiving Day weekend;

Whereas the first national duck calling contest was held on November 24, 1936, as part of the traditional Rice Carnival in downtown Stuttgart;

Whereas Thomas E. Walsh of Greenville, Mississippi, was the first national duck calling contest champion, and was awarded a hunting coat valued at \$6.60 for his achievement;

Whereas today, the World's Championship Duck Calling Contest draws contestants from throughout the United States and Canada, with a first place prize package valued at over \$15,000;

Whereas in order to enter the World's Championship Duck Calling Contest a contestant must qualify by winning a World's Championship Duck Calling Contest sanctioned calling contest, which are held in 29 states;

Whereas over the history of the World's Championship Duck Calling Contest attendance at the event has steadily grown; the number of participants has jumped from 10,000 in 1954, to 50,000 in 1992, to 65,000 in 1995: Now, therefore, be it

Resolved, That the Senate designates Saturday, November 30, 1996, as "National Duck Calling Day". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

CODIFYING LAWS RELATED TO TRANSPORTATION AND TO IMPROVE THE UNITED STATES CODE

Mr. NICKLES. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 2297 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2297) to codify without substantive change laws related to transportation and to improve the United States Code.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. NICKLES. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (H.R. 2297) was deemed read the third time and passed.

CORRECTING ENROLLMENT OF H.R. 3159

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 221, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 221) correcting the enrollment of H.R. 3159.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. NICKLES. Mr. President, I ask unanimous consent that the resolution be deemed agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear at the appropriate place in the RECORD.

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

The concurrent resolution (H. Con. Res. 221) was agreed to.

ESTABLISHING NATIONAL TOURISM BOARD AND NATIONAL TOURISM ORGANIZATION

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 2579, received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2579) to establish the National Tourism Board and National Tourism Organization to promote international tourism to the United States.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. NICKLES. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (H.R. 2579) was deemed read the third time and passed.

NATIONAL FILM PRESERVATION ACT OF 1996

Mr. NICKLES. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 1734 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1734) to reauthorize the National Film Preservation Board, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate is today passing and sending to the President for his signature, the National Film Preservation Act of 1996 to reauthorize and extend the National Film Preservation

Act. I thank Mr. MOORHEAD, Mr. CONYERS and the other House sponsors for successfully bringing this matter through the House of Representatives. I also commend two retiring Senators who have always been champions of the arts, libraries and the public—Senator ALAN SIMPSON and Senator PAUL SIMON. Without their support this Senate action, which I have been seeking since January, would not be taking place today.

I have been a sponsor and supporter of the National Film Preservation Board since 1988 when we first took action to authorize the Board within the Library of Congress. We acted then to recognize the educational, cultural, and historical importance and the fragile nature of our film heritage. Motion pictures are an important part of the American experience and an extraordinary record of our history, our mores, and our aspirations. While there is currently a political penchant for chastising American filmmakers for the sex, violence and drugs seen on screen, we should not lose sight of the contributions of filmmaking to our cultural life and our life as a nation.

Before Congress acted in 1988, we had lost more than half of the feature films produced in the United States before 1951 and 80 percent of our silent films to deterioration. With the efforts of the National Film Preservation Board and those of such private groups as the Film Foundation, Turner Entertainment Co. and others we have made significant progress.

Since 1988 we have maintained a National Film Registry wherein classic movies like "Casablanca", "Citizen Kane", and "High Noon" have been maintained and orphan films, which no studio had an interest in preserving, were rescued from oblivion. The scientists have found better ways to preserve the images that were decaying on celluloid and studios have discovered that film libraries retain economic value and viewer interest.

In 1991, I joined with Senator STEVENS, Senator PELL, and Senator DeConcini to reauthorize and extend the National Film Preservation Act and we succeeded in doing so in June 1992. We acted at a time when there were growing film preservation efforts around the country but little coordination. The Librarian and the National Film Preservation Board were charged with the responsibility for conducting an extensive study of film preservation in American. It is that authorization that expired this summer and which we now renew.

The Library of Congress houses the largest film collection in the world. I am glad that those film treasures are being preserved there and at the UCLA film archive, at the Museum of Modern Art and at the George Eastman House. I am delighted that those films are now being exhibited to the public with the cooperation of their copyright holders. I am happy that they are available to scholars and researchers.

I am encouraged that we have an agreed-upon system for ensuring the integrity of the National Film Registry Collection of the Library of Congress and a certification process to ensure that National Registry films distributed or exhibited to the public that bear the National Registry seal are the genuine article. That seal verifies that they are the registry version. While this is not a full-blown guarantee of moral rights of those involved in the creation of the work, this system is consistent with a recognition of the first-published version as the original or true version of the work.

The comprehensive study conducted by the Librarian and the Board included extensive public hearings and public participation. I am glad to see the Library and the Board taking seriously their mandate to raise public awareness and to increase public involvement. The study further documents the problems that even recent films face, including color-fading, vinegar syndrome and the like. While new technology may hold some prospect for greater stability of the film elements, we still need extensive efforts if we are to preserve our art and respect our history.

This legislation signals the next phase in our coordinated national and local efforts. The bill will reauthorize a program for the preservation of educational and historical films held by libraries, archives, universities, historical societies, and filmmakers in every State. The materials that are at the center of concern are not Hollywood feature films but the orphan films of little commercial value that will not survive without public intervention. These include independent films, newsreels and documentaries, films of historical, educational, and regional importance, films by and about ethnic and minority groups, silent films, short subject films, early animation and films no longer protected by copyright and now part of the public domain.

This action should help preserve important resource materials for scholars and teachers like Denise Youngblood in the History Department, Frank Manchel and Ted Lyman in Arts and Sciences and Kenneth Rothwell in English at the University of Vermont; Ted Perry at Middlebury College; and Kenneth Peck at Burlington College. It is important to the special collection at the Bailey/Howe Library at the University of Vermont and the Vermont Historical Society.

Film preservation, film history and filmmaking matter. They matter to the Vermont Independent Media Artists, the Vermont International Film Foundation, the Savoy Theatre, the Flaherty family in Putney, Barbara VanDyke, the increasing number of creative film artists in Vermont, Vermont's growing film industry, our new film commission and to us all as audience and Americans.

Two film archives in our region should be among the beneficiaries of

the preservation program authorized by this legislation. They have worked closely with the Board and encouraged my continued involvement in this effort. The Northeast Historic Film archive is dedicated to preserving motion pictures of northern New England. I know that many saw and enjoyed their exhibition, "Going to the Movies: A Century of Motion Picture Audiences in Northern New England" last May in Burlington and that more than 1,000 participating in a screening of Charlie Chaplin's "The Circus." In addition, I have heard from the National Center for Jewish Film, which works to preserve America's film heritage and a glimpse of the cultural heritage of the Jewish people.

I have also heard from the Association of Moving Image Archivists and ask that letters from these organizations be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. LEAHY. This bill will reauthorize the National Film Preservation Board to continue to bring parties together to implement the realistic program outlined in the 1993 national plan. To help fund these activities over the long-term, the bill creates a nonprofit organization to be known as the National Film Preservation Foundation to combine public and private resources and leverage the Federal seed money with private fundraising. The bill we consider and pass today retains only 5 percent of the authorized funds that were initially requested. I urge the private section and those interested in preserving our heritage to rise to the challenge, contribute to the National Film Preservation Foundation and make it a success.

I thank all those who have served on the National Film Preservation Board for their contributions to this important effort. I want to commend Eric Schwartz of the Proskauer Rose law firm for his dedicated commitment as pro bono counsel to the National Film Preservation Board. Finally, I know that our Librarian of Congress strongly supports this legislation and want to thank Jim Billington and the Library staff for their help and for making our National Registry films available to the public.

EXHIBIT 1

NORTHEAST HISTORIC FILM,
Bucksport, ME, August 30, 1996.

Hon. Patrick J. Leahy,
Russell Building, U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY: On behalf of the board, staff and members of Northeast Historic Film, we ask for your strong support of THE NATIONAL FILM PRESERVATION ACT of 1996 (H.R. 1734). This bill has already passed the House of Representatives without controversy or opposition. Now we hope you will help the Senate to pass H.R. 1734 quickly so that libraries, educators and archives can benefit from the legislation as soon as possible.

The passage of this act will mean a great deal to our survival as a cultural organization. Northeast Historic Film is a nonprofit

organization preserving film and videotape from Vermont, Maine and New Hampshire.

We spent most of May in Burlington with our history exhibition, "Going to the Movies: A Century of Motion Picture Audiences in Northern New England." The culmination of this educational and cultural series—in which scholars and filmmakers from the University of Vermont, Middlebury College, and other institutions, spoke to the public—was a screening of Charlie Chaplin's classic film *The Circus* with live orchestra at The Flynn to 1,100 people of all ages.

After the screening we received letters from people around Vermont, such as a letter from Hinesburg saying, "It would be an awful shame to lose this and other such cultural treasures to neglect." Film preservation needs your support.

The National Film Preservation Board, which is up for reauthorization, has been a significant force in making people aware of our film heritage nationally. The establishment of a new National Film Preservation Foundation, as recommended by the Librarian of Congress and the Film Board, is essential to the continued preservation and presentation of our film heritage.

While the amount of federal matching funds authorized by H.R. 1734 has been reduced by 95% from the original request, we are all too aware of the frugality of the present period. We still enthusiastically support the bill, seeing it is an important start for a preservation effort that will grow in size and energy as we turn the century.

We are members of the Association of Moving Image Archivists, the professional group representing our field. I enclose testimony to the House by Edward Richmond, AMIA's president at the time of the hearings, in support of this legislation.

The National Film Preservation Act will give the field a way to seek matching funds—an important source of leverage—with a very investment by the federal government.

Archives like this one preserve images and sound that record the changes to our social history, the changes in our landscape, the way we relate to each other. The work we do is very important to the education of young people. We saw first-hand how compelling this experience is to Vermont people.

Please help the many organizations working to save our history by supporting the Senate passage of H.R. 1734.

Sincerely,

KARAN SHELTON,
DAVID WEISS.

THE NATIONAL CENTER FOR
JEWISH FILM,

Waltham, MA, August 30, 1996.

Re National Film Preservation Act (H.R. 1734).

Hon. EDWARD M. KENNEDY,
U.S. Senate, Senate Russell Office Building,
Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the National Center for Jewish Film, located at Brandeis University, we are writing to ask you to support the NATIONAL FILM PRESERVATION ACT (H.R. 1734).

The passage of this act will accomplish two goals which are critically important to the nationwide effort to preserve America's film heritage and make it available to educators, students, scholars and the public. First, it will reauthorize the National Film Preservation Board, which has provided valuable leadership in helping the film archive community develop a coordinated national preservation plan, and which has done much to raise the public's awareness of the need for film preservation.

Second, it will establish the National Film Preservation Foundation, which will allow

the nation's film archives to raise private sector funding on a national level, with the need for only a minimum investment by the federal government in matching funds. In Massachusetts and throughout America, archives everyday are facing mountains of deteriorating film which they cannot afford to preserve. These films, often called "orphans" because they are no longer owned by commercial entities—including documentaries, newsreels, actuality footage, independent and avant-garde films, films of local and regional interest, socially significant amateur footage, and films which have fallen into public domain.

The National Center for Jewish Film was the recipient of uninterrupted grants from the National Endowment for the Arts/American Film Institute Film Preservation for 19 years until that invaluable program was eradicated last year. The preservation funds provided by that program were crucial in assisting our Center save a number of classic Yiddish feature films including: *THE DYBBUK*, *TEVYE*, *GREEN FIELDS* and *UNCLE MOSES*. Our Center holds thousands of cans of film in dire need of preservation. Each can preserved saves a small glimpse of the rich cultural heritage of the Jewish people.

Important collections of films exist in each of the fifty states—in local archives, museums, historical societies, libraries, universities and other non-profit institutions. Taken together they constitute an amazingly rich and very endangered cultural legacy.

The National Film Preservation Foundation represents our best hope for saving this legacy on behalf of the American people. Please help us in this effort by supporting H.R. 1734.

Sincerely,

SHARON PUCKER RIVO,
Executive Director.

ASSOCIATION OF MOVING
IMAGE ARCHIVISTS,
Los Angeles, CA, September 4, 1996.

Re National Film Preservation Act (H.R. 1734).

Hon. PATRICK J. LEAHY,
U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY: On behalf of the Association of Moving Image Archivists (AMIA), I am writing to ask you to support the NATIONAL FILM PRESERVATION ACT (H.R. 1734).

AMIA is a professional organization established in 1991 to provide a means for cooperation among individuals concerned with the preservation and use of moving image materials. It currently represents over 300 professional archivists working at more than 100 institutions in both the public and private sectors, most of the working professionals in the film archive field.

AMIA strongly endorses H.R. 1734. This Act has but one purpose—to preserve American films, especially educational and historical materials, which are deteriorating at an alarming rate. The need to act immediately was documented by Film Preservation 1993, a study completed by the Library of Congress and the National Film Preservation Board. H.R. 1734 will reauthorize the Board and establish a separate Foundation to coordinate fundraising efforts to save films. The Act is almost entirely dependent on private funds.

We believe passage of H.R. 1734 is critically important to preserving our nation's history, and insuring that educators, students, scholars, and the public will have access to the most vivid records of our past for teaching, research and enjoyment. The focus of the Act is not Hollywood feature films, but so-called "orphan films" which are not owned

by commercial entities. These films include newsreels, documentaries, actuality footage, educational films, socially significant amateur footage, films documenting local and regional history, and films which have fallen into the public domain with no copyright owner to insure their survival.

H.R. 1734 will help preserve such films by accomplishing two related and vital goals. First, it will reauthorize the National Film Preservation Board, originally established in 1988. The Board consists of representatives from all important constituencies within the film and academic communities, and operates under the direction of the Librarian of Congress. During the past eight years, the Board has proven invaluable in raising the public's awareness of the need for film preservation and in working with archives throughout the country to develop a coordinated national plan. Reauthorizing the Board will enable it to carry on the work of implementing this plan and providing leadership for the nationwide effort to preserve America's film heritage.

Secondly, H.R. 1734 will establish the National Film Preservation Foundation, as strongly recommended by the Film Board and the Librarian of Congress. The Foundation will work with the nation's film archives to raise private sector funding on a national level, with no investment of federal funds until the year 2000, and after then limited to a maximum allocation of \$250,000 in annual matching funds. All funds raised by the Foundation will be used by non-profit archives to preserve and make available historical, educational and cultural films of local, regional and national interest which will otherwise be lost forever.

Important collections of such films exist in each of the fifty states. They are housed in local archives, museums, historical societies, libraries, universities, and non-profit associations. Everyday these institutions face vaults full of deteriorating films which they cannot afford to preserve. These are not Hollywood films, belonging to the film studios and production companies, but orphan films comprising an amazingly rich and valuable national resource.

H.R. 1734 is a non-controversial proposal. It has already passed the House of Representatives by voice vote with complete bi-partisan support and no opposition. It focuses exclusively on films held in the public trust, that are not owned or protected by commercial entities. In recognition of these frugal times, the amount of federal matching funds it authorizes has been reduced by a full 95%. It simply and for the first time gives the nation's archives the tool they need to save the nation's film heritage—a federally chartered National Film Preservation Foundation.

We hope the Senate will act quickly to pass H.R. 1734, so its benefits can be felt as soon as possible. Your help is very much appreciated. Please give the nation's archives a chance to do their job for the benefit of the American people.

Sincerely,
MAXINE FLECKNER DUCEY,
President.

Mr. NICKLES. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (H.R. 1734) was deemed read the third time and passed.