

on so many lives in the most positive way.

She was a remarkable individual who was studying her Ph.D. at Purdue University and was in France at the time. She was called up and came back home and then traveled with us as a unit, and she sat beside me on the plane as we went over to Saudi Arabia. When I left her, I told her that I would see her back in Indiana as I left, and I went off to the front.

The sad end of that story is I did see her back in Indiana, and it was at the cemetery. It was the most dramatic moment for me, but it was one that helped formulate my views and opinions in that I understand personally firsthand the tears of so many families out there who shed them for a loved one or a friend that have paid the ultimate sacrifice so that we can enjoy the freedoms and liberties of the greatest Nation.

I want to thank the gentleman from California for bringing the resolution to the floor as we pay significance and contribution to what occurred 10 years ago.

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

Mr. WATTS of Oklahoma. Mr. Speaker, I rise in support of House Resolution 549, expressing the sense of the House that Congress acknowledges the historical significance of the anniversary of the initial activation of National Guard and Reserve personnel for Operation Desert Shield and Operation Desert Storm. August 27, 2000, is the tenth anniversary of President Bush calling up the guard and reserves to active duty for Operation Desert Shield. Over 267,000 members of the National Guard and Reserves were ordered to active duty during these Gulf War operations. 106,000 of these members served in the Southwest Asia theater of operations, 16,000 served in a support capacity abroad outside the theater of operations, and 145,000 served in a support capacity in the United States.

This resolution honors the service and sacrifice of these citizen soldiers and their families. We need to remember that when these patriots were called to the colors, the units were not comprised of career soldiers, but of our next door neighbors. Fifty seven of these brave men and women reservists and guardsmen did not come back. The majority who died, did so in the tragic Scud missile attack on the military barracks in Dharhan, Saudi Arabia. This was the largest loss of life in a single day for the United States during the war. Their sacrifice was not in vain. In a mere forty days after Desert Storm began, Iraq's army was expelled from Kuwait. The guard and reserves were an integral part of that resounding triumph. It is only right that we recognize their ultimate sacrifice.

Finally, this bill recognizes the growing importance of the National Guard and Reserve to the security of the United States and supports ensuring the readiness of the National Guard and Reserve. It reaffirms Congressional commitment to ensure the readiness of this vital component of our national security. The reserves are being called to serve in even more world hot spots. Currently over 8,000 guard and reservists are serving around the world in places such as Bosnia, Kosovo,

South Korea, Macedonia, Kuwait, Saudi Arabia, and Colombia.

I am honored to have this opportunity to recognize the service of the guard and reserves in the past, but also to reaffirm my commitment that we give these troops the best training and equipment we can provide to ensure their readiness.

Mr. KUYKENDALL. Mr. Speaker, I rise today in strong support of H. Res. 549 recognizing the contributions of our reservists in Operations Desert Shield and Desert Storm.

We all have stories about where we were when the first scud was launched in the Gulf War. My memories, however, are of my family members and friends who were called up to serve their country during this time. Both my brother-in-law and sister-in-law were called up, one to serve as an oral surgeon in the Army and the other to serve as a nurse in the Navy. For a time, my wife and I thought we might have to take care of our nieces and nephew because it looked like their parents would be deployed overseas. Fortunately, only one was deployed, and he eventually returned from the Gulf effort unhurt. So many people were called up to aid their strategically important effort that during Sunday church service, we were given a handout each week listing the names of those in our church family who had been called to serve. The names covered both the front and back of the weekly handout.

Ten years later, we can look back and celebrate our accomplishments in Operations Desert Shield and Desert Storm. That celebration appropriately must contain an acknowledgment of the reservists—those individuals who promised to serve their country and to put their personal lives on hold to fulfill that commitment. This recognition is a small gesture to honor their sacrifice. Though small, the gesture also stands as a priceless assurance to those who continue to serve their country, as well as to those who may be called on to active duty in the future. This nation appreciates your willingness to serve and will stand behind you.

I urge all of my colleagues to support H. Res. 549.

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

The SPEAKER pro tempore (Mr. SUNUNU). The question is on the motion offered by the gentleman from Indiana (Mr. BUYER) that the House suspend the rules and agree to the resolution, H. Res. 549.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL RECORDING PRESERVATION ACT OF 2000

Mr. NEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4846) to establish the National Recording Registry in the Library of Congress to maintain and preserve sound recordings that are culturally, historically, or aesthetically significant, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4846

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Recording Preservation Act of 2000".

TITLE I—SOUND RECORDING PRESERVATION BY THE LIBRARY OF CONGRESS

Subtitle A—National Recording Registry

SEC. 101. 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.

SEC. 102. DUTIES OF LIBRARIAN OF CONGRESS.

(a) ESTABLISHMENT OF CRITERIA AND PROCEDURES.—For purposes of carrying out this subtitle, 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 subtitle C 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.

SEC. 103. 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), 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) with respect to a sound recording shall be effective beginning on the date the Librarian publishes in the Federal Register (in accordance with section 102(b)) 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) 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).

(2) PROHIBITION ON PROMOTION.—No person may knowingly use the seal described in subsection (a) 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).

(2) RELIEF.—

(A) REMOVAL OF SEAL.—Except as provided in subparagraph (B), relief for violation of subsection (d) 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), 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 title, or any other Federal or State law, regarding the use of the seal described in subsection (a).

SEC. 104. 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) 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, United States Code, 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) shall become the property of the United States Government, subject to the provisions of title 17, United States Code.

Subtitle B—National Sound Recording Preservation Program

SEC. 111. ESTABLISHMENT OF PROGRAM BY LIBRARIAN OF CONGRESS.

(a) IN GENERAL.—The Librarian shall, after consultation with the National Recording Preservation Board established under subtitle C, 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) 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, United States Code, and the terms of any agreements between the Librarian and persons who hold copyrights to such recordings.

SEC. 112. 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 subtitle.

Subtitle C—National Recording Preservation Board

SEC. 121. 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 122.

SEC. 122. 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 3 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), the

Librarian may appoint not more than 5 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), 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), 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.

SEC. 123. 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, United States Code.

(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.—11 members of the Board shall constitute a quorum for the transaction of business.

SEC. 124. 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 subtitle A, 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.

SEC. 125. 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, United States Code.

Subtitle D—General Provisions

SEC. 131. DEFINITIONS.

As used in this title:

(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, United States Code.

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

(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.

SEC. 132. 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 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 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.

SEC. 133. AUTHORIZATION OF APPROPRIATIONS.

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

TITLE II—NATIONAL RECORDING PRESERVATION FOUNDATION

SEC. 201. NATIONAL RECORDING PRESERVATION FOUNDATION.

(a) IN GENERAL.—Part B of subtitle II of title 36, United States Code, is amended by inserting after chapter 1523 the following:

“CHAPTER 1524—NATIONAL RECORDING PRESERVATION FOUNDATION

“Sec.

“152401. Organization.

“152402. Purposes.

“152403. Board of directors.

“152404. Officers and employees.

“152405. Powers.

“152406. Principal office.

“152407. Provision and acceptance of support by Librarian of Congress.

“152408. Service of process.

“152409. Civil action by Attorney General for equitable relief.

“152410. Immunity of United States Government.

“152411. Authorization of appropriations.

“152412. Annual report.

“§ 152401. Organization

“(a) FEDERAL CHARTER.—The National Recording Preservation Foundation (in this chapter, the “corporation”) is a federally chartered corporation.

“(b) NATURE OF CORPORATION.—The corporation is a charitable and nonprofit corporation and is not an agency or establishment of the United States Government.

“(c) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

“§ 152402. Purposes

“The purposes of the corporation are to—

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

“(2) further the goals of the Library of Congress and the National Recording Preservation Board in connection with their activities under the National Recording Preservation Act of 2000.

“§ 152403. Board of directors

“(a) GENERAL.—The board of directors is the governing body of the corporation.

“(b) MEMBERS AND APPOINTMENT.—(1) The Librarian of Congress (hereafter in this chapter referred to as the “Librarian”) is an ex officio nonvoting member of the board. Not later than 90 days after the date of the enactment of this chapter, the Librarian shall appoint the directors to the board in accordance with paragraph (2).

“(2)(A) The board consists of 9 directors.

“(B) Each director shall be a United States citizen.

“(C) At least 6 directors shall be knowledgeable or experienced sound in recording production, distribution, preservation, or restoration, including 2 who are sitting members of the National Recording Preservation Board. These 6 directors shall, to the extent practicable, represent diverse points of view from the sound recording community.

“(3) A director is not an employee of the Library of Congress and appointment to the board does not constitute appointment as an officer or employee of the United States Government for the purpose of any law of the United States.

“(4) The terms of office of the directors are 4 years. An individual may not serve more than two consecutive terms.

“(5) A vacancy on the board shall be filled in the manner in which the original appointment was made.

“(c) CHAIR.—The Librarian shall appoint one of the directors as the initial chair of the board for a 2-year term. Thereafter, the chair shall be appointed and removed in accordance with the bylaws of the corporation.

“(d) QUORUM.—The number of directors constituting a quorum of the board shall be

established under the bylaws of the corporation.

“(e) MEETINGS.—The board shall meet at the call of the Librarian for regularly scheduled meetings.

“(f) REIMBURSEMENT OF EXPENSES.—Directors shall serve without compensation but may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5.

“(g) LIABILITY OF DIRECTORS.—Directors are not personally liable, except for gross negligence.

“§ 152404. Officers and employees

“(a) SECRETARY OF THE BOARD.—(1) The Librarian shall appoint a Secretary of the Board to serve as executive director of the corporation. The Librarian may remove the Secretary.

“(2) The Secretary shall be knowledgeable and experienced in matters relating to—

“(A) sound recording preservation and restoration activities;

“(B) financial management; and

“(C) fundraising.

“(b) APPOINTMENT OF OFFICERS.—Except as provided in subsection (a) of this section, the board of directors appoints, removes, and replaces officers of the corporation.

“(c) APPOINTMENT OF EMPLOYEES.—Except as provided in subsection (a) of this section, the Secretary appoints, removes, and replaces employees of the corporation.

“(d) STATUS AND COMPENSATION OF EMPLOYEES.—Employees of the corporation (including the Secretary)—

“(1) are not employees of the Library of Congress;

“(2) shall be appointed and removed without regard to the provisions of title 5 governing appointments in the competitive service; and

“(3) may be paid without regard to chapter 51 and subchapter III of chapter 53 of title 5, except that an employee may not be paid more than the annual rate of basic pay for level 15 of the General Schedule under section 5107 of title 5.

“§ 152405. Powers

“(a) GENERAL.—The corporation may—

“(1) adopt a constitution and bylaws;

“(2) adopt a seal which shall be judicially noticed; and

“(3) do any other act necessary to carry out this chapter.

“(b) POWERS AS TRUSTEE.—To carry out its purposes, the corporation has 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 property or any income from or other interest in property;

“(2) to acquire property or an interest in property by purchase or exchange;

“(3) unless otherwise required by an instrument of transfer, to sell, donate, lease, invest, or otherwise dispose of any property or income from property;

“(4) to borrow money and issue instruments of indebtedness;

“(5) to make contracts and other arrangements with public agencies and private organizations and persons and to make payments necessary to carry out its functions;

“(6) to sue and be sued; and

“(7) to do any other act necessary and proper to carry out the purposes of the corporation.

“(c) ENCUMBERED OR RESTRICTED GIFTS.—A gift, devise, or bequest may be accepted by the corporation even though it is encumbered, restricted, or subject to beneficial interests of private persons, if any current or future interest is for the benefit of the corporation.

§ 152406. Principal office

"The principal office of the corporation shall be in the District of Columbia. However, the corporation may conduct business throughout the States, territories, and possessions of the United States.

§ 152407. Provision and acceptance of support by Librarian of Congress

"(a) PROVISION BY LIBRARIAN.—(1) The Librarian may provide personnel, facilities, and other administrative services to the corporation. Administrative services may include reimbursement of expenses under section 152403(f).

"(2) The corporation shall reimburse the Librarian for support provided under paragraph (1) of this subsection. Amounts reimbursed shall be deposited in the Treasury to the credit of the appropriations then current and chargeable for the cost of providing the support.

"(b) ACCEPTANCE BY LIBRARIAN.—The Librarian may accept, without regard to chapters 33 and 51 and subchapter III of chapter 53 of title 5 and related regulations, the services of the corporation and its directors, officers, and employees as volunteers in performing functions authorized under this chapter, without compensation from the Library of Congress.

§ 152408. Service of process

"The corporation shall have a designated agent to receive service of process for the corporation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the corporation.

§ 152409. Civil action by Attorney General for equitable relief

"The Attorney General may bring a civil action in the United States District Court for the District of Columbia for appropriate equitable relief if the corporation—

"(1) engages or threatens to engage in any act, practice, or policy that is inconsistent with the purposes in section 152402 of this title; or

"(2) refuses, fails, or neglects to carry out its obligations under this chapter or threatens to do so.

§ 152410. Immunity of United States Government

"The United States Government is not liable for any debts, defaults, acts, or omissions of the corporation. The full faith and credit of the Government does not extend to any obligation of the corporation.

§ 152411. Authorization of appropriations

"(a) AUTHORIZATION.—There are authorized to be appropriated to the corporation for each of the first 7 fiscal years beginning on or after the date of the enactment of this chapter an amount not to exceed the amount of private contributions (whether in currency, services, or property) made to the corporation by private persons and State and local governments.

"(b) LIMITATION RELATED TO ADMINISTRATIVE EXPENSES.—Except as permitted under section 152407, amounts authorized under this section may not be used by the corporation for administrative expenses of the corporation, including salaries, travel, transportation, and overhead expenses.

§ 152412. Annual report

"As soon as practicable after the end of each fiscal year, the corporation shall submit a report to the Librarian for transmission to Congress on the activities of the corporation during the prior fiscal year, including a complete statement of its receipts, expenditures, and investments."

(b) CLERICAL AMENDMENT.—The table of chapters for part B of subtitle II of title 36,

United States Code, is amended by inserting after the item relating to chapter 1523 the following new item:

"1524. National Recording Preservation Foundation 152401".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

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

Mr. Speaker, I am here on behalf of the gentleman from California (Chairman THOMAS) and the Committee on House Administration to bring before my colleagues a bill that is a public-private partnership. We help preserve national treasures so that all Americans will be able to access them.

The need for this legislation, I believe, is clear. The physical condition of many of our Nation's important sound recordings is at risk due to the lack of proper restoration and preservation. With the National Recording Preservation Act of 2000, Congress creates a public-private partnership which shall help ensure that these national treasures are preserved for future use and to be enjoyed by researchers, scholars, and the general public at large.

The other need for the legislation is that this legislation creates a sound recording program at the Library of Congress that will complement the existing film preservation program and the national audiovisual conservation center at Culpeper, Virginia.

The Culpeper facility, the film preservation program, and now the sound preservation program are all groundbreaking public-private partnerships that minimize taxpayers' investment while still ensuring the preservation of some of our greatest American treasures.

Mr. Speaker, I would like to thank the gentleman from Maryland (Mr. HOYER), the ranking member of the Committee on House Administration, the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary, and the Library of Congress, interested Members and the sound recording industry for working with us to make this legislation possible. Also, of course, the staff of the Committee on House Administration on both sides of the aisle.

In brief, the sound preservation program has three components, providing for the creation of, number one, a national sound recording registry on which recordings slated for restoration and preservation will be indexed; the second is a national sound recording preservation board, which shall establish preservation protocols, to provide expertise and access to the recordings in this collection, and raise private funds for the restoration and preservation of selected recordings. Now, the bill does authorize a maximum of \$250,000 for the annual operation of the board.

Finally, the third thing it does is a foundation to provide for the raising of private funds, which we all know is very important.

These components working together will ensure that the American public has access to the benefit of important sound recordings with a minimum of public investment.

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

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

Mr. Speaker, I am pleased to join in support of this legislation. I join the gentleman from Ohio (Mr. NEY), my friend, who serves with me on the Committee on House Administration, in bringing this bill to the floor. I am not only pleased but honored to support H.R. 4846, the National Recording Preservation Act of 2000.

Mr. Speaker, I would like to thank my colleague, the gentleman from California (Mr. THOMAS), the distinguished chairman of the Committee on House Administration, for his hard work helping to get this legislation to the floor today, and of course, as I have already mentioned, the gentleman from Ohio (Mr. NEY), my colleague who is also a member of the Committee on House Administration.

Mr. Speaker, for over 120 years, more than half the life of our Nation, America's music, news and voice has been recorded. From "Mary Had a Little Lamb," the first recorded words, through Franklin Roosevelt's fireside chats, through today's legislative debates, the history of our great country has been broadcast and recorded through sound.

Unfortunately, Mr. Speaker, every day, a piece of this history is lost. The sounds of our past, the statesman appealing to our ideals, the singer touching our emotions, the poet romancing our souls, are fading. Soon, they will merely be memories. And once those memories fade, so, too, will a large portion of our Nation's history.

Today, we have a historic opportunity to protect our audio history. Modeled on the highly successful National Film Preservation Act, which Congress enacted in 1988, this bill will create and implement a comprehensive national strategy for protecting and preserving our sound-recorded heritage.

It establishes a national recording registry in the Library of Congress to identify, maintain, and preserve sound recordings that are culturally and historically significant.

It further creates a national recording preservation board to assist the librarian in implementing a comprehensive national recording preservation program. And it establishes lastly a National Recording Preservation Foundation, as the gentleman from Ohio (Mr. NEY) has pointed out, to encourage private gifts to enhance our recording heritage.

This foundation will create partnerships with the recording industry that

will decrease the costs of preservation for the Government and increase the benefits for the people of our Nation.

This bill will preserve our past and give a gift to our future. I am sure that my colleagues will join with the gentleman from Ohio (Mr. NEY) and me who enthusiastically support this legislation.

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

Mr. NEY. Mr. Speaker, again, I want to thank the gentleman from Maryland (Mr. HOYER) for his good work on this bill and also the gentleman from California (Chairman THOMAS).

Mr. Speaker, I include for the RECORD the exchange of letters with the gentleman from Illinois (Mr. HYDE), the Chairman of the Committee on the Judiciary, through which the gentleman agreed to waive the committee's right to mark up this legislation.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COM-
MITTEE ON HOUSE ADMINISTRA-
TION,

Washington, DC, July 18, 2000.

Hon. HENRY J. HYDE,
Chairman, Committee on the Judiciary, Ray-
burn House Office Building, Washington,
DC.

DEAR MR. CHAIRMAN: On July 13, 2000, I introduced H.R. 4846, the National Recording Preservation Act of 2000, a bill designed to ensure that important sound recordings are restored and preserved for the future. In crafting this legislation, I have worked closely with Rep. Steny Hoyer, the Library of Congress, representatives of the sound recording industry and staff from the Subcommittee on Intellectual Property. The bill was referred to the Committee on House Administration and the Committee on the Judiciary.

I am writing to request that Committee on the Judiciary waive its jurisdiction over H.R. 4846, so that the Committee on House Administration may expeditiously bring this bill, for which there is broad bipartisan support, before the House.

Thank you for your consideration in this matter. If you have any questions or require additional information, please contact Steve Miller at 225-8281.

Best regards,

BILL THOMAS,
Chairman.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COM-
MITTEE ON THE JUDICIARY,
Washington, DC, July 24, 2000.

Hon. BILL THOMAS,
Chairman, Committee on House Administration,
Longworth House Office Building, Wash-
ington, DC.

DEAR CHAIRMAN THOMAS: I am writing to you concerning the bill H.R. 4846, the "National Recording Preservation Act of 2000".

As you know, this bill contains language which falls within the Rule X jurisdiction of this committee relating to the Copyright Act. I understand that you would like to proceed expeditiously to the floor on this matter. I am willing to waive our committee's right to mark up this bill. However, this, of course, does not waive our jurisdiction over the subject matter on this or similar legislation, or our desire to be conferees on this bill should it be subject to a House-Senate conference committee.

I would appreciate your placing this exchange of letters in the Congressional

Record. Thank you for your cooperation on this matter.

Sincerely,

HENRY J. HYDE,
Chairman.

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

Mr. HOYER. Mr. Speaker, I yield 4 minutes to the gentleman from Missouri (Ms. MCCARTHY).

Ms. MCCARTHY of Missouri. Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER) for yielding me the time.

Mr. Speaker, I rise today in support of the National Recording Preservation Act of 2000, known affectionately as the Grammy bill. As a member of the Congressional Arts Caucus and the National Academy of Recording Arts and Sciences who produced the Grammys, I am a firm believer in the power of recorded music.

The preservation of our audio history is critical to sustain our cultural past for future generations. The Thomas-Hoyer bill, which I am proud to cosponsor, would establish a national recording registry in the Library of Congress to preserve recordings that are culturally, historically, or aesthetically significant to us as Americans.

Many of these recordings are in jeopardy because they were originally created on a type of media such as wax cylinders, Depression-era disks, or wire recordings, that have not endured the passage of time well, or require special apparatus to play that is rare or no longer exists at all.

□ 1445

It would be a tragedy to lose important compositions or recitations of our Nation's history when we have the ability to save them.

An example near and dear to my heart is the compilation of works by Kansas City jazz great, Bennie Moten. Bennie and his band created the famous Kansas City swing style of jazz that later made Count Basie a star. Recording between 1923 and 1932, Bennie Moten's music is archived on 78 RPM records which require special equipment to play. If these precious musical works are not preserved, Bennie Moten's innovative sound that provided a foundation for other great artists will be lost forever.

Mr. Speaker, it is not just music that would be robbed from us if we do not pass this critical legislation. Events from bygone eras have been recorded in sound as well as on paper. These recordings humanize the events we read about in textbooks and transport us to an understanding of our past more comprehensive than any history volume. During World War II, the Office of War Information recorded their broadcasts on disks that are in desperate need of preservation. These irreplaceable recordings include news about the war, music performances by war-era artists and speeches asserting our ideals and motives.

Another treasure in jeopardy is the archives of the National Public Radio.

NPR offers review and information about current events, as well as topical discussions. Unfortunately, these records are on tape which absorb moisture from the air. In order to save these historical sound documents for our children, the tape must be baked and recopied. Without this bill, these historical broadcasts will be lost.

Mr. Speaker, the Grammy bill accomplishes a crucial task; safeguarding precious historical commemorations for generations to come. We all concede this protection is in place for our revered paper documents, such as the Declaration of Independence. It is time to bestow that same honor and respect on their audio counterparts.

I commend the sponsors for their leadership, and urge my colleagues to support H.R. 4846.

Mr. Speaker, I include the following for the RECORD.

TREASURES FROM THE AMERICAN FOLKLORE
CENTER

(From Peggy Bulger, Director of the
American Folklife Center)

All in need of preservation.

I. WAX CYLINDER ERA (1890-1930S)

1890—First field recording of folk music and folklore, as Harvard's Jesse Walter Fewkes uses new Edison recording machine to document songs and stories of Passamaquoddy Indian Noel Joseph in Calais, Maine.

1893—First recorded documentation of world music (I think), including Kwakiutl. Fijian Samoan Wallis Island, Javanese, and Turkish/Arabic music, made by Benjamin Ives Gilman in various pavilions at the Columbian Exposition in Chicago.

1895—Pioneering woman ethnographer Alice Fletcher teams up with her Omaha student, Francis LaFlasche, to record a comprehensive sampling of Omaha Indian music (this may also be the first recording under Bureau of American Ethnology auspices).

1895?—Bureau of American Ethnology begins a half century of recorded documentation of American Indian music and culture.

1907-41—Frances Densmore's 2000+ lifetime recordings of American Indian music.

1906-08—Percy Grainger's recordings of English folksongs, including legendary English folksinger Joseph Taylor from Lincolnshire (Note: The Center's recordings were copied onto disc from the original cylinders when Grainger brought the cylinders into the Library in a sack—an early preservation effort).

1906-10—First cowboy songs recorded by John Lomax, including (??) "Home on the Range".

1929-35—James Madison Carpenter's recordings of Scottish ballad singer Belle Duncan.

II. DISC ERA (1930S-1940S)

Woody Guthrie's repertory, recorded by Alan Lomax, 193—.

Leadbelly's repertory, recorded by John and Alan Lomax, 193—.

Leadbelly's "Goodnight Irene" (or did he record this commercially first?).

"Rock Island Line," sung by Black prisoners in Cummins State Farm, Arkansas, recorded by John Lomax (accompanied by Leadbelly).

"Rock Island Line" recorded by Leadbelly. The legendary interviews of Ferdinand "Jelly Roll" Morton with Alan Lomax on the stage of Coolidge Auditorium at the Library of Congress, describing the origins of jazz based on his personal experiences and observations, 1938.

The Library of Congress/Fisk University Coahoma County (MS) Project—recordings by Alan Lomax and John Work of the entire spectrum of African American music in the Mississippi Delta, 1941–42 (includes the two following items).

Muddy Waters (McKinley Morganfield)—the original Delta field recordings by Alan Lomax in 1941–42 (?), when Muddy Waters was a young man and before he went north to Chicago, electrified, and helped start the modern Rhythm and Blues style.

Eddie “Son” House—Mississippi Delta field recordings of the legendary blues singer by Alan Lomax, 1941?

“Bonaparte’s Retreat” played on fiddle by Bill Stepp of Salyersville, KY, 1937, recorded by Alan Lomax—the source of the famous “Hoedown” music by Aaron Copeland’s Rodeo.

Willard Rhodes/Bureau of Indian Affairs Collection, the most comprehensive effort to document American Indian music in the post-WW2 period.

American Dialect Society Collection—early documentation of American speech and dialect.

Alan Lomax Michigan collection (1938?)—includes both urban blues and various unusual ethnic traditions (Here’s an example of a disc collection that, because of the particular composition of the acetate discs, is flaking and falling apart as we speak).

III. WIRE RECORDINGS (CA. 1947–65)

IV. TAPE ERA (1947–PRESENT)

Paul Bowles Moroccan Collection—60 to 70 7” tapes recorded by noted author/composer Paul Bowles with the assistance of the Library of Congress, surveying the music of Morocco.

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

Mr. Speaker, I want to thank the gentlewoman from Missouri (Ms. MCCARTHY), for her leadership and support of this effort. She has been very much involved in bringing the bill to this point, and I certainly appreciate her support on the floor.

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

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

The SPEAKER pro tempore (Mr. SUNUNU). The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and pass the bill, H.R. 4846, 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. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4846.

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

There was no objection.

TRUTH IN REGULATING ACT OF 2000

Mr. RYAN of Wisconsin. Mr. Speaker, I move to suspend the rules and pass

the bill (H.R. 4924) to establish a 3-year pilot project for the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes.

The Clerk read as follows:

H.R. 4924

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Truth in Regulating Act of 2000”.

SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) increase the transparency of important regulatory decisions;

(2) promote effective congressional oversight to ensure that agency rules fulfill statutory requirements in an efficient, effective, and fair manner; and

(3) increase the accountability of Congress and the agencies to the people they serve.

SEC. 3. DEFINITIONS.

In this Act, the term—

(1) “agency” has the meaning given such term under section 3502(1) of title 44, United States Code, except that such term shall not include an independent regulatory agency, as that term is defined in section 3502(5) of such title;

(2) “economically significant rule” means any proposed or final rule, including an interim or direct final rule, that may have an annual effect on the economy of \$100,000,000 or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities, or for which an agency has prepared an initial or final regulatory flexibility analysis pursuant to section 603 or 604 of title 5, United States Code; and

(3) “independent evaluation” means a substantive evaluation of the agency’s data, methodology, and assumptions used in developing the economically significant rule, including—

(A) an explanation of how any strengths or weaknesses in those data, methodology, and assumptions support or detract from conclusions reached by the agency; and

(B) the implications, if any, of those strengths or weaknesses for the rulemaking.

SEC. 4. PILOT PROJECT FOR REPORT ON RULES.

(a) IN GENERAL.—

(1) REQUEST FOR REVIEW.—When an agency publishes an economically significant rule, a chairman or ranking member of a committee of jurisdiction of either House of Congress may request the Comptroller General of the United States to review the rule.

(2) REPORT.—The Comptroller General shall submit a report on each economically significant rule selected under paragraph (1) to the committees of jurisdiction in each House of Congress not later than 180 calendar days after a committee request is received, or in the case of a committee request for review of a notice of proposed rulemaking or an interim final rulemaking, by the end of the period for submission of comment regarding the rulemaking, if practicable. The report shall include an independent evaluation of the economically significant rule by the Comptroller General.

(3) INDEPENDENT EVALUATION.—The independent evaluation of the economically significant rule by the Comptroller General under paragraph (2) shall include—

(A) an evaluation of an agency’s analysis of the potential benefits of the rule, including any beneficial effects that cannot be quantified in monetary terms and the identi-

fication of the persons or entities likely to receive the benefits;

(B) an evaluation of an agency’s analysis of the potential costs of the rule, including any adverse effects that cannot be quantified in monetary terms and the identification of the persons or entities likely to bear the costs;

(C) an evaluation of an agency’s analysis of alternative approaches set forth in the notice of proposed rulemaking and in the rulemaking record, as well as of any regulatory impact analysis, federalism assessment, or other analysis or assessment prepared by the agency or required for the economically significant rule; and

(D) a summary of the results of the evaluation of the Comptroller General and the implications of those results.

(4) PROCEDURES FOR PRIORITIES OF REQUESTS.—The Comptroller General shall have discretion to develop procedures for determining the priority and number of requests for review under paragraph (1) for which a report will be submitted under paragraph (2).

(b) AUTHORITY OF COMPTROLLER GENERAL.—Each agency shall promptly cooperate with the Comptroller General in carrying out this Act. Nothing in this Act is intended to expand or limit the authority of the General Accounting Office.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the General Accounting Office to carry out this Act \$5,200,000 for each of fiscal years 2001 through 2003.

SEC. 6. EFFECTIVE DATE AND DURATION OF PILOT PROJECT.

(a) EFFECTIVE DATE.—This Act shall take effect 90 days after the date of enactment of this Act.

(b) DURATION OF PILOT PROJECT.—The pilot project under this Act shall continue for a period of 3 years, if in each fiscal year, or portion thereof included in that period, a specific annual appropriation not less than \$5,200,000 or the pro-rated equivalent thereof shall have been made for the pilot project.

(c) REPORT.—Before the conclusion of the 3-year period, the Comptroller General shall submit to Congress a report reviewing the effectiveness of the pilot project and recommending whether or not Congress should permanently authorize the pilot project.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. RYAN) and the gentleman from Ohio (Mr. KUCINICH) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. RYAN).

GENERAL LEAVE

Mr. RYAN of Wisconsin. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4924.

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

There was no objection.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself 15 minutes.

(Mr. RYAN of Wisconsin asked and was given permission to revise and extend his remarks.)

Mr. RYAN of Wisconsin. Mr. Speaker, I move that the House suspend the rules and pass the Truth in Regulating Act of 2000. It is a bipartisan, good government bill. It establishes a regulatory analysis function within the