

LIBRARY OF CONGRESS SOUND RECORDING AND FILM
PRESERVATION PROGRAMS REAUTHORIZATION ACT OF
2008

JUNE 4, 2008.—Ordered to be printed

Mr. BRADY of Pennsylvania, from the Committee on House
Administration, submitted the following

R E P O R T

[To accompany H.R. 5893]

[Including cost estimate of the Congressional Budget Office]

The Committee on House Administration, to whom was referred the bill (H.R. 5893) to reauthorize the sound recording and film preservation programs of the Library of Congress, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Library of Congress Sound Recording and Film Preservation Programs Reauthorization Act of 2008”.

SEC. 2. SOUND RECORDING PRESERVATION PROGRAMS.

(a) NATIONAL RECORDING PRESERVATION BOARD.—

(1) REAUTHORIZATION.—

(A) IN GENERAL.—Section 133 of the National Recording Preservation Act of 2000 (2 U.S.C. 1743) is amended by striking “for each of the first 7 fiscal years beginning on or after the date of the enactment of this Act” and inserting “for the first fiscal year beginning on or after the date of the enactment of this Act and each succeeding fiscal year through fiscal year 2016”.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect as if included in the enactment of the National Recording Preservation Act of 2000.

(2) CRITERIA FOR REMOVAL OF MEMBERS.—Section 122(d)(2) of such Act (2 U.S.C. 1722(d)(2)) is amended to read as follows:

“(2) REMOVAL OF MEMBERS.—The Librarian shall have the authority to remove any member of the Board if the member fails, after receiving proper notification, to attend (or send a designated alternate to attend) a regularly scheduled Board meeting, or if the member is determined by the Librarian to have

substantially failed to fulfill the member's responsibilities as a member of the Board.”.

(b) NATIONAL RECORDING PRESERVATION FOUNDATION.—

(1) REAUTHORIZATION.—

(A) IN GENERAL.—Section 152411(a) of title 36, United States Code, is amended by striking “for each of the first 7 fiscal years beginning on or after the date of the enactment of this chapter” and inserting “for the first fiscal year beginning on or after the date of the enactment of this chapter and each succeeding fiscal year through fiscal year 2016”.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect as if included in the enactment of the National Recording Preservation Act of 2000.

(2) PERMITTING BOARD MEMBERS TO SERVE MORE THAN 2 TERMS.—Section 152403(b)(4) of such title is amended by striking the second sentence.

(3) PERMITTING BOARD TO DETERMINE LOCATION OF PRINCIPAL OFFICE.—

(A) IN GENERAL.—Section 152406 of such title is amended by striking “District of Columbia.” and inserting “District of Columbia or another place as determined by the Board of Directors.”.

(B) CONFORMING AMENDMENT.—Section 152405(b) of such title is amended by striking “District of Columbia,” and inserting “jurisdiction in which the principal office of the corporation is located.”.

(4) CLARIFICATION OF LIMITATION ON USE OF FUNDS FOR ADMINISTRATIVE EXPENSES.—Section 152411(b) of such title is amended to read as follows:

“(b) LIMITATION RELATED TO ADMINISTRATIVE EXPENSES.—Amounts authorized under this section may not be used by the corporation for management and general or fundraising expenses as reported to the Internal Revenue Service as part of an annual information return required under the Internal Revenue Code of 1986.”.

SEC. 3. FILM PRESERVATION PROGRAMS.

(a) NATIONAL FILM PRESERVATION BOARD.—

(1) REAUTHORIZATION.—

(A) IN GENERAL.—Section 112 of the National Film Preservation Act of 1996 (2 U.S.C. 179v) is amended by inserting after “the Librarian” the following: “for the first fiscal year beginning on or after the date of the enactment of this Act and each succeeding fiscal year through fiscal year 2016”.

(B) CONFORMING AMENDMENT.—Section 113 of such Act (2 U.S.C. 179w) is amended by striking the first sentence.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall take effect as if included in the enactment of the National Film Preservation Act of 1996.

(2) EXPANDING AUTHORIZED USES OF SEAL.—Section 103(b) of such Act (2 U.S.C. 179m(b)) is amended by adding at the end the following: “The Librarian may authorize the use of the seal by the Library or by others for other limited purposes in order to promote in the National Film Registry when exhibiting, showing, or otherwise disseminating films in the Registry.”.

(3) UPDATING NAMES OF ORGANIZATIONS REPRESENTED ON BOARD.—Section 104(a)(1) of such Act (2 U.S.C. 179n(a)(1)) is amended—

(A) in subparagraph (E), by striking “Cinema” and inserting “Cinema and Media”;

(B) in subparagraph (G), by striking “Department of Film and Television” and inserting “Department of Film, Television, and Digital Media”;

(C) in subparagraph (H), by striking “Film and Television” and inserting “Cinema Studies”; and

(D) by amending subparagraph (L) to read as follows:

“(L) Screen Actors Guild.”.

(b) NATIONAL FILM PRESERVATION FOUNDATION.—

(1) REAUTHORIZATION.—Section 151711(a) of title 36, United States Code, is amended to read as follows:

“(a) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to the Library of Congress amounts necessary to carry out this chapter, not to exceed—

“(A) \$530,000 for each of the fiscal years 2005 through 2009;

“(B) \$750,000 for each of the fiscal years 2010 through 2011; and

“(C) \$1,000,000 for each of the fiscal years 2012 through 2016.

“(2) MATCHING.—The amounts authorized to be appropriated under this subsection are to be made available to the corporation to match any private contributions (whether in currency, services, or property) made to the corporation by private persons and State and local governments.”.

(2) REPATRIATION OF FILMS FROM FOREIGN ARCHIVES AS PURPOSE OF FOUNDATION.—Section 151702(1) of such title is amended by striking “United States;” and inserting “United States and the repatriation of American films from foreign archives;”.

(3) EXTENSION OF DEADLINE FOR FILLING VACANCIES IN MEMBERSHIP OF BOARD OF DIRECTORS.—Section 151703(b)(5) of such title is amended by striking “60 days” and inserting “120 days”.

SEC. 4. PERMITTING DISTRIBUTION OF ACQUIRED NEWS TRANSMISSIONS IN AMERICAN TELEVISION AND RADIO ARCHIVES FOR RESEARCH OR DEPOSIT IN PUBLIC LIBRARIES OR ARCHIVES.

Section 113(b)(3) of Public Law 94–553 (commonly known as the “American Television and Radio Archives Act”) (2 U.S.C. 170(b)(3)) is amended by striking “this subsection” and inserting “this subsection or a copy or phonorecord of a transmission program described under this subsection which is acquired by the Librarian pursuant to subsection (a)(1)”.

PURPOSE OF THE LEGISLATION

The Library of Congress Sound Recording and Film Preservation Programs Reauthorization Act of 2008 (H.R. 5893) reauthorizes both the Sound Recording Program established by P.L. 100–446 and the Film Preservation Programs authorized by P.L. 106–474, both administered by the Library of Congress.

BILL SUMMARY

The Committee strongly supports both of these programs, which serve essentially the same purpose: working with interested stakeholders in the private sector to maintain and build archives of culturally significant films and sound recordings that have enriched American history and culture that, absent some organized intervention, would otherwise be lost and irreplaceable.

Although the programs are similar, they are distinct and will remain so. For the convenience of the Library, stakeholders, and the Committee, H.R. 5893 reauthorizes them both through fiscal year 2016. The bill also makes other adjustments to the programs to provide for greater efficiency in their administration for the next eight years.

COMMITTEE CONSIDERATION

On May 7, 2008, the Committee considered H.R. 5893 and, by voice vote, ordered the bill reported favorably with one amendment. No recorded votes were taken during consideration of the bill.

BACKGROUND AND NEED FOR H.R. 5893

Congress enacted the National Film Preservation Program in 1988 to create a national film registry to archive culturally significant films. The initial authorization was for three years. It was reauthorized in 1992, 1996 and 2005.

The program consists of the National Film Preservation Board (the Board), overseen by the Library of Congress, and the National Film Preservation Foundation (the Foundation), which was created through the 1996 reauthorization. The Board is responsible for selecting the films to be added to the National Film Registry each year. The Board selects films using a “culturally, historically or aesthetically significant” standard. The Foundation’s primary function is fundraising in the private sector for distribution of grants to various film preservation projects.

The importance of film preservation cannot be overestimated. As of December 27, 2007, there have been 475 titles added to the National Film Registry, ensuring their permanent preservation for future generations. Without the efforts of the Board and Foundation, countless important films, whose relevance is timeless, will deteriorate and be lost forever.

To address a similar threat to the nation's sound-recording heritage, Congress in 2000 created the National Sound Recording Preservation Program, building upon the success of the film program. There are currently 250 entries in the National Recording Registry, with titles ranging from poetry readings at universities to an entire day's worth of radio programming.

Like film preservation, recording preservation is also important. From historical speeches to music, the preservation of historically significant sounds is as imperative as the preservation of sights. It is a symbiotic relationship. They lend to each other, adding another dimension of appreciation for each and magnifying the importance of both.

The National Film Preservation Program is due to expire in 2009, while the National Sound Recording Preservation Program will expire in September 2008. It is urgent that these reauthorizations be enacted so these two programs can continue their important work. The Committee believes these changes will strengthen them for the future and help, in partnership with the private sector, to accomplish the programs' very important goals.

ANALYSIS OF THE BILL (AS REPORTED)

Section 1. Short title ("The Library of Congress Sound Recording and Film Preservation Programs Reauthorization Act of 2008").

Section 2. This section provides for the reauthorization of the Sound Recording Preservation Programs for 8 years, through fiscal year 2016.

The section also addresses the criteria for removal of Board members. The Librarian of Congress is authorized to remove any member of the Board for failing to attend a Board meeting or not designating an alternate to attend a Board meeting, or any member who is deemed by the Librarian of Congress as failing to fulfill the responsibilities of being a member of the Board. Further, the section provides that members of the Board are now permitted to serve more than 2 terms of 4 years each.

The section also permits the Board of Directors of the Foundation to determine the location of the principal office rather than requiring the office to remain in the District of Columbia.

Finally, Section 2 sets limitations on the use of administrative expenses and clarifies the original authorization. The use of any federal matching funds authorized by the bill is limited by the tax laws governing non-profit corporations.

Section 3. Section 3 reauthorizes the Film Preservation Program, including the National Film Preservation Board and the National Film Preservation Foundation, for seven years, through 2016. The bill authorizes \$530,000 annually through 2009, \$750,000 in 2010–2011, and \$1,000,000 annually for fiscal years 2012 through 2016.

Section 3 also amends current law governing use of the National Film Preservation Board seal in promoting the National Film Registry and updates the names of the organizations represented on

the Board. The section also includes a clause to facilitate the repatriation of films from foreign archives and lengthens the period for filling Board vacancies from 60 days to 120 days.

Section 4. Section 4 allows for the distribution, by the Librarian of Congress, of acquired news transmissions, either through television or radio broadcasts, for research purposes or for deposit in public libraries.

MATTERS REQUIRED UNDER THE RULES OF THE HOUSE

CONSTITUTIONAL AUTHORITY

Clause 3(d)(1) of House Rule XIII requires each committee report on a public bill or joint resolution to include a statement citing the specific constitutional power(s) granted to the Congress on which the Committee relies for enactment of the measure under consideration.

The Committee cites its authority granted under Article I, section 8, clause 8 to “promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Rights to their respective Writings and Discoveries”.

The legislation reauthorizes two programs designed to promote science and the arts by preserving threatened film and sound recordings in danger of being lost, whether owned or “orphaned.” As did the Congresses that established these programs, the Committee believes they will promote science and the arts by preserving the nation’s heritage and culture.

COMMITTEE VOTES

Clause 3(b) of House Rule XIII requires the results of each recorded vote on an amendment or motion to report, together with the names of those voting for and against, to be printed in the committee report. No recorded votes were taken during the Committee’s consideration of H.R. 5893.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Clause 3(c)(3) of House Rule XIII requires the report of a committee on a measure which has been approved by the committee to include a cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 403 of the CBA, if timely submitted. The Director submitted the following estimate:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 23, 2008.

Hon. ROBERT A. BRADY,
*Chairman, Committee on House Administration,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5893, the Library of Congress Sound Recording and Film Preservation Programs Reauthorization Act of 2008.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Christina Hawley Anthony.

Sincerely,

ROBERT A. SUNSHINE
(For Peter R. Orszag, Director).

Enclosure.

H.R. 5893—Library of Congress Sound Recording and Film Preservation Programs Reauthorization Act of 2008

H.R. 5893 would authorize appropriations for the National Recording Preservation Board, the National Recording Preservation Foundation, the National Film Preservation Board, and the National Film Preservation Foundation. Under current law, authorizations for the National Recording Preservation Board and Foundation expire at the end of fiscal year 2008, while authorizations for the National Film Preservation Board and Foundation expire at the end of fiscal year 2009. Under H.R. 5893, all four entities would be authorized through fiscal year 2016.

In 2008, \$0.75 million was appropriated for the programs authorized by H.R. 5893. The bill would authorize the annual appropriation of between \$1 million and about \$1.5 million for the 2009–2016 period. Assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 5893 would cost \$6 million over the 2009–2013 period. The bill would not affect direct spending or revenues.

H.R. 5893 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. The bill would benefit public libraries by allowing the Library of Congress to distribute copies of television and radio programs to those libraries.

The CBO staff contact for this estimate is Christina Hawley Anthony. This estimate was approved by Keith Fontenot, Deputy Assistant Director for Health and Human Resources, Budget Analysis Division.

FEDERAL MANDATES

Section 423 of the CBA requires a committee report on any public bill or joint resolution that includes a federal mandate to include specific information about such mandates. The Committee states that H.R. 5893 includes no federal mandates.

PREEMPTION CLARIFICATION

Section 423 of the CBA requires a committee report on any public bill or joint resolution to include a committee statement on the extent to which the measure is intended to preempt state or local law. The Committee states that H.R. 5893 is not intended to preempt any state or local law.

OVERSIGHT FINDINGS

Clause 3(c)(1) of House Rule XIII requires each committee report to contain oversight findings and recommendations required pursuant to clause 2(b)(1) of House Rule X. The Committee has general oversight responsibility for the Library of Congress.

In the course of its continuing oversight of these two programs, the Committee noted the benefits of the modifications to the reauthorized programs and recommends these changes.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Clause 3(c)(4) of House Rule XIII requires committee reports to include a statement of general performance goals and objectives. The Committee finds the Library of Congress' plan, as represented in H.R. 5893 and recommended to the House, will yield the continued success of the Recording and Film Preservation Programs.

CONGRESSIONAL "EARMARKS"

Clause 9 of House Rule XXI requires committee reports on public bills and resolutions to contain an identification of congressional "earmarks," limited tax benefits, limited tariff benefits, and the names of requesting Members. The bill contains no such items either as introduced or as reported to the House.

CONGRESSIONAL ACCOUNTABILITY ACT APPLICABILITY

Section 102(b)(3) of the Congressional Accountability Act of 1995 (Pub. L. 104-1) (CAA) requires each report on a public bill or joint resolution relating to terms and conditions of employment or access to public services or accommodations to describe the manner in which the legislation applies to the Legislative Branch. The bill contains no such items either as introduced or as reported to the House.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

NATIONAL RECORDING PRESERVATION ACT OF 2000

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TITLE I—SOUND RECORDING PRESERVATION BY THE LIBRARY OF CONGRESS

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Subtitle C—National Recording Preservation Board

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SEC. 122. APPOINTMENT OF MEMBERS.

(a) * * *

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(d) TERM OF OFFICE.—

(1) * * *

【(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.】

(2) *REMOVAL OF MEMBERS.—The Librarian shall have the authority to remove any member of the Board if the member fails, after receiving proper notification, to attend (or send a designated alternate to attend) a regularly scheduled Board meeting, or if the member is determined by the Librarian to have substantially failed to fulfill the member’s responsibilities as a member of the Board.*

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Subtitle D—General Provisions

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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】 *for the first fiscal year beginning on or after the date of the enactment of this Act and each succeeding fiscal year through fiscal year 2016* 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.

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TITLE 36, UNITED STATES CODE

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**CHAPTER 1517—NATIONAL FILM PRESERVATION
FOUNDATION**

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§ 151702. 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 film heritage held at the Library of Congress and other public and nonprofit archives throughout the 【United States;】 *United States and the repatriation of American films from foreign archives;*

* * * * *

§ 151703. Board of directors

(a) * * *

(b) MEMBERS AND APPOINTMENT.—(1) * * *

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(5) A vacancy on the board shall be filled within **[60 days]** 120 days in the manner in which the original appointment was made.

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§ 151711. Authorization of appropriations

[(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Library of Congress amounts necessary to carry out this chapter, not to exceed \$530,000 for each of the fiscal years 2005 through 2009. These amounts are to be made available to the corporation to match any private contributions (whether in currency, services, or property) made to the corporation by private persons and State and local governments.]

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) *IN GENERAL.—There are authorized to be appropriated to the Library of Congress amounts necessary to carry out this chapter, not to exceed—*

(A) *\$530,000 for each of the fiscal years 2005 through 2009;*

(B) *\$750,000 for each of the fiscal years 2010 through 2011; and*

(C) *\$1,000,000 for each of the fiscal years 2012 through 2016.*

(2) *MATCHING.—The amounts authorized to be appropriated under this subsection are to be made available to the corporation to match any private contributions (whether in currency, services, or property) made to the corporation by private persons and State and local governments.*

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CHAPTER 1524—NATIONAL RECORDING PRESERVATION FOUNDATION

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§ 152403. Board of directors

(a) * * *

(b) MEMBERS AND APPOINTMENT.—(1) * * *

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

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§ 152405. Powers

(a) * * *

(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,]** *jurisdiction in which the principal office of the corporation is located*, including the power—

(1) * * *

* * * * *

§ 152406. Principal office

The principal office of the corporation shall be in the [District of Columbia.] *District of Columbia or another place as determined by the Board of Directors.* However, the corporation may conduct business throughout the States, territories, and possessions of the United States.

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§ 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] *for the first fiscal year beginning on or after the date of the enactment of this chapter and each succeeding fiscal year through fiscal year 2016* 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.]

(b) LIMITATION RELATED TO ADMINISTRATIVE EXPENSES.—Amounts authorized under this section may not be used by the corporation for management and general or fundraising expenses as reported to the Internal Revenue Service as part of an annual information return required under the Internal Revenue Code of 1986.

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NATIONAL FILM PRESERVATION ACT OF 1996

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TITLE I—REAUTHORIZATION OF THE NATIONAL FILM PRESERVATION BOARD

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SEC. 103. DUTIES OF THE LIBRARIAN OF CONGRESS.

(a) * * *

(b) USE OF SEAL.—The seal provided under subsection (a)(3) may only be used on film or other approved 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, mass distributed, broadcast, or published 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 or other approved 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 or other approved copy of the Registry version of any film that is maintained in the National Film Registry Collection in the Library of Congress. Anyone authorized to

place the seal on any film or other approved copy of any Registry version of a film may accompany such seal with the following language: "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." *The Librarian may authorize the use of the seal by the Library or by others for other limited purposes in order to promote in the National Film Registry when exhibiting, showing, or otherwise disseminating films in the Registry.*

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 22 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 three 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) * * *

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(E) The Society for **【Cinema】** *Cinema and Media Studies*.

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(G) The **【Department of Film and Television】** *Department of Film, Television, and Digital Media* of the School of Theater, Film and Television at the University of California, Los Angeles.

(H) The Department of **【Film and Television】** *Cinema Studies* of the Tisch School of the Arts at New York University.

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【(L) The Screen Actors Guild of America.】

(L) *Screen Actors Guild*.

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SEC. 112. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Librarian *for the first fiscal year beginning on or after the date of the enactment of this Act and each succeeding fiscal year through fiscal year 2016* such sums as may be necessary to carry out the purposes of this title, but in no fiscal year shall such sum exceed \$250,000.

SEC. 113. EFFECTIVE DATE.

【The provisions of this title shall be effective for 13 years beginning on the date of the enactment of this Act.】 The provisions of this title shall apply to any copy of any film, including those copies of films selected for inclusion in the National Film Registry under the National Film Preservation Act of 1988 and the National Film

Preservation Act of 1992, except that any film so selected under either Act shall be deemed to have been selected for the National Film Registry under this title.

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SECTION 113 OF THE PUBLIC LAW 94-553

(AMERICAN TELEVISION AND RADIO ARCHIVES ACT)

SEC. 113. (a) * * *

(b) Notwithstanding the provisions of section 106 of title 17 as amended by the first section of this Act, the Librarian is authorized with respect to a transmission program which consists of a regularly scheduled newscast or on-the-spot coverage of news events and, under standards and conditions that the Librarian shall prescribe by regulation—

(1) * * *

* * * * *

(3) to distribute a reproduction made under clause (1) or (2) of **[this subsection]** *this subsection or a copy or phonorecord of a transmission program described under this subsection which is acquired by the Librarian pursuant to subsection (a)(1)—*

(A) * * *

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