

the technology provides a clear and conspicuous notice at the beginning of each performance that the performance of the motion picture is altered from the performance intended by the director or copyright holder of the motion picture. The limitations on liability in subparagraph (A) and this subparagraph shall not apply to a manufacturer, licensee, or licensor of technology that fails to comply with this paragraph.

“(C) The requirement under subparagraph (B) to provide notice shall apply only with respect to technology manufactured after the end of the 180-day period beginning on the date of the enactment of the Family Movie Act of 2005.

“(D) Any failure by a manufacturer, licensee, or licensor of technology to qualify for the exemption under subparagraphs (A) and (B) shall not be construed to create an inference that any such party that engages in conduct described in paragraph (1) of section 110 of title 17, United States Code, is liable for trademark infringement by reason of such conduct.”

(c) DEFINITION.—In this section, the term “Trademark Act of 1946” means the Act entitled “An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes”, approved July 5, 1946 (15 U.S.C. 1051 et seq.).

TITLE III—NATIONAL FILM PRESERVATION

Subtitle A—Reauthorization of the National Film Preservation Board

SEC. 301. SHORT TITLE.

This subtitle may be cited as the “National Film Preservation Act of 2005”.

SEC. 302. REAUTHORIZATION AND AMENDMENT.

(a) DUTIES OF THE LIBRARIAN OF CONGRESS.—Section 103 of the National Film Preservation Act of 1996 (2 U.S.C. 179m) is amended—

(1) in subsection (b)—

(A) by striking “film copy” each place that term appears and inserting “film or other approved copy”;

(B) by striking “film copies” each place that term appears and inserting “film or other approved copies”; and

(C) in the third sentence, by striking “copyrighted” and inserting “copyrighted, mass distributed, broadcast, or published”; and

(2) by adding at the end the following:

“(c) COORDINATION OF PROGRAM WITH OTHER COLLECTION, PRESERVATION, AND ACCESSIBILITY ACTIVITIES.—In carrying out the comprehensive national film preservation program for motion pictures established under the National Film Preservation Act of 1992, the Librarian, in consultation with the Board established pursuant to section 104, shall—

“(1) carry out activities to make films included in the National Film registry more broadly accessible for research and educational purposes, and to generate public awareness and support of the Registry and the comprehensive national film preservation program;

“(2) review the comprehensive national film preservation plan, and amend it to the extent necessary to ensure that it addresses technological advances in the preservation and storage of, and access to film collections in multiple formats; and

“(3) wherever possible, undertake expanded initiatives to ensure the preservation of the moving image heritage of the United States, including film, videotape, television, and born digital moving image formats, by supporting the work of the National Audio-Visual Conservation Center of the Library of Congress, and other appropriate nonprofit archival and preservation organizations.”.

(b) NATIONAL FILM PRESERVATION BOARD.—

Section 104 of the National Film Preservation Act of 1996 (2 U.S.C. 179n) is amended—

(1) in subsection (a)(1) by striking “20” and inserting “22”;

(2) in subsection (a) (2) by striking “three” and inserting “5”;

(3) in subsection (d) by striking “11” and inserting “12”; and

(4) by striking subsection (e) and inserting the following:

“(e) 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.”.

(c) NATIONAL FILM REGISTRY.—Section 106 of the National Film Preservation Act of 1996 (2 U.S.C. 179p) is amended by adding at the end the following:

“(e) NATIONAL AUDIO-VISUAL CONSERVATION CENTER.—The Librarian shall utilize the National Audio-Visual Conservation Center of the Library of Congress at Culpeper, Virginia, to ensure that preserved films included in the National Film Registry are stored in a proper manner, and disseminated to researchers, scholars, and the public as may be appropriate in accordance with—

“(1) title 17, United States Code; and

“(2) the terms of any agreements between the Librarian and persons who hold copyrights to such audiovisual works.”.

(d) USE OF SEAL.—Section 107 (a) of the National Film Preservation Act of 1996 (2 U.S.C. 179g(a)) is amended—

(1) in paragraph (1), by inserting “in any format” after “or any copy”; and

(2) in paragraph (2), by striking “or film copy” and inserting “in any format”.

(e) EFFECTIVE DATE.—Section 113 of the National Film Preservation Act of 1996 (2 U.S.C. 179w) is amended by striking “7” and inserting “13”.

Subtitle B—Reauthorization of the National Film Preservation Foundation

SEC. 311. SHORT TITLE.

This subtitle may be cited as the “National Film Preservation Foundation Reauthorization Act of 2005”.

SEC. 312. REAUTHORIZATION AND AMENDMENT.

(a) BOARD OF DIRECTORS.—Section 151703 of title 36, United States Code, is amended—

(1) in subsection (b)(2)(A), by striking “nine” and inserting “12”; and

(2) in subsection (b)(4), by striking the second sentence and inserting “There shall be no limit to the number of terms to which any individual may be appointed.”.

(b) POWERS.—Section 151705 of title 36, United States Code, is amended in subsection (b) by striking “District of Columbia” and inserting “the jurisdiction in which the principal office of the corporation is located”.

(c) PRINCIPAL OFFICE.—Section 151706 of title 36, United States Code, is amended by inserting “, or another place as determined by the board of directors” after “District of Columbia”.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 151711 of title 36, United States Code, is amended by striking subsections (a) and (b) and inserting the following:

“(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.

“(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.”.

TITLE IV—PRESERVATION OF ORPHAN WORKS

SEC. 401. SHORT TITLE.

This title may be cited as the “Preservation of Orphan Works Act”.

SEC. 402. REPRODUCTION OF COPYRIGHTED WORKS BY LIBRARIES AND ARCHIVES.

Section 108(i) of title 17, United States Code, is amended by striking “(b) and (c)” and inserting “(b), (c), and (h)”.

APPOINTMENT

The PRESIDING OFFICER. The Chair, in accordance with Public Law 93-618, as amended by Public Law 100-418, on behalf of the President pro tempore and upon the recommendation of the Chairman of the Committee on Finance, appoints the following Members of the Finance Committee as congressional advisers on trade policy and negotiations: the Senator from Iowa, Mr. GRASSLEY; the Senator from Utah, Mr. HATCH; the Senator from Mississippi, Mr. LOTT; the Senator from Montana, Mr. BAUCUS; and the Senator from West Virginia, Mr. ROCKEFELLER.

DISCHARGE AND REFERRAL OF S. 45

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. 45, and the bill be referred to the Committee on the Judiciary.

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

APPOINTMENT OF SENATOR BURR TO READ WASHINGTON'S FAREWELL ADDRESS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the order of the Senate of January 24, 1901, appoints the Senator from North Carolina, Mr. BURR, to read Washington's Farewell Address on Friday, February 18, 2005.

COMMENDING THE RESULTS OF THE PALESTINIAN PRESIDENTIAL ELECTIONS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 27, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 27) commending the results of the January 9, 2005, Palestinian presidential elections.

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

Mr. FRIST. Mr. President, as we celebrate the extraordinary elections in Iraq, let us also recognize the historic progress being made by the Palestinian people toward democracy.

On January 9, for the first time in 9 years, Palestinians living in the West Bank, the Gaza Strip, and Jerusalem voted in free and fair elections. They elected former Prime Minister Dr. Mahmoud Abbas, also known as Abu Mazen, to be their President.

For the first time in 30 years, they cast their ballots for new leadership. It was a great moment for the Palestinian people. It was, as President Bush remarked, "a key step toward building a democratic future."

The election was also a powerful example to all who strive for freedom. It proved that free and fair elections are not only possible in the Middle East, but the hope and right of all people. During his inaugural speech, President Abbas declared that:

The people have voted for the rule of law, order, pluralism, the peaceful transfer of authority, and equality for all.

I commend President Abbas for these important and inspiring words.

This election represents a genuine opportunity for peace. A democratic Palestinian Authority that rejects violence and embraces the rule of law is one of the most important building blocks for a viable, free, and stable Palestinian state.

Israel also deserves praise for its support of the Palestinian election. Israel provided important cooperation with the Palestinian Authority to minimize delays at checkpoints. Israeli security forces were also deployed away from Palestinian population centers.

The U.S. Government stands ready to work with the new Palestinian leadership to build the bridge to that hopeful future. With wise and principled leadership, Palestinians and Israelis can live side by side in peace.

The road ahead will be difficult. Yesterday, Hamas fighters shelled a Jewish settlement in a purported retaliatory strike. I remain hopeful, however, that Palestinian and Israeli leadership will continue to work together to bring the peace. There is a roadmap. There is a will. With the support of the international community, including the Arab world, both sides will find the way.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 27) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 27

Whereas on January 9, 2005, for the first time in 9 years, large numbers of Palestinians living in the West Bank, the Gaza Strip, and Jerusalem voted in elections that were

widely described by outside monitors as free and fair;

Whereas the Palestinian people elected former Prime Minister Mahmoud Abbas, also known as Abu Mazen, to the office of President of the Palestinian Authority;

Whereas an estimated 65 percent of eligible Palestinians living in the West Bank, the Gaza Strip, and Jerusalem participated in voting at over 1000 polling stations, and for the first time in nearly 30 years, the Palestinian people elected new leadership;

Whereas on January 9, 2005, President of the United States George W. Bush stated that it was a "historic day for the Palestinian people and for the people of the Middle East" and that "Palestinians throughout the West Bank and Gaza took a key step toward building a democratic future by choosing a new president in elections that observers described as largely free and fair";

Whereas Israel provided important cooperation with the Palestinian Authority to enable the holding of this election, including minimizing delays at checkpoints and redeploying Israeli security forces away from Palestinian population centers;

Whereas the Palestinian election was an important step towards democracy for the Palestinian people and an example to all those in the region who are striving to achieve democracy in their own nation;

Whereas during his inaugural speech, President Abbas stated that "The winner in these elections is the great Palestinian people who have created this democratic epic and who will safeguard it", that "The people have voted for the rule of law, order, pluralism, the peaceful transfer of authority, and equality for all", and further "Let us start implementing the Roadmap";

Whereas these comments build upon Mr. Abbas' 1993 statements on the White House lawn, where he said that a Palestinian state and an Israeli state could live in "peaceful coexistence and cooperation";

Whereas the election of Mahmoud Abbas was hailed around the world as a positive step opening new opportunities to move toward peace between the Palestinian Authority and Israel;

Whereas the Palestinian election provided President Abbas with a mandate from the majority of Palestinians to reject violence and pursue peace with Israel;

Whereas the extent of cooperation between the Israelis and Palestinians during the period leading up to and including election day was unprecedented in the past four years and reflects the potential for future cooperation;

Whereas the election must be followed quickly by concrete steps on the part of the new Palestinian President to meet his commitment to reform the Palestinian security services, establish the rule of law, and do all in his power to combat terrorism;

Whereas a democratic Palestinian Authority will serve as one of the most important building blocks for a viable, free, and stable Palestinian state;

Whereas President Abbas' success likely will depend upon his ability to tangibly and quickly improve the quality of life for Palestinians, and end corruption and violence;

Whereas the United States Government stands ready to work with the new Palestinian President to facilitate a renewed dialogue between the new Palestinian leadership and the Government of Israel with the goal of achieving through the Performance Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict (the "Roadmap"), President George W. Bush's vision of two states, Israel and Palestine, living side by side in peace;

Whereas the Roadmap, endorsed by the United States, Israel, the Palestinian Authority, the European Union, Russia, and the

United Nations, remains the only realistic and widely recognized plan for making progress toward peace;

Whereas the policy of the United States is to work toward a just and peaceful resolution of the Palestinian-Israeli conflict based on two democratic states, Israel and Palestine, living side by side in peace and security;

Whereas all parties to the Roadmap have an obligation to urgently provide support for the Palestinian Authority in its efforts to confront and fight terror as well as to assist in the creation of true democratic institutions that will enforce the rule of law; and

Whereas people of all peaceful nations believe peace between the Palestinian Authority and the state of Israel will have far reaching positive effects on the entire region and throughout the world; Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that, on January 9, 2005, Mr. Mahmoud Abbas, also known as Abu Mazen, was elected by the Palestinian people to the office of President of the Palestinian Authority in what were widely described as free and fair elections;

(2) recognizes this milestone in the development of Palestinian democracy and congratulates President Abbas on his election to the presidency of the Palestinian Authority;

(3) commends the efforts of the Israeli Government to facilitate the election;

(4) expresses its respect for the freely expressed will of the Palestinian people, and its intention to work with President Abbas to help the Palestinian people realize the opportunity for a more peaceful, prosperous future;

(5) urges President Abbas and the new Palestinian leadership to abide by its commitments to reform the security services, establish the rule of law, and press on with the development of democratic institutions, including an independent judiciary and an empowered and democratically elected legislature;

(6) urges President Abbas to move quickly to honor his pledges to halt violence and incitement against Israel, dismantle terrorist organizations, and fulfill the Palestinian Authority's obligations according to the terms of the Roadmap;

(7) supports efforts to increase United States assistance to the Palestinian people and to help President Abbas rebuild and reform the Palestinian Authority's institutions, as President Abbas takes actions consistent with the Roadmap, so that they may better serve the Palestinian people;

(8) urges all members of the international community, particularly all parties to the Roadmap, to take advantage of this historic opportunity by providing timely assistance to the new Palestinian Government as it moves forward to implement the Roadmap, to help it build the necessary political, economic, and security infrastructure essential to establishing a viable, democratic state and improving the lives of the Palestinian people;

(9) calls upon Arab states in particular to provide political and financial support to the Palestinian Authority, to support a complete end to terrorism against Israel, to end incitement against it, and to reach out to the State of Israel in friendship and full recognition;

(10) reaffirms the commitment of the United States to the security of Israel as a democratic, Jewish state, and supports the commitment of Israel to fulfill its obligations under the Roadmap; and

(11) reaffirms the commitment of the United States to the Roadmap including realization of the vision of two democratic states, Israel and Palestine, living side by

side in peace and security, and looks forward to working closely with the Executive Branch to achieve this vision.

ORDERS FOR WEDNESDAY,
FEBRUARY 2, 2005

Mr. BROWNBACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:15 a.m. on Wednesday, February 2. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and at 9:30 a.m. the Senate proceed to executive session and resume consideration of the nomination of Alberto Gonzales to be Attorney General, as provided under the previous order; provided that at 2:30 p.m. Sen-

ator BYRD be recognized for up to 1 hour.

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

PROGRAM

Mr. BROWNBACK. Mr. President, tomorrow the Senate will resume consideration of the nomination of Alberto Gonzales to be Attorney General. A number of colleagues spoke on this nomination today, and we expect a full day of debate tomorrow as well. Under the agreement, we will alternate debate in 1-hour blocks throughout the day. Again, I encourage those Members who wish to speak on the Gonzales nomination to contact the chairman and ranking member of the Judiciary Committee as soon as possible.

I also remind my colleagues the President's State of the Union Address will be tomorrow evening. Senators are asked to be in the Senate Chamber by 8:30 tomorrow night in order to proceed as a body to the House Chamber at 8:40 for the 9 o'clock address.

ADJOURNMENT UNTIL 9:15 A.M.
TOMORROW

Mr. BROWNBACK. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:52 p.m., adjourned until Wednesday, February 2, 2005, at 9:15 a.m.