

(ii) by striking the semicolon at the end and inserting a period; and

(C) in subparagraph (C), by striking “(C) the” and inserting “(C) The”.

(11) The item relating to section 903 in the table of contents for chapter 9 is amended by striking “licensure” and inserting “licensing”.

SEC. 4. OTHER AMENDMENTS.

(a) AMENDMENT TO TITLE 18.—Section 2319(e)(2) of title 18, United States Code, is amended by striking “107 through 120” and inserting “107 through 122”.

(b) STANDARD REFERENCE DATA.—(1) Section 105(f) of Public Law 94-553 is amended by striking “section 290(e) of title 15” and inserting “section 6 of the Standard Reference Data Act (15 U.S.C. 290e)”.

(2) Section 6(a) of the Standard Reference Data Act (15 U.S.C. 290e) is amended by striking “Notwithstanding” and all that follows through “United States Code,” and inserting “Notwithstanding the limitations under section 105 of title 17, United States Code.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from California (Mr. BERMAN) will each control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5106, the bill under consideration, and to insert extraneous material in the RECORD.

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

There was no objection.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume; and I rise today in support of H.R. 5106, the Copyright Technical Corrections Act of 2000 and urge the House to adopt the measure.

H.R. 5106 makes purely technical amendments to Title I of the Intellectual Property and Communications Omnibus Reform Act of 1999 and Title 17. H.R. 5106 corrects errors in references, spelling and punctuation, conforms the table of contents with section headings, restores the definitions in chapter 1 to alphabetical order, deletes an expired paragraph, and creates continuity in the grammatical style used.

This legislation makes necessary improvements to the Copyright Act. The Subcommittee on Courts and Intellectual Property and the Committee on the Judiciary support H.R. 5106 in a bipartisan manner and I urge its adoption today.

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

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

Mr. Speaker, I want to thank the gentleman from North Carolina (Mr. COBLE) once again for his able leadership in moving this bill forward expeditiously.

H.R. 5106, the Copyright Technical Corrections Act of 2000, which I intro-

duced with the chairman earlier this month, makes a number of technical corrections which merely change punctuation, correct cross references or paragraph numbering or correct editorial style in copyright law.

I want to join the chairman in thanking the Copyright Office and the legislative counsel for their assistance in the drafting of this bill, along with the staffs to the majority and my own subcommittee minority staff as well.

Mr. Speaker, I urge support for the bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am supportive of the goals targeted by H.R. 5106, the “Copyright Technical Corrections Act of 2000. This bill will make a number of technical corrections to the Amendments to Intellectual Property and Communications Omnibus Reform Act of 1999, which was passed and signed into law by the first session of the 106th Congress.

These corrections will allow for clarification of the intent and scope of the 1999 legislation and provide this Congress with an opportunity to correct errors, which have been identified in the current copyright law that have been identified.

The copyright laws of the United States provide legal rights to exclusive publication, production, sale, or distribution of a literary, musical, or artistic work, which also includes computer software programs. These laws provide security for those are engaged commercial transactions of every description. A few of these forms of commercial transaction are television, and radio programming, newspaper, and magazine publication as well as electronic commercial transactions that involve the commercial exchange of information.

It is my hope that the work we do today relating to copyright law will ensure the protection of artist’s work well into this new century.

I would like to thank my colleagues on the House Judiciary Committee for their work in bringing this legislation to be considered by the Full House.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 5106, as amended.

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

A motion to reconsider was laid on the table.

WORK MADE FOR HIRE AND COPYRIGHT CORRECTIONS ACT OF 2000

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5107) to make certain corrections in copyright law, as amended.

The Clerk read as follows:

H.R. 5107

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 “Work Made For Hire and Copyright Corrections Act of 2000”.

SEC. 2. WORK MADE FOR HIRE.

(a) DEFINITION.—The definition of “work made for hire” contained in section 101 of title 17, United States Code, is amended—

(1) in paragraph (2), by striking “as a sound recording;” and

(2) by inserting after paragraph (2) the following:

“In determining whether any work is eligible to be considered a work made for hire under paragraph (2), neither the amendment contained in section 101(d) of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 1000(a)(9) of Public Law 106-113, nor the deletion of the words added by that amendment—

“(A) shall be considered or otherwise given any legal significance, or

“(B) shall be interpreted to indicate congressional approval or disapproval of, or acquiescence in, any judicial determination,

by the courts or the Copyright Office. Paragraph (2) shall be interpreted as if both section 2(a)(1) of the Work Made For Hire and Copyright Corrections Act of 2000 and section 101(d) of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 1000(a)(9) of Public Law 106-113, were never enacted, and without regard to any inaction or awareness by the Congress at any time of any judicial determinations.”.

(b) EFFECTIVE DATE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall be effective as of November 29, 1999.

(2) SEVERABILITY.—If the provisions of paragraph (1), or any application of such provisions to any person or circumstance, is held to be invalid, the remainder of this section, the amendments made by this section, and the application of this section to any other person or circumstance shall not be affected by such invalidation.

SEC. 3. OTHER AMENDMENTS TO TITLE 17, UNITED STATES CODE.

(a) AMENDMENTS TO CHAPTER 7.—Chapter 7 of title 17, United States Code, is amended as follows:

(1) Section 710, and the item relating to that section in the table of contents for chapter 7, are repealed.

(2) Section 705(a) is amended to read as follows:

“(a) The Register of Copyrights shall ensure that records of deposits, registrations, recordings, and other actions taken under this title are maintained, and that indexes of such records are prepared.”.

(3)(A) Section 708(a) is amended to read as follows:

“(a) FEES.—Fees shall be paid to the Register of Copyrights—

“(1) on filing each application under section 408 for registration of a copyright claim or for a supplementary registration, including the issuance of a certificate of registration if registration is made;

“(2) on filing each application for registration of a claim for renewal of a subsisting copyright under section 304(a), including the issuance of a certificate of registration if registration is made;

“(3) for the issuance of a receipt for a deposit under section 407;

“(4) for the recordation, as provided by section 205, of a transfer of copyright ownership or other document;

“(5) for the filing, under section 115(b), of a notice of intention to obtain a compulsory license;

“(6) for the recordation, under section 302(c), of a statement revealing the identity

of an author of an anonymous or pseudonymous work, or for the recordation, under section 302(d), of a statement relating to the death of an author;

"(7) for the issuance, under section 706, of an additional certificate of registration;

"(8) for the issuance of any other certification; and

"(9) for the making and reporting of a search as provided by section 705, and for any related services.

The Register is authorized to fix fees for other services, including the cost of preparing copies of Copyright Office records, whether or not such copies are certified, based on the cost of providing the service."

(B) Section 708(b) is amended—

(i) by striking the matter preceding paragraph (1) and inserting the following:

"(b) ADJUSTMENT OF FEES.—The Register of Copyrights may, by regulation, adjust the fees for the services specified in paragraphs (1) through (9) of subsection (a) in the following manner:"

(ii) in paragraph (1), by striking "increase" and inserting "adjustment";

(iii) in paragraph (2), by striking "increase" the first place it appears and inserting "adjust"; and

(iv) in paragraph (5), by striking "increased" and inserting "adjusted".

(b) CONFORMING AMENDMENT.—Section 121(a) of title, 17, United States Code, is amended by striking "sections 106 and 710" and inserting "section 106".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of enactment of this Act.

(2) CARRY-OVER OF EXISTING FEES.—The fees under section 708(a) of title 17, United States Code, on the date of the enactment of this Act shall be the fees in effect under section 708(a) of such title on the day before such date of enactment.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5107, the bill under consideration, and to insert extraneous material in the RECORD.

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

There was no objection.

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

Mr. Speaker, I rise in support of the Work Made for Hire and Copyright Technical Corrections Act of 2000 and urge the House to adopt this measure.

Mr. Speaker, H.R. 5107 is noncontroversial. It repealed an amendment in the Intellectual Property and Communication Omnibus Reform Act of 1999, IPCORA, which inserted sound recordings as a type of work that is eligible for work-made-for-hire status.

Following passage of the amendment in 1999, some recording artists argued that the change was not a mere clarification of the law and that it had substantively affected their rights. After the gentleman from California (Mr.

BERMAN) and I had several meetings and agreed that a hearing was in order, the Subcommittee on Courts and Intellectual Property subsequently conducted a hearing on the issue of sound recordings as works made for hire on May 25, 2000.

A compromise solution was reached and H.R. 5107 implements that solution. It repeals the amendment in question without prejudice. In other words, it restores any person or entity to the same legal position they occupied prior to the enactment of the amendment in November 1999.

H.R. 5107 states that in determining whether any work is eligible for work-made-for-hire status, neither the amendment in IPCORA nor the deletion of the amendment through H.R. 5107 shall be considered or otherwise given any legal significance or shall be interpreted to indicate congressional approval or disapproval of any judicial determination by the courts or the Copyright Office.

Mr. Speaker, I want to thank the gentleman from California (Mr. BERMAN), the ranking member of the subcommittee; the gentleman from Michigan (Mr. CONYERS), the ranking member of the full committee; the gentleman from Illinois (Mr. HYDE), chairman of the full committee; and the gentlewoman from California (Mrs. BONO) on our committee. There are others who will speak to this issue who also were helpful.

H.R. 5107 also includes other noncontroversial corrections to the Copyright Act. These amendments remove expired sections and clarify miscellaneous provisions governing fees and recordkeeping procedures. They will improve the operation of the Copyright Office and clarify United States copyright law.

The manager's amendment to H.R. 5107 that we are voting on today makes purely technical and noncontroversial changes to the text of H.R. 5107 as it was reported from the Committee on the Judiciary. The Subcommittee on Courts and Intellectual Property and the Committee on the Judiciary support H.R. 5107 in a bipartisan manner, and I urge its adoption today.

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

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

My colleagues, this is a great day for musicians who create their own music and musicians that perform, and so I am pleased to rise in support as a co-sponsor of H.R. 5107 because it strikes sound recordings from the definition of work made for hire in section 101 of the Copyright Act.

□ 1330

The bill undoes an unfortunate amendment to the Copyright Act made last November which changed the act to treat sound recordings as "works made for hire."

Without the benefit of committee hearings or other debate, the change

terminated any future interest that artists might have in their sound recordings and turned them over permanently to the record companies. We have since learned that we should never do business this way.

After hearing testimony at the subcommittee level, all of the interested parties, I am glad to say, the subcommittee members, the recording artists and the recording industry itself, agreed that the provision was a substantive change in law and should be struck so that the law could be returned to the status quo ante. That is what brings us here today.

Returning the law to where it was before November of 1999 will ensure that any and all artists' authorship rights are preserved. Fortunately, the recording industry has worked diligently with the recording artists for the past several months to arrive at mutually agreed language. While slightly awkward in its legislative construction, I nevertheless want to compliment both parties in their efforts to reach compromise.

Now, the digital era lends to creators great opportunities for marketing their works of authorship and, at the same time, great perils of theft of those works. As we try in other legislative contexts to protect intellectual property rights in an open system of the Internet, we should not be changing the rules of such property rights in the middle of the night without hearings or proper committee consideration, as happened last year when this provision was first inserted.

I express my appreciation that we are undoing this unwise change, and I thank all of my colleagues that participated in bringing this measure to the floor and ask all of the Members of the House to give an aye vote on this bill.

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

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

Mr. CONYERS. Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from California (Mr. BERMAN), a very important member of the committee that worked on this legislation. He has been in this area for many years, and he did very important work in this area.

Mr. BERMAN. Mr. Speaker, I thank the gentleman, my friend and the ranking member of the committee, for yielding me a generous amount of time. I would like to do several things in that time.

First, I would like to commend a number of colleagues who have played pivotal roles in moving this important legislation, most specially the gentleman from North Carolina (Mr. COBLE), the chairman of our judiciary subcommittee. He deserves particular praise for his open-mindedness and his perseverance on this issue. There were times when people sought to impugn his motives. Notwithstanding that and the total lack of basis for that, he rose above the human tendency to retaliate

and proceeded ahead, I think, very fairly and in wonderful fashion to help us come to this kind of conclusion. Without his efforts, this bill would not have had a chance of passing.

I also want to recognize several colleagues who have played pivotal roles: the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary, who has been a champion for the rights of recording artists; the gentleman from Virginia (Mr. BOUCHER); the gentlewoman from California (Ms. LOFGREN); the gentleman from Florida (Mr. WEXLER); the gentleman from Massachusetts (Mr. DELAHUNT); as well as two individuals, one on the majority side, the gentlewoman from California (Mrs. BONO), who we spent a lot of time on airplanes to California discussing this issue, and a non-member of the committee who is particularly interested in this issue and the rights of recording artists, the gentlewoman from Missouri (Ms. MCCARTHY).

Section 2 of H.R. 5107 fulfills an important objective. It returns the law on the eligibility of sound recordings as "works made for hire" to its state prior to November 29, 1999. Equally important, it restores the state of the law without prejudicing the rights of any affected parties.

Finally, section 3 of H.R. 5107 makes certain unrelated changes to the Copyright Act to improve the operations of the U.S. Copyright Office. H.R. 5107 is strongly supported by both Democrats and Republicans. The bipartisan support for this bill is not surprising. It is wholly nonpartisan in nature.

H.R. 5107 is also supported by all affected private parties of whom I am aware. In fact, the language of H.R. 5107 is the successful outcome of several months of negotiations between representatives of the recording artists and the reporting industry.

For this accomplishment we owe a special note of gratitude to Jay Cooper and Cary Sherman, who represent the recording artists and recording industry, respectively. These gentlemen did yeoman's work and sacrificed many hours when they were supposed to be on vacation to craft acceptable language under often difficult circumstances and time constraints.

I would also like to thank the recording artists and record companies who worked so diligently to build this consensus.

The substance of H.R. 5107 is relatively easy to explain, while its impact is more difficult to express.

Section 2(a)(1) of this bill would remove the words "as a sound recording" from paragraph (2) of the definition of "works made for hire" in section 101 of the Copyright Act, words that this Congress added less than a year ago through section 1000(a)(9) of Public Law Number 106-113. When Congress enacted section 1000(a)(9) last year, we believed it was a non-controversial, technical change that merely clarified current law. However, since that time,

we have been contacted by many organizations, legal scholars, and recording artists who take strong issue with section 1000(a)(9), asserting that it constitutes a significant, substantive change in law.

We have discovered that there exists a serious debate about whether sound recordings always, usually, sometimes, or never fell within the nine pre-existing categories of works eligible to be considered "works made for hire."

By mandating that all sound recordings are eligible to be "works made for hire," section 1000(a)(9) effectively resolved this debate and impaired the ability of creators of sound recordings that argue that particular sound recordings and sound recordings in general cannot be made "works made for hire." This, in turn, effectively prevents creators of sound recordings from attempting to exercise termination rights under section 203 of title 17, thus reclaiming their copyrights 35 years after an assignment of those rights.

By undoing section 1000(a)(9), section 2(a)(1) of this bill will prevent any prejudice to the legal arguments of creators of sound recordings. However, we are sensitive that, in undoing that amendment made by section 1000(a)(9), we must be careful not to adversely affect or prejudice the rights of other interested parties.

Specifically, we do not want the removal of the words "as a sound recording" from the definition of "works made for hire" to be interpreted to preclude or prejudice the argument that sound recordings are eligible to be "works made for hire" within the nine preexisting categories. In essence, we want the removal of the words "as a sound recording" from section 101 of the Copyright Act to return the law to the status quo ante so that all affected parties have the same rights and legal arguments that they had prior to enactment of section 1000(a)(9).

It is for these reasons that we were convinced of the need to include section 2(a)(2) within this statute, which is intended to ensure that the removal of the words "as a sound recording" will have no legal effect other than returning the law to the exact state existing prior to the enactment of section 1000(a)(9). With the inclusion of section 2(a)(2) in this bill, we ensure that courts will interpret section 101 exactly as they would have interpreted it if neither section 1000(a)(9) nor section 2(a)(1) of this bill were ever enacted.

In short, and in conclusion, we believe passage of this bill is vital to ensure that whatever rights the authors of sound recordings may have had previously are restored and that such restoration is achieved in a way that does not unfairly impair the rights of others.

Mr. COBLE. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. BONO).

Mrs. BONO. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, it is my pleasure to stand before my colleagues today to

speak in favor of H.R. 5107, the Work Made for Hire and Copyright Corrections Act of 2000. I am pleased that H.R. 5107 is being considered on the floor today, and I support this legislation.

This bill not only levels the playing field for both artists and the recording industry, but it also reverses the 1999 amendment to the Copyright Act that would have taken advantage of young artists who are not emotionally or financially prepared to sign their recording lives away.

As a member of the House Committee on the Judiciary, which considered this legislation, I am pleased that both sides of this debate were willing to sit down and draft a proposal that ensures that both the authors and the recording industry both benefit from such a well-conceived compromise.

I would like to thank the House Subcommittee on Courts and Intellectual Property chairman, the gentleman from North Carolina (Mr. COBLE), and the gentleman from California (Mr. BERMAN) for their hard work, persistence, and wisdom in pursuing a mutual understanding that reflects the thoughts and desires of both sides on this issue.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Kansas City, Missouri (Ms. MCCARTHY). No one has worked harder in the committee and in the negotiations than she.

(Ms. MCCARTHY of Missouri asked and was given permission to revise and extend her remarks.)

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise in support of H.R. 5107, the Works Made for Hire and Copyright Corrections Act, a resolution to rectify a complex and contentious copyright issue for recording artists and record companies.

Just prior to adjournment last year, four seemingly innocuous words were added to the Satellite Home Viewers Improvement Act: "as a sound recording." But these words were inordinately powerful. Their insertion threatened one of our most precious rights, the right to claim ownership of one's artistic creations. By inserting "as a sound recording" into the bill, the work for hire provision of U.S. copyright law (revised in 1976) was fundamentally changed to prohibit the ownership of a sound recording by its creator after 35 years of sometimes onerous exploitation by a record company.

Typically, after the 35-year term, ownership of these works returned automatically to the creator. But these four words denied forever the rights of recording artists to own their creative and deeply personal expression of themselves they so generously share with the rest of us. The words also revised existing law and industry practice and did not merely clarify it.

The measure before us today corrects this injustice and repeals without prejudice the change made to U.S. copyright law last year.

I commend Jay Cooper, counsel to the artists groups, and Cary Sherman, Senior Executive Vice President and General Counsel of the Recording Industry Association of America, for their resolute commitment to negotiate a mutually agreeable solution.

I would also like to extend my heartfelt congratulations to the recording artists who made Congress aware of the need to restore their rights, in particular Don Henley and Sheryl Crow, cofounders of the Recording Artists Coalition.

I also applaud the tireless efforts of the members of the Recording Academy, Adam Sandler, and in particular, the Academy's president and CEO, Michael Greene. Without their perseverance and tenacity, this resolution would not have been reached. I also want to recognize the work of Margaret Cone and Susan Riley with the American Federation of Television and Radio Artists for their help.

From the bottom of my heart, I want to thank the gentleman from North Carolina (Chairman COBLE), the gentleman from California (Mr. BERMAN), and the gentleman from Michigan (Mr. CONYERS) of the Subcommittee on Courts and Intellectual Property for their active involvement and commitment to resolving this work-for-hire issue.

Mr. Speaker, I am honored to join with members of the Committee on the Judiciary as a cosponsor of the legislation and especially with three of my colleagues on the subcommittee who also have been an integral part of this process: the gentleman from Virginia (Mr. BOUCHER), and the gentlewomen from California (Ms. LOFGREN) and (Mrs. BONO). I applaud the Committee for working together in a spirit of bipartisanship.

I urge Members of the House to vote yes on this resolution, and I urge the Senate to work together as we did for swift passage this session.

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

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Speaker, I thank the ranking member for yielding me the time.

Mr. Speaker, I simply wanted to add, while this in some way seems like a simple and straightforward proposition, it took a huge amount of time. I think it is worth paying special note to the staff, to Debbie Rose Aaron Blain, and Sampak Garg, Alec French of the subcommittee staff, and Stacy Baird and all the other staffers who worked on this, because they did invest a great deal of time; and I think they should be commended for that.

□ 1345

Mr. CONYERS. Mr. Speaker, I yield myself 10 seconds to support the observations of the gentleman from California (Mr. BERMAN) and to single out Alec French and Sampak Garg on our judiciary staff who were so excellent.

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

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

In closing, the gentleman from California (Mr. BERMAN) was very generous in his remarks to me. I want to remind my colleagues, there were two mules pulling that wagon, and the gentleman from California (Ms. LOFGREN) referred to the two Howards. I refer to us as the two mules because it became heavy lifting at times. As has already been mentioned, I mentioned the gentleman from Michigan (Mr. CONYERS) and the gentleman from Illinois (Mr. HYDE). They were both helpful to us. The recording industry and the artist community were both helpful.

Mr. Speaker, there was no ill intent involved with this. The Committee on the Judiciary submitted, or dispatched, six conferees, three Democrats and three Republicans. All six of us signed the conference report. It was my belief that we were merely codifying accepted practice, but that is subject to interpretation. With the passage of this bill today, I think that both parties, that is, the recording industry and the artist community, will both breathe easier, particularly the artist community. I too want to thank the staffers. Both Democrat and Republican staffers worked very diligently on this matter.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to offer comment on H.R. 5107, the Work Made for Hire and Copyright Corrections Act of 2000, for consideration. Under 17 United States Code 203, authors of copyrighted works have the right to terminate assignments of their copyrights thirty-five years after an assignment. Section 203 is designed to ensure that authors, who may have received very little compensation for the initial assignment of their copyrights, get a "second bite at the apple" if those copyrights have value after thirty-five years.

Unfortunately, the right to termination cannot be exercised by those creators of copyrighted works that are defined as "works made for hire," under 17 U.S.C. 101. Under Section 101, a work made for hire may be defined as: a work prepared by an employee within the scope of employment, or a work specially ordered or commissioned for use as one of ten, or in the case of statutorily specified categories of works. Statutorily specified work under the condition of a written agreement specifying the work shall be considered made for hire then it is considered under the conditions of section 101.

After the enactment of the new copyright law many organizations, legal scholars, and recording artists took strong issue with it, asserting that it constitutes a significant, substantive change in law. However, representatives of record companies and some legal scholars strongly disagreed with this position, and insisted that the new copyright law merely clarified prior law. The core of the disagreement between the opposing sides centers around pre-existing categories of works made for hire, and thus the extent to which sound recordings were previously eligible to be works made for hire.

This bill only attempts to return the law regarding copyrighted work that was created as

"work made for hire" to its original state before the passage of the 1999 copyright legislation.

It is my hope that in the next Congress we will have an opportunity for hearing and full deliberation in this matter so that artists and commercial interest in copyrighted work can both be served by the copyright laws of our nation. I support this legislation and urge my colleagues to pass this.

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

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 5107, 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.

CHILD CITIZENSHIP ACT OF 2000

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2883) to amend the Immigration and Nationality Act to confer United States citizenship automatically and retroactively on certain foreign-born children adopted by citizens of the United States, as amended.

The Clerk read as follows:

H.R. 2883

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 "Child Citizenship Act of 2000".

TITLE I—CITIZENSHIP FOR CERTAIN CHILDREN BORN OUTSIDE THE UNITED STATES

SEC. 101. AUTOMATIC ACQUISITION OF CITIZENSHIP FOR CERTAIN CHILDREN BORN OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Section 320 of the Immigration and Nationality Act (8 U.S.C. 1431) is amended to read as follows:

"CHILDREN BORN OUTSIDE THE UNITED STATES AND RESIDING PERMANENTLY IN THE UNITED STATES; CONDITIONS UNDER WHICH CITIZENSHIP AUTOMATICALLY ACQUIRED

"SEC. 320. (a) A child born outside of the United States automatically becomes a citizen of the United States when all of the following conditions have been fulfilled:

"(1) At least one parent of the child is a citizen of the United States, whether by birth or naturalization.

"(2) The child is under the age of eighteen years.

"(3) The child is residing in the United States in the legal and physical custody of the citizen parent pursuant to a lawful admission for permanent residence.

"(b) Subsection (a) shall apply to a child adopted by a United States citizen parent if the child satisfies the requirements applicable to adopted children under section 101(b)(1)."

(b) CLERICAL AMENDMENT.—The table of sections of such Act is amended by striking the item relating to section 320 and inserting the following:

"Sec. 320. Children born outside the United States and residing permanently in the United States; conditions under which citizenship automatically acquired."