

AMERICAN LEGACY  
PRESERVATION ACT**HON. JOSEPH R. PITTS**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 2, 2001*

Mr. PITTS. Mr. Speaker, today I submit for introduction a bill to preserve and maintain the final resting places of our nation's greatest leaders. Since the Constitution was ratified, the United States has had only 43 Presidents. Some, like Washington and Lincoln and Reagan, have been great men who changed the nation. Others, like Buchanan, were capable and gifted, but have not been judged well by history.

But while James Buchanan may not be on the list of great American Presidents, he was a good man who did a lot for Lancaster County, Pennsylvania and for America. And as a Member of Congress, he did more than any of his peers to protect the Constitution and the principle of judicial review.

While he may not have had the foresight that Lincoln had when it came to slavery, it is a little-known fact that Buchanan bought slaves in Washington, DC, in order to free them here in Pennsylvania.

But much like Abraham Lincoln, he was a self-made man who was born in a log cabin. As a young man, he served in the War of 1812. He was Lancaster's Congressman from 1821 to 1831. He served as Ambassador to Russia and Great Britain. He was a U.S. Senator, and then, finally, he became President.

He served during the most tumultuous time in our history. And while he was not as good a leader as his successor, he did succeed in holding the union together.

He died in 1868 and was buried in my district, the 16th district of Pennsylvania. It is, for a President, a simple grave. The office he held was an important one in his time. Today, it is the most powerful office in the world.

Every one of our Presidents deserves the honor of a well-maintained grave.

Many of us remember several years ago when President Grant's tomb in New York fell into disrepair. Its roof leaked, its walls were covered with graffiti, and it was a hangout for heroin addicts.

Buchanan's grave is very nice by comparison. But keeping it nice has been very difficult. The cemetery association is not a wealthy one, and it is mainly through the efforts of volunteers that it has been maintained at all. When Grant's Tomb fell into disrepair, the National Park Service stepped up to the plate and fixed it. Today it's a tourist attraction.

I'm introducing today the American Legacy Preservation Act, empowering the National Park Service to assist in the upkeep of Presidential gravesites.

Whether it be the grave of Lincoln or Buchanan, Washington or Grant, preserving the final resting places of our Presidents is clearly in the nation's interest. The gravesites have exceptional value in illustrating and interpreting the heritage of the U.S. and helping Americans to value our rich and complex national story. Every American deserves to know that the graves of our past Presidents will be treated with the same dignity as the office they once held.

INTRODUCTION OF MUSIC ONLINE  
COMPETITION ACT**HON. RICK BOUCHER**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 2, 2001*

Mr. BOUCHER. Mr. Speaker, I am pleased today to join with my colleague from Utah, Mr. CANNON, in the introduction of much-needed legislation to facilitate the rapid introduction of services which will meet the public demand for efficient delivery of music over the Internet in a manner which also assures that copyright owners receive compensation for the use of their works.

I am among those who believe that most people are willing to pay a reasonable fee to be able to obtain musical selections over the Internet, and I applaud the planned introduction by the major record labels of websites that will make their music inventories available for streaming and downloading.

There are a number of obstacles to the effective introduction of online music services in current copyright law. A recent hearing in the Judiciary Committee highlighted several of the problems in current copyright law which are impeding the deployment of innovative, legitimate Internet music services to an eager listening public. Some of these problems are practical, such as trying to locate and notify all of the publishers of a particular musical composition. Other obstacles are technical, such as needing to produce multiple copies of a song in different transmission speeds and different media formats. Current copyright law permits the placement on a server of only a single copy.

The measure we introduce today, The Music Online Competition Act, is carefully crafted to remove these obstacles and thereby promote a legitimate online music marketplace that will benefit the public, the creators of copyrighted works and the technology industry. In particular, our bill makes the following changes:

Updates the "Ephemeral" Recording Exemption: Our bill expands the law that allows broadcasters and webcasters to make a single in-house (or "ephemeral") copy of a transmission program to enable multiple copies so as to accommodate the need for different bit rates (e.g., dial-up, broadband), different formats (e.g., RealPlayer or MediaPlayer), and caching throughout the network to ensure efficient and timely delivery of music to consumers. Our bill extends the ephemeral copyright exemption to encompass not only the transmission program but also the individual songs.

Expands the "In-Store Sampling" Exemption: Under current copyright law, "brick and mortar" music retailers pay no license fees to record CDs on a server so that customers may listen to music samples in the store. Our bill allows retailers to use a central server to serve multiple retail establishments and applies the exemption to online retail establishments (such as Amazon.com or CDNow) that offer music samples of 30 or 60 seconds to promote sales of the associated sound recordings.

Clarifies the Status of Incidental and Archival Copying: Our bill adapts existing law to two situations particular to Internet technology. First, the bill exempts from copyright liability

buffer copies made in the course of browsing or webcasting, as these buffer copies are mere technical incidents of the operation of the Internet and have no independent economic value. Second, the bill allows consumers to make archival "backup" copies of music that they lawfully acquire over the Internet in order to protect their collections against hard drive crashes, accidental damage or viruses. The bill leaves unchanged existing law with respect to computer programs.

Facilitates Administration of the Section 115 Mechanical License: Witnesses at a recent hearing representing the major music labels, RealNetworks, and MP3.com uniformly urged the creation of an effective mechanism for administering the existing Section 115 statutory license for musical works, which is currently administered with paper submissions and notices to copyright owners. Under our bill, the administration of the statutory license would parallel the administration of other statutory licenses by permitting users to notify the Copyright Office of the use of the statutory license and to deposit royalty payments and accounting information with the Copyright Office, so as to ensure that funds and information are distributed to the owners of the copyright. Our bill specifically instructs the Copyright Office to develop an electronic filing system to receive such notices as a replacement for the current paper filing system.

Assures Nondiscriminatory Licensing to Affiliated and Non-Affiliated Music Distribution Entities: Recording companies are now entering into the online music distribution business by establishing joint ventures with other record companies (e.g., MusicNet and Pressplay) and by acquiring well-known, formerly independent Internet services (such as CDNow, EMusic and MP3.com). It is anticipated that the distribution services owned by record companies will cross license each other, so that each site will be authorized to distribute over the Internet approximately 80 percent of all recorded music. If the major record companies do not also license independent non-affiliated distribution services, music will be distributed exclusively by a vertically integrated duopoly. In such a circumstance, there would be no competition in music distribution.

In 1995, Congress had a similar concern with respect to cable and satellite subscription services, which Congress addressed by requiring vertically-integrated companies that both owned content and distribution services to offer nondiscriminatory license terms and conditions to all similarly-situated distribution services. Our bill extends this existing nondiscrimination provision to interactive performance services and digital distribution services.

Requires an Examination of Programming Restrictions: The sound recording statutory license for digital cable, satellite and webcasting services includes programming restrictions that, for example, restrict the provider from playing more than 3 selections from a particular CD or more than 4 selections from a particular artist within a 3-hour window. Broadcast radio is not subject to these programming restrictions. Certain digital music services contend that some of these programming restrictions impose undue burdens upon their service, reduce their ability to compete with broadcast radio, and unfairly preclude their ability to take advantage of the statutory license to deliver the type of services that consumers expect from a radio offering. Our bill