

§§ 179 to 179k. Repealed. Pub. L. 104-285, title I, § 114, Oct. 11, 1996, 110 Stat. 3382

Section 179, Pub. L. 102-307, title II, §202, June 26, 1992, 106 Stat. 267, required Librarian of Congress to establish National Film Registry for purpose of maintaining and preserving culturally, historically, or aesthetically significant films.

Section 179a, Pub. L. 102-307, title II, §203, June 26, 1992, 106 Stat. 267, required Librarian of Congress to conduct study of film preservation, to establish film preservation program and guidelines and procedures for inclusion of films in National Film Registry, and to report to Congress on films selected and activities undertaken.

Section 179b, Pub. L. 102-307, title II, §204, June 26, 1992, 106 Stat. 268, related to establishment of National Film Preservation Board and provided for number and appointment of members, chairperson, term of office, quorum, basic pay, meetings, and conflict of interest.

Section 179c, Pub. L. 102-307, title II, §205, June 26, 1992, 106 Stat. 270, related to responsibilities and powers of Board, including consultation with Librarian with respect to inclusion of films in Registry, consideration of films nominated for inclusion in Registry, and general powers.

Section 179d, Pub. L. 102-307, title II, §206, June 26, 1992, 106 Stat. 270, related to National Film Registry Collection of Library of Congress, including provisions relating to acquisition of archival quality copies and additional materials, ownership of copies and additional materials by United States, and maintenance of and access to Collection.

Section 179e, Pub. L. 102-307, title II, §207, June 26, 1992, 106 Stat. 271, related to seal of National Film Registry.

Section 179f, Pub. L. 102-307, title II, §208, June 26, 1992, 106 Stat. 271, provided that district courts of United States were to have jurisdiction to prevent and restrain unlawful use of seal.

Section 179g, Pub. L. 102-307, title II, §209, June 26, 1992, 106 Stat. 271, provided that remedies provided in section 179f were to be exclusive.

Section 179h, Pub. L. 102-307, title II, §210, June 26, 1992, 106 Stat. 271, authorized Librarian to appoint and fix pay of staff and to procure services of experts and consultants.

Section 179i, Pub. L. 102-307, title II, §211, June 26, 1992, 106 Stat. 271, defined terms for purpose of sections 179 to 179k of this title.

Section 179j, Pub. L. 102-307, title II, §212, June 26, 1992, 106 Stat. 272, authorized to be appropriated to Librarian necessary sums to carry out sections 179 to 179k of this title.

Section 179k, Pub. L. 102-307, title II, §213, June 26, 1992, 106 Stat. 272, provided that sections 179 to 179k of this title were effective for 4 years beginning June 26, 1992, and applicable to any copy of any film, including copies of films selected for inclusion in National Film Registry under National Film Preservation Act of 1988.

For similar provisions, see section 179l et seq. of this title.

SHORT TITLE

Pub. L. 102-307, title II, §201, June 26, 1992, 106 Stat. 267, which provided that title II of Pub. L. 102-307, which enacted sections 179 to 179k of this title and repealed sections 178 to 178l of this title and provisions set out as a note under section 178 of this title, was to be cited as the “National Film Preservation Act of 1992”, was repealed by Pub. L. 104-285, title I, §114, Oct. 11, 1996, 110 Stat. 3382.

§ 179l. National Film Registry of Library of Congress

The Librarian of Congress (hereafter in sections 179l to 179w of this title referred to as the “Librarian”) shall continue the National Film

Registry established and maintained under the National Film Preservation Act of 1988 (Public Law 100-446), and the National Film Preservation Act of 1992 (Public Law 102-307) pursuant to the provisions of sections 179l to 179w of this title, for the purpose of maintaining and preserving films that are culturally, historically, or aesthetically significant.

(Pub. L. 104-285, title I, §102, Oct. 11, 1996, 110 Stat. 3377.)

REFERENCES IN TEXT

Sections 179l to 179w of the title, referred to in text, was in the original “this Act” the first place appearing and “this title” the second place appearing, both of which were translated as meaning title I of Pub. L. 104-285, Oct. 11, 1996, 110 Stat. 3377, which is classified principally to sections 179l to 179w of this title. For complete classification of title I to the Code, see Short Title note below and Tables.

The National Film Preservation Act of 1988, referred to in text, is Pub. L. 100-446, title I, §§1-13, Sept. 27, 1988, 102 Stat. 1782-1788, which was classified to sections 178 to 178l of this title and was repealed by Pub. L. 102-307, title II, §214, June 26, 1992, 106 Stat. 272.

The National Film Preservation Act of 1992, referred to in text, is title II of Pub. L. 102-307, June 26, 1992, 106 Stat. 267, which was classified principally to sections 179 to 179k of this title and was repealed by Pub. L. 104-285, title I, §114, Oct. 11, 1996, 110 Stat. 3382.

PRIOR PROVISIONS

Prior provisions similar to sections 179l to 179w of this title were contained in former section 179 et seq. of this title.

SHORT TITLE OF 2008 AMENDMENT

Pub. L. 110-336, §1, Oct. 2, 2008, 122 Stat. 3726, provided that: “This Act [amending sections 179m, 179n, 179v, 179w, 1722, and 1743 of this title and sections 151702, 151703, 151711, 152403, 152405, 152406, and 152411 of Title 36, Patriotic and National Observances, Ceremonies, and Organizations, and enacting provisions set out as notes under sections 179v and 1743 of this title and section 152411 of Title 36] may be cited as the ‘Library of Congress Sound Recording and Film Preservation Programs Reauthorization Act of 2008’.”

SHORT TITLE OF 2005 AMENDMENT

Pub. L. 109-9, title III, §301, Apr. 27, 2005, 119 Stat. 224, provided that: “This subtitle [subtitle A (§§301, 302) of title III of Pub. L. 109-9, amending sections 179m, 179n, 179p, 179q, and 179w of this title] may be cited as the ‘National Film Preservation Act of 2005’.”

SHORT TITLE

Section 101 of title I of Pub. L. 104-285 provided that: “This title [enacting this section and sections 179m to 179w of this title and repealing sections 179 to 179k of this title and provisions set out as a note under section 179 of this title] may be cited as the ‘National Film Preservation Act of 1996’.”

§ 179m. Duties of Librarian of Congress

(a) Powers

(1) In general

The Librarian shall, after consultation with the Board established pursuant to section 179n of this title—

(A) continue the implementation of the comprehensive national film preservation program for motion pictures established under the National Film Preservation Act of 1992, in conjunction with other film archi-

vists, educators and historians, copyright owners, film industry representatives, and others involved in activities related to film preservation, taking into account the objectives of the national film preservation study and the comprehensive national plan conducted under the National Film Preservation Act of 1992. This program shall—

(i) coordinate activities to assure that efforts of archivists and copyright owners, and others in the public and private sector, are effective and complementary;

(ii) generate public awareness of and support for these activities;

(iii) increase accessibility of films for educational purposes; and

(iv) undertake studies and investigations of film preservation activities as needed, including the efficacy of new technologies, and recommend solutions to improve these practices;

(B) establish criteria and procedures under which films may be included in the National Film Registry, except that no film shall be eligible for inclusion in the National Film Registry until 10 years after such film's first publication;

(C) establish procedures under which the general public may make recommendations to the Board regarding the inclusion of films in the National Film Registry; and

(D) determine which films satisfy the criteria established under subparagraph (B) and qualify for inclusion in the National Film Registry, except that the Librarian shall not select more than 25 films each year for inclusion in the Registry.

(2) Publication of films in Registry

The Librarian shall publish in the Federal Register the name of each film that is selected for inclusion in the National Film Registry.

(3) Seal

The Librarian shall provide a seal to indicate that a film has been included in the National Film Registry and is the Registry version of that film. The Librarian shall establish guidelines for approval of the use of the seal in accordance with subsection (b) of this section.

(b) Use of seal

The seal provided under subsection (a)(3) of this section 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) of this section. 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 Reg-

istry 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.

(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 179n of this title, 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.

(Pub. L. 104-285, title I, §103, Oct. 11, 1996, 110 Stat. 3377; Pub. L. 109-9, title III, §302(a), Apr. 27, 2005, 119 Stat. 224; Pub. L. 110-336, §3(a)(2), Oct. 2, 2008, 122 Stat. 3727.)

REFERENCES IN TEXT

The National Film Preservation Act of 1992, referred to in subsecs. (a)(1)(A) and (c), is title II of Pub. L. 102-307, June 26, 1992, 106 Stat. 267, which was classified principally to sections 179 to 179k of this title and was repealed by Pub. L. 104-285, title I, §114, Oct. 11, 1996, 110 Stat. 3382.

AMENDMENTS

2008—Subsec. (b). Pub. L. 110-336 inserted at end "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."

2005—Subsec. (b). Pub. L. 109-9, §302(a)(1), substituted "film or other approved copies" for "film copies" and "copyrighted, mass distributed, broadcast, or published" for "copyrighted" and substituted "film or other approved copy" for "film copy" wherever appearing.

Subsec. (c). Pub. L. 109-9, §302(a)(2), added subsec. (c).

§ 179n. 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 subparagraph¹ (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) The Academy of Motion Picture Arts and Sciences.

(B) The Directors Guild of America.

(C) The Writers Guild of America. The Writers Guild of America East and the Writers Guild of America West shall each nominate three candidates, and a representative from one organization shall be selected as the member and a representative from the other organization as the alternate.

(D) The National Society of Film Critics.

(E) The Society for Cinema and Media Studies.

(F) The American Film Institute.

(G) The 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 Cinema Studies of the Tisch School of the Arts at New York University.

(I) The University Film and Video Association.

(J) The Motion Picture Association of America.

(K) The Alliance of Motion Picture and Television Producers.

(L) Screen Actors Guild.

(M) The National Association of Theater Owners.

(N) The American Society of Cinematographers and the International Photographers Guild, which shall jointly submit one list of three candidates from which a member and alternate will be selected.

(O) The United States Members of the International Federation of Film Archives.

(P) The Association of Moving Image Archivists.

(Q) The Society of Composers and Lyricists.

(2) Members-at-large

In addition to the members appointed under paragraph (1), the Librarian shall appoint up to 5 members-at-large. The Librarian shall also select an alternate for each member² at-

large, who may attend at Board expense those meetings which the member² at-large cannot attend.

(b) Chair

The Librarian shall appoint one member of the Board to serve as Chair.

(c) Term of office**(1) Terms**

The term of each member of the Board shall be 4 years, except that there shall be no limit to the number of terms that any individual member may serve.

(2) Removal of member or organization

The Librarian shall have the authority to remove any member of the Board, or the organization listed in subsection (a) of this section such member represents, if the member, or organization, over any consecutive 2-year period, fails to attend at least one regularly scheduled Board meeting.

(3) Vacancies

A vacancy in the Board shall be filled in the manner in which the original appointment was made under subsection (a) of this section, except that the Librarian may fill the vacancy from a list of candidates previously submitted by the organization or organizations involved. Any member appointed to fill a vacancy before the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term.

(d) Quorum

12 members of the Board shall constitute a quorum but a lesser number may hold hearings.

(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.

(f) Meetings

The Board shall meet at least once each fiscal year. Meetings shall be at the call of the Librarian.

(g) Conflict of interest

The Librarian shall establish rules and procedures to address any potential conflict of interest between a member of the Board and responsibilities of the Board.

(Pub. L. 104-285, title I, §104, Oct. 11, 1996, 110 Stat. 3378; Pub. L. 109-9, title III, §302(b), Apr. 27, 2005, 119 Stat. 225; Pub. L. 110-336, §3(a)(3), Oct. 2, 2008, 122 Stat. 3727.)

AMENDMENTS

2008—Subsec. (a)(1)(E). Pub. L. 110-336, §3(a)(3)(A), substituted “Cinema and Media” for “Cinema”.

Subsec. (a)(1)(G). Pub. L. 110-336, §3(a)(3)(B), substituted “Department of Film, Television, and Digital Media” for “Department of Film and Television”.

Subsec. (a)(1)(H). Pub. L. 110-336, §3(a)(3)(C), substituted “Cinema Studies” for “Film and Television”.

Subsec. (a)(1)(L). Pub. L. 110-336, §3(a)(3)(D), amended subpar. (L) generally. Prior to amendment, subpar. (L) read as follows: “The Screen Actors Guild of America.”

2005—Subsec. (a)(1). Pub. L. 109-9, §302(b)(1), substituted “22” for “20” in introductory provisions.

¹ So in original. Probably should be “paragraph”.

² So in original. Probably should be followed by a hyphen.