

108TH CONGRESS
1ST SESSION

S. 1923

To reauthorize and amend the National Film Preservation Act of 1996.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 21, 2003

Mr. LEAHY introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To reauthorize and amend the National Film Preservation Act of 1996.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **TITLE I—REAUTHORIZATION OF**
4 **THE NATIONAL FILM PRESER-**
5 **VATION BOARD**

6 **SEC. 101. SHORT TITLE.**

7 This title may be cited as the “National Film Preser-
8 vation Act of 2003”.

1 **SEC. 102. REAUTHORIZATION AND AMENDMENT.**

2 (a) DUTIES OF THE LIBRARIAN OF CONGRESS.—Sec-
3 tion 103 of the National Film Preservation Act of 1996
4 (2 U.S.C. 179m) is amended:

5 (1) in subsection (b)—

6 (A) by striking “film copy” each place that
7 term appears and inserting “film or other ap-
8 proved copy”;

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

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

15 (2) by adding at the end the following:

16 “(c) COORDINATION OF PROGRAM WITH OTHER
17 COLLECTION, PRESERVATION, AND ACCESSIBILITY AC-
18 TIVITIES.—In carrying out the comprehensive national
19 film preservation program for motion pictures established
20 under the National Film Preservation Act of 1992, the
21 Librarian, in consultation with the Board established pur-
22 suant to section 104, shall—

23 “(1) carry out activities to make films included
24 in the National Film registry more broadly acces-
25 sible for research and educational purposes, and to
26 generate public awareness and support of the Reg-

1 istry and the comprehensive national film preserva-
2 tion program;

3 “(2) review the comprehensive national film
4 preservation plan, and amend it to the extent nec-
5 essary to ensure that it addresses technological ad-
6 vances in the preservation and storage of, and access
7 to film collections in multiple formats; and

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

16 (b) NATIONAL FILM PRESERVATION BOARD.—Sec-
17 tion 104 of the National Film Preservation Act of 1996
18 (2 U.S.C. 179n) is amended—

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

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

23 (3) in subsection (d) by striking “11” and in-
24 serting “12”; and

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

3 “(e) REIMBURSEMENT OF EXPENSES.—Members of
4 the Board shall serve without pay, but may receive travel
5 expenses, including per diem in lieu of subsistence, in ac-
6 cordance with sections 5702 and 5703 of title 5, United
7 States Code.”.

8 (c) RESPONSIBILITIES AND POWERS OF BOARD.—
9 Section 105(c) of the National Film Preservation Act of
10 1996 (2 U.S.C. 179o) is amended by adding at the end
11 the following:

12 “(3) REVIEW AND APPROVAL OF SPECIAL
13 FOUNDATION PROJECTS.—The Board shall review
14 special projects submitted for its approval by the
15 National Film Preservation Foundation under sec-
16 tion 151711 of title 36, United States Code.”.

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

20 “(e) NATIONAL AUDIO-VISUAL CONSERVATION CEN-
21 TER.—The Librarian shall utilize the National Audio-Vis-
22 ual Conservation Center of the Library of Congress at
23 Culpeper, Virginia, to ensure that preserved films included
24 in the National Film Registry are stored in a proper man-

1 ner, and disseminated to researchers, scholars, and the
2 public as may be appropriate in accordance with—

3 “(1) title 17 of the United States Code; and

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

7 (e) USE OF SEAL.—Section 107 (a) of the National
8 Film Preservation Act of 1996 (2 U.S.C. 179q) is amend-
9 ed—

10 (1) in paragraph (1), by inserting “in any for-
11 mat” after “or any copy”; and

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

14 (f) EFFECTIVE DATE.—Section 113 of the National
15 Film Preservation Act of 1996 (2 U.S.C. 179w) is amend-
16 ed by striking “7” and inserting “17”.

17 **TITLE II—REAUTHORIZATION OF**
18 **THE NATIONAL FILM PRESER-**
19 **VATION FOUNDATION**

20 **SEC. 201. SHORT TITLE.**

21 This title may be cited as the “National Film Preser-
22 vation Foundation Reauthorization Act of 2003”.

23 **SEC. 202. REAUTHORIZATION AND AMENDMENT.**

24 (a) BOARD OF DIRECTORS.—Section 151703 of title
25 36, United States Code, is amended—

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

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

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

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

15 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
16 151711 of title 36, United States Code, is amended by
17 striking subsections (a) and (b) and inserting the fol-
18 lowing:

19 “(a) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to the Library of Con-
21 gress amounts necessary to carry out this chapter, not to
22 exceed \$500,000 for each of the fiscal years 2004 and
23 2005, and not to exceed \$1,000,000 for each of the fiscal
24 years 2006 through 2013. These amounts are to be made
25 available to the corporation to match any private contribu-

1 tions (whether in currency, services, or property) made to
 2 the corporation by private persons and State and local
 3 governments.

4 “(b) LIMITATION RELATED TO ADMINISTRATIVE EX-
 5 PENSES.—Amounts authorized under this section may not
 6 be used by the corporation for management and general
 7 or fundraising expenses as reported to the Internal Rev-
 8 enue Service as part of an annual information return re-
 9 quired under the Internal Revenue Code of 1986.”.

10 (e) COOPERATIVE FILM PRESERVATION.—

11 (1) IN GENERAL.—Chapter 1517 of title 36,
 12 United States Code, is amended—

13 (A) by redesignating sections 151711 and
 14 151712 as sections 151712 and 151713, re-
 15 spectively; and

16 (B) by adding at the end the following:

17 **“§ 151711. Cooperative film preservation**

18 “(a) COOPERATIVE FILM PRESERVATION.—

19 “(1) IN GENERAL.—The corporation shall de-
 20 sign and support cooperative national film preserva-
 21 tion and access initiatives. Such initiatives shall be
 22 approved by the corporation, the Librarian of Con-
 23 gress, and the National Film Preservation Board of
 24 the Library of Congress under section 105(c)(3) of
 25 the National Film Preservation Act of 1996.

1 “(2) SCOPE.—Cooperative initiatives authorized
2 under paragraph (1) may include—

3 “(A) the repatriation and preservation of
4 American films that may be found in archives
5 outside of the United States;

6 “(B) the exhibition and dissemination via
7 broadcast or other means of “orphan” films;

8 “(C) the production of educational mate-
9 rials in various formats to encourage film pres-
10 ervation, preservation initiatives undertaken by
11 3 or more archives jointly; and

12 “(D) other activities undertaken in light of
13 significant unfunded film preservation and ac-
14 cess needs.

15 “(b) AUTHORIZATION OF APPROPRIATIONS.—

16 “(1) IN GENERAL.—There are authorized to be
17 appropriated to the Library of Congress amounts
18 not to exceed \$1,000,000 for each of the fiscal years
19 2006 through 2013, to carry out the purposes of
20 this section.

21 “(2) MATCHING.—The amounts made available
22 under paragraph (1) are to be made available to the
23 corporation to match any private contributions
24 (whether in currency, services, or property) made to

1 the corporation by private persons and State and
2 local governments.

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

10 (2) TECHNICAL AND CONFORMING AMEND-
11 MENT.—The table of sections for chapter 1517 of
12 title 36, United States Code, is amended by striking
13 the matter relating to section 151711 and 151712
14 and inserting the following:

“151711. Cooperative film preservation.

“151712. Authorization of appropriations.

“151713. Annual report.”.

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