

§179i. National Film Registry of Library of Congress

The Librarian of Congress (hereafter in sections 179i 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 179i 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 179i 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 179i 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I, §§1–13, Sept. 27, 1988, 102 Stat. 1782–1788, which was classified to sections 178 to 178l of this title and was repealed by Pub.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102–307, June 26, 1992, 106 Stat. 267, which was classified principally to sections 179 to 179k of this title and was repealed by Pub.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 179i to 179w of this title were contained in former section 179 et seq. of this title.

SHORT TITLE OF 2016 AMENDMENT

Pub. L. 114–217, §1, July 29, 2016, 130 Stat. 840, provided that: "This Act [amending sections 179v and 1743 of this title and sections 151711, 152403, and 152411 of Title 36, Patriotic and National Observances, Ceremonies, and Organizations] may be cited as the 'Library of Congress Sound Recording and Film Preservation Programs Reauthorization Act of 2016'."

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

Pub. L. 104–285, title I, §101, Oct. 11, 1996, 110 Stat. 3377, 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 archivists, 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).

(b) Use of seal

The seal provided under subsection (a)(3) 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). 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 Registry 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 subparagraph ¹(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 member ² at-large, who may attend at Board expense those meetings which the member ² 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) 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), 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.

Subsec. (a)(2). Pub. L. 109–9, §302(b)(2), substituted "5" for "three".

Subsec. (d). Pub. L. 109–9, §302(b)(3), substituted "12" for "11".

Subsec. (e). Pub. L. 109–9, §302(b)(4), added subsec. (e) and struck out heading and text of former subsec. (e). Text read as follows: "Members of the Board shall serve without pay, but may be reimbursed for the actual and necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Board."

¹ *So in original. Probably should be "paragraph".*

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

§179o. Responsibilities and powers of Board

(a) In general

The Board shall review nominations of films submitted to it for inclusion in the National Film Registry and consult with the Librarian, as provided in section 179m of this title, with respect to the inclusion of such films in the Registry and the preservation of these and other films that are culturally, historically, or aesthetically significant.

(b) Nomination of films

The Board shall consider, for inclusion in the National Film Registry, nominations submitted by the general public as well as representatives of the film industry, such as the guilds and societies representing actors, directors, screenwriters, cinematographers, and other creative artists, producers, and film critics, archives and other film preservation organizations, and representatives of academic institutions with film study programs. The Board shall nominate not more than 25 films each year for inclusion in the Registry.

(c) Powers

(1) In general

The Board may, for the purpose of carrying out its duties, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Librarian and the Board consider appropriate.

(2) Service on Foundation

Two sitting members of the Board shall be appointed by the Librarian, and shall serve, as Board members of the National Film Preservation Foundation, in accordance with section 151703 of title 36.

(Pub. L. 104–285, title I, §105, Oct. 11, 1996, 110 Stat. 3380.)

CODIFICATION

"Section 151703 of title 36" substituted in subsec. (c)(2) for "section 203", meaning section 203 of the National Film Preservation Act of 1996, on authority of Pub. L. 105–225, §5(b), Aug. 12, 1998, 112 Stat. 1499, the first section of which enacted Title 36, Patriotic and National Observances, Ceremonies, and Organizations.

§179p. National Film Registry Collection of Library of Congress

(a) Acquisition of archival quality copies

The Librarian shall endeavor to obtain, by gift from the owner, an archival quality copy of the Registry version of each film included in the National Film Registry. Whenever possible, the Librarian shall endeavor to obtain the best surviving materials, including preprint materials. Copyright owners and others possessing copies of such materials are strongly encouraged, to further the preservation purposes of this Act, to provide preprint and other archival elements to the Library of Congress.

(b) Additional materials

The Librarian shall endeavor to obtain, for educational and research purposes, additional materials related to each film included in the National Film Registry, such as background materials, production

reports, shooting scripts (including continuity scripts) and other similar materials.

(c) Property of United States

All copies of films on the National Film Registry that are received as gifts or bequests by the Librarian and other materials received by the Librarian under subsection (b), shall become the property of the United States Government, subject to the provisions of title 17.

(d) National Film Registry Collection

All copies of films on the National Film Registry that are received by the Librarian under subsection (a) of this section, and other materials received by the Librarian under subsection (b), shall be maintained in the Library of Congress and be known as the "National Film Registry Collection of the Library of Congress". The Librarian shall, by regulation, and in accordance with title 17, provide for reasonable access to the films and other materials in such collection for scholarly and research purposes.

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

(Pub. L. 104–285, title I, §106, Oct. 11, 1996, 110 Stat. 3380; Pub. L. 109–9, title III, §302(c), Apr. 27, 2005, 119 Stat. 225.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 104–285, Oct. 11, 1996, 110 Stat. 3377, which enacted this section and sections 179l to 179o and 179q to 179w of this title and sections 5701 to 5708 of former Title 36, Patriotic Societies and Observances, repealed sections 179 to 179k of this title, enacted provisions set out as a note under section 179l of this title, and repealed provisions set out as a note under section 179 of this title. Sections 5701 to 5708 of former Title 36 were repealed and reenacted as chapter 1517 (§151701 et seq.) of Title 36, Patriotic and National Observances, Ceremonies, and Organizations, by Pub. L. 105–225, §5(b), Aug. 12, 1998, 112 Stat. 1499, the first section of which enacted Title 36. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

2005—Subsec. (e). Pub. L. 109–9 added subsec. (e).

§179q. Seal of National Film Registry

(a) Use of seal

(1) Prohibition on distribution and exhibition

No person shall knowingly distribute or exhibit to the public a version of a film or any copy in any format of a film which bears the seal described in section 179m(a)(3) of this title if such film—

- (A) is not included in the National Film Registry; or
- (B) is included in the National Film Registry, but such film or film copy has not been approved for use of the seal by the Librarian pursuant to section 179m(a)(1)(D) of this title.

(2) Prohibition on promotion

No person shall knowingly use the seal described in section 179m(a)(3) of this title to promote any version of a film in any format other than a Registry version.

(b) Effective date of seal

The use of the seal described in section 179m(a)(3) of this title shall be effective for each film after the Librarian publishes in the Federal Register, in accordance with section 179m(a)(2) of this title, the name of

that film as selected for inclusion in the National Film Registry.

(Pub. L. 104–285, title I, §107, Oct. 11, 1996, 110 Stat. 3381; Pub. L. 109–9, title III, §302(d), Apr. 27, 2005, 119 Stat. 225.)

AMENDMENTS

2005—Subsec. (a)(1). Pub. L. 109–9, §302(d)(1), inserted "in any format" after "or any copy" in introductory provisions.

Subsec. (a)(2). Pub. L. 109–9, §302(d)(2), substituted "in any format" for "or film copy".

§179r. Remedies

(a) Jurisdiction

The several district courts of the United States shall have jurisdiction, for cause shown, to prevent and restrain violations of section 179q(a) of this title.

(b) Relief

(1) Removal of seal

Except as provided in paragraph (2), relief for violation of section 179q(a) of this title shall be limited to the removal of the seal of the National Film Registry from the film involved in the violation.

(2) Fine and injunctive relief

In the case of a pattern or practice of the willful violation of section 179q(a) of this title, the United States district courts may order a civil fine of not more than \$10,000 and appropriate injunctive relief.

(Pub. L. 104–285, title I, §108, Oct. 11, 1996, 110 Stat. 3381.)

§179s. Limitations of remedies

The remedies provided in section 179r of this title shall be the exclusive remedies under sections 179l to 179w of this title, or any other Federal or State law, regarding the use of the seal described in section 179m(a)(3) of this title.

(Pub. L. 104–285, title I, §109, Oct. 11, 1996, 110 Stat. 3381.)

§179t. Staff of Board; experts and consultants

(a) Staff

The Librarian may appoint and fix the pay of such personnel as the Librarian considers appropriate to carry out sections 179l to 179w of this title.

(b) Experts and consultants

The Librarian may, in carrying out sections 179l to 179w of this title, procure temporary and intermittent services under section 3109(b) of title 5, but at rates for individuals not to exceed the daily equivalent of the maximum rate of basic pay payable for GS–15 of the General Schedule. In no case may a member of the Board or an alternate be paid as an expert or consultant under this section.

(Pub. L. 104–285, title I, §110, Oct. 11, 1996, 110 Stat. 3381.)

REFERENCES IN TEXT

The General Schedule, referred to in subsec. (b), is set out under section 5332 of Title 5, Government Organization and Employees.

§179u. Definitions

As used in sections 179l to 179w of this title—

(1) the term "Librarian" means the Librarian of Congress;

- (2) the term "Board" means the National Film Preservation Board;
- (3) the term "film" means a "motion picture" as defined in section 101 of title 17, except that such term does not include any work not originally fixed on film stock, such as a work fixed on videotape or laser disk;
- (4) the term "publication" means "publication" as defined in section 101 of title 17; and
- (5) the term "Registry version" means, with respect to a film, the version of a film first published, or as complete a version as bona fide preservation and restoration activities by the Librarian, an archivist other than the Librarian, or the copyright owner can compile in those cases where the original material has been irretrievably lost.

(Pub. L. 104–285, title I, §111, Oct. 11, 1996, 110 Stat. 3382.)

§179v. Authorization of appropriations

There are authorized to be appropriated to the Librarian for the first fiscal year beginning on or after October 11, 1996, and each succeeding fiscal year through fiscal year 2026 such sums as may be necessary to carry out the purposes of sections 179l to 179w of this title, but in no fiscal year shall such sum exceed \$250,000.

(Pub. L. 104–285, title I, §112, Oct. 11, 1996, 110 Stat. 3382; Pub. L. 110–336, §3(a)(1)(A), Oct. 2, 2008, 122 Stat. 3727; Pub. L. 114–217, §3(a), July 29, 2016, 130 Stat. 840.)

AMENDMENTS

2016—Pub. L. 114–217 substituted "through fiscal year 2026" for "through fiscal year 2016".

2008—Pub. L. 110–336 inserted "for the first fiscal year beginning on or after October 11, 1996, and each succeeding fiscal year through fiscal year 2016" after "the Librarian".

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110–336, §3(a)(1)(C), Oct. 2, 2008, 122 Stat. 3727, provided that: "The amendments made by this paragraph [amending this section and section 179w of this title] shall take effect as if included in the enactment of the National Film Preservation Act of 1996 [Pub. L. 104–285, title I]."

§179w. Effective date

The provisions of sections 179l to 179w of this title shall apply to any copy of any film, including those copies of films selected for inclusion in the National Film Registry under the National Film Preservation Act of 1988 and the National Film Preservation Act of 1992, except that any film so selected under either Act shall be deemed to have been selected for the National Film Registry under sections 179l to 179w of this title.

(Pub. L. 104–285, title I, §113, Oct. 11, 1996, 110 Stat. 3382; Pub. L. 109–9, title III, §302(e), Apr. 27, 2005, 119 Stat. 226; Pub. L. 110–336, §3(a)(1)(B), Oct. 2, 2008, 122 Stat. 3727.)

REFERENCES IN TEXT

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.

AMENDMENTS

2008—Pub. L. 110–336 struck out the first sentence which read as follows: "The provisions of sections 179l to 179w of this title shall be effective for 13 years beginning on October 11, 1996."

2005—Pub. L. 109–9 substituted "13 years" for "7 years".

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–336 effective as if included in the enactment of the National Film Preservation Act of 1996, Pub. L. 104–285, title I, see section 3(a)(1)(C) of Pub. L. 110–336, set out as a note under section 179v of this title.

EFFECTIVE DATE EXTENSION

Pub. L. 108–447, div. G, title I, §1205(a), Dec. 8, 2004, 118 Stat. 3189, provided that title I of Pub. L. 104–285, which enacted sections 179l to 179w of this title and repealed sections 179 to 179k of this title and provisions set out as a note under section 179 of this title, was to be effective through fiscal year 2005, notwithstanding former provision of this section which provided that title I was effective for only 7 years beginning on Oct. 11, 1996.