

109TH CONGRESS
1ST SESSION

H. R. 24

To encourage the preservation and restoration of copyrighted works for research, scholarly, and educational purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2005

Mr. CONYERS (for himself, Mr. BERMAN, and Ms. ZOE LOFGREN of California) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To encourage the preservation and restoration of copyrighted works for research, scholarly, and educational purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Preservation and Res-
5 toration of Orphan Works for Use in Scholarship and
6 Education (PRO-USE) Act of 2005”.

1 **TITLE I—PRESERVATION OF**
2 **ORPHAN WORKS**

3 **SEC. 101. SHORT TITLE.**

4 This title may be cited as the “Preservation of Or-
5 phan Works Act”.

6 **SEC. 102. REPRODUCTION OF COPYRIGHTED WORKS BY LI-**
7 **BRARIES AND ARCHIVES.**

8 Section 108(i) of title 17, United States Code, is
9 amended by striking “(b) and (c)” and inserting “(b), (c),
10 and (h)”.

11 **TITLE II—NATIONAL FILM**
12 **PRESERVATION**

13 **SEC. 201. SHORT TITLE.**

14 This title may be cited as the “National Film Preser-
15 vation Act of 2005”.

16 **Subtitle A—Reauthorization of**
17 **National Film Preservation Act**

18 **SEC. 211. REAUTHORIZATION AND AMENDMENT.**

19 (a) DUTIES OF THE LIBRARIAN OF CONGRESS.—Sec-
20 tion 103 of the National Film Preservation Act of 1996
21 (2 U.S.C. 179m) is amended:

22 (1) in subsection (b)—

23 (A) by striking “film copy” each place that
24 term appears and inserting “film or other ap-
25 proved copy”;

1 (B) by striking “film copies” each place
2 that term appears and inserting “film or other
3 approved copies”; and

4 (C) in the third sentence, by striking
5 “copyrighted” and inserting “copyrighted, mass
6 distributed, broadcast, or published”; and

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

8 “(c) COORDINATION OF PROGRAM WITH OTHER
9 COLLECTION, PRESERVATION, AND ACCESSIBILITY AC-
10 TIVITIES.—In carrying out the comprehensive national
11 film preservation program for motion pictures established
12 under the National Film Preservation Act of 1996, the
13 Librarian, in consultation with the Board established pur-
14 suant to section 104, shall—

15 “(1) carry out activities to make films included
16 in the National Film registry more broadly acces-
17 sible for research and educational purposes, and to
18 generate public awareness and support of the Reg-
19 istry and the comprehensive national film preserva-
20 tion program;

21 “(2) review the comprehensive national film
22 preservation plan, and amend it to the extent nec-
23 essary to ensure that it addresses technological ad-
24 vances in the preservation and storage of, and access
25 to film collections in multiple formats; and

1 “(3) wherever possible, undertake expanded ini-
2 tiatives to ensure the preservation of the moving
3 image heritage of the United States, including film,
4 videotape, television, and born digital moving image
5 formats, by supporting the work of the National
6 Audio-Visual Conservation Center of the Library of
7 Congress, and other appropriate nonprofit archival
8 and preservation organizations.”.

9 (b) NATIONAL FILM PRESERVATION BOARD.—Sec-
10 tion 104 of the National Film Preservation Act of 1996
11 (2 U.S.C. 179n) is amended—

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

14 (2) in subsection (a)(2) by striking “three” and
15 inserting “5”;

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

18 (4) by striking subsection (e) and inserting the
19 following:

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

1 (c) RESPONSIBILITIES AND POWERS OF BOARD.—
2 Section 105(c) of the National Film Preservation Act of
3 1996 (2 U.S.C. 179o) is amended by adding at the end
4 the following:

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

10 (d) NATIONAL FILM REGISTRY.—Section 106 of the
11 National Film Preservation Act of 1996 (2 U.S.C. 179p)
12 is amended by adding at the end the following:

13 “(e) NATIONAL AUDIO-VISUAL CONSERVATION CEN-
14 TER.—The Librarian shall utilize the National Audio-Vis-
15 ual Conservation Center of the Library of Congress at
16 Culpeper, Virginia, to ensure that preserved films included
17 in the National Film Registry are stored in a proper man-
18 ner, and disseminated to researchers, scholars, and the
19 public as may be appropriate in accordance with—

20 “(1) title 17, United States Code; and

21 “(2) the terms of any agreements between the
22 Librarian and persons who hold copyrights to such
23 audiovisual works.”.

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

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

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

8 (f) EFFECTIVE DATE.—Section 113 of the National
9 Film Preservation Act of 1996 (2 U.S.C. 179w) is amend-
10 ed by striking “7” and inserting “19”.

11 **Subtitle B—Reauthorization of the**
12 **National Film Preservation**
13 **Foundation**

14 **SEC. 221. REAUTHORIZATION AND AMENDMENT.**

15 (a) BOARD OF DIRECTORS.—Section 151703 of title
16 36, United States Code, is amended—

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

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

23 (b) POWERS.—Section 151705(b) of title 36, United
24 States Code, is amended by striking “District of Colum-

1 bia” and inserting “the jurisdiction in which the principal
2 office of the corporation is located”.

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

7 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
8 151711 of title 36, United States Code, is amended by
9 striking subsections (a) and (b) and inserting the fol-
10 lowing:

11 “(a) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to the Library of Con-
13 gress amounts necessary to carry out this chapter, not to
14 exceed \$530,000 for each of the fiscal years 2005 and
15 2006, and not to exceed \$1,000,000 for each of the fiscal
16 years 2007 through 2015. These amounts are to be made
17 available to the corporation to match any private contribu-
18 tions (whether in currency, services, or property) made to
19 the corporation by private persons and State and local
20 governments.

21 “(b) LIMITATION RELATED TO ADMINISTRATIVE EX-
22 PENSES.—Amounts authorized under this section may not
23 be used by the corporation for management and general
24 or fundraising expenses as reported to the Internal Rev-

1 enue Service as part of an annual information return re-
2 quired under the Internal Revenue Code of 1986.”.

3 (e) COOPERATIVE FILM PRESERVATION.—

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

6 (A) by redesignating sections 151711 and
7 151712 as sections 151712 and 151713, re-
8 spectively; and

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

10 **“§ 151711. Cooperative film preservation**

11 “(a) COOPERATIVE FILM PRESERVATION.—

12 “(1) IN GENERAL.—The corporation shall de-
13 sign and support cooperative national film preserva-
14 tion and access initiatives. Such initiatives shall be
15 approved by the corporation, the Librarian of Con-
16 gress, and the National Film Preservation Board of
17 the Library of Congress under section 105(c)(3) of
18 the National Film Preservation Act of 1996.

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

21 “(A) the repatriation and preservation of
22 American films that may be found in archives
23 outside of the United States;

24 “(B) the exhibition and dissemination via
25 broadcast or other means of ‘orphan’ films;

1 “(C) the production of educational mate-
2 rials in various formats to encourage film pres-
3 ervation, preservation initiatives undertaken by
4 3 or more archives jointly; and

5 “(D) other activities undertaken in light of
6 significant unfunded film preservation and ac-
7 cess needs.

8 “(b) AUTHORIZATION OF APPROPRIATIONS.—

9 “(1) IN GENERAL.—There are authorized to be
10 appropriated to the Library of Congress amounts
11 not to exceed \$1,000,000 for each of the fiscal years
12 2006 through 2015, to carry out the purposes of
13 this section.

14 “(2) MATCHING.—The amounts made available
15 under paragraph (1) are to be made available to the
16 corporation to match any private contributions
17 (whether in currency, services, or property) made to
18 the corporation by private persons and State and
19 local governments.

20 “(3) LIMITATION RELATED TO ADMINISTRATIVE
21 EXPENSES.—Amounts authorized under this section
22 may not be used by the corporation for management
23 and general or fundraising expenses as reported to
24 the Internal Revenue Service as part of an annual

1 information return required under the Internal Rev-
2 enue Code of 1986.”.

3 (2) TECHNICAL AND CONFORMING AMEND-
4 MENT.—The table of sections for chapter 1517 of
5 title 36, United States Code, is amended by striking
6 the items relating to sections 151711 and 151712
7 and inserting the following:

“151711. Cooperative film preservation.

“151712. Authorization of appropriations.

“151713. Annual report.”.

