

Union Calendar No. 333

104TH CONGRESS
2D Session

H. R. 1734

[Report No. 104-558, Part I]

A BILL

To reauthorize the National Film Preservation
Board, and for other purposes.

JUNE 28, 1996

Committee on House Oversight discharged; committed to
the Committee of the Whole House on the State of the
Union and ordered to be printed

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To reauthorize the National Film Preservation Board, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 1995

Mr. MOORHEAD (for himself, Mr. COBLE, and Mr. BONO) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on House Oversight, 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

MARCH 6, 1996

Reported from the Committee on the Judiciary with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

MAY 6, 1996

Referral to the Committee on House Oversight extended for a period ending
not later than June 21, 1996

JUNE 21, 1996

Referral to the Committee on House Oversight extended for a period ending
not later than June 28, 1996

JUNE 28, 1996

Additional sponsor: Mr. CONYERS

JUNE 28, 1996

Committee on House Oversight discharged; committed to the Committee of
the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on May 25, 1995]

A BILL

To reauthorize the National Film Preservation Board, and
for other purposes.

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 1996”.*

9 **SEC. 102. NATIONAL FILM REGISTRY OF THE LIBRARY OF** 10 **CONGRESS.**

11 *The Librarian of Congress (hereafter in this Act re-*
12 *ferred to as the “Librarian”) shall continue the National*
13 *Film Registry established and maintained under the Na-*
14 *tional Film Preservation Act of 1988 (Public Law 100–*
15 *446), and the National Film Preservation Act of 1992 (Pub-*
16 *lic Law 102–307) pursuant to the provisions of this title,*
17 *for the purpose of maintaining and preserving films that*
18 *are culturally, historically, or aesthetically significant.*

19 **SEC. 103. DUTIES OF THE LIBRARIAN OF CONGRESS.**

20 *(a) POWERS.—*

1 (1) *IN GENERAL.*—*The Librarian shall, after*
2 *consultation with the Board established pursuant to*
3 *section 104—*

4 *(A) continue the implementation of the com-*
5 *prehensive national film preservation program*
6 *for motion pictures established under the Na-*
7 *tional Film Preservation Act of 1992, in con-*
8 *junction with other film archivists, educators*
9 *and historians, copyright owners, film industry*
10 *representatives, and others involved in activities*
11 *related to film preservation, taking into account*
12 *the objectives of the national film preservation*
13 *study and the comprehensive national plan con-*
14 *ducted under the National Film Preservation Act*
15 *of 1992. This program shall—*

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

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

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

24 *(iv) undertake studies and investiga-*
25 *tions of film preservation activities as need-*

1 ed, including the efficacy of new tech-
2 nologies, and recommend solutions to im-
3 prove these practices;

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

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

13 (D) determine which films satisfy the cri-
14 teria established under subparagraph (B) and
15 qualify for inclusion in the National Film Reg-
16 istry, except that the Librarian shall not select
17 more than 25 films each year for inclusion in the
18 Registry.

19 (2) *PUBLICATION OF FILMS IN REGISTRY.*—The
20 Librarian shall publish in the Federal Register the
21 name of each film that is selected for inclusion in the
22 National Film Registry.

23 (3) *SEAL.*—The Librarian shall provide a seal to
24 indicate that a film has been included in the National
25 Film Registry and is the Registry version of that

1 *film. The Librarian shall establish guidelines for ap-*
2 *proval of the use of the seal in accordance with sub-*
3 *section (b).*

4 **(b) USE OF SEAL.**—*The seal provided under subsection*
5 *(a)(3) may only be used on film copies of the Registry ver-*
6 *sion of a film. Such seal may be used only after the Librar-*
7 *ian has given approval to those persons seeking to apply*
8 *the seal in accordance with the guidelines under subsection*
9 *(a)(3). In the case of copyrighted works, only the copyright*
10 *owner or an authorized licensee of the copyright owner may*
11 *place or authorize the placement of the seal on any film*
12 *copy of a Registry version of a film selected for inclusion*
13 *in the National Film Registry, and the Librarian may*
14 *place the seal on any film copy of the Registry version of*
15 *any film that is maintained in the National Film Registry*
16 *Collection in the Library of Congress. Anyone authorized*
17 *to place the seal on any film copy of any Registry version*
18 *of a film may accompany such seal with the following lan-*
19 *guage: “This film was selected for inclusion in the National*
20 *Film Registry by the National Film Preservation Board of*
21 *the Library of Congress because of its cultural, historical,*
22 *or aesthetic significance.”.*

23 **SEC. 104. NATIONAL FILM PRESERVATION BOARD.**

24 **(a) NUMBER AND APPOINTMENT.**—

1 (1) *MEMBERS.*—*The Librarian shall establish in*
2 *the Library of Congress a National Film Preservation*
3 *Board to be comprised of 20 members, who shall be*
4 *selected by the Librarian in accordance with this sec-*
5 *tion. Subject to subparagraphs (C) and (N), the Li-*
6 *brarian shall request each organization listed in sub-*
7 *paragraphs (A) through (Q) to submit a list of 3 can-*
8 *didates qualified to serve as a member of the Board.*
9 *Except for the members-at-large appointed under sub-*
10 *paragraph (2), the Librarian shall appoint one mem-*
11 *ber from each such list submitted by such organiza-*
12 *tions, and shall designate from that list an alternate*
13 *who may attend at Board expense those meetings to*
14 *which the individual appointed to the Board cannot*
15 *attend. The organizations are the following:*

16 (A) *The Academy of Motion Picture Arts*
17 *and Sciences.*

18 (B) *The Directors Guild of America.*

19 (C) *The Writers Guild of America. The*
20 *Writers Guild of America East and the Writers*
21 *Guild of America West shall each nominate three*
22 *candidates, and a representative from one orga-*
23 *nization shall be selected as the member and a*
24 *representative from the other organization as the*
25 *alternate.*

1 (D) *The National Society of Film Critics.*

2 (E) *The Society for Cinema Studies.*

3 (F) *The American Film Institute.*

4 (G) *The Department of Film and Television*
5 *of the School of Theater, Film and Television at*
6 *the University of California, Los Angeles.*

7 (H) *The Department of Film and Television*
8 *of the Tisch School of the Arts at New York Uni-*
9 *versity.*

10 (I) *The University Film and Video Associa-*
11 *tion.*

12 (J) *The Motion Picture Association of*
13 *America.*

14 (K) *The Alliance of Motion Picture and Tel-*
15 *evision Producers.*

16 (L) *The Screen Actors Guild of America.*

17 (M) *The National Association of Theater*
18 *Owners.*

19 (N) *The American Society of Cinematog-*
20 *raphers and the International Photographers*
21 *Guild, which shall jointly submit one list of 3*
22 *candidates from which a member and alternate*
23 *will be selected.*

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

1 (P) *The Association of Moving Image Archi-*
 2 *vists.*

3 (Q) *The Society of Composers and Lyricists.*

4 (2) *MEMBERS-AT-LARGE.—In addition to the*
 5 *Members appointed under paragraph (1), the Librar-*
 6 *ian shall appoint up to 3 members-at-large. The Li-*
 7 *brarian shall also select an alternate for each member*
 8 *at-large, who may attend at Board expense those*
 9 *meetings which the member at-large cannot attend.*

10 (b) *CHAIR.—The Librarian shall appoint one member*
 11 *of the Board to serve as Chair.*

12 (c) *TERM OF OFFICE.—*

13 (1) *TERMS.—The term of each member of the*
 14 *Board shall be 4 years, except that there shall be no*
 15 *limit to the number of terms that any individual*
 16 *member may serve.*

17 (2) *REMOVAL OF MEMBER OR ORGANIZATION.—*
 18 *The Librarian shall have the authority to remove any*
 19 *member of the Board, or the organization listed in*
 20 *subsection (a) such member represents, if the member,*
 21 *or organization, over any consecutive 2-year period,*
 22 *fails to attend at least one regularly scheduled Board*
 23 *meeting.*

24 (3) *VACANCIES.—A vacancy in the Board shall*
 25 *be filled in the manner in which the original appoint-*

1 *ment was made under subsection (a), except that the*
2 *Librarian may fill the vacancy from a list of can-*
3 *didates previously submitted by the organization or*
4 *organizations involved. Any member appointed to fill*
5 *a vacancy before the expiration of the term for which*
6 *his or her predecessor was appointed shall be ap-*
7 *pointed for the remainder of such term.*

8 *(d) QUORUM.—11 members of the Board shall con-*
9 *stitute a quorum but a lesser number may hold hearings.*

10 *(e) BASIC PAY.—Members of the Board shall serve*
11 *without pay. While away from their home or regular places*
12 *of business in the performance of functions of the Board,*
13 *members of the Board shall be allowed travel expenses, in-*
14 *cluding per diem in lieu of subsistence, in the same manner*
15 *as persons employed intermittently in Government service*
16 *are allowed expenses under section 5701 of title 5, United*
17 *States Code.*

18 *(f) MEETINGS.—The Board shall meet at least once*
19 *each fiscal year. Meetings shall be at the call of the Librar-*
20 *ian.*

21 *(g) CONFLICT OF INTEREST.—The Librarian shall es-*
22 *tablish rules and procedures to address any potential con-*
23 *flict of interest between a member of the Board and respon-*
24 *sibilities of the Board.*

1 **SEC. 105. RESPONSIBILITIES AND POWERS OF BOARD.**

2 (a) *IN GENERAL.*—*The Board shall review nomina-*
 3 *tions of films submitted to it for inclusion in the National*
 4 *Film Registry and consult with the Librarian, as provided*
 5 *in section 103, with respect to the inclusion of such films*
 6 *in the Registry and the preservation of these and other films*
 7 *that are culturally, historically, or aesthetically significant.*

8 (b) *NOMINATION OF FILMS.*—*The Board shall consider,*
 9 *for inclusion in the National Film Registry, nominations*
 10 *submitted by the general public as well as representatives*
 11 *of the film industry, such as the guilds and societies rep-*
 12 *resenting actors, directors, screenwriters, cinematographers,*
 13 *and other creative artists, producers, and film critics, ar-*
 14 *chives and other film preservation organizations, and rep-*
 15 *resentatives of academic institutions with film study pro-*
 16 *grams. The Board shall nominate not more than 25 films*
 17 *each year for inclusion in the Registry.*

18 (c) *POWERS.*—

19 (1) *IN GENERAL.*—*The Board may, for the pur-*
 20 *pose of carrying out its duties, hold such hearings, sit*
 21 *and act at such times and places, take such testi-*
 22 *mony, and receive such evidence, as the Librarian*
 23 *and the Board consider appropriate.*

24 (2) *SERVICE ON FOUNDATION.*—*Two sitting*
 25 *members of the Board shall be appointed by the Li-*
 26 *brarian, and shall serve, as Board members of the Na-*

1 *tional Film Preservation Foundation, in accordance*
2 *with section 203.*

3 **SEC. 106. NATIONAL FILM REGISTRY COLLECTION OF THE**
4 **LIBRARY OF CONGRESS.**

5 (a) *ACQUISITION OF ARCHIVAL QUALITY COPIES.—*
6 *The Librarian shall endeavor to obtain, by gift from the*
7 *owner, an archival quality copy of the Registry version of*
8 *each film included in the National Film Registry. Whenever*
9 *possible, the Librarian shall endeavor to obtain the best sur-*
10 *viving materials, including preprint materials. Copyright*
11 *owners and others possessing copies of such materials are*
12 *strongly encouraged, to further the preservation purposes of*
13 *this Act, to provide preprint and other archival elements*
14 *to the Library of Congress.*

15 (b) *ADDITIONAL MATERIALS.—The Librarian shall en-*
16 *deavor to obtain, for educational and research purposes, ad-*
17 *ditional materials related to each film included in the Na-*
18 *tional Film Registry, such as background materials, pro-*
19 *duction reports, shooting scripts (including continuity*
20 *scripts) and other similar materials.*

21 (c) *PROPERTY OF UNITED STATES.—All copies of*
22 *films on the National Film Registry that are received as*
23 *gifts or bequests by the Librarian and other materials re-*
24 *ceived by the Librarian under subsection (b), shall become*

1 *the property of the United States Government, subject to*
 2 *the provisions of title 17, United States Code.*

3 (d) *NATIONAL FILM REGISTRY COLLECTION.*—*All cop-*
 4 *ies of films on the National Film Registry that are received*
 5 *by the Librarian under subsection (a), and other materials*
 6 *received by the Librarian under subsection (b), shall be*
 7 *maintained in the Library of Congress and be known as*
 8 *the “National Film Registry Collection of the Library of*
 9 *Congress”.* *The Librarian shall, by regulation, and in ac-*
 10 *cordance with title 17, United States Code, provide for rea-*
 11 *sonable access to the films and other materials in such col-*
 12 *lection for scholarly and research purposes.*

13 **SEC. 107. SEAL OF THE NATIONAL FILM REGISTRY.**

14 (a) *USE OF THE SEAL.*—

15 (1) *PROHIBITION ON DISTRIBUTION AND EXHI-*
 16 *BITION.*—*No person shall knowingly distribute or ex-*
 17 *hibit to the public a version of a film or any copy*
 18 *of a film which bears the seal described in section*
 19 *103(a)(3) if such film—*

20 (A) *is not included in the National Film*
 21 *Registry; or*

22 (B) *is included in the National Film Reg-*
 23 *istry, but such film or film copy has not been*
 24 *approved for use of the seal by the Librarian*
 25 *pursuant to section 103(a)(1)(D).*

1 (2) *PROHIBITION ON PROMOTION.*—No person
2 shall knowingly use the seal described in section
3 103(a)(3) to promote any version of a film or film
4 copy other than a Registry version.

5 (b) *EFFECTIVE DATE OF THE SEAL.*—The use of the
6 seal described in section 103(a)(3) shall be effective for each
7 film after the Librarian publishes in the Federal Register,
8 in accordance with section 103(a)(2), the name of that film
9 as selected for inclusion in the National Film Registry.

10 **SEC. 108. REMEDIES.**

11 (a) *JURISDICTION.*—The several district courts of the
12 United States shall have jurisdiction, for cause shown, to
13 prevent and restrain violations of section 107(a).

14 (b) *RELIEF.*—

15 (1) *REMOVAL OF SEAL.*—Except as provided in
16 paragraph (2), relief for violation of section 107(a)
17 shall be limited to the removal of the seal of the Na-
18 tional Film Registry from the film involved in the
19 violation.

20 (2) *FINE AND INJUNCTIVE RELIEF.*—In the case
21 of a pattern or practice of the willful violation of sec-
22 tion 107(a), the United States district courts may
23 order a civil fine of not more than \$10,000 and ap-
24 propriate injunctive relief.

1 **SEC. 109. LIMITATIONS OF REMEDIES.**

2 *The remedies provided in section 108 shall be the ex-*
 3 *clusive remedies under this title, or any other Federal or*
 4 *State law, regarding the use of the seal described in section*
 5 *103(a)(3).*

6 **SEC. 110. STAFF OF BOARD; EXPERTS AND CONSULTANTS.**

7 (a) *STAFF.*—*The Librarian may appoint and fix the*
 8 *pay of such personnel as the Librarian considers appro-*
 9 *priate to carry out this title.*

10 (b) *EXPERTS AND CONSULTANTS.*—*The Librarian*
 11 *may, in carrying out this title, procure temporary and*
 12 *intermittent services under section 3109(b) of title 5, United*
 13 *States Code, but at rates for individuals not to exceed the*
 14 *daily equivalent of the maximum rate of basic pay payable*
 15 *for GS–15 of the General Schedule. In no case may a mem-*
 16 *ber of the Board or an alternate be paid as an expert or*
 17 *consultant under this section.*

18 **SEC. 111. DEFINITIONS.**

19 *As used in this title—*

20 (1) *the term “Librarian” means the Librarian of*
 21 *Congress;*

22 (2) *the term “Board” means the National Film*
 23 *Preservation Board;*

24 (3) *the term “film” means a “motion picture” as*
 25 *defined in section 101 of title 17, United States Code,*
 26 *except that such term does not include any work not*

1 *originally fixed on film stock, such as a work fixed*
2 *on videotape or laser disk;*

3 *(4) the term “publication” means “publication”*
4 *as defined in section 101 of title 17 United States*
5 *Code; and*

6 *(5) the term “Registry version” means, with re-*
7 *spect to a film, the version of a film first published,*
8 *or as complete a version as bona fide preservation*
9 *and restoration activities by the Librarian, an archi-*
10 *vist other than the Librarian, or the copyright owner*
11 *can compile in those cases where the original material*
12 *has been irretrievably lost.*

13 **SEC. 112. AUTHORIZATION OF APPROPRIATIONS.**

14 *There are authorized to be appropriated to the Librar-*
15 *ian such sums as may be necessary to carry out the pur-*
16 *poses of this title, but in no fiscal year shall such sum exceed*
17 *\$250,000.*

18 **SEC. 113. EFFECTIVE DATE.**

19 *The provisions of this title shall be effective for 7 years*
20 *beginning on the date of the enactment of this Act. The pro-*
21 *visions of this title shall apply to any copy of any film,*
22 *including those copies of films selected for inclusion in the*
23 *National Film Registry under the National Film Preserva-*
24 *tion Act of 1988 and the National Film Preservation Act*
25 *of 1992, except that any film so selected under either Act*

1 *shall be deemed to have been selected for the National Film*
 2 *Registry under this title.*

3 **SEC. 114. REPEAL.**

4 *The National Film Preservation Act of 1992 (2 U.S.C.*
 5 *179 and following) is repealed.*

6 **TITLE II—THE NATIONAL FILM**
 7 **PRESERVATION FOUNDATION**
 8 **ACT**

9 **SEC. 201. SHORT TITLE.**

10 *This title may be cited as the “National Film Preser-*
 11 *vation Foundation Act”.*

12 **SEC. 202. ESTABLISHMENT AND PURPOSE OF FOUNDATION.**

13 *(a) ESTABLISHMENT.—There is established the Na-*
 14 *tional Film Preservation Foundation (hereafter in this title*
 15 *referred to as the “Foundation”). The Foundation is a char-*
 16 *itable and nonprofit corporation and is not an agency or*
 17 *establishment of the United States.*

18 *(b) PURPOSES.—The purposes of the Foundation*
 19 *are—*

20 *(1) to encourage, accept, and administer private*
 21 *gifts to promote and ensure the preservation and pub-*
 22 *lic accessibility of the nation’s film heritage held at*
 23 *the Library of Congress and other public and non-*
 24 *profit archives throughout the United States;*

1 (2) *to further the goals of the Library of Con-*
2 *gress and the National Film Preservation Board in*
3 *connection with their activities under the National*
4 *Film Preservation Act; and*

5 (3) *to undertake and conduct other activities,*
6 *alone or in cooperation with other film related insti-*
7 *tutions and organizations, as will further the preser-*
8 *vation and public accessibility of films made in the*
9 *United States, particularly those not protected by pri-*
10 *vate interests, for the benefit of present and future*
11 *generations of Americans.*

12 **SEC. 203. BOARD OF DIRECTORS OF THE FOUNDATION.**

13 (a) *ESTABLISHMENT AND MEMBERSHIP.*—*The Foun-*
14 *ation shall have a governing Board of Directors (hereafter*
15 *in this title referred to as the “Board”), which shall consist*
16 *of 9 Directors, each of whom shall be a United States citizen*
17 *and at least 6 of whom must be knowledgeable or experi-*
18 *enced in film production, distribution, preservation or res-*
19 *toration, including 2 who shall be sitting members of the*
20 *National Film Preservation Board. These 6 members of the*
21 *Board shall, to the extent practicable, represent diverse*
22 *points of views from the film community, including motion*
23 *picture producers, creative artists, nonprofit and public ar-*
24 *chivists, historians, film critics, theater owners, and labora-*
25 *tory and university personnel. The Librarian of Congress*

1 *(hereafter in this title referred to as the “Librarian”)* shall
 2 *be an ex officio non-voting member of the Board. Appoint-*
 3 *ment to the Board shall not constitute employment by, or*
 4 *the holding of an office of, the United States for the purpose*
 5 *of any Federal law.*

6 **(b) APPOINTMENT AND TERMS.**—*Within 90 days after*
 7 *the date of the enactment of this Act, the Librarian shall*
 8 *appoint the Directors of the Board. Each Director shall be*
 9 *appointed for a term of 4 years. A vacancy on the Board*
 10 *shall be filled, within 60 days after the vacancy occurs, in*
 11 *the manner in which the original appointment was made.*
 12 *No individual may serve more than 2 consecutive terms as*
 13 *a Director.*

14 **(c) CHAIR.**—*The initial Chair shall be appointed by*
 15 *the Librarian from the membership of the Board for a 2-*
 16 *year term, and thereafter shall be appointed and removed*
 17 *in accordance with the Foundation’s bylaws.*

18 **(d) QUORUM.**—*A majority of the current membership*
 19 *of the Board shall constitute a quorum for the transaction*
 20 *of business.*

21 **(e) MEETINGS.**—*The Board shall meet at the call of*
 22 *the Librarian or the Chair at least once a year. If a Direc-*
 23 *tor misses 3 consecutive regularly scheduled meetings, that*
 24 *individual may be removed from the Board by the Librar-*

1 *ian, and that vacancy shall be filled in accordance with*
 2 *subsection (b).*

3 *(f) REIMBURSEMENT OF EXPENSES.—Members of the*
 4 *Board shall serve without pay, but may be reimbursed for*
 5 *the actual and necessary traveling and subsistence expenses*
 6 *incurred by them in the performance of the duties of the*
 7 *Foundation.*

8 *(g) GENERAL POWERS.—*

9 *(1) ORGANIZATION OF FOUNDATION.—The Board*
 10 *may complete the organization of the Foundation*
 11 *by—*

12 *(A) appointing, removing, and replacing of-*
 13 *ficers, except as provided for in paragraph*
 14 *(2)(B);*

15 *(B) adopting a constitution and bylaws*
 16 *consistent with the purpose of the Foundation*
 17 *and the provisions of this title; and*

18 *(C) undertaking such other acts as may be*
 19 *necessary to carry out the provisions of this title.*

20 *(2) LIMITATION ON APPOINTMENT OF EMPLOY-*
 21 *EES.—The following limitations apply with respect to*
 22 *the appointment of employees of the Foundation:*

23 *(A) Except as provided in subparagraph*
 24 *(B), employees of the Foundation shall be ap-*
 25 *pointed, removed, and replaced by the Secretary*

1 *of the Board. All employees (including the Sec-*
2 *retary of the Board) shall be appointed and re-*
3 *moved without regard to the provisions of title 5,*
4 *United States Code, governing appointments in*
5 *the competitive service, and may be paid without*
6 *regard to the provisions of chapter 51 and sub-*
7 *chapter III of chapter 53 of such title relating to*
8 *classification and General Schedule pay rates,*
9 *except that no individual so appointed may re-*
10 *ceive pay in excess of the annual rate of basic*
11 *pay in effect for grade GS-15 of the General*
12 *Schedule. Neither the Board, nor any of the em-*
13 *ployees of the Foundation, including the Sec-*
14 *retary of the Board, shall be construed to be em-*
15 *ployees of the Library of Congress.*

16 *(B) The first employee appointed shall be*
17 *the Secretary of the Board. The Secretary shall*
18 *be appointed, and may be removed by, the Li-*
19 *brarian.*

20 *(C) The Secretary of the Board shall—*

21 *(i) serve as its executive director, and*
22 *(ii) be knowledgeable and experienced*
23 *in matters relating to film preservation and*
24 *restoration activities, financial manage-*
25 *ment, and fund-raising.*

1 **SEC. 204. RIGHTS AND OBLIGATIONS OF THE FOUNDATION**

2 (a) *GENERAL.—The Foundation—*

3 (1) *shall have perpetual succession;*

4 (2) *may conduct business in the several States,*
5 *the District of Columbia, and any commonwealth, ter-*
6 *ritory, or possession of the United States;*

7 (3) *shall have its principal offices in the District*
8 *of Columbia; and*

9 (4) *shall at all times maintain a designated*
10 *agent authorized to accept service of process for the*
11 *Foundation.*

12 *The serving of notice to, or service of process upon, the agent*
13 *required under paragraph (4), or mailed to the business ad-*
14 *dress of such agent, shall be deemed as service upon or no-*
15 *tice to the Foundation.*

16 (b) *SEAL.—The Foundation shall have an official seal*
17 *selected by the Board which shall be judicially noticed.*

18 (c) *POWERS.—To carry out its purposes under section*
19 *202, the Foundation shall have, in addition to the powers*
20 *otherwise given it under this title, the usual powers of a*
21 *corporation acting as a trustee in the District of Columbia,*
22 *including the power—*

23 (1) *to accept, receive, solicit, hold, administer,*
24 *and use any gift, devise, or bequest, either absolutely*
25 *or in trust, of real or personal property or any in-*
26 *come therefrom or other interest therein;*

1 (2) *to acquire by purchase or exchange any real*
2 *or personal property or interest therein;*

3 (3) *unless otherwise required by the instrument*
4 *of transfer, to sell, donate, lease, invest, reinvest, re-*
5 *tain, or otherwise dispose of any property or income*
6 *therefrom;*

7 (4) *to borrow money and issue bonds, debentures,*
8 *or other debt instruments;*

9 (5) *to sue and be sued, and complain and defend*
10 *itself in any court of competent jurisdiction, except*
11 *that the Directors of the Board shall not be personally*
12 *liable, except for gross negligence;*

13 (6) *to enter into contracts or other arrangements*
14 *with public agencies and private organizations and*
15 *persons and to make such payments as may be nec-*
16 *essary to carry out its functions; and*

17 (7) *to do any and all acts necessary and proper*
18 *to carry out the purposes of the Foundation.*

19 *A gift, devise, or bequest may be accepted by the Foundation*
20 *even though it is encumbered, restricted, or subject to bene-*
21 *ficial interests of private persons, if any current or future*
22 *interest therein is for the benefit of the Foundation.*

23 **SEC. 205. ADMINISTRATIVE SERVICES AND SUPPORT.**

24 *The Librarian may provide personnel, facilities, and*
25 *other administrative services to the Foundation, including*

1 reimbursement of expenses under section 203, not to exceed
 2 the current per diem rates for the Federal Government, and
 3 may accept reimbursement therefor. Amounts so reimbursed
 4 shall be deposited in the Treasury to the credit of the appro-
 5 priations then current and chargeable for the cost of provid-
 6 ing such services.

7 **SEC. 206. VOLUNTEER STATUS.**

8 *The Librarian may accept, without regard to the civil*
 9 *service classification laws, rules, or regulations, the services*
 10 *of the Foundation, the Board, and other officers and em-*
 11 *ployees of the Board, without compensation from the Li-*
 12 *brary of Congress, as volunteers in the performance of the*
 13 *functions authorized in this title.*

14 **SEC. 207. AUDITS, REPORT REQUIREMENTS, AND PETITION**
 15 **OF ATTORNEY GENERAL, FOR EQUITABLE RE-**
 16 **LIEF.**

17 (a) *AUDITS.*—*The Foundation shall be treated as a*
 18 *private corporation established under Federal law for pur-*
 19 *poses of the Act entitled “An Act to provide for audit of*
 20 *accounts of private corporations established under Federal*
 21 *law.”, approved August 30, 1964 (36 U.S.C. 1101–1103).*

22 (b) *REPORT.*—*The Foundation shall, as soon as prac-*
 23 *ticable after the end of each fiscal year, transmit to the Con-*
 24 *gress a report of its proceedings and activities during such*

1 *year, including a full and complete statement of its receipts,*
 2 *expenditures, and investments.*

3 *(c) RELIEF WITH RESPECT TO CERTAIN FOUNDATION*
 4 *ACTS OR FAILURE TO ACT.—If the Foundation—*

5 *(1) engages in, or threatens to engage in, any*
 6 *act, practice, or policy that is inconsistent with its*
 7 *purposes set forth in section 202(b), or*

8 *(2) refuses, fails, or neglects to discharge its obli-*
 9 *gations under this title, or threatens to do so,*

10 *the Attorney General of the United States may file a peti-*
 11 *tion in the United States District Court for the District*
 12 *of Columbia for such equitable relief as may be necessary*
 13 *or appropriate.*

14 **SEC. 208. UNITED STATES RELEASE FROM LIABILITY.**

15 *The United States shall not be liable for any debts,*
 16 *defaults, acts, or omissions of the Foundation, nor shall the*
 17 *full faith and credit of the United States extend to any obli-*
 18 *gation of the Foundation.*

19 **SEC. 209. AUTHORIZATION OF APPROPRIATIONS.**

20 *(a) AUTHORIZATION.—There are authorized to be ap-*
 21 *propriated to the Library of Congress such sums as may*
 22 *be necessary to carry out the purposes of this title, not to*
 23 *exceed \$250,000 for each of the fiscal years 2000 through*
 24 *2003, to be made available to the Foundation to match pri-*
 25 *vate contributions (whether in currency, services, or prop-*

1 erty) made to the Foundation by private persons and State
2 and local governments.

3 (b) *ADMINISTRATIVE EXPENSES.*—No Federal funds
4 authorized under this section may be used by the Founda-
5 tion for administrative expenses of the Foundation, includ-
6 ing for salaries, travel, and transportation expenses, and
7 other overhead expenses.

8 (c) *NATIONAL FILM PRESERVATION BOARD FUNDS.*—
9 Notwithstanding subsection (b), the Librarian is authorized
10 to use any funds not expended under title I for any of the
11 purposes of this title.