

TO REAUTHORIZE THE SOUND RECORDING AND FILM
PRESERVATION PROGRAMS OF THE LIBRARY OF CON-
GRESS, AND FOR OTHER PURPOSES

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JULY 25, 2016.—Ordered to be printed
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Mrs. MILLER of Michigan, from the Committee on House
Administration, submitted the following

R E P O R T

[To accompany H.R. 4092]

[Including cost estimate of the Congressional Budget Office]

The Committee on House Administration, to whom was referred the bill (H.R. 4092) to reauthorize the sound recording and film preservation programs of the Library of Congress, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE AND SUMMARY

The authorizations for the Library of Congress' National (Sound) Recording Preservation Board and National (Sound) Recording Preservation Foundation, and the National Film Preservation Board and National Film Preservation Foundation are set to expire at the end of fiscal year 2016. H.R. 4092 would reauthorize these two vital programs through fiscal year 2026.

BACKGROUND AND NEED FOR THE LEGISLATION

The Library of Congress' National Film Preservation Board (NFPB) was created by Congress in 1988, and has numerous responsibilities and outreach programs to promote the preservation of film and film materials. The Board presently is made up of 44 members who represent organizations throughout the film community, including the industry, archivists, guilds and others. Notable efforts include advising the Librarian on national preservation planning policy and the annual selection of film titles named to the National Film Registry, which is widely used in curricula for K-12 and university classrooms across the country. The Library has pre-

served many titles on the Registry both through efforts in its own lab located in the National Audio Visual Center in Culpeper, VA, and through support to other archives holding the best material on Registry elements. The Library has acquired over \$2 million in Registry film holdings its collection through the Board's work, and the annual Registry announcement is used by many studios to prioritize their own preservation efforts. Currently, under the auspices of the Board, member organizations are discussing various collaborative projects, including the repatriation of "lost" U.S. films found only in overseas archives, and the creation of a National Screening Room, which would host still-copyrighted-but-publicly-unavailable films and public domain films preserved by archives throughout the U.S.

The National Film Preservation Foundation (NFPF) is the private sector, charitable affiliate of the NFPB. It operates with a 12-person Board of Directors, and was created by Congress in 1996 to raise funds and distribute them through grants to archivists and other preservation institutions throughout the U.S. The Foundation has preserved over 2,200 films held by 266 non-profit institutions in all 50 states, and produced influential publications related to film preservation initiatives. The Foundation has produced influential publications such as the *Film Preservation Handbook* and the award-winning DVD series *Treasures from American Film Archives*. Through 2015, the Foundation has raised \$14 million in funds and in-kind contributions from the motion picture industry, film and preservation foundations, and other institutions.

The National Recording Preservation Board (NRPB) was created by Congress in 2000. The Board presently has 44 members who represent organizations throughout the recording community, including the industry, archivists, guilds and others. Similar to the NFPB, the Recording Preservation Board has many responsibilities related to sound recording, including developing studies and plans to assist archivists with preservation methods and technologies. The Board also advises the Librarian on recording preservation policy, and selects the sound recording titles to be named to the National Recording Registry. Successful outreach efforts include the Peabody-Award winning radio series *Inside the National Recording Registry*, which has been broadcast over the past few years on NPR and Studio 360. Finally, the NRPB contributed to the acquisition of the Universal Music Group collection and other donations to the Library.

The National Recording Preservation Foundation is the private sector, charitable affiliate of the NRPB. It was created in 2000 by Congress and reauthorized in 2008. H.R. 4092 would increase the Board of Directors from 9 Directors to 12 Directors along with extending its authorization. In late 2015, the Foundation awarded its first two grants, which were made possible by donations from the private sector. As it raises more money, the Foundation will be able to provide preservation grants to archives, historical societies and libraries across the country. It will fill a void not presently being addressed adequately, given the massive amount of unpreserved recorded sound collections in the United States.

CONCLUSION

H.R. 4092 extends critical programs that assist the Library in carrying out preservation efforts in the film and recording industries and further enhance its ability to carry out the broader cultural mandate of collecting, preserving, and disseminating information. The National Film and Recording Boards and Foundations are valued by many stakeholders in the music and film communities, and reauthorization is an extremely high priority for the Library as a cost-effective way to carry out preservation efforts in these industries.

INTRODUCTION AND REFERRAL

On November 19, 2015, Rep. Robert Brady (PA-1) introduced H.R. 4092, which was referred to the Committee on House Administration and the Committee on the Judiciary.

HEARINGS

There were no legislative hearings held on H.R. 4092.

COMMITTEE CONSIDERATION

On May 17, 2016, the Committee on House Administration met to consider H.R. 4092. The Committee ordered the bill reported favorably to the House without amendment by voice vote with a quorum present.

COMMITTEE RECORD VOTES

In compliance with House rule XIII, clause 3(b), requiring the results of each record vote on an amendment or motion to report, together with the names of those voting for and against, to be printed in the Committee report, the Committee states that there were no record votes during the Committee's consideration of H.R. 4092.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

In compliance with House rule XIII, clause 3(c)(1), the Committee states that the findings and recommendations of the Committee, based on oversight activities under House rule X, clause 2(b)(1), are incorporated into the general discussion section of this report.

STATEMENT OF BUDGET AUTHORITY AND RELATED ITEMS

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the

enclosed cost estimate for H.R. 4902, from the Director of the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 6, 2016.

Hon. CANDICE MILLER,
Chairman, Committee on House Administration,
House of Representatives, Washington, DC.

DEAR MADAM CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4092, a bill to reauthorize the sound recording and film preservation programs of the Library of Congress, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Christina Hawley Anthony.

Sincerely,

KEITH HALL.

Enclosure.

H.R. 4092—A bill to reauthorize the sound recording and film preservation programs of the Library of Congress, and for other purposes

H.R. 4092 would authorize appropriations of \$250,000 per year through 2026 for each of the National Recording Preservation Board and the National Film Preservation Board—the same amount authorized under current law for those programs through 2016. In addition, the bill would authorize appropriations of up to \$1 million each year to match donations for each of the National Recording Preservation Foundation and the National Film Preservation Foundation. Over the 2010–2014 period, the National Recording Preservation Foundation received roughly \$350,000 in donations and the National Film Preservation Foundation received \$3.4 million.

CBO estimates that implementing H.R. 4092 would cost \$6 million over the 2017–2021 period and \$12 million over the 2017–2026 period, assuming appropriation of the authorized amounts and provided that future donations to the foundations follow historical patterns.

Enacting H.R. 4092 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting the bill would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

H.R. 4092 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Christina Hawley Anthony. This estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

In compliance with House rule XIII, clause 3(c)(4), the Committee states that the general discussion section of this report in-

cludes a statement of the general performance goals and objectives, including outcome-related goals and objectives.

DUPLICATION OF FEDERAL PROGRAMS

In compliance with Sec. 3(g)(2) of H. Res. 5 (114th Congress), the Committee states that no provision of the bill establishes or reauthorizes: (1) a program of the Federal Government known to be duplicative of another Federal program; (2) a program included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139; or (3) a program related to a program identified in the most recent Catalog of Federal Domestic Assistance, published pursuant to the Federal Program Information Act (Pub. L. No. 95–220, as amended by Pub. L. No. 98–169).

DISCLOSURE OF DIRECTED RULE MAKINGS

In compliance with Sec. 3(i) of H. Res. 5 (114th Congress), the following statement is made concerning directed rule makings: The Committee estimates that the bill requires no directed rule makings within the meaning of such section.

INFORMATION RELATING TO UNFUNDED MANDATES

This information is provided in accordance with section 423 of the Unfunded Mandates Reform Act of 1995 (Pub. L. No. 104–4). The Committee has determined that the bill contains no unfunded mandate on the private sector, nor does it impose a Federal inter-governmental mandate on State, local, or tribal governments.

CONSTITUTIONAL AUTHORITY STATEMENT

Congress has the power to enact this legislation pursuant to Article 1, Section 8 of the U.S. Constitution granting Congress the authority to exercise exclusive legislation in all cases whatsoever, over such District (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States.

ADVISORY ON EARMARKS

In accordance with House rule XXI, clause 9, the Committee states that H.R. 4092 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of rule XXI.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

**SECTION 133 OF THE NATIONAL RECORDING
PRESERVATION ACT OF 2000**

SEC. 133. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Librarian for the first fiscal year beginning on or after the date of the enactment of this Act and each succeeding fiscal year **【through fiscal year 2016】** *through fiscal year 2026* such sums as may be necessary to carry out this title, except that the amount authorized for any fiscal year may not exceed \$250,000.

TITLE 36, UNITED STATES CODE

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**SUBTITLE II—PATRIOTIC AND NATIONAL
ORGANIZATIONS**

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PART B—ORGANIZATIONS

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**CHAPTER 1517—NATIONAL FILM PRESERVATION
FOUNDATION**

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§ 151711. Authorization of appropriations

(a) **AUTHORIZATION OF APPROPRIATIONS.—**

(1) **IN GENERAL.**—There are authorized to be appropriated to the Library of Congress amounts necessary to carry out this chapter, not to exceed—

(A) \$530,000 for each of the fiscal years 2005 through 2009;

(B) \$750,000 for each of the fiscal years 2010 through 2011; and

(C) \$1,000,000 for each of the fiscal years 2012 **【through 2016】** *through 2026*.

(2) **MATCHING.**—The amounts authorized to be appropriated under this subsection are to be made available to the corporation to match any private contributions (whether in currency, services, or property) made to the corporation by private persons and State and local governments.

(b) **LIMITATION RELATED TO ADMINISTRATIVE EXPENSES.**—Amounts authorized under this section may not be used by the corporation for management and general or fundraising expenses as reported to the Internal Revenue Service as part of an annual information return required under the Internal Revenue Code of 1986.

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**CHAPTER 1524—NATIONAL RECORDING PRESERVATION
FOUNDATION**

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§ 152403. Board of directors

(a) GENERAL.—The board of directors is the governing body of the corporation.

(b) MEMBERS AND APPOINTMENT.—(1) The Librarian of Congress (hereafter in this chapter referred to as the “Librarian”) is an ex officio nonvoting member of the board. Not later than 90 days after the date of the enactment of this chapter, the Librarian shall appoint the directors to the board in accordance with paragraph (2).

(2)(A) The board consists of ~~【nine directors】~~ *12 directors*.

(B) Each director shall be a United States citizen.

(C) At least ~~【six directors】~~ *8 directors* shall be knowledgeable or experienced in sound recording production, distribution, preservation, or restoration, including two who are sitting members of the National Recording Preservation Board. These ~~【six directors】~~ *8 directors* shall, to the extent practicable, represent diverse points of view from the sound recording community.

(3) A director is not an employee of the Library of Congress and appointment to the board does not constitute appointment as an officer or employee of the United States Government for the purpose of any law of the United States.

(4) The terms of office of the directors are 4 years.

(5) A vacancy on the board shall be filled in the manner in which the original appointment was made.

(c) CHAIR.—The Librarian shall appoint one of the directors as the initial chair of the board for a 2-year term. Thereafter, the chair shall be appointed and removed in accordance with the bylaws of the corporation.

(d) QUORUM.—The number of directors constituting a quorum of the board shall be established under the bylaws of the corporation.

(e) MEETINGS.—The board shall meet at the call of the Librarian for regularly scheduled meetings.

(f) REIMBURSEMENT OF EXPENSES.—Directors shall serve without compensation but may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5.

(g) LIABILITY OF DIRECTORS.—Directors are not personally liable, except for gross negligence.

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§ 152411. Authorization of appropriations

(a) AUTHORIZATION.—There are authorized to be appropriated to the corporation for the first fiscal year beginning on or after the date of the enactment of this chapter and each succeeding fiscal year ~~【through fiscal year 2016 an amount not to exceed】~~ *through fiscal year 2026 an amount not to exceed the lesser of \$1,000,000 or the amount of private contributions (whether in currency, services, or property) made to the corporation by private persons and State and local governments.*

(b) LIMITATION RELATED TO ADMINISTRATIVE EXPENSES.—
Amounts authorized under this section may not be used by the corporation for management and general or fundraising expenses as reported to the Internal Revenue Service as part of an annual information return required under the Internal Revenue Code of 1986.

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NATIONAL FILM PRESERVATION ACT OF 1996

**TITLE I—REAUTHORIZATION OF THE
NATIONAL FILM PRESERVATION BOARD**

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SEC. 112. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Librarian for the first fiscal year beginning on or after the date of the enactment of this Act and each succeeding fiscal year **【through fiscal year 2016】** *through fiscal year 2026* such sums as may be necessary to carry out the purposes of this title, but in no fiscal year shall such sum exceed \$250,000.

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