

recording, as selected for inclusion in the National Recording Registry.

(d) Prohibited uses of the seal

(1) Prohibition on distribution and exhibition

No person may knowingly distribute or exhibit to the public a version of a sound recording or any copy of a sound recording which bears the seal described in subsection (a) if such recording—

(A) is not included in the National Recording Registry; or

(B) is included in the National Recording Registry but has not been approved for use of the seal by the Librarian pursuant to the guidelines established under subsection (b).

(2) Prohibition on promotion

No person may knowingly use the seal described in subsection (a) to promote any version of a sound recording or recording copy other than a Registry version.

(e) Remedies for violations

(1) Jurisdiction

The several district courts of the United States shall have jurisdiction, for cause shown, to prevent and restrain violations of subsection (d).

(2) Relief

(A) Removal of seal

Except as provided in subparagraph (B), relief for violation of subsection (d) shall be limited to the removal of the seal from the sound recording involved in the violation.

(B) Fine and injunctive relief

In the case of a pattern or practice of the willful violation of subsection (d), the court may order a civil fine of not more than \$10,000 and appropriate injunctive relief.

(3) Limitation of remedies

The remedies provided in this subsection shall be the exclusive remedies under this chapter, or any other Federal or State law, regarding the use of the seal described in subsection (a).

(Pub. L. 106-474, title I, §103, Nov. 9, 2000, 114 Stat. 2086.)

§ 1704. National Recording Registry Collection of the Library of Congress

(a) In general

All copies of sound recordings on the National Recording Registry that are received by the Librarian under subsection (b) shall be maintained in the Library of Congress and be known as the “National Recording Registry Collection of the Library of Congress”. The Librarian shall by regulation and in accordance with title 17 provide for reasonable access to the sound recordings and other materials in such collection for scholarly and research purposes.

(b) Acquisition of quality copies

(1) In general

The Librarian shall seek to obtain, by gift from the owner, a quality copy of the Registry version of each sound recording included in the National Recording Registry.

(2) Limit on number of copies

Not more than one copy of the same version or take of any sound recording may be preserved in the National Recording Registry. Nothing in the preceding sentence may be construed to prohibit the Librarian from making or distributing copies of sound recordings included in the Registry for purposes of carrying out this Act.

(c) Property of United States

All copies of sound recordings on the National Recording Registry that are received by the Librarian under subsection (b) shall become the property of the United States Government, subject to the provisions of title 17.

(Pub. L. 106-474, title I, §104, Nov. 9, 2000, 114 Stat. 2087.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in subsec. (b)(2), is Pub. L. 106-474, Nov. 9, 2000, 114 Stat. 2085, known as the National Recording Preservation Act of 2000, which enacted this chapter and chapter 1524 (§152401 et seq.) of Title 36, Patriotic and National Observances, Ceremonies, and Organizations. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of this title and Tables.

SUBCHAPTER II—NATIONAL SOUND RECORDING PRESERVATION PROGRAM

§ 1711. Establishment of program by Librarian of Congress

(a) In general

The Librarian shall, after consultation with the National Recording Preservation Board established under subchapter III, implement a comprehensive national sound recording preservation program, in conjunction with other sound recording archivists, educators and historians, copyright owners, recording industry representatives, and others involved in activities related to sound recording preservation, and taking into account studies conducted by the Board.

(b) Contents of program specified

The program established under subsection (a) shall—

(1) coordinate activities to assure that efforts of archivists and copyright owners, and others in the public and private sector, are effective and complementary;

(2) generate public awareness of and support for these activities;

(3) increase accessibility of sound recordings for educational purposes;

(4) undertake studies and investigations of sound recording preservation activities as needed, including the efficacy of new technologies, and recommend solutions to improve these practices; and

(5) utilize the audiovisual conservation center of the Library of Congress at Culpeper, Virginia, to ensure that preserved sound recordings included in the National Recording Registry are stored in a proper manner and disseminated to researchers, scholars, and the public as may be appropriate in accordance

with title 17 and the terms of any agreements between the Librarian and persons who hold copyrights to such recordings.

(Pub. L. 106-474, title I, §111, Nov. 9, 2000, 114 Stat. 2087.)

§ 1712. Promoting accessibility and public awareness of sound recordings

The Librarian shall carry out activities to make sound recordings included in the National Recording Registry more broadly accessible for research and educational purposes and to generate public awareness and support of the Registry and the comprehensive national sound recording preservation program established under this subchapter.

(Pub. L. 106-474, title I, §112, Nov. 9, 2000, 114 Stat. 2088.)

SUBCHAPTER III—NATIONAL RECORDING PRESERVATION BOARD

§ 1721. Establishment

The Librarian shall establish in the Library of Congress a National Recording Preservation Board whose members shall be selected in accordance with the procedures described in section 1722 of this title.

(Pub. L. 106-474, title I, §121, Nov. 9, 2000, 114 Stat. 2088.)

§ 1722. Appointment of members

(a) Selections from lists submitted by organizations

(1) In general

The Librarian shall request each organization described in paragraph (2) to submit a list of three candidates qualified to serve as a member of the Board. The Librarian shall appoint one member from each such list, and shall designate from that list an alternate who may attend at Board expense those meetings which the individual appointed to the Board cannot attend.

(2) Organizations described

The organizations described in this paragraph are as follows:

- (A) National Academy of Recording Arts and Sciences (NARAS).
- (B) Recording Industry Association of America (RIAA).
- (C) Association for Recorded Sound Collections (ARSC).
- (D) American Society of Composers, Authors and Publishers (ASCAP).
- (E) Broadcast Music, Inc. (BMI).
- (F) Songwriters Association (SESAC).
- (G) American Federation of Musicians (AF of M).
- (H) Music Library Association.
- (I) American Musicological Society.
- (J) National Archives and Record Administration.
- (K) National Association of Recording Merchandisers (NARM).
- (L) Society for Ethnomusicology.
- (M) American Folklore Society.
- (N) Country Music Foundation.

- (O) Audio Engineering Society (AES).
- (P) National Academy of Popular Music.
- (Q) Digital Media Association (DiMA).

(b) Other members

In addition to the members appointed under subsection (a), the Librarian may appoint not more than five members-at-large. The Librarian shall select an alternate for each member-at-large, who may attend at Board expense those meetings that the member-at-large cannot attend.

(c) Chair

The Librarian shall appoint one member of the Board to serve as Chair.

(d) 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 members

The Librarian shall have the authority to remove any member of the Board if the member fails, after receiving proper notification, to attend (or send a designated alternate to attend) a regularly scheduled Board meeting, or if the member is determined by the Librarian to have substantially failed to fulfill the member's responsibilities as a member of the Board.

(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 shall be appointed for the remainder of the term of the member's predecessor.

(Pub. L. 106-474, title I, §122, Nov. 9, 2000, 114 Stat. 2088; Pub. L. 110-336, §2(a)(2), Oct. 2, 2008, 122 Stat. 3726.)

Editorial Notes

AMENDMENTS

2008—Subsec. (d)(2). Pub. L. 110-336 amended par. (2) generally. Prior to amendment, text of par. (2) read as follows: “The Librarian shall have the authority to remove any member of the Board (or, in the case of a member appointed under subsection (a)(1) of this section, the organization that such member represents) if the member or organization over any consecutive 2-year period fails to attend at least one regularly scheduled Board meeting.”

§ 1723. Service of members; meetings

(a) 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.

(b) 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.