

§ 170. American Television and Radio Archives

(a) Establishment and maintenance in Library of Congress; purpose; determination of composition, cataloging, indexing and availability by Librarian

The Librarian of Congress (hereinafter referred to as the “Librarian”) shall establish and maintain in the Library of Congress a library to be known as the American Television and Radio Archives (hereinafter referred to as the “Archives”). The purpose of the Archives shall be to preserve a permanent record of the television and radio programs which are the heritage of the people of the United States and to provide access to such programs to historians and scholars without encouraging or causing copyright infringement.

(1) The Librarian, after consultation with interested organizations and individuals, shall determine and place in the Archives such copies and phonorecords of television and radio programs transmitted to the public in the United States and in other countries which are of present or potential public or cultural interest, historical significance, cognitive value, or otherwise worthy of preservation, including copies and phonorecords of published and unpublished transmission programs—

(A) acquired in accordance with sections 407 and 408 of title 17; and

(B) transferred from the existing collections of the Library of Congress; and

(C) given to or exchanged with the Archives by other libraries, archives, organizations, and individuals; and

(D) purchased from the owner thereof.

(2) The Librarian shall maintain and publish appropriate catalogs and indexes of the collections of the Archives, and shall make such collections available for study and research under the conditions prescribed under this section.

(b) Reproduction, compilation, and distribution for research of regularly scheduled newscasts or on-the-spot coverage of news events by Librarian; promulgation of regulations

Notwithstanding the provisions of section 106 of title 17, the Librarian is authorized with respect to a transmission program which consists of a regularly scheduled newscast or on-the-spot coverage of news events and, under standards and conditions that the Librarian shall prescribe by regulation—

(1) to reproduce a fixation of such a program, in the same or another tangible form, for the purposes of preservation or security or for distribution under the conditions of clause (3) of this subsection; and

(2) to compile, without abridgment or any other editing, portions of such fixations according to subject matter, and to reproduce such compilations for the purpose of clause (1) of this subsection; and

(3) to distribute a reproduction made under clause (1) or (2) of this subsection—

(A) by loan to a person engaged in research; and

(B) for deposit in a library or archives which meets the requirements of section 108(a) of title 17,

in either case for use only in research and not for further reproduction or performance.

(c) Liability for copyright infringement by Librarian or any employee of Librarian

The Librarian or any employee of the Library who is acting under the authority of this section shall not be liable in any action for copyright infringement committed by any other person unless the Librarian or such employee knowingly participated in the act of infringement committed by such person. Nothing in this section shall be construed to excuse or limit liability under title 17 for any act not authorized by that title or this section, or for any act performed by a person not authorized to act under that title or this section.

(d) Short title

This section may be cited as the “American Television and Radio Archives Act”.

(Pub. L. 94-553, title I, §113, Oct. 19, 1976, 90 Stat. 2601.)

EFFECTIVE DATE

Section effective Jan. 1, 1978, see section 102 of Pub. L. 94-553, set out as a note preceding section 101 of Title 17, Copyrights.

§ 171. Congressional declaration of findings and purpose as to Center for the Book

The Congress hereby finds and declares—

(1) that the Congress of the United States on April 24, 1800, established for itself a library of the Congress;

(2) that in 1815, the Congress purchased the personal library of the third President of the United States which contained materials on every science known to man and described such a collection as a “substratum of a great national library”;

(3) that the Congress of the United States in recognition of the importance of printing and its impact on America purchased the Gutenberg Bible in 1930 for the Nation for placement in the Library of Congress;

(4) that the Congress of the United States has through statute and appropriations made this library accessible to any member of the public;

(5) that this collection of books and other library materials has now become one of the greatest libraries in civilization;

(6) that the book and the printed word have had the most profound influence on American civilization and learning and have been the very foundation on which our democratic principles have survived through our two hundred-year history;

(7) that in the year 1977, the Congress of the United States assembled hereby declares its reaffirmation of the importance of the printed word and the book and recognizes the importance of a Center for the Book to the continued study and development of written record as central to our understanding of ourselves and our world.

It is therefore the purpose of sections 171 to 175 of this title to establish a Center for the Book in the Library of Congress to provide a program for the investigation of the transmission of human

knowledge and to heighten public interest in the role of books and printing in the diffusion of this knowledge.

(Pub. L. 95-129, §1, Oct. 13, 1977, 91 Stat. 1151.)

§ 172. Definitions

As used in sections 171 to 175 of this title—

(1) the term Center means the Center for the Book;

(2) the term Librarian means the Librarian of Congress.

(Pub. L. 95-129, §2, Oct. 13, 1977, 91 Stat. 1151.)

§ 173. Establishment of Center for the Book

There is hereby established in the Library of Congress a Center for the Book.

The Center shall be under the direction of the Librarian of Congress.

(Pub. L. 95-129, §3, Oct. 13, 1977, 91 Stat. 1151.)

§ 174. Function of Center for the Book

The Librarian through the Center shall stimulate public interest and research in the role of the book in the diffusion of knowledge through such activities as a visiting scholar program accompanied by lectures, exhibits, publications, and any other related activities.

(Pub. L. 95-129, §4, Oct. 13, 1977, 91 Stat. 1152.)

§ 175. Administrative provisions

The Librarian of Congress, in carrying out the Center's functions, is authorized to—

(1) prescribe such regulations as he deems necessary;

(2) receive money and other property donated, bequeathed, or devised for the purposes of the Center, and to use, sell, or otherwise dispose of such property for the purposes of carrying out the Center's functions, without reference to Federal disposal statutes; and

(3) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5.

(Pub. L. 95-129, §5, Oct. 13, 1977, 91 Stat. 1152.)

§ 176. Mass Book Deacidification Facility; operation by Librarian of Congress

Notwithstanding any other provision of law, the Librarian of Congress shall equip, furnish, operate, and maintain the Library of Congress Mass Book Deacidification Facility.

(Pub. L. 98-427, §2, Sept. 28, 1984, 98 Stat. 1656.)

AUTHORIZATION TO CONSTRUCT FACILITY

Pub. L. 98-427, §1, Sept. 28, 1984, 98 Stat. 1656, provided: "That the Librarian of Congress is authorized and directed, subject to the supervision and construction authority of a Federal civilian or military agency, to construct the Library of Congress Mass Book Deacidification Facility in accordance with the general design developed by the Library of Congress and reviewed by the Architect of the Capitol, as set forth in the document entitled 'Library of Congress Mass Book Deacidification Facility, Engineering, Design, and Cost Estimate and Drawings', dated December 1983. Such facility shall be constructed on Federal property within

seventy-five miles of the United States Capitol Building."

AUTHORIZATION OF APPROPRIATION

Pub. L. 98-427, §3, Sept. 28, 1984, 98 Stat. 1656, provided that: "There are authorized to be appropriated for fiscal years beginning after September 30, 1983, sums not to exceed \$11,500,000 to carry out the provisions of this Act [enacting this section and a provision set out as a note under this section]."

§ 177. Poet Laureate Consultant in Poetry

(a) Recognition

The Congress recognizes that the Consultant in Poetry to the Library of Congress has for some time occupied a position of prominence in the life of the Nation, has spoken effectively for literary causes, and has occasionally performed duties and functions sometimes associated with the position of poet laureate in other nations and societies. Individuals are appointed to the position of Consultant in Poetry by the Librarian of Congress for one- or two-year terms solely on the basis of literary merit, and are compensated from endowment funds administered by the Library of Congress Trust Fund Board. The Congress further recognizes this position is equivalent to that of Poet Laureate of the United States.

(b) Position established

(1) There is established in the Library of Congress the position of Poet Laureate Consultant in Poetry. The Poet Laureate Consultant in Poetry shall be appointed by the Librarian of Congress pursuant to the same procedures of appointment as established on December 20, 1985, for the Consultant in Poetry to the Library of Congress.

(2) Each department and office of the Federal Government is encouraged to make use of the services of the Poet Laureate Consultant in Poetry for ceremonial and other occasions of celebration under such procedures as the Librarian of Congress shall approve designed to assure that participation under this paragraph does not impair the continuation of the work of the individual chosen to fill the position of Poet Laureate Consultant in Poetry.

(c) Poetry program

(1) The Chairperson of the National Endowment for the Arts, with the advice of the National Council on the Arts, shall annually sponsor a program at which the Poet Laureate Consultant in Poetry will present a major work or the work of other distinguished poets.

(2) There are authorized to be appropriated to the National Endowment for the Arts \$10,000 for the fiscal year 1987 and for each succeeding fiscal year ending prior to October 1, 1990, for the purpose of carrying out this subsection.

(Pub. L. 99-194, title VI, §601, Dec. 20, 1985, 99 Stat. 1347.)

§§ 178 to 178I. Repealed. Pub. L. 102-307, title II, § 214, June 26, 1992, 106 Stat. 272

Section 178, Pub. L. 100-446, title I, §1, Sept. 27, 1988, 102 Stat. 1782, related to Congressional findings on national film preservation.

Section 178a, Pub. L. 100-446, title I, §2, Sept. 27, 1988, 102 Stat. 1782, related to establishment of a National Film Registry.