

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.

(c) Meetings

The Board shall meet at least once each fiscal year. Meetings shall be at the call of the Librarian.

(d) Quorum

Eleven members of the Board shall constitute a quorum for the transaction of business.

(Pub. L. 106-474, title I, §123, Nov. 9, 2000, 114 Stat. 2089.)

§ 1724. Responsibilities of Board**(a) Review and recommendation of nominations for National Recording Registry****(1) In general**

The Board shall review nominations of sound recordings submitted to it for inclusion in the National Recording Registry and advise the Librarian, as provided in subchapter I, with respect to the inclusion of such recordings in the Registry and the preservation of these and other sound recordings that are culturally, historically, or aesthetically significant.

(2) Source of nominations

The Board shall consider for inclusion in the National Recording Registry nominations submitted by the general public as well as representatives of sound recording archives and the sound recording industry (such as the guilds and societies representing sound recording artists) and other creative artists.

(b) Study and report on sound recording preservation and restoration

The Board shall conduct a study and issue a report on the following issues:

(1) The current state of sound recording archiving, preservation and restoration activities.

(2) Taking into account the research and other activities carried out by or on behalf of the National Audio-Visual Conservation Center at Culpeper, Virginia—

(A) the methodology and standards needed to make the transition from analog “open

reel” preservation of sound recordings to digital preservation of sound recordings; and (B) standards for access to preserved sound recordings by researchers, educators, and other interested parties.

(3) The establishment of clear standards for copying old sound recordings (including equipment specifications and equalization guidelines).

(4) Current laws and restrictions regarding the use of archives of sound recordings, including recommendations for changes in such laws and restrictions to enable the Library of Congress and other nonprofit institutions in the field of sound recording preservation to make their collections available to researchers in a digital format.

(5) Copyright and other laws applicable to the preservation of sound recordings.

(Pub. L. 106-474, title I, §124, Nov. 9, 2000, 114 Stat. 2089.)

§ 1725. General powers of Board**(a) In general**

The Board may, for the purpose of carrying out its duties, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Librarian and the Board consider appropriate.

(b) Service on Foundation

Two sitting members of the Board shall be appointed by the Librarian and shall serve as members of the board of directors of the National Recording Preservation Foundation, in accordance with section 152403 of title 36.

(Pub. L. 106-474, title I, §125, Nov. 9, 2000, 114 Stat. 2090.)

SUBCHAPTER IV—GENERAL PROVISIONS

§ 1741. Definitions

As used in this chapter:

(1) The term “Librarian” means the Librarian of Congress.

(2) The term “Board” means the National Recording Preservation Board.

(3) The term “sound recording” has the meaning given such term in section 101 of title 17.

(4) The term “publication” has the meaning given such term in section 101 of title 17.

(5) The term “Registry version” means, with respect to a sound recording, the version of a recording first published or offered for mass distribution whether as a publication or a broadcast, or as complete a version as bona fide preservation and restoration activities by the Librarian, an archivist other than the Librarian, or the copyright legal owner can compile in those cases where the original material has been irretrievably lost or the recording is unpublished.

(Pub. L. 106-474, title I, §131, Nov. 9, 2000, 114 Stat. 2090.)

§ 1742. Staff; experts and consultants**(a) Staff**

The Librarian may appoint and fix the pay of such personnel as the Librarian considers appropriate to carry out this chapter.