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REMARKS BY MR. CLAY

THE NATIONAL FILM PRESERVATION ACT OF 1991

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 26, 1991

Mr. CLAY. Mr. Speaker, I rise in support of H.R. 2372. H.R. 2372 was jointly referred to the Committee on House Administration and the Committee on the Judiciary. We share jurisdiction for title II of H.R. 2372 as that bill has been reported by the Judiciary Committee, establishing the National Film Preservation Board within the Library of Congress.

The National Film Preservation Act of 1991 accomplishes a number of significant reforms. It removes the Librarian of Congress from the controversy surrounding the issue of moral rights in the film industry and the conflicting views of film copyright owners and the creative artists who make the film concerning subsequent alterations to the film. While the Congress may well have a role in the resolution of this controversy, I agree with the Librarian of Congress and the author of H.R. 2372 that the efforts of the Library of Congress should focus on film preservation rather than moral rights and labeling.

H.R. 2372 directs the Librarian of Congress to develop a study of the status of film preservation and to develop a plan for the preservation of films. H.R. 2372 requires that the Librarian submit a report to the Congress regarding film preservation efforts not later than 1 year after the date of enactment. In my view, this is among the most important provisions of legislation. Over half of the feature films made in the United States since 1951 no longer exist. The Library of Congress is already well recognized for its film preservation efforts and is well positioned to undertake these responsibilities. The efforts of the Library of Congress to assess, coordinate, and enhance film preservation efforts should be of significant benefit and I look forward to reviewing the report of the Librarian.

H.R. 2372 retains and enlarges the National Film Preservation Board. This Board, initially authorized by the National Film Preservation Act of 1988—Public Law 100-446—is made up of representatives from organizations with special interests and expertise in film making and film preservation. H.R. 2372 expands the number of Board members from 13 to 18. Among the organizations that will now be represented on the Board are the National Association of Theater Owners, the American Society of Cinematographers and the International Photographers Guild, who will jointly submit one list of candidates to the Librarian, and the International Federation of Film Archives. In addition, the Librarian is authorized to appoint up to two at-large members and, in selecting one of the at-large members, shall give preference to individuals who are commercial film archivists. The National Film Preservation Board is authorized for 3 years in order that there may be timely congressional review of the implementation of this legislation.

Members of the National Film Preservation Board make recommendations to the Librarian regarding films to be included in the National Film Registry. The Librarian may select up to 25 films a year for inclusion in the Registry. H.R. 2372 retains the requirement that a film be at least 10 years old before being eligible for inclusion in the Registry. It also retains the requirements of the National Film Preservation Act of 1988 that films be selected on the basis of their historical, cultural, or aesthetic importance. H.R. 2372 corrects a significant omission providing for the inclusion of films other than features, such as shorts, documentaries, and cartoons, in the National Registry.

As chairman of the Subcommittee on Libraries and Memorials of the Committee on House Administration, I wish to commend the members of the Judiciary Committee and especially the chairman of the committee, Mr. BROOKS, and the chairman of the Subcommittee on Intellectual Property and Judicial Administration and author of H.R. 2372, Mr. HUGHES, for the work they have done to improve both film preservation activities and the National Film Preservation Board. The Library of Congress has played a significant role in preserving American cinematography. More needs to be done to preserve American films, however, and the Library of Congress can play an even larger role in that effort. In my view, H.R. 2372 enhances the film preservation efforts of the Library of Congress and the Nation. I commend H.R. 2372 inclusion to my colleagues and urge its adoption.