

**The Library of Congress
National Recording Preservation Board**

Study on the Current State of Recorded Sound Preservation

The Librarian of Congress and the National Recording Preservation Board (NRPB) of the Library of Congress are conducting a study on the current state of recorded sound preservation and restoration in the United States. The study is intended to inform the drafting of a comprehensive plan for a national audio preservation program, as directed by Congress in the National Recording Preservation Act of 2000, P.L. 106-474.

To aid in completing the study, two public hearings are scheduled:

Los Angeles	November 29, 2006
New York City	December 19, 2006

Objectives and issues

Audio preservation today is not simply a matter of collecting and storing, or transferring endangered recordings to the digital domain. To achieve the objectives of long-term preservation requires a commitment to long-term processes (possibly with no discernible end) to maintain the quality of preserved materials and the ability to access them. Are the efforts and resources being invested in rescuing recordings today diverting attention from the sort of programs and resources that will be needed to support preservation through the decades? What will be needed to sustain long-term preservation and what sort of collaborative effort might help to achieve this?

The Library of Congress seeks comments and information that will assist the Librarian in understanding the issues involved in recorded sound preservation nationwide.

The preservation community

The Library is especially interested in comments from

- representatives of major and specialized sound archives, and institutional collections holding commercial and unpublished sound recordings
- major and independent record labels
- audio engineers affiliated with corporations, institutions or self-employed
- scholarly and professional organizations involved with the production, study, use or preservation of recorded sound
- individuals with personal, often specialized collections of recorded sound, including published and unpublished materials
- the legal community and academic or other specialists in copyright, fair use and intellectual property law as it pertains to preservation of, and access to protected sound recordings.

Issues of interest to the Board

The questions listed below touch on matters of concern to us. We do not intend witnesses to treat these as a list to be answered individually and specifically; these questions are intended only as a guide. Neither do we believe this list to be exhaustive. Witnesses should speak to the concerns most important to them, and these may include experiences and issues that witnesses believe the Board has not identified or sufficiently emphasized.

- What drives prioritization of your preservation efforts, e.g., is it driven by assessment of the most vulnerable elements in your collections, or largely determined by projects or evaluation of the cultural value of specific recordings or other factors?
- Is your preservation program is designed to be sustained for the long-term?
- Do you see potential opportunities for partnerships and collaborations within the public or private sectors to support preservation, or between the public and private sectors?
- What are the effects of U.S. law governing copyright and fair use on preservation and access and what amendments or additional provisions you would recommend the U.S. Congress should enact in this area?
- What creative solutions might overcome obstacles to preservation?
- What preservation issues are receiving insufficient attention?
- How can public consciousness be raised about the importance of dedicating public and private resources to recorded sound preservation?

Where

The November 29 Los Angeles hearing will take place at the Renaissance Hollywood Hotel, 1755 North Highland Avenue, Hollywood, California 90028, from 9:30 a.m. to 5:00 p.m. The December 19 hearing in New York will take place at The Princeton Club of New York, 15 West 43rd Street, (between 5th and 6th Avenues), New York, NY 10036, from 9:30 a.m. to 5:00 p.m.

For additional information on hearing locations and times, please refer to the website of the National Recording Preservation Board [<http://www.loc.gov/rr/record/nrpb/>].

To participate

Groups or individuals interested in participating in these public hearings should contact the Library of Congress about submitting oral and written comments. All requests to testify orally must be made no later than November 17, 2006 for the hearing in Los Angeles, and November 28, 2006 for the hearing to be held in New York. Requests should clearly identify the person and/or organization desiring to comment. Submission of testimony, or a preliminary summary of remarks, should be submitted with the request to testify. If your offer to appear in person is accepted, a copy of your complete testimony (preferably a file sent via email to rbamberger@crs.loc.gov or sleg@loc.gov) must be submitted by November 22, 2006 (Los Angeles) and December 12, 2006 (New York). Testimony for the hearing record will be accepted until the end of January 31, 2007.

Contacts

Steve Leggett, Library of Congress, M/B/RS Division, Washington, D.C. 20540. Telephone: 202/707-5912; Facsimile: 202/707-2371; email: sleg@loc.gov; or, Rob Bamberger, Consultant to the National Recording Preservation Board, Library of Congress, Washington, D.C. 20540. Telephone: (202) 707-1122; email: rbamberger@crs.loc.gov.

Testimony and Comments sent by electronic mail or delivered by hand are strongly encouraged. Submissions sent through the U.S. mail are strongly discouraged owing to delays in delivery of surface mail owing to security procedures.

Electronic submissions should be directed to rbamberger@crs.loc.gov with a cc to sleg@loc.gov. (see file formats and information requirements below). Submissions delivered by hand should be brought to the Library of Congress, M/B/RS Division, James Madison Memorial Building, Room LM-336, 101 Independence Avenue, SE., Washington, DC 20540. (Those sent by regular mail should be addressed to Steve Leggett, Program Coordinator, National Recording Preservation Board, Library of Congress, M/B/RS Division, 336 James Madison Memorial Building, First and Independence Avenue, SE., Washington, D.C. 20540.)

Written submissions are also invited from persons or organizations unable to testify or attend the hearings. All written comments or supplementary information should be received, in camera-ready copy, by January 30, 2007.

File formats and required information

(A) If by electronic mail: Send to rbamberger@crs.loc.gov (with cc to sleg@loc.gov) a message containing the name of the person making the submission, his or her title and organization (if the submission is on behalf of an organization), mailing address, telephone number, telefax number (if any) and e-mail address. The document itself must be sent as a MIME attachment, and must be in a single file and in recent, if not current versions of: (1) Adobe Portable Document File (PDF) format (preferred); (2) Microsoft Word; (3) WordPerfect; or in (4) Rich Text File (RTF) or (5) ASCII text file formats.

(B) If by regular mail or hand delivery: Send, to the appropriate address listed above, two copies of the comment, each on a 3.5-inch write-protected diskette, labeled with the name of the person making the submission and, if applicable, his or her title and organization. Either the document itself or a cover letter must also include the name of the person making the submission, his or her title and organization (if the submission is on behalf of an organization), mailing address, telephone number, telefax number (if any) and e-mail address (if any). The document itself must be in a single file in a single file and in recent, if not current versions of: (1) Adobe Portable Document File (PDF) format (preferred); (2) Microsoft Word; (3) WordPerfect; or in (4) Rich Text File (RTF) or (5) ASCII text file formats.

©) If by print only: Anyone who is unable to submit a comment in electronic form should submit an original and two paper copies by hand or by mail to the appropriate address listed above. It may not be feasible to place these submissions on the Board's website and, as noted earlier, use of surface mail is strongly discouraged owing to the uncertainty of timely delivery.

Background on the preservation study and hearings

The National Recording Preservation Act of 2000 (Public Law 106-474) was signed into law by President Clinton on November 9, 2000. The law established a National Recording Registry in the Library of Congress to maintain and preserve sound recordings and collections of sound recordings that are culturally, historically, or aesthetically significant. It additionally requires the Librarian of Congress to implement a comprehensive national recording preservation program after soliciting the participation of, and taking into consideration the counsel of other recording archivists, educators and historians, copyright owners, recording industry representatives, and others involved in activities related to recording preservation and with interests in make sound recordings more accessible for research and educational purposes. The law also established a National Recording Preservation Board that, among other activities, will study and report on the current state of sound recording preservation practices and activities in the United States. The authorities of the Act expire on September 30, 2008.

The legislation, in section 124(b) (2 USC 1724), charges the Librarian of Congress, in consultation with the National Recording Preservation Board, to conduct this study and after completion of the study, to develop a coordinated national sound recording preservation program. The objectives of this program are (1) to coordinate activities to ensure that efforts of archivists and copyright owners, and others in the public and private sector, are effective and complementary; (2) to generate public awareness and support for these activities; and (3) to increase accessibility of sound recordings for educational purposes; and (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.

The undertaking of the study, and the conduct of these hearings coincides with the completion of the National Audiovisual Conservation Center (hereafter NAVCC) in Culpeper, Virginia where the Library's collection of sound recordings, film and video will be consolidated. One purpose of the NAVCC will be to conduct preservation of the ever-growing body of deteriorating published and unpublished sound recordings in the Library's collection that are, in effect, a history in sound of the nation's social, cultural and historical record.

Through the development of a comprehensive national recording preservation program, the Library hopes to raise public and private recognition of the importance of recorded sound preservation and, in consultation with the National Recording Preservation Board, to identify initiatives to help solve the challenges faced by all stakeholders, recognizing the different environments in which universities and archives of all sizes, museums, libraries, record companies, E-commerce, and others operate.

These hearings are also intended to seek comment on potential public and private partnerships for significant accomplishment in furthering recorded sound preservation. The Librarian is also interested in comment on how to raise public awareness of the importance of sound recording preservation and a recognition of needs that must be met to achieve it.

The National Recording Preservation Board, appointed by the Librarian, consists of twenty-one members, seventeen of whom are drawn from institutions and organizations specified in the Act, and an additional four at-large members. These institutions and organizations are: The National Academy of Recording Arts and Sciences (NARAS); The Recording Industry Association of America (RIAA); The Association for Recorded Sound Collections (ARSC); The American Society of Composers, Authors and Publishers (ASCAP); Broadcast Music, Inc. (BMI); The Society of European Stage Authors and Composers (SESAC); The American Federation of Musicians (AF of M); The Music Library Association; The American Musicological Society; The National Archives and Record Administration; The National Association of Recording Merchandisers (NARM); The Society for Ethnomusicology; The American Folklore Society; The Country Music Foundation; The Audio Engineering Society (AES); The National Academy of Popular Music; and The Digital Media Association (DiMA).