

(b) Property

The Secretary of the Army shall, as soon as practicable, transfer to the Corporation the following:

(1) All automated data equipment, all other office equipment, targets, target frames, vehicles, and all other property under the control of the Director of Civilian Marksmanship and the Civilian Marksmanship Support Detachment on the day before February 10, 1996 (other than property to which section 5505(a) of this title applies).

(2) Title to property under the control of the National Match Fund on such day.

(3) All supplies and appliances under the control of the Director of the Civilian Marksmanship Program on such day.

(c) Offices

The Corporation may use the office space of the Office of the Director of Civilian Marksmanship until the date on which the Secretary of the Army completes the transfer of the Civilian Marksmanship Program to the Corporation. The Corporation shall assume control of the leased property occupied as of February 10, 1996, by the Civilian Marksmanship Support Detachment, located at the Erie Industrial Park, Port Clinton, Ohio.

(d) Costs of transfers

Any transfer of items to the Corporation under this section shall be made without cost to the Corporation.

(Pub. L. 104-106, div. A, title XVI, §1621, Feb. 10, 1996, 110 Stat. 521.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5502 of this title.

§ 5522. Continuation of eligibility for certain Civil Service benefits for former Federal employees of Civilian Marksmanship Program

(a) Continuation of eligibility

Notwithstanding any other provision of law, a Federal employee who is employed by the Department of Defense to support the Civilian Marksmanship Program as of the day before the date of the transfer of the Program to the Corporation and is offered employment by the Corporation as part of the transition described in section 5502(d) of this title may, if the employee becomes employed by the Corporation, continue to be eligible during continuous employment with the Corporation for the Federal health, retirement, and similar benefits (including life insurance) for which the employee would have been eligible had the employee continued to be employed by the Department of Defense. The employer's contribution for such benefits shall be paid by the Corporation.

(b) Regulations

The Director of the Office of Personnel Management shall prescribe regulations to carry out subsection (a) of this section.

(Pub. L. 104-106, div. A, title XVI, §1622, Feb. 10, 1996, 110 Stat. 521.)

§ 5523. Certification of completion of transition

(a) Certification requirement

Upon completion of the appointment of the Board of Directors for the Corporation under section 5501(c)(5) of this title and of the transition required under section 5502(d) of this title, the Secretary of the Army shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a certification of the completion of such actions.

(b) Publication of certification

The Secretary shall take such actions as are necessary to ensure that the certification is published in the Federal Register promptly after the submission of the certification under subsection (a) of this section.

(Pub. L. 104-106, div. A, title XVI, §1623, Feb. 10, 1996, 110 Stat. 522.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5521 of this title.

CHAPTER 88—FLEET RESERVE ASSOCIATION

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§ 5601. Recognition and grant of Federal charter

The Fleet Reserve Association, a nonprofit corporation organized under the laws of the State of Delaware, is recognized as such and granted a Federal charter.

(Pub. L. 104-201, div. A, title XVIII, §1801, Sept. 23, 1996, 110 Stat. 2760.)

§ 5602. Powers

The Fleet Reserve Association (in this chapter referred to as the “association”) shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State of Delaware and subject to the laws of that State.

(Pub. L. 104-201, div. A, title XVIII, §1802, Sept. 23, 1996, 110 Stat. 2760.)

§ 5603. Purposes

The purposes of the association are those provided in its bylaws and articles of incorporation and shall include the following:

- (1) Upholding and defending the Constitution of the United States.
- (2) Aiding and maintaining an adequate naval defense for the United States.
- (3) Assisting the recruitment of the best personnel available for the United States Navy, United States Marine Corps, and United States Coast Guard.
- (4) Providing for the welfare of the personnel who serve in the United States Navy, United States Marine Corps, and United States Coast Guard.
- (5) Continuing to serve loyally the United States Navy, United States Marine Corps, and United States Coast Guard.
- (6) Preserving the spirit of shipmanship by providing assistance to shipmates and their families.
- (7) Instilling love of the United States and the flag and promoting soundness of mind and body in the youth of the United States.

(Pub. L. 104-201, div. A, title XVIII, §1803, Sept. 23, 1996, 110 Stat. 2760.)

§ 5604. Service of process

With respect to service of process, the association shall comply with the laws of the State of Delaware and those States in which it carries on its activities in furtherance of its corporate purposes.

(Pub. L. 104-201, div. A, title XVIII, §1804, Sept. 23, 1996, 110 Stat. 2761.)

§ 5605. Membership

Except as provided in section 5608(g) of this title, eligibility for membership in the association and the rights and privileges of members shall be as provided in the bylaws and articles of incorporation of the association.

(Pub. L. 104-201, div. A, title XVIII, §1805, Sept. 23, 1996, 110 Stat. 2761.)

§ 5606. Board of directors

Except as provided in section 5608(g) of this title, the composition of the board of directors of the association and the responsibilities of the board shall be as provided in the bylaws and articles of incorporation of the association and in conformity with the laws of the State of Delaware.

(Pub. L. 104-201, div. A, title XVIII, §1806, Sept. 23, 1996, 110 Stat. 2761.)

§ 5607. Officers

Except as provided in section 5608(g) of this title, the positions of officers of the association and the election of members to such positions shall be as provided in the bylaws and articles of incorporation of the association and in conformity with the laws of the State of Delaware.

(Pub. L. 104-201, div. A, title XVIII, §1807, Sept. 23, 1996, 110 Stat. 2761.)

§ 5608. Restrictions

(a) Income and compensation

No part of the income or assets of the association may inure to the benefit of any member, officer, or director of the association or be distributed to any such individual during the life of this charter. Nothing in this subsection may be construed to prevent the payment of reasonable compensation to the officers and employees of the association or reimbursement for actual and necessary expenses in amounts approved by the board of directors.

(b) Loans

The association may not make any loan to any member, officer, director, or employee of the association.

(c) Issuance of stock and payment of dividends

The association may not issue any shares of stock or declare or pay any dividends.

(d) Disclaimer of congressional or Federal approval

The association may not claim the approval of the Congress or the authorization of the Federal Government for any of its activities by virtue of this chapter.

(e) Corporate status

The association shall maintain its status as a corporation organized and incorporated under the laws of the State of Delaware.

(f) Corporate function

The association shall function as an educational, patriotic, civic, historical, and research organization under the laws of the State of Delaware.

(g) Nondiscrimination

In establishing the conditions of membership in the association and in determining the requirements for serving on the board of directors or as an officer of the association, the association may not discriminate on the basis of race, color, religion, sex, handicap, age, or national origin.

(Pub. L. 104-201, div. A, title XVIII, §1808, Sept. 23, 1996, 110 Stat. 2761.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5605, 5606, 5607 of this title.

§ 5609. Liability

The association shall be liable for the acts of its officers, directors, employees, and agents whenever such individuals act within the scope of their authority.

(Pub. L. 104-201, div. A, title XVIII, §1809, Sept. 23, 1996, 110 Stat. 2762.)

§ 5610. Maintenance and inspection of books and records

(a) Books and records of account

The association shall keep correct and complete books and records of account and minutes of any proceeding of the association involving any of its members, the board of directors, or

any committee having authority under the board of directors.

(b) Names and addresses of members

The association shall keep at its principal office a record of the names and addresses of all members having the right to vote in any proceeding of the association.

(c) Right to inspect books and records

All books and records of the association may be inspected by any member having the right to vote in any proceeding of the association, or by any agent or attorney of such member, for any proper purpose at any reasonable time.

(d) Application of State law

This section may not be construed to contravene any applicable State law.

(Pub. L. 104-201, div. A, title XVIII, §1810, Sept. 23, 1996, 110 Stat. 2762.)

§ 5611. Annual report

The association shall annually submit to Congress a report concerning the activities of the association during the preceding fiscal year. The annual report shall be submitted on the same date as the report of the audit required by reason of the amendment made in section 1101(77) of this title. The annual report shall not be printed as a public document.

(Pub. L. 104-201, div. A, title XVIII, §1812, Sept. 23, 1996, 110 Stat. 2762.)

REFERENCES IN TEXT

Section 1101(77) of this title, referred to in text, was in the original “section 1811”, meaning section 1811 of Pub. L. 104-201, which amended section 1101 of this title to include the Fleet Reserve Association within the definition of “private corporations established under Federal law”. Section 1103 of this title requires a report to Congress on the annual audit of private corporations established under Federal law.

§ 5612. Reservation of right to alter, amend, or repeal chapter

The right to alter, amend, or repeal this chapter is expressly reserved to Congress.

(Pub. L. 104-201, div. A, title XVIII, §1813, Sept. 23, 1996, 110 Stat. 2762.)

§ 5613. Tax-exempt status required as condition of charter

If the association fails to maintain its status as an organization exempt from taxation as provided in title 26 the charter granted in this chapter shall terminate.

(Pub. L. 104-201, div. A, title XVIII, §1814, Sept. 23, 1996, 110 Stat. 2762.)

§ 5614. Termination

The charter granted in this chapter shall expire if the association fails to comply with any of the provisions of this chapter.

(Pub. L. 104-201, div. A, title XVIII, §1815, Sept. 23, 1996, 110 Stat. 2762.)

§ 5615. “State” defined

For purposes of this chapter, the term “State” includes the District of Columbia, the Common-

wealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

(Pub. L. 104-201, div. A, title XVIII, §1816, Sept. 23, 1996, 110 Stat. 2762.)

CHAPTER 89—NATIONAL FILM PRESERVATION FOUNDATION

Sec.	
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§ 5701. Establishment and purpose of Foundation

(a) Establishment

There is established the National Film Preservation Foundation (hereafter in this chapter referred to as the “Foundation”). The Foundation is a charitable and nonprofit corporation and is not an agency or establishment of the United States.

(b) Purposes

The purposes of the Foundation are—

(1) to encourage, accept, and administer private gifts to promote and ensure the preservation and public accessibility of the nation’s film heritage held at the Library of Congress and other public and nonprofit archives throughout the United States;

(2) to further the goals of the Library of Congress and the National Film Preservation Board in connection with their activities under the National Film Preservation Act of 1996 [2 U.S.C. 179f et seq.]; and

(3) to undertake and conduct other activities, alone or in cooperation with other film related institutions and organizations, as will further the preservation and public accessibility of films made in the United States, particularly those not protected by private interests, for the benefit of present and future generations of Americans.

(Pub. L. 104-285, title II, §202, Oct. 11, 1996, 110 Stat. 3382.)

REFERENCES IN TEXT

The National Film Preservation Act of 1996, referred to in subsec. (b)(2), is title I of Pub. L. 104-285, Oct. 11,