

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 Commonwealth 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**

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**§ 5701. Establishment and purpose of Foundation**

**(a) Establishment**

There is established the National Film Preservation Foundation (hereafter in this chapter re-

ferred 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, 1996, 110 Stat. 3377, which is classified principally to section 179f et seq. of Title 2, The Congress. For complete classification of this Act to the Code, see Short Title note set out under section 179f of Title 2 and Tables.

SHORT TITLE

Section 201 of title II of Pub. L. 104-285 provided that: “This title [enacting this chapter] may be cited as the ‘National Film Preservation Foundation Act’.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5703, 5706 of this title.

**§ 5702. Board of Directors of Foundation**

**(a) Establishment and membership**

The Foundation shall have a governing Board of Directors (hereafter in this chapter referred to as the “Board”), which shall consist of 9 Directors, each of whom shall be a United States citizen and at least 6 of whom must be knowledgeable or experienced in film production, distribution, preservation, or restoration, including 2 who shall be sitting members of the National Film Preservation Board. These 6 members of the Board shall, to the extent practicable, represent diverse points of views from the film community, including motion picture producers, creative artists, nonprofit and public archivists, historians, film critics, theater owners, and laboratory and university personnel. The Librarian of Congress (hereafter in this chapter referred to as the “Librarian”) shall be an ex officio nonvoting member of the Board. Appointment to the Board shall not constitute employment by, or the holding of an office of, the United States for the purpose of any Federal law.

**(b) Appointment and terms**

Within 90 days after October 11, 1996, the Librarian shall appoint the Directors of the Board. Each Director shall be appointed for a term of 4 years. A vacancy on the Board shall be filled, within 60 days after the vacancy occurs, in the manner in which the original appointment was made. No individual may serve more than 2 consecutive terms as a Director.

**(c) Chair**

The initial Chair shall be appointed by the Librarian from the membership of the Board for a 2-year term, and thereafter shall be appointed and removed in accordance with the Foundation's bylaws.

**(d) Quorum**

A majority of the current membership of the Board shall constitute a quorum for the transaction of business.

**(e) Meetings**

The Board shall meet at the call of the Librarian or the Chair at least once a year. If a Director misses 3 consecutive regularly scheduled meetings, that individual may be removed from the Board by the Librarian, and that vacancy shall be filled in accordance with subsection (b) of this section.

**(f) Reimbursement of expenses**

Members of the Board shall serve without pay, but may be reimbursed for the actual and necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Foundation.

**(g) General powers****(1) Organization of Foundation**

The Board may complete the organization of the Foundation by—

- (A) appointing, removing, and replacing officers, except as provided for in paragraph (2)(B);
- (B) adopting a constitution and bylaws consistent with the purposes of the Foundation and the provisions of this chapter; and
- (C) undertaking such other acts as may be necessary to carry out the provisions of this chapter.

**(2) Limitation on appointment of employees**

The following limitations apply with respect to the appointment of employees of the Foundation:

- (A) Except as provided in subparagraph (B), employees of the Foundation shall be appointed, removed, and replaced by the Secretary of the Board. All employees (including the Secretary of the Board) shall be appointed and removed without regard to the provisions of title 5 governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay in effect for grade GS-15 of the General Schedule. Neither the Board, nor any of the employees

of the Foundation, including the Secretary of the Board, shall be construed to be employees of the Library of Congress.

(B) The first employee appointed shall be the Secretary of the Board. The Secretary shall be appointed, and may be removed by, the Librarian.

(C) The Secretary of the Board shall—

- (i) serve as its executive director, and
- (ii) be knowledgeable and experienced in matters relating to film preservation and restoration activities, financial management, and fund-raising.

(Pub. L. 104-285, title II, §203, Oct. 11, 1996, 110 Stat. 3383.)

## REFERENCES IN TEXT

The provisions of title 5 governing appointments in the competitive service, referred to in subsec. (g)(2)(A), are classified generally to section 3301 et seq. of Title 5, Government Organization and Employees.

The General Schedule, referred to in subsec. (g)(2)(A), is set out under section 5332 of Title 5.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5704 of this title; title 2 section 179o.

**§ 5703. Rights and obligations of Foundation****(a) General**

The Foundation—

- (1) shall have perpetual succession;
- (2) may conduct business in the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States;
- (3) shall have its principal offices in the District of Columbia; and
- (4) shall at all times maintain a designated agent authorized to accept service of process for the Foundation.

The serving of notice to, or service of process upon, the agent required under paragraph (4), or mailed to the business address of such agent, shall be deemed as service upon or notice to the Foundation.

**(b) Seal**

The Foundation shall have an official seal selected by the Board which shall be judicially noticed.

**(c) Powers**

To carry out its purposes under section 5701 of this title, the Foundation shall have, in addition to the powers otherwise given it under this chapter, the usual powers of a corporation acting as a trustee in the District of Columbia, including the power—

- (1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein;
- (2) to acquire by purchase or exchange any real or personal property or interest therein;
- (3) unless otherwise required by the instrument of transfer, to sell, donate, lease, invest, reinvest, retain, or otherwise dispose of any property or income therefrom;
- (4) to borrow money and issue bonds, debentures, or other debt instruments;

(5) to sue and be sued, and complain and defend itself in any court of competent jurisdiction, except that the Directors of the Board shall not be personally liable, except for gross negligence;

(6) to enter into contracts or other arrangements with public agencies and private organizations and persons and to make such payments as may be necessary to carry out its functions; and

(7) to do any and all acts necessary and proper to carry out the purposes of the Foundation.

A gift, devise, or bequest may be accepted by the Foundation even though it is encumbered, restricted, or subject to beneficial interests of private persons, if any current or future interest therein is for the benefit of the Foundation.

(Pub. L. 104-285, title II, §204, Oct. 11, 1996, 110 Stat. 3384.)

#### § 5704. Administrative services and support

The Librarian may provide personnel, facilities, and other administrative services to the Foundation, including reimbursement of expenses under section 5702 of this title, not to exceed the current per diem rates for the Federal Government, and the Foundation shall reimburse the Librarian therefor. Amounts so reimbursed shall be deposited in the Treasury to the credit of the appropriations then current and chargeable for the cost of providing such services.

(Pub. L. 104-285, title II, §205, Oct. 11, 1996, 110 Stat. 3385.)

#### § 5705. Volunteer status

The Librarian may accept, without regard to the civil service classification laws, rules, or regulations, the services of the Foundation, the Board, and other officers and employees of the Board, without compensation from the Library of Congress, as volunteers in the performance of the functions authorized in this chapter.

(Pub. L. 104-285, title II, §206, Oct. 11, 1996, 110 Stat. 3385.)

#### REFERENCES IN TEXT

The civil service classification laws, referred to in text, probably should refer to civil service and classification laws. The civil service laws are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5. The classification laws are set forth in chapter 51 and subchapter III of chapter 53 of Title 5.

#### § 5706. Audits, report requirements, and petition of Attorney General, for equitable relief

##### (a) Audits

The Foundation shall be treated as a private corporation established under Federal law for purposes of the Act entitled “An Act to provide for audit of accounts of private corporations established under Federal law.”, approved August 30, 1964 (36 U.S.C. 1101-1103).

##### (b) Report

The Foundation shall, as soon as practicable after the end of each fiscal year, transmit to the

Congress a report of its proceedings and activities during such year, including a full and complete statement of its receipts, expenditures, and investments.

#### (c) Relief with respect to certain Foundation acts or failure to act

If the Foundation—

(1) engages in, or threatens to engage in, any act, practice, or policy that is inconsistent with its purposes set forth in section 5701(b) of this title, or

(2) refuses, fails, or neglects to discharge its obligations under this chapter, or threatens to do so,

the Attorney General of the United States may file a petition in the United States District Court for the District of Columbia for such equitable relief as may be necessary or appropriate.

(Pub. L. 104-285, title II, §207, Oct. 11, 1996, 110 Stat. 3385.)

#### REFERENCES IN TEXT

The Act entitled “An Act to provide for audit of accounts of private corporations established under Federal law.”, referred to in subsec. (a), is Pub. L. 88-504, Aug. 30, 1964, 78 Stat. 635, as amended, which is classified principally to chapter 42 (§1101 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

#### § 5707. United States release from liability

The United States shall not be liable for any debts, defaults, acts, or omissions of the Foundation, nor shall the full faith and credit of the United States extend to any obligation of the Foundation.

(Pub. L. 104-285, title II, §208, Oct. 11, 1996, 110 Stat. 3386.)

#### § 5708. Authorization of appropriations

##### (a) Authorization

There are authorized to be appropriated to the Library of Congress such sums as may be necessary to carry out the purposes of this chapter, not to exceed \$250,000 for each of the fiscal years 2000 through 2003, to be made available to the Foundation to match private contributions (whether in currency, services, or property) made to the Foundation by private persons and State and local governments.

##### (b) Administrative expenses

No Federal funds authorized under this section may be used by the Foundation for administrative expenses of the Foundation, including for salaries, travel, and transportation expenses, and other overhead expenses.

(Pub. L. 104-285, title II, §209, Oct. 11, 1996, 110 Stat. 3386.)

### CHAPTER 90—FEDERAL CHARTER FOR THE AIR FORCE SERGEANTS ASSOCIATION

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