

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
151509	36:2010.	Aug. 9, 1982, Pub. L. 97-231, §10, 96 Stat. 257.

The word “records” is substituted for “books and records” for consistency in the revised title and with other titles of the United States Code. The words “Nothing in this section shall be construed to contravene any applicable State law” are omitted as unnecessary.

§ 151510. Service of process

The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1403.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
151510	36:2004.	Aug. 9, 1982, Pub. L. 97-231, §4, 96 Stat. 256.

The words “in furtherance of its corporate purposes” are omitted as unnecessary.

§ 151511. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1403.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
151511	36:2009.	Aug. 9, 1982, Pub. L. 97-231, §9, 96 Stat. 257.

§ 151512. Annual report

The corporation shall submit an annual report to Congress on the activities of the corporation during the prior fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1403.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
151512	36:2011.	Aug. 9, 1982, Pub. L. 97-231, §12, 96 Stat. 258.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of reporting provisions in this section, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 203 of House Document No. 103-7.

CHAPTER 1517—NATIONAL FILM PRESERVATION FOUNDATION

- Sec.
- 151701. Organization.
- 151702. Purposes.

- Sec.
- 151703. Board of directors.
- 151704. Officers and employees.
- 151705. Powers.
- 151706. Principal office.
- 151707. Provision and acceptance of support by Librarian of Congress.
- 151708. Service of process.
- 151709. Civil action by Attorney General for equitable relief.
- 151710. Immunity of United States Government.
- 151711. Authorization of appropriations.
- 151712. Annual report.

§ 151701. Organization

(a) FEDERAL CHARTER.—National Film Preservation Foundation (in this chapter, the “corporation”) is a federally chartered corporation.

(b) NATURE OF CORPORATION.—The corporation is a charitable and nonprofit corporation and is not an agency or establishment of the United States Government.

(c) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1404.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
151701(a)	36:5701(a) (1st sentence).	Oct. 11, 1996, Pub. L. 104-285, title II, §§202(a), 204(a)(1), 110 Stat. 3382, 3384.
151701(b)	36:5701(a) (last sentence).	
151701(c)	36:5703(a)(1).	

Subsection (a) is substituted for “There is established the National Film Preservation Foundation (hereafter in this chapter referred to as the ‘Foundation’)” for consistency in the revised title.

In subsection (c), the words “Except as otherwise provided” are added, and the word “existence” is substituted for “succession”, for consistency in the revised title.

§ 151702. Purposes

The purposes of the corporation are to—

(1) 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 and the repatriation of American films from foreign archives;

(2) 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. 179l-179w); and

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

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1404; Pub. L. 110-336, §3(b)(2), Oct. 2, 2008, 122 Stat. 3728.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
151702	36:5701(b).	Oct. 11, 1996, Pub. L. 104-285, title II, §202(b), 110 Stat. 3382.

REFERENCES IN TEXT

The National Film Preservation Act of 1996, referred to in par. (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.

AMENDMENTS

2008—Par. (1). Pub. L. 110-336 substituted “United States and the repatriation of American films from foreign archives;” for “United States;”.

§ 151703. Board of directors

(a) GENERAL.—The board of directors is the governing body of the corporation.

(b) MEMBERS AND APPOINTMENT.—(1) The Librarian of Congress is an ex officio nonvoting member of the board. The Librarian appoints the directors to the board.

(2)(A) The board consists of 12 directors.

(B) Each director must be a United States citizen.

(C) At least six directors must be knowledgeable or experienced in film production, distribution, preservation, or restoration, including two who are sitting members of the National Film Preservation Board. These six directors must, to the extent practicable, represent diverse points of view from the film community, including motion picture producers, creative artists, non-profit and public archivists, historians, film critics, theater owners, and laboratory and university personnel.

(3) A director is not an employee of the Library of Congress and appointment to the board does not constitute appointment as an officer or employee of the United States Government for the purpose of any law of the United States.

(4) The terms of office of the directors are 4 years. There shall be no limit to the number of terms to which any individual may be appointed.

(5) A vacancy on the board shall be filled within 120 days in the manner in which the original appointment was made.

(c) CHAIR.—The Librarian shall appoint one of the directors as the initial chair of the board for a 2-year term. Thereafter, the chair shall be appointed and removed in accordance with the by-laws of the corporation.

(d) QUORUM.—A majority of the current membership of the board is a quorum.

(e) MEETINGS.—The board shall meet at the call of the Librarian or the chair at least once each year. If a director misses three consecutive regularly scheduled meetings, the director may be removed from the board by the Librarian and that vacancy may be filled as provided in subsection (b) of this section.

(f) COMPENSATION AND REIMBURSEMENT.—Directors serve without compensation but may be reimbursed for actual and necessary travel and

subsistence expenses incurred in performing duties for the corporation.

(g) LIABILITY OF DIRECTORS.—Directors are not personally liable, except for gross negligence.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1404; Pub. L. 109-9, title III, §312(a), Apr. 27, 2005, 119 Stat. 226; Pub. L. 110-336, §3(b)(3), Oct. 2, 2008, 122 Stat. 3728.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
151703(a)	36:5702(a) (1st sentence words before 1st comma).	Oct. 11, 1996, Pub. L. 104-285, title II, §§203(a)-(f), (g)(2)(A) (last sentence related to board of directors), 204(c)(5) (words after 2d comma), 110 Stat. 3383, 3384, 3385.
151703(b)(1)	36:5702(a) (3d sentence), (b) (1st sentence).	
151703(b)(2)	36:5702(a) (1st sentence words after 1st comma, 2d sentence).	
151703(b)(3)	36:5702(a) (last sentence), (g)(2)(A) (last sentence related to board of directors).	
151703(b)(4)	36:5702(b) (2d, last sentences).	
151703(b)(5)	36:5702(b) (3d sentence).	
151703(c)-(f)	36:5702(c)-(f).	
151703(g)	36:5703(c)(5) (words after 2d comma).	

Subsection (a) is substituted for “The Foundation shall have a governing Board of Directors (hereafter in this title referred to as the ‘Board’)” for consistency in the revised title and to eliminate unnecessary words.

In subsection (b)(1), the words “(hereafter in this chapter referred to as the ‘Librarian’)” in 36:5702(a) are omitted as unnecessary. The words “Within 90 days after October 11, 1996” in 36:5702(b) are omitted as obsolete.

In subsection (b)(3), the words “is not an employee” are substituted for “nor . . . shall be construed to be employees” in 36:5702(g)(2)(A) (last sentence related to the board of directors), and the words “appointment to the board does not constitute appointment as an officer or employee” are substituted for “Appointment to the Board shall not constitute employment by, or the holding of an office of” in 36:5702(a), for clarity.

In subsection (d), the words “for the transaction of business” are omitted as unnecessary.

AMENDMENTS

2008—Subsec. (b)(5). Pub. L. 110-336 substituted “120 days” for “60 days”.

2005—Subsec. (b)(2)(A). Pub. L. 109-9, §312(a)(1), substituted “12” for “nine”.

Subsec. (b)(4). Pub. L. 109-9, §312(a)(2), substituted “There shall be no limit to the number of terms to which any individual may be appointed.” for “An individual may not serve more than two consecutive terms.”

§ 151704. Officers and employees

(a) SECRETARY OF THE BOARD.—(1) The Librarian of Congress shall appoint a Secretary of the Board to serve as executive director of the corporation. The Librarian may remove the Secretary.

(2) The Secretary must be knowledgeable and experienced in matters relating to—

- (A) film preservation and restoration activities;
- (B) financial management; and