

CHAPTER 1524—NATIONAL RECORDING PRESERVATION FOUNDATION

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§ 152401. Organization

(a) FEDERAL CHARTER.—The National Recording 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.

(Added Pub. L. 106-474, title II, §201(a), Nov. 9, 2000, 114 Stat. 2091.)

§ 152402. 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 sound recording heritage held at the Library of Congress and other public and nonprofit archives throughout the United States; and

(2) further the goals of the Library of Congress and the National Recording Preservation Board in connection with their activities under the National Recording Preservation Act of 2000.

(Added Pub. L. 106-474, title II, §201(a), Nov. 9, 2000, 114 Stat. 2092.)

REFERENCES IN TEXT

The National Recording Preservation Act of 2000, referred to in par. (2), is Pub. L. 106-474, Nov. 9, 2000, 114 Stat. 2085, which enacted this chapter and chapter 27 (§1701 et seq.) of Title 2, The Congress. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 2 and Tables.

§ 152403. 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 (hereafter in this chapter referred to as the “Librarian”) is an ex officio nonvoting member of the board. Not later than 90 days after the date of the enactment of this chapter, the Librarian shall appoint the directors to the board in accordance with paragraph (2).

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

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

(C) At least 8 directors shall be knowledgeable or experienced in sound recording production, distribution, preservation, or restoration, including two who are sitting members of the National Recording Preservation Board. These 8 directors shall, to the extent practicable, represent diverse points of view from the sound recording community.

(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.

(5) A vacancy on the board shall be filled 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 bylaws of the corporation.

(d) QUORUM.—The number of directors constituting a quorum of the board shall be established under the bylaws of the corporation.

(e) MEETINGS.—The board shall meet at the call of the Librarian for regularly scheduled meetings.

(f) REIMBURSEMENT OF EXPENSES.—Directors shall serve without compensation but may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5.

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

(Added Pub. L. 106-474, title II, §201(a), Nov. 9, 2000, 114 Stat. 2092; amended Pub. L. 110-336, §2(b)(2), Oct. 2, 2008, 122 Stat. 3727; Pub. L. 114-217, §2(b)(2), July 29, 2016, 130 Stat. 840.)

REFERENCES IN TEXT

The date of the enactment of this chapter, referred to in subsec. (b), is the date of enactment of Pub. L. 106-474, which was approved Nov. 9, 2000.

AMENDMENTS

2016—Subsec. (b)(2)(A). Pub. L. 114-217, §2(b)(2)(A), substituted “12 directors” for “nine directors”.

Subsec. (b)(2)(C). Pub. L. 114-217, §2(b)(2)(B), substituted “8 directors” for “six directors” in two places.

2008—Subsec. (b)(4). Pub. L. 110-336 struck out at end “An individual may not serve more than two consecutive terms.”

§ 152404. Officers and employees

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

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

- (A) sound recording preservation and restoration activities; (B) financial management; and (C) fundraising.

(b) APPOINTMENT OF OFFICERS.—Except as provided in subsection (a) of this section, the board of directors appoints, removes, and replaces officers of the corporation.

(c) APPOINTMENT OF EMPLOYEES.—Except as provided in subsection (a) of this section, the Secretary appoints, removes, and replaces employees of the corporation.

(d) STATUS AND COMPENSATION OF EMPLOYEES.—Employees of the corporation (including the Secretary)—

- (1) are not employees of the Library of Congress;
- (2) shall be appointed and removed without regard to the provisions of title 5 governing appointments in the competitive service; and
- (3) may be paid without regard to chapter 51 and subchapter III of chapter 53 of title 5, except that an employee may not be paid more than the annual rate of basic pay for level 15 of the General Schedule under section 5107 of title 5.

(Added Pub. L. 106-474, title II, §201(a), Nov. 9, 2000, 114 Stat. 2093.)

REFERENCES IN TEXT

The General Schedule, referred to in subsec. (d)(3), is set out under section 5332 of Title 5, Government Organization and Employees.

§ 152405. Powers

(a) GENERAL.—The corporation may—

- (1) adopt a constitution and bylaws;
- (2) adopt a seal which shall be judicially noticed; and
- (3) do any other act necessary to carry out this chapter.

(b) POWERS AS TRUSTEE.—To carry out its purposes, the corporation has the usual powers of a corporation acting as a trustee in the jurisdiction in which the principal office of the corporation is located, including the power—

- (1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of property or any income from or other interest in property;
- (2) to acquire property or an interest in property by purchase or exchange;
- (3) unless otherwise required by an instrument of transfer, to sell, donate, lease, invest, or otherwise dispose of any property or income from property;
- (4) to borrow money and issue instruments of indebtedness;
- (5) to make contracts and other arrangements with public agencies and private organizations and persons and to make payments necessary to carry out its functions;
- (6) to sue and be sued; and
- (7) to do any other act necessary and proper to carry out the purposes of the corporation.

(c) ENCUMBERED OR RESTRICTED GIFTS.—A gift, devise, or bequest may be accepted by the corporation even though it is encumbered, restricted, or subject to beneficial interests of private persons, if any current or future interest is for the benefit of the corporation.

(Added Pub. L. 106-474, title II, §201(a), Nov. 9, 2000, 114 Stat. 2093; amended Pub. L. 110-336, §2(b)(3)(B), Oct. 2, 2008, 122 Stat. 3727.)

AMENDMENTS

2008—Subsec. (b). Pub. L. 110-336 substituted “jurisdiction in which the principal office of the corporation

is located,” for “District of Columbia,” in introductory provisions.

§ 152406. Principal office

The principal office of the corporation shall be in the District of Columbia or another place as determined by the Board of Directors. However, the corporation may conduct business throughout the States, territories, and possessions of the United States.

(Added Pub. L. 106-474, title II, §201(a), Nov. 9, 2000, 114 Stat. 2094; amended Pub. L. 110-336, §2(b)(3)(A), Oct. 2, 2008, 122 Stat. 3727.)

AMENDMENTS

2008—Pub. L. 110-336 substituted “District of Columbia or another place as determined by the Board of Directors” for “District of Columbia”.

§ 152407. Provision and acceptance of support by Librarian of Congress

(a) PROVISION BY LIBRARIAN.—(1) The Librarian may provide personnel, facilities, and other administrative services to the corporation. Administrative services may include reimbursement of expenses under section 152403(f).

(2) The corporation shall reimburse the Librarian for support provided under paragraph (1) of this subsection. Amounts reimbursed shall be deposited in the Treasury to the credit of the appropriations then current and chargeable for the cost of providing the support.

(b) ACCEPTANCE BY LIBRARIAN.—The Librarian may accept, without regard to chapters 33 and 51 and subchapter III of chapter 53 of title 5 and related regulations, the services of the corporation and its directors, officers, and employees as volunteers in performing functions authorized under this chapter, without compensation from the Library of Congress.

(Added Pub. L. 106-474, title II, §201(a), Nov. 9, 2000, 114 Stat. 2094.)

§ 152408. Service of process

The corporation shall have a designated agent to receive service of process for the corporation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the corporation.

(Added Pub. L. 106-474, title II, §201(a), Nov. 9, 2000, 114 Stat. 2094.)

§ 152409. Civil action by Attorney General for equitable relief

The Attorney General may bring a civil action in the United States District Court for the District of Columbia for appropriate equitable relief if the corporation—

- (1) engages or threatens to engage in any act, practice, or policy that is inconsistent with the purposes in section 152402 of this title; or
- (2) refuses, fails, or neglects to carry out its obligations under this chapter or threatens to do so.

(Added Pub. L. 106-474, title II, §201(a), Nov. 9, 2000, 114 Stat. 2094.)