

106TH CONGRESS  
1ST SESSION

# S. 1927

To establish the National Recording Registry in the Library of Congress to maintain and preserve recordings that are culturally, historically, or aesthetically significant, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 16, 1999

Mr. BREAUX introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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## A BILL

To establish the National Recording Registry in the Library of Congress to maintain and preserve recordings that are culturally, historically, or aesthetically significant, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “National Recording  
5       Preservation Act of 1999”.

1 **TITLE I—RECORDING PRESER-**  
2 **VATION BY THE LIBRARY OF**  
3 **CONGRESS**

4 **Subtitle A—National Recording**  
5 **Registry**

6 **SEC. 101. NATIONAL RECORDING REGISTRY OF THE LI-**  
7 **BRARY OF CONGRESS.**

8 The Librarian of Congress shall establish the Na-  
9 tional Recording Registry for the purpose of maintaining  
10 and preserving recordings that are culturally, historically,  
11 or aesthetically significant.

12 **SEC. 102. DUTIES OF LIBRARIAN OF CONGRESS.**

13 (a) ESTABLISHMENT OF CRITERIA AND PROCE-  
14 DURES.—For purposes of carrying out this subtitle, the  
15 Librarian shall—

16 (1) establish criteria and procedures under  
17 which recordings may be included in the National  
18 Recording Registry, except that no recording shall  
19 be eligible for inclusion in the National Recording  
20 Registry until 10 years after the recording's cre-  
21 ation;

22 (2) establish procedures under which the gen-  
23 eral public may make recommendations to the Na-  
24 tional Recording Preservation Board established

1 under subtitle C regarding the inclusion of record-  
2 ings in the National Recording Registry; and

3 (3) determine which recordings satisfy the cri-  
4 teria established under paragraph (1) and select  
5 such recordings for inclusion in the National Record-  
6 ing Registry, except that the Librarian may not se-  
7 lect more than 25 recordings or groups of recordings  
8 each year for inclusion in the Registry.

9 (b) PUBLICATION OF RECORDINGS IN THE REG-  
10 ISTRY.—The Librarian shall publish in the Federal Reg-  
11 ister the name of each recording that is selected for inclu-  
12 sion in the National Recording Registry.

13 **SEC. 103. SEAL OF THE NATIONAL RECORDING REGISTRY.**

14 (a) IN GENERAL.—The Librarian shall provide a seal  
15 to indicate that a recording has been included in the Na-  
16 tional Recording Registry and is the Registry version of  
17 that recording.

18 (b) USE OF SEAL.—The Librarian shall establish  
19 guidelines for approval of the use of the seal provided  
20 under subsection (a), and shall include in the guidelines  
21 the following:

22 (1) The seal may only be used on recording  
23 copies of the Registry version of a recording.

1           (2) The seal may be used only after the Librar-  
2       ian has given approval to those persons seeking to  
3       apply the seal in accordance with the guidelines.

4           (3) In the case of copyrighted mass distributed,  
5       broadcast, or published works, only the copyright  
6       legal owner or an authorized licensee of that copy-  
7       right owner may place or authorize the placement of  
8       the seal on any recording copy of the Registry  
9       version of any recording that is maintained in the  
10      National Recording Registry Collection in the Li-  
11      brary of Congress.

12          (4) Anyone authorized to place the seal on any  
13      recording copy of any Registry version of a record-  
14      ing may accompany such seal with the following lan-  
15      guage: “This recording was selected for inclusion in  
16      the National Recording Registry by the Librarian of  
17      Congress in consultation with the National Record-  
18      ing Preservation Board of the Library of Congress  
19      because of its cultural, historical, or aesthetic signifi-  
20      cance.”.

21      (c) EFFECTIVE DATE OF THE SEAL.—The use of the  
22      seal provided under subsection (a) with respect to a re-  
23      cording shall be effective beginning on the date the Librar-  
24      ian publishes in the Federal Register (in accordance with

1 section 102(b)) the name of the recording, as selected for  
2 inclusion in the National Recording Registry.

3 (d) PROHIBITED USES OF THE SEAL.—

4 (1) PROHIBITION ON DISTRIBUTION AND EXHI-  
5 BITION.—No person may knowingly distribute or ex-  
6 hibit to the public a version of a recording or any  
7 copy of a recording which bears the seal described  
8 in subsection (a) if such recording—

9 (A) is not included in the National Record-  
10 ing Registry; or

11 (B) is included in the National Recording  
12 Registry but has not been approved for use of  
13 the seal by the Librarian pursuant to the guide-  
14 lines established under subsection (b).

15 (2) PROHIBITION ON PROMOTION.—No person  
16 may knowingly use the seal described in subsection  
17 (a) to promote any version of a recording or record-  
18 ing copy other than a Registry version.

19 (e) REMEDIES FOR VIOLATIONS.—

20 (1) JURISDICTION.—The several district courts  
21 of the United States shall have jurisdiction, for  
22 cause shown, to prevent and restrain violations of  
23 subsection (d).

24 (2) RELIEF.—

1 (A) REMOVAL OF SEAL.—Except as pro-  
 2 vided in subparagraph (B), relief for violation  
 3 of subsection (d) shall be limited to the removal  
 4 of the seal from the recording involved in the  
 5 violation.

6 (B) FINE AND INJUNCTIVE RELIEF.—In  
 7 the case of a pattern or practice of the willful  
 8 violation of subsection (d), the court may order  
 9 a civil fine of not more than \$10,000 and ap-  
 10 propriate injunctive relief.

11 (3) LIMITATION OF REMEDIES.—The remedies  
 12 provided in this subsection shall be the exclusive  
 13 remedies under this title, or any other Federal or  
 14 State law, regarding the use of the seal described in  
 15 subsection (a).

16 **SEC. 104. NATIONAL RECORDING REGISTRY COLLECTION**  
 17 **OF THE LIBRARY OF CONGRESS.**

18 (a) IN GENERAL.—All copies of recordings on the  
 19 National Recording Registry that are received by the Li-  
 20 brarian under subsection (b), and other materials received  
 21 by the Librarian under subsection (c), shall be maintained  
 22 in the Library of Congress and be known as the “National  
 23 Recording Registry Collection of the Library of Congress”.  
 24 The Librarian shall by regulation and in accordance with  
 25 title 17, United States Code, provide for reasonable access

1 to the recordings and other materials in such collection  
2 for scholarly and research purposes.

3 (b) ACQUISITION OF QUALITY COPIES.—The Librar-  
4 ian shall seek to obtain, by gift from the owner, a quality  
5 copy of the Registry version of each recording included  
6 in the National Recording Registry. Whenever possible,  
7 the Librarian shall seek to obtain the best surviving mate-  
8 rials, including pre-mixed master recordings. Copyright  
9 owners, and others possessing copies of such materials, are  
10 strongly encouraged to provide pre-mix, master archival  
11 elements to the Library of Congress.

12 (c) ADDITIONAL MATERIALS.—The Librarian shall  
13 seek to obtain, for educational and research purposes, ad-  
14 ditional materials related to each recording included in the  
15 National Recording Registry, including background mate-  
16 rials, unedited multi-track original tapes, out-takes, music  
17 or scripts used in the recording sessions, contracts, mix  
18 and cue sheets for final mix down, metal parts, master  
19 or earliest known copy, and other similar materials.

20 (d) PROPERTY OF UNITED STATES.—All copies of re-  
21 cordings on the National Recording Registry that are re-  
22 ceived by the Librarian under subsection (b), and other  
23 materials received by the Librarian under subsection (c),  
24 shall become the property of the United States Govern-

1 ment, subject to the provisions of title 17, United States  
2 Code.

3       **Subtitle B—National Recording**  
4               **Preservation Program**

5       **SEC. 111. ESTABLISHMENT OF PROGRAM BY LIBRARIAN OF**  
6               **CONGRESS.**

7           (a) IN GENERAL.—The Librarian shall, after con-  
8 sultation with the National Recording Preservation Board  
9 established under subtitle C, implement a comprehensive  
10 national recording preservation program, in conjunction  
11 with other recording archivists, educators and historians,  
12 copyright owners, recording industry representatives, and  
13 others involved in activities related to recording preserva-  
14 tion, and taking into account studies conducted by the  
15 Board.

16          (b) CONTENTS OF PROGRAM SPECIFIED.—The pro-  
17 gram established under subsection (a) shall—

18               (1) coordinate activities to assure that efforts of  
19 archivists and copyright owners, and others in the  
20 public and private sector, are effective and com-  
21 plementary;

22               (2) generate public awareness of and support  
23 for these activities;

24               (3) increase accessibility of recordings for edu-  
25 cational purposes; and



1           (4) undertake studies and investigations of re-  
2           cording preservation activities as needed, including  
3           the efficacy of new technologies, and recommend so-  
4           lutions to improve these practices.

5 **SEC. 112. PROMOTING ACCESSIBILITY AND PUBLIC AWARE-**  
6 **NESS OF RECORDINGS.**

7           The Librarian shall carry out activities to make  
8           sound recordings more broadly accessible for research and  
9           educational purposes and to generate public awareness  
10          and support of the National Recording Registry and the  
11          comprehensive national recording preservation program  
12          established under this subtitle.

13           **Subtitle C—National Recording**  
14           **Preservation Board**

15 **SEC. 121. ESTABLISHMENT.**

16          The Librarian shall establish in the Library of Con-  
17          gress a National Recording Preservation Board whose  
18          members shall be selected in accordance with the proce-  
19          dures described in section 122.

20 **SEC. 122. APPOINTMENT OF MEMBERS.**

21          (a) SELECTIONS FROM LISTS SUBMITTED BY ORGA-  
22          NIZATIONS.—

23                (1) IN GENERAL.—The Librarian shall request  
24                each organization described in paragraph (2) to sub-  
25                mit a list of 3 candidates qualified to serve as a

1 member of the Board. The Librarian shall appoint  
2 one member from each such list, and shall designate  
3 from that list an alternate who may attend at Board  
4 expense those meetings which the individual ap-  
5 pointed to the Board cannot attend.

6 (2) ORGANIZATIONS DESCRIBED.—The organi-  
7 zations described in this paragraph are as follows:

8 (A) National Academy of Recording Arts  
9 and Sciences (NARAS).

10 (B) Recording Industry Association of  
11 America (RIAA).

12 (C) Association for Recorded Sound Collec-  
13 tions (ARSC).

14 (D) American Society of Composers, Au-  
15 thors and Publishers (ASCAP).

16 (E) Broadcast Music, Inc. (BMI).

17 (F) Songwriters Association (SESAC).

18 (G) American Federation of Musicians  
19 (AF of M).

20 (H) Music Library Association.

21 (I) American Musicological Society.

22 (J) National Archives and Record Admin-  
23 istration.

24 (K) National Association of Recording  
25 Merchandisers (NARM).

1 (L) Society for Ethnomusicology.

2 (M) American Folklore Society.

3 (N) Country Music Foundation.

4 (O) Rutgers University Jazz Archive.

5 (P) Rodgers and Hammerstein Archives.

6 (Q) Stanford University Archive of Re-  
7 corded Sound.

8 (R) National Public Radio.

9 (S) Audio Engineering Society (AES).

10 (T) National Academy of Popular Music.

11 (b) OTHER MEMBERS.—

12 (1) MEMBERS OF HOUSE OF REPRESENTATIVES  
13 AND SENATE.—2 members of the House of Rep-  
14 resentatives (selected jointly by the Speaker and mi-  
15 nority leader of the House of Representatives) and  
16 2 members of the Senate (selected jointly by the ma-  
17 jority and minority leaders of the Senate) shall serve  
18 as members of the Board.

19 (2) MEMBERS-AT-LARGE.—In addition to the  
20 members appointed under subsection (a), the Librar-  
21 ian may appoint not more than 3 members-at-large.  
22 The Librarian shall select an alternate for each  
23 member-at-large, who may attend at Board expense  
24 those meetings that the member-at-large cannot at-  
25 tend.

1 (c) CHAIR.—The Librarian shall appoint one member  
2 of the Board to serve as Chair.

3 (d) TERM OF OFFICE.—

4 (1) TERMS.—The term of each member of the  
5 Board shall be 4 years, except that there shall be no  
6 limit to the number of terms that any individual  
7 member may serve.

8 (2) REMOVAL OF MEMBER OF ORGANIZA-  
9 TION.—

10 (A) IN GENERAL.—The Librarian shall  
11 have the authority to remove any member of  
12 the Board (or, in the case of a member ap-  
13 pointed under subsection (a)(1), the organiza-  
14 tion that such member represents) if the mem-  
15 ber or organization over any consecutive 2-year  
16 period fails to attend at least one regularly  
17 scheduled Board meeting.

18 (B) EXCEPTION FOR MEMBERS OF HOUSE  
19 AND SENATE.—Subparagraph (A) shall not  
20 apply with respect to a member of the Board  
21 who is a member of the House of Representa-  
22 tives or Senate appointed under subsection  
23 (b)(1).

24 (3) VACANCIES.—A vacancy in the Board shall  
25 be filled in the manner in which the original appoint-

1       ment was made under subsection (a), except that the  
 2       Librarian may fill the vacancy from a list of can-  
 3       didates previously submitted by the organization or  
 4       organizations involved. Any member appointed to fill  
 5       a vacancy shall be appointed for the remainder of  
 6       the term of the member's predecessor.

7   **SEC. 123. SERVICE OF MEMBERS; MEETINGS.**

8       (a) REIMBURSEMENT OF EXPENSES.—Members of  
 9       the Board shall serve without pay, but may receive travel  
 10      expenses, including per diem in lieu of subsistence, in ac-  
 11      cordance with sections 5702 and 5703 of title 5, United  
 12      States Code.

13      (b) CONFLICT OF INTEREST.—The Librarian shall  
 14      establish rules and procedures to address any potential  
 15      conflict of interest between a member of the Board and  
 16      responsibilities of the Board.

17      (c) MEETINGS.—The Board shall meet at least once  
 18      each fiscal year. Meetings shall be at the call of the Li-  
 19      brarian.

20      (d) QUORUM.—12 members of the Board shall con-  
 21      stitute a quorum for the transaction of business.

22   **SEC. 124. RESPONSIBILITIES OF BOARD.**

23      (a) REVIEW AND RECOMMENDATION OF NOMINA-  
 24      TIONS FOR NATIONAL RECORDING REGISTRY.—

1           (1) IN GENERAL.—The Board shall review  
2       nominations of recordings submitted to it for inclu-  
3       sion in the National Recording Registry and advise  
4       the Librarian, as provided in subtitle A, with respect  
5       to the inclusion of such recordings in the Registry  
6       and the preservation of these and other recordings  
7       that are culturally, historically, or aesthetically sig-  
8       nificant.

9           (2) SOURCE OF NOMINATIONS.—The Board  
10      shall consider for inclusion in the National Record-  
11      ing Registry nominations submitted by the general  
12      public as well as representatives of recording ar-  
13      chives and the recording industry (such as the guilds  
14      and societies representing recording artists) and  
15      other creative artists.

16      (b) STUDY AND REPORT ON RECORDING PRESERVA-  
17      TION AND RESTORATION.—The Board shall conduct a  
18      study and issue a report on the following issues:

19           (1) The current state of sound recording  
20      archiving, preservation and restoration activities.

21           (2) Taking into account the research and other  
22      activities carried out by or on behalf of the National  
23      Audio-Visual Conservation Center at Culpeper,  
24      Virginia—

1 (A) the methodology and standards needed  
 2 to make the transition from analog “open reel”  
 3 preservation of recordings to digital preserva-  
 4 tion of recordings; and

5 (B) standards for access to preserved re-  
 6 cordings by researchers, educators, and other  
 7 interested parties.

8 (3) The establishment of clear standards for  
 9 copying old recordings (including equipment speci-  
 10 fications and equalization guidelines).

11 (4) Current laws and restrictions regarding the  
 12 use of archives of sound recordings, including rec-  
 13 ommendations for changes in such laws and restric-  
 14 tions to enable the Library of Congress and other  
 15 nonprofit institutions in the field of sound recording  
 16 preservation to make their collections available to re-  
 17 searchers in a digital format.

18 (5) Copyright and other laws applicable to the  
 19 preservation of sound recordings.

20 **SEC. 125. GENERAL POWERS OF BOARD.**

21 (a) IN GENERAL.—The Board may, for the purpose  
 22 of carrying out its duties, hold such hearings, sit and act  
 23 at such times and places, take such testimony, and receive  
 24 such evidence, as the Librarian and the Board consider  
 25 appropriate.

1 (b) SERVICE ON FOUNDATION.—Two sitting mem-  
 2 bers of the Board shall be appointed by the Librarian and  
 3 shall serve as members of the board of directors of the  
 4 National Recording Preservation Foundation, in accord-  
 5 ance with section 152403 of title 36, United States Code.

## 6 **Subtitle D—General Provisions**

### 7 **SEC. 131. DEFINITIONS.**

8 As used in this title:

9 (1) The term “Librarian” means the Librarian  
 10 of Congress.

11 (2) The term “Board” means the National Re-  
 12 cording Preservation Board.

13 (3) The term “sound recording” has the mean-  
 14 ing given such term in section 101 of title 17,  
 15 United States Code.

16 (4) The term “publication” has the meaning  
 17 given such term in section 101 of title 17, United  
 18 States Code.

19 (5) The term “Registry version” means, with  
 20 respect to a recording, the version of a recording  
 21 first published or offered for mass distribution  
 22 whether as a publication or a broadcast, or as com-  
 23 plete a version as bona fide preservation and res-  
 24 toration activities by the Librarian, an archivist  
 25 other than the Librarian, or the copyright legal



1 owner can compile in those cases where the original  
2 material has been irretrievably lost or the recording  
3 is unpublished.

4 **SEC. 132. STAFF; EXPERTS AND CONSULTANTS.**

5 (a) STAFF.—The Librarian may appoint and fix the  
6 pay of such personnel as the Librarian considers appro-  
7 priate to carry out this title.

8 (b) EXPERTS AND CONSULTANTS.—The Librarian  
9 may, in carrying out this title, procure temporary and  
10 intermittent services under section 3109(b) of title 5,  
11 United States Code, but at rates for individuals not to  
12 exceed the daily equivalent of the maximum rate of basic  
13 pay payable for level 15 of the General Schedule. In no  
14 case may a member of the Board (including an alternate  
15 member) be paid as an expert or consultant under this  
16 section.

17 **SEC. 133. AUTHORIZATION OF APPROPRIATIONS.**

18 There are authorized to be appropriated to the Li-  
19 brarian for each of the first 7 fiscal years beginning on  
20 or after the date of the enactment of this Act such sums  
21 as may be necessary to carry out this title, except that  
22 the amount authorized for any fiscal year may not exceed  
23 \$500,000.

1 **TITLE II—NATIONAL RECORD-**  
 2 **ING PRESERVATION FOUNDA-**  
 3 **TION**

4 **SEC. 201. NATIONAL RECORDING PRESERVATION FOUNDA-**  
 5 **TION.**

6 (a) IN GENERAL.—Part B of subtitle II of title 36,  
 7 United States Code, is amended by inserting after chapter  
 8 1523 the following:

9 **“CHAPTER 1524—NATIONAL RECORDING**  
 10 **PRESERVATION FOUNDATION**

“Sec.

“152401. Organization.

“152402. Purposes.

“152403. Board of directors.

“152404. Officers and employees.

“152405. Powers.

“152406. Principal office.

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

“152408. Service of process.

“152409. Civil action by Attorney General for equitable relief.

“152410. Immunity of United States Government.

“152411. Authorization of appropriations.

“152412. Annual report.

11 **“§ 152401. Organization**

12 “(a) FEDERAL CHARTER.—The National Recording  
 13 Preservation Foundation (in this chapter, the “corpora-  
 14 tion”) is a federally chartered corporation.

15 “(b) NATURE OF CORPORATION.—The corporation is  
 16 a charitable and nonprofit corporation and is not an agen-  
 17 cy or establishment of the United States Government.

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

1 **“§ 152402. Purposes**

2 “The purposes of the corporation are to—

3 “(1) encourage, accept, and administer private  
4 gifts to promote and ensure the preservation and  
5 public accessibility of the nation’s recording heritage  
6 held at the Library of Congress and other public and  
7 nonprofit archives throughout the United States;  
8 and

9 “(2) further the goals of the Library of Con-  
10 gress and the National Recording Preservation  
11 Board in connection with their activities under the  
12 National Recording Preservation Act of 1999.

13 **“§ 152403. Board of directors**

14 “(a) GENERAL.—The board of directors is the gov-  
15 erning body of the corporation.

16 “(b) MEMBERS AND APPOINTMENT.—(1) The Li-  
17 brarian of Congress (hereafter in this chapter referred to  
18 as the “Librarian”) is an ex officio nonvoting member of  
19 the board. Not later than 90 days after the date of the  
20 enactment of this chapter, the Librarian shall appoint the  
21 directors to the board in accordance with paragraph (2).

22 “(2)(A) The board consists of 9 directors.

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

24 “(C) At least 6 directors shall be knowledgeable or  
25 experienced in recording production, distribution, preser-  
26 vation, or restoration, including 2 who are sitting members

1 of the National Recording Preservation Board. These 6  
2 directors shall, to the extent practicable, represent diverse  
3 points of view from the recording community.

4 “(D) One director shall be appointed from among a  
5 list of nominees provided by the Executive Director of the  
6 National Academy of Recording Arts and Sciences.

7 “(3) A director is not an employee of the Library of  
8 Congress and appointment to the board does not con-  
9 stitute appointment as an officer or employee of the  
10 United States Government for the purpose of any law of  
11 the United States.

12 “(4) The terms of office of the directors are 4 years.  
13 An individual may not serve more than two consecutive  
14 terms.

15 “(5) A vacancy on the board shall be filled in the  
16 manner in which the original appointment was made.

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

21 “(d) QUORUM.—The number of directors constituting  
22 a quorum of the board shall be established under the by-  
23 laws of the corporation.

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

1       “(f) REIMBURSEMENT OF EXPENSES.—Directors  
 2 shall serve without compensation but may receive travel  
 3 expenses, including per diem in lieu of subsistence, in ac-  
 4 cordance with sections 5702 and 5703 of title 5.

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

7       **“§ 152404. Officers and employees**

8       “(a) SECRETARY OF THE BOARD.—(1) The Librar-  
 9 ian shall appoint a Secretary of the Board to serve as exec-  
 10 utive director of the corporation. The Librarian may re-  
 11 move the Secretary.

12       “(2) The Secretary shall be knowledgeable and expe-  
 13 rienced in matters relating to—

14               “(A) recording preservation and restoration ac-  
 15 tivities;

16               “(B) financial management; and

17               “(C) fundraising.

18       “(b) APPOINTMENT OF OFFICERS.—Except as pro-  
 19 vided in subsection (a) of this section, the board of direc-  
 20 tors appoints, removes, and replaces officers of the cor-  
 21 poration.

22       “(c) APPOINTMENT OF EMPLOYEES.—Except as pro-  
 23 vided in subsection (a) of this section, the Secretary ap-  
 24 points, removes, and replaces employees of the corpora-  
 25 tion.

1       “(d) STATUS AND COMPENSATION OF EMPLOYEES.—

2 Employees of the corporation (including the Secretary)—

3           “(1) are not employees of the Library of Con-

4 gress;

5           “(2) shall be appointed and removed without re-

6 gard to the provisions of title 5 governing appoint-

7 ments in the competitive service; and

8           “(3) may be paid without regard to chapter 51

9 and subchapter III of chapter 53 of title 5, except

10 that an employee may not be paid more than the an-

11 nual rate of basic pay for level 15 of the General

12 Schedule under section 5107 of title 5.

13 **“§ 152405. Powers**

14       “(a) GENERAL.—The corporation may—

15           “(1) adopt a constitution and bylaws;

16           “(2) adopt a seal which shall be judicially no-

17 ticed; and

18           “(3) do any other act necessary to carry out

19 this chapter.

20       “(b) POWERS AS TRUSTEE.—To carry out its pur-

21 poses, the corporation has the usual powers of a corpora-

22 tion acting as a trustee in the District of Columbia, includ-

23 ing the power—

24           “(1) to accept, receive, solicit, hold, administer,

25 and use any gift, devise, or bequest, either absolutely

1 or in trust, of property or any income from or other  
 2 interest in property;

3 “(2) to acquire property or an interest in prop-  
 4 erty by purchase or exchange;

5 “(3) unless otherwise required by an instrument  
 6 of transfer, to sell, donate, lease, invest, or otherwise  
 7 dispose of any property or income from property;

8 “(4) to borrow money and issue instruments of  
 9 indebtedness;

10 “(5) to make contracts and other arrangements  
 11 with public agencies and private organizations and  
 12 persons and to make payments necessary to carry  
 13 out its functions;

14 “(6) to sue and be sued; and

15 “(7) to do any other act necessary and proper  
 16 to carry out the purposes of the corporation.

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

22 **“§ 152406. Principal office**

23 “The principal office of the corporation shall be in  
 24 the District of Columbia. However, the corporation may

1 conduct business throughout the States, territories, and  
 2 possessions of the United States.

3 **“§ 152407. Provision and acceptance of support by Li-**  
 4 **brarian of Congress**

5 “(a) PROVISION BY LIBRARIAN.—(1) The Librarian  
 6 may provide personnel, facilities, and other administrative  
 7 services to the corporation. Administrative services may  
 8 include reimbursement of expenses under section  
 9 152403(f).

10 “(2) The corporation shall reimburse the Librarian  
 11 for support provided under paragraph (1) of this sub-  
 12 section. Amounts reimbursed shall be deposited in the  
 13 Treasury to the credit of the appropriations then current  
 14 and chargeable for the cost of providing the support.

15 “(b) ACCEPTANCE BY LIBRARIAN.—The Librarian  
 16 may accept, without regard to chapters 33 and 51 and  
 17 subchapter III of chapter 53 of title 5 and related regula-  
 18 tions, the services of the corporation and its directors, offi-  
 19 cers, and employees as volunteers in performing functions  
 20 authorized under this chapter, without compensation from  
 21 the Library of Congress.

22 **“§ 152408. Service of process**

23 “The corporation shall have a designated agent to re-  
 24 ceive service of process for the corporation. Notice to or



1 service on the agent, or mailed to the business address  
 2 of the agent, is notice to or service on the corporation.

3 **“§ 152409. Civil action by Attorney General for equi-**  
 4 **table relief**

5 “The Attorney General may bring a civil action in  
 6 the United States District Court for the District of Colum-  
 7 bia for appropriate equitable relief if the corporation—

8 “(1) engages or threatens to engage in any act,  
 9 practice, or policy that is inconsistent with the pur-  
 10 poses in section 152402 of this title; or

11 “(2) refuses, fails, or neglects to carry out its  
 12 obligations under this chapter or threatens to do so.

13 **“§ 152410. Immunity of United States Government**

14 “The United States Government is not liable for any  
 15 debts, defaults, acts, or omissions of the corporation. The  
 16 full faith and credit of the Government does not extend  
 17 to any obligation of the corporation.

18 **“§ 152411. Authorization of appropriations**

19 “(a) AUTHORIZATION.—There are authorized to be  
 20 appropriated to the corporation for each of the first 7 fis-  
 21 cal years beginning on or after the date of the enactment  
 22 of this chapter an amount not to exceed the amount of  
 23 private contributions (whether in currency, services, or  
 24 property) made to the corporation by private persons and  
 25 State and local governments.

1       “(b) LIMITATION RELATED TO ADMINISTRATIVE EX-  
 2 PENSES.—Except as permitted under section 152407,  
 3 amounts authorized under this section may not be used  
 4 by the corporation for administrative expenses of the cor-  
 5 poration, including salaries, travel, transportation, and  
 6 overhead expenses.

7   **“§ 152412. Annual report**

8       “As soon as practicable after the end of each fiscal  
 9 year, the corporation shall submit a report to the Librar-  
 10 ian for transmission to Congress on the activities of the  
 11 corporation during the prior fiscal year, including a com-  
 12 plete statement of its receipts, expenditures, and invest-  
 13 ments.”.

14       (b) CLERICAL AMENDMENT.—The table of chapters  
 15 for part B of subtitle II of title 36, United States Code,  
 16 is amended by inserting after the item relating to chapter  
 17 1523 the following new item:

**“1524. National Recording Preservation Foundation .....152401”.**

