

**Editorial Notes**

REFERENCES IN TEXT

The date of the enactment of this chapter, referred to in subsec. (b), is the date of enactment of Pub. L. 107-252, which was approved Oct. 29, 2002.

AMENDMENTS

2014—Pub. L. 113-237 renumbered section 152603 of this title as this section.

**§ 90104. Officers and employees**

(a) APPOINTMENT OF OFFICERS AND EMPLOYEES.—The board of directors appoints, removes, and replaces officers and employees of the foundation.

(b) STATUS AND COMPENSATION OF EMPLOYEES.—

(1) IN GENERAL.—Officers and employees of the foundation—

(A) are not employees of the Federal Government (except as may otherwise be provided in this chapter);

(B) shall be appointed and removed without regard to the provisions of title 5 governing appointments in the competitive service; and

(C) may be paid without regard to chapter 51 and subchapter III of chapter 53 of title 5.

(2) AVAILABILITY OF FEDERAL EMPLOYEE RATES FOR TRAVEL.—For purposes of any schedules of rates negotiated by the Administrator of General Services for the use of employees of the Federal Government who travel on official business, officers and employees of the foundation who travel while engaged in the performance of their duties under this chapter shall be deemed to be employees of the Federal Government.

(Added Pub. L. 107-252, title VI, § 601(a), Oct. 29, 2002, 116 Stat. 1719, § 152604; renumbered § 90104, Pub. L. 113-237, § 3(c)(6)(B), Dec. 18, 2014, 128 Stat. 2840.)

**Editorial Notes**

AMENDMENTS

2014—Pub. L. 113-237 renumbered section 152604 of this title as this section.

**§ 90105. Powers**

(a) IN GENERAL.—The foundation 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 foundation has 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 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 foundation.

(c) ENCUMBERED OR RESTRICTED GIFTS.—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 is for the benefit of the foundation.

(d) CONTRACTS.—The foundation may enter into such contracts with public and private entities as it considers appropriate to carry out its purposes.

(e) ANNUAL CONFERENCE IN WASHINGTON METROPOLITAN AREA.—During each year (beginning with 2003), the foundation may sponsor a conference in the Washington, D.C. metropolitan area to honor secondary school students and other individuals who have served (or plan to serve) as poll workers and assistants and who have otherwise participated in the programs and activities of the foundation.

(Added Pub. L. 107-252, title VI, § 601(a), Oct. 29, 2002, 116 Stat. 1720, § 152605; renumbered § 90105, Pub. L. 113-237, § 3(c)(6)(B), Dec. 18, 2014, 128 Stat. 2840.)

**Editorial Notes**

AMENDMENTS

2014—Pub. L. 113-237 renumbered section 152605 of this title as this section.

**§ 90106. Principal office**

The principal office of the foundation shall be in the District of Columbia unless the board of directors determines otherwise. However, the foundation may conduct business throughout the States, territories, and possessions of the United States.

(Added Pub. L. 107-252, title VI, § 601(a), Oct. 29, 2002, 116 Stat. 1720, § 152606; renumbered § 90106, Pub. L. 113-237, § 3(c)(6)(B), Dec. 18, 2014, 128 Stat. 2840.)

**Editorial Notes**

AMENDMENTS

2014—Pub. L. 113-237 renumbered section 152606 of this title as this section.

**§ 90107. Service of process**

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

(Added Pub. L. 107-252, title VI, § 601(a), Oct. 29, 2002, 116 Stat. 1721, § 152607; renumbered § 90107, Pub. L. 113-237, § 3(c)(6)(B), Dec. 18, 2014, 128 Stat. 2840.)