

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
151101	36:5301. 36:5310.	June 30, 1906, ch. 3929, §§ 1, 10, 34 Stat. 804, 807.

This section is substituted for 36:5301 for consistency in the revised title and to eliminate executed and obsolete words. The text of 36:5310 is omitted as executed and obsolete.

§ 151102. Purposes

The purposes of the corporation are—

- (1) to elevate the character and advance the interests of the profession of teaching; and
- (2) to promote the cause of education in the United States.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1397.)

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<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
151102	36:5302 (1st sentence).	June 30, 1906, ch. 3929, § 2 (1st sentence), 34 Stat. 805.

Before clause (1), the word “object” is omitted as included in “purposes”.

§ 151103. Membership

Eligibility for membership in the corporation and the rights, obligations, and designation of classes of members are as provided in the bylaws.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1398.)

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<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
151103	36:5305.	June 30, 1906, ch. 3929, § 5, 34 Stat. 805; June 14, 1937, ch. 336, § 1, 50 Stat. 257.

The words “Eligibility for membership” are substituted for “qualifications”, the words “designation of classes” are substituted for “classifications”, and the words “are as provided in the bylaws” are substituted for “shall be prescribed in the bylaws”, for consistency in the revised title.

§ 151104. Governing body

(a) OFFICERS.—The officers of the corporation are a president, one or more vice presidents, a secretary, a treasurer, and the members of a board of directors, an executive committee, and any other boards, councils, and committees, and other officers, as provided in the bylaws.

(b) ADDITIONAL PROVISIONS.—Except as provided in this chapter, the manner of selection, term of office, powers, and duties of the officers, boards, councils, and committees are as provided in the bylaws. The bylaws may provide other and different provisions as to the names and numbers of the officers, boards, councils, and committees.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1398.)

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<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
151104	36:5302 (last sentence). 36:5306.	June 30, 1906, ch. 3929, § 2 (last sentence), 34 Stat. 805. June 30, 1906, ch. 3929, § 6, 34 Stat. 805; June 14, 1937, ch. 336, § 2, 50 Stat. 257; June 30, 1969, Pub. L. 91–37, § 1(b), 83 Stat. 43.

In this section, the text of 36:5302 (last sentence) is omitted as unnecessary and obsolete because it includes authority to change or abolish the departments specified in that provision.

In subsection (a), the words “and the members of” are added for clarity.

In subsection (b), the words “manner of selection” are substituted for “manner of election or appointment” for consistency in the revised title and to eliminate unnecessary words. The words “are as provided in the bylaws” are substituted for “the bylaws of the corporation shall prescribe” for consistency in the revised title.

§ 151105. Powers

The corporation may—

- (1) adopt and amend bylaws;
- (2) adopt and alter a corporate seal;
- (3) acquire, own, lease, encumber, and transfer property to carry out the purposes of the corporation;
- (4) accept and administer a trust for educational purposes;
- (5) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property; and
- (6) sue and be sued in any court of the United States, or other court of competent jurisdiction.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1398.)

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<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
151105	36:5303. 36:5309.	June 30, 1906, ch. 3929, § 3, 34 Stat. 805; June 30, 1969, Pub. L. 91–37, § 1(a), 83 Stat. 42. June 30, 1906, ch. 3929, § 9, 34 Stat. 807.

In this section, the text of 36:5309 is omitted as executed and obsolete.

In clause (1), the words “adopt and amend” are substituted for “make” for consistency in the revised title. The words “not inconsistent with the provisions of this chapter or of the Constitution of the United States” are omitted as unnecessary.

In clause (2), the words “adopt and alter a corporate seal” are substituted for “have and to use a common seal, and to alter and change the same at its pleasure” for consistency in the revised title and to eliminate unnecessary words.

Clause (3) is substituted for “take or receive, whether by gift, grant, devise, bequest, or purchase, any real or personal estate, and to hold, grant, transfer, sell, convey, hire, or lease the same for the purpose of its incorporation” for consistency in the revised title and to eliminate unnecessary words.

In clause (4), the words “of real or personal estate” and “within the objects of the corporation” are omitted as unnecessary.

In clause (5), the words “for its corporate purposes” are omitted as unnecessary. The words “instruments of indebtedness” are substituted for “bonds therefor”, and

the words “secure its obligations by granting security interests in its property” are substituted for “secure the same by mortgage, deed of trust, pledge, or otherwise”, for consistency in the revised title and to eliminate unnecessary words.

§ 151106. Tax exemption

(a) REAL PROPERTY.—Real property of the corporation is exempt from taxation if it is—

- (1) located in the District of Columbia;
- (2) used for the purposes provided in section 151102 of this title; and
- (3) not used to produce income.

(b) PERSONAL PROPERTY.—Personal property of the corporation is exempt from taxation if it is used for the purposes provided in section 151102 of this title or to produce income to be used for those purposes.

(c) ANNUAL REPORT.—The corporation shall submit annually to the Secretary of Education a written report stating in detail for the prior year—

- (1) the real and personal property held by the corporation;
- (2) the income from the property; and
- (3) the expenditure or other use or disposition of the property and income from the property.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1398.)

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Revised Section	Source (U.S. Code)	Source (Statutes at Large)
151106(a), (b), 151106(c)	36:5304 (words before last proviso). 36:5304 (last proviso).	June 30, 1906, ch. 3929, § 4, 34 Stat. 805.

In subsections (a) and (b), the words “the purposes provided in section 151102 of this title” are substituted for “the educational or other purposes of the corporation as aforesaid” and “educational purposes aforesaid” for clarity. The words “*Provided, however*,” That this exemption shall not apply to any property of the corporation which shall not be used for or the income of which shall not be applied to the educational purposes of the corporation” are omitted as unnecessary.

In subsection (b), the words “and funds” are omitted as included in “personal property”. The words “held” and “invested” are omitted as included in “used . . . to produce income”.

In subsection (c), the words “Secretary of Education” are substituted for “Commissioner of Education of the United States” because all functions of the Commissioner of Education have been transferred to the Secretary of Education as provided in 20:3441(a).

TAXATION OF REAL PROPERTY OF NEA IN DISTRICT OF COLUMBIA

Pub. L. 105-277, div. A, §101(c) [§147], Oct. 21, 1998, 112 Stat. 2681-121, 2681-145, provided that: “Notwithstanding any provision of any Federally-granted charter or any other provision of law, beginning with fiscal year 1999 and for each fiscal year hereafter, the real property of the National Education Association located in the District of Columbia shall be subject to taxation by the District of Columbia in the same manner as any similar organization.”

§ 151107. Principal office

The principal office of the corporation shall be in the District of Columbia. However, the activities of the corporation may be conducted, and

offices may be maintained, throughout the United States in accordance with the bylaws.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1398.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
151107	36:5308.	June 30, 1906, ch. 3929, § 8, 34 Stat. 807; June 14, 1937, ch. 336, § 4, 50 Stat. 258.

The words “activities of the corporation may be conducted” are substituted for “meetings of the corporation, its officers, committees, and departments, may be held, and . . . its business may be transacted” for consistency in the revised title and to eliminate unnecessary words.

§ 151108. Nonapplication of audit requirements

The audit requirements of section 10101 of this title do not apply to the corporation.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1399.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
151108	(no source).	

This section is added to except the National Education Association of the United States from the application of section 10101 of the revised title, restating 36:1101-1103, which imposes audit requirements on certain federally chartered corporations. The Association is not included in the list of corporations set out in 36:1101 to which the audit requirements apply.

CHAPTER 1513—NATIONAL FALLEN FIREFIGHTERS FOUNDATION

- Sec. 151301. Organization.
- 151302. Purposes.
- 151303. Board of directors.
- 151304. Officers and employees.
- 151305. Powers.
- 151306. Principal office.
- 151307. Provision and acceptance of support by Administrator.
- 151308. Service of process.
- 151309. Civil action by Attorney General for equitable relief.
- 151310. Immunity of United States Government.
- 151311. Annual report.

§ 151301. Organization

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

(b) NATURE OF CORPORATION AND PLACE OF INCORPORATION.—The corporation is a charitable and nonprofit corporation incorporated under the laws of Maryland 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. 1399.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
151301(a)	36:5201(a) (1st sentence).	Oct. 26, 1992, Pub. L. 102-522, title II, §§202(a), 204(a)(1), 106 Stat. 3417, 3419.