

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.)

HISTORICAL AND REVISION NOTES

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.

HISTORICAL AND REVISION NOTES—Continued

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
151301(b)	36:5201(a) (last sentence).	
151301(c)	36:5203(a)(1).	

Subsection (a) is substituted for “There is established the National Fallen Firefighters 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.

§ 151302. Purposes

The purposes of the corporation are—

(1) primarily—

(A) to encourage, accept, and administer private gifts of property for the benefit of the National Fallen Firefighters’ Memorial and the annual memorial service associated with the memorial; and

(B) to, in coordination with the Federal Government and fire services (as that term is defined in section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203)), plan, direct, and manage the memorial service referred to in subparagraph (A);

(2) to provide financial assistance to families of fallen firefighters for transportation to and lodging at non-Federal and Federal facilities during the annual memorial service;

(3) to assist Federal, State, and local efforts to recognize firefighters who die in the line of duty;

(4) to provide scholarships and other financial assistance for educational purposes and job training for the spouses and children of fallen firefighters;

(5) to provide for a national program to assist families of fallen firefighters and fire departments in dealing with line-of-duty deaths of those firefighters; and

(6) to promote national, State, and local initiatives to increase public awareness of fire and life safety.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1399; Pub. L. 106–503, title I, §113(a), Nov. 13, 2000, 114 Stat. 2303.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
151302	36:5201(b).	Oct. 26, 1992, Pub. L. 102–522, title II, §202(b), 106 Stat. 3417.

CODIFICATION

Section 5201(b) of former Title 36, from which this section was derived, was amended after the Aug. 15, 1997, cutoff date by Pub. L. 105–276, title IV, §427(a), Oct. 21, 1998, 112 Stat. 2510, see section 5(a) of Pub. L. 105–225, set out as a Legislative Purpose and Construction note preceding section 101 of this title. The subsequent amendment made directly to this section by Pub. L. 106–503 replicated the prior amendment made by Pub. L. 105–276, with the exception that in par. (1)(B), the words “plan, direct, and manage the memorial service referred to in subparagraph (A)” were used instead

of “plan, direct, and manage the memorial service referred to in subparagraph (A) and related activities”.

AMENDMENTS

2000—Par. (1). Pub. L. 106–503, §113(a)(1) added par. (1) and struck out former par. (1) which read as follows: “primarily to encourage, accept, and administer private gifts of property for the benefit of the National Fallen Firefighters’ Memorial and the annual memorial service associated with it;”.

Par. (2). Pub. L. 106–503, §113(a)(2), inserted “and Federal” after “non-Federal”.

Par. (3). Pub. L. 106–503, §113(a)(3), substituted “Federal, State, and local” for “State and local” and struck out “and” after semicolon.

Par. (4). Pub. L. 106–503, §113(a)(4), substituted semicolon for period at end.

Pars. (5), (6). Pub. L. 106–503, §113(a)(5), added pars. (5) and (6).

LOWERING OF FLAG IN HONOR OF NATIONAL FALLEN FIREFIGHTERS MEMORIAL SERVICE

Pub. L. 107–51, Oct. 16, 2001, 115 Stat. 267, provided that:

“Whereas 1,200,000 men and women comprise the American fire and emergency services;

“Whereas the fire and emergency services is considered one of the most dangerous jobs in the United States;

“Whereas fire and emergency services personnel respond to over 16 million emergency calls annually, without reservation and with little regard for their personal safety;

“Whereas fire and emergency services personnel are the first to respond to an emergency, whether it involves a fire, medical emergency, spill of hazardous materials, natural disaster, act of terrorism, or transportation accident;

“Whereas approximately one-third of all active fire and emergency personnel suffer debilitating injuries annually; and

“Whereas approximately 100 fire and emergency services personnel die annually in the line of duty: Now, therefore, be it

“Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That each year, the American flags on all Federal office buildings will be lowered to half-staff in honor of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.”

§ 151303. Board of directors

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

(b) MEMBERS AND APPOINTMENT.—(1) The Administrator of the United States Fire Administration of the Federal Emergency Management Agency is an ex officio nonvoting member of the board. The Administrator appoints the voting members of the board.

(2) The board consists of the following 12 voting members:

(A) one active volunteer firefighter;

(B) one active career firefighter;

(C) one United States Government firefighter; and

(D) nine individuals who have a demonstrated interest in the fire service.

(3) The terms of office of the voting members are 6 years (except for the initial members). The terms shall be staggered so that the terms of 4 members expire every 2 years.

(4) A vacancy on the board shall be filled within 60 days in the manner in which the original appointment was made.