

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

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code)                   | Source (Statutes at Large)   |
|-----------------|--------------------------------------|--|
| 151104 .....    | 36:5302 (last sentence).<br>36:5306. | June 30, 1906, ch. 3929, § 2 (last sentence), 34 Stat. 805.<br>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.)

HISTORICAL AND REVISION NOTES

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

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).<br>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).

Statutory Notes and Related Subsidiaries

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 activi-