

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
40103 .....	36:2603.	Aug. 17, 1984, Pub. L. 98-382, § 3, 98 Stat. 1343.

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

**Editorial Notes**

AMENDMENTS

2006—Par. (13). Pub. L. 109-284 substituted “laws of each State” for “laws of the each State”.

**§ 40104. Membership**

Eligibility for membership in the corporation and the rights and privileges of members are as provided in the bylaws.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1330.)

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<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
40104 .....	36:2605.	Aug. 17, 1984, Pub. L. 98-382, § 5, 98 Stat. 1344.

**§ 40105. Governing body**

(a) BOARD OF DIRECTORS.—The board of directors and the responsibilities of the board are as provided in the articles of incorporation.

(b) OFFICERS.—The officers and the election of officers are as provided in the articles of incorporation.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1330.)

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<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
40105(a) .....	36:2606.	Aug. 17, 1984, Pub. L. 98-382, §§ 6, 7, 98 Stat. 1344.
40105(b) .....	36:2607.	

The words “and in conformity with the laws of the State or States in which it is incorporated” in 36:2606 and “and in conformity with the laws of the State or States wherein it is incorporated” in 36:2607 are omitted as unnecessary.

**§ 40106. Powers**

The corporation has only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1330.)

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<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
40106 .....	36:2602.	Aug. 17, 1984, Pub. L. 98-382, § 2, 98 Stat. 1343.

The words “and subject to the laws of such State or States” are omitted as unnecessary.

**§ 40107. Restrictions**

(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

(b) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not

inure to the benefit of, or be distributed to, a director, officer, or member during the life of the charter granted by this chapter. This subsection does not prevent the payment of reasonable compensation to an officer or employee in an amount approved by the board of directors.

(c) LOANS.—The corporation may not make a loan to a director, officer, or employee.

(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORIZATION.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1330.)

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<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
40107 .....	36:2608.	Aug. 17, 1984, Pub. L. 98-382, § 8, 98 Stat. 1344.

In subsection (a), the words “any shares of” are omitted as unnecessary.

In subsection (b), the words “inure to the benefit of” are substituted for “inure to” for consistency in the revised title.

**§ 40108. Duty to maintain tax-exempt status**

The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1330.)

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<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
40108 .....	36:2614 (1st sentence).	Aug. 17, 1984, Pub. L. 98-382, § 15 (1st sentence), 98 Stat. 1345.

**§ 40109. Records and inspection**

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;

(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1331.)

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<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
40109 .....	36:2610.	Aug. 17, 1984, Pub. L. 98-382, § 10, 98 Stat. 1345.

The word “records” is substituted for “books and records” for consistency in the revised title and with other titles of the United States Code. The words “Nothing in this section shall be construed to contravene any applicable State law” are omitted as unnecessary.