

(Pub. L. 102-522, title II, §207, Oct. 26, 1992, 106 Stat. 3420.)

REFERENCES IN TEXT

The Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", referred to in subsec. (a), is Pub. L. 88-504, Aug. 30, 1964, 78 Stat. 635, as amended, which is classified principally to chapter 42 (§1101 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

**§ 5207. Immunity of United States**

The United States shall not be liable for any debts, defaults, acts, or omissions of the Foundation nor shall the full faith and credit of the United States extend to any obligation of the Foundation.

(Pub. L. 102-522, title II, §208, Oct. 26, 1992, 106 Stat. 3420.)

**CHAPTER 85—NATIONAL EDUCATION ASSOCIATION OF THE UNITED STATES**

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**§ 5301. Corporation created**

The following-named persons, who are now the officers and directors and trustees of the National Educational Association, a corporation organized in the year eighteen hundred and eighty-six, under the Act of general incorporation of the revised statutes of the District of Columbia, namely: Nathan C. Schaeffer, Eliphalet Oram Lyte, John W. Lansinger, of Pennsylvania; Isaac W. Hill, of Alabama; Arthur J. Matthews, of Arizona; John H. Hinemon, George B. Cook, of Arkansas; Joseph O'Connor, Josiah L. Pickard, Arthur H. Chamberlain, of California; Aaron Gove, Ezekiel H. Cook, Lewis C. Greenlee, of Colorado; Charles H. Keyes, of Connecticut; George W. Twitmyer, of Delaware; J. Ormond Wilson, William T. Harris, Alexander T. Stuart, of the District of Columbia; Clem Hampton, of Florida; William M. Slaton, of Georgia; Frances Mann, of Idaho; J. Stanley Brown, Albert G. Lane, Charles I. Parker, John W. Cook, Joshua Pike, Albert R. Taylor, Joseph A. Mercer, of Illinois; Nebraska Cropsey, Thomas A. Mott, of Indiana; John D. Benedict, of Indian Territory; John F. Riggs, Ashley V. Storm, of Iowa; John W. Spindler, Jasper N. Wilkinson, A. V. Jewett, Luther D. Whittemore, of Kansas; William Henry Bartholomew, of Kentucky; Warren Easton, of Louisiana; John S. Locke, of Maine; M. Bates Stephens, of Maryland; Charles W. Eliot,

Mary H. Hunt, Henry T. Bailey, of Massachusetts; Hugh A. Graham, Charles G. White, William H. Elson, of Michigan; William F. Phelps, Irwin Shepard, John A. Cranston, of Minnesota; Robert B. Fulton, of Mississippi; F. Louis Soldan, James M. Greenwood, William J. Hawkins, of Missouri; Oscar J. Craig, of Montana; George L. Towne, of Nebraska; Joseph E. Stubbs, of Nevada; James E. Klock, of New Hampshire; James M. Green, John Enright, of New Jersey; Charles M. Light, of New Mexico; James H. Canfield, Nicholas Murray Butler, William H. Maxwell, Charles R. Skinner, Albert P. Marble, James C. Byrnes, of New York; James Y. Joyner, Julius Isaac Foust, of North Carolina; Pitt Gordon Knowlton, of North Dakota; Oscar T. Corson, Jacob A. Shawan, Wells L. Griswold, of Ohio; Edgar S. Vaught, Andrew R. Hickam, of Oklahoma; Charles Carroll Stratton, Edwin D. Ressler, of Oregon; Thomas W. Bicknell, Walter Ballou Jacobs, of Rhode Island; David B. Johnson, Robert P. Pell, of South Carolina; Moritz Adelbert Lange, of South Dakota; Eugene F. Turner, of Tennessee; Lloyd E. Wolfe, of Texas; David H. Christensen, of Utah; Henry O. Wheeler, Isaac Thomas, of Vermont; Joseph L. Jarman, of Virginia; Edward T. Mathes, of Washington; T. Marcellus Marshall, Lucy Robinson, of West Virginia; Lorenzo D. Harvey, of Wisconsin; Thomas T. Tynan, of Wyoming; Cassia Patton, of Alaska; Frank H. Ball, of Porto Rico; Arthur F. Griffiths, of Hawaii; C. H. Maxson, of the Philippine Islands, and such other persons as now are or may hereafter be associated with them as officers or members of said association, are hereby incorporated and declared to be a body corporate of the District of Columbia by the name of the "National Education Association of the United States," and by that name shall be known and have perpetual succession with the powers, limitations, and restrictions herein contained.

(June 30, 1906, ch. 3929, §1, 34 Stat. 804.)

**§ 5302. Purpose and object of corporation**

The purpose and object of the said corporation shall be to elevate the character and advance the interests of the profession of teaching, and to promote the cause of education in the United States. This corporation shall include the National Council of Education and the following departments, and such others as may hereafter be created by organization or consolidation, to wit: The departments, first, of superintendence; second, of normal schools; third, of elementary education; fourth, of higher education; fifth, of manual training; sixth, of art education; seventh, of kindergarten education; eighth, of music education; ninth, of secondary education; tenth, of business education; eleventh, of child study; twelfth, of physical education; thirteenth, of natural science instruction; fourteenth, of school administration; fifteenth, the library department; sixteenth, of special education; seventeenth, of Indian education; the powers and duties and the number and names of these departments and of the National Council of Education may be changed or abolished at the pleasure of the corporation as provided in its by-laws.

(June 30, 1906, ch. 3929, § 2, 34 Stat. 805.)

### § 5303. Powers of corporation

The said corporation shall further have power to have and to use a common seal, and to alter and change the same at its pleasure; to sue or to be sued in any court of the United States, or other court of competent jurisdiction; to make bylaws not inconsistent with the provisions of this chapter or of the Constitution of the United States; to 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; to accept and administer any trust of real or personal estate for any educational purpose within the objects of the corporation; and to borrow money for its corporate purposes, issue bonds therefor, and secure the same by mortgage, deed of trust, pledge, or otherwise.

(June 30, 1906, ch. 3929, § 3, 34 Stat. 805; June 30, 1969, Pub. L. 91-37, § 1[(a)], 83 Stat. 42.)

#### AMENDMENTS

1969—Pub. L. 91-37 amended section generally. Prior to amendment, section read as follows: "The said corporation shall further have power to have and to use a common seal, and to alter and change the same at its pleasure, to sue or to be sued in any court of the United States, or other court of competent jurisdiction; to make by-laws not inconsistent with the provisions of this chapter or of the Constitution of the United States; to take or receive, whether by gift, grant, devise, bequest, or purchase, any real or personal estate, and to hold, grant, convey, hire, or lease the same for the purposes of its incorporation, and to accept and administer any trust of real or personal estate for any educational purpose within the objects of the corporation."

### § 5304. Tax-exempt status

All real property of the corporation within the District of Columbia, which shall be used by the corporation for the educational or other purposes of the corporation as aforesaid, other than the purposes of producing income, and all personal property and funds of the corporation held, used, or invested for educational purposes aforesaid, or to produce income to be used for such purposes, shall be exempt from taxation: *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: *And provided further,* That the corporation shall annually file with the Secretary of Education a report in writing stating in detail the property, real and personal, held by the corporation, and the expenditure or other use or disposition of the same, or the income thereof, during the preceding year.

(June 30, 1906, ch. 3929, § 4, 34 Stat. 805; Pub. L. 96-88, title III, § 301(a)(1), title V, § 507, Oct. 17, 1979, 93 Stat. 677, 692.)

#### TRANSFER OF FUNCTIONS

"Secretary of Education" substituted for "Commissioner of Education of the United States" pursuant to sections 301(a)(1) and 507 of Pub. L. 96-88, which are classified to sections 3441(a)(1) and 3507 of Title 20, Education, and which transferred all functions of Commissioner of Education to Secretary of Education.

### § 5305. Membership

The qualifications, classifications, rights, and obligations of members of said corporation shall be prescribed in the bylaws of the corporation.

(June 30, 1906, ch. 3929, § 5, 34 Stat. 805; June 14, 1937, ch. 336, § 1, 50 Stat. 257.)

#### AMENDMENTS

1937—Act June 14, 1937 amended section generally. Prior to amendment, section read as follows: "The membership of the said corporation shall consist of three classes of members, namely, active, associate, and corresponding, whose qualifications, terms of membership, rights, and obligations shall be prescribed by the by-laws of the corporation."

### § 5306. Officers

(a) The officers of the corporation shall be a president, one or more vice presidents, a secretary, a treasurer, a board of directors, an executive committee, and such boards, councils, committees, and other officers as shall be prescribed in the bylaws.

(b) Except as limited by this chapter, the bylaws of the corporation shall prescribe the powers, duties, terms of office, and the manner of election or appointment of the said officers, boards, councils, and committees; and the said corporation may by its bylaws make other and different provisions as to the numbers and names of the officers, boards, councils, and committees.

(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.)

#### AMENDMENTS

1969—Subsec. (a). Pub. L. 91-37, which directed the amendment of subsec. (a) by striking out "a Board of Trustees," was executed by striking "a board of trustees," after "executive committee," to reflect the probable intent of Congress.

1937—Act June 14, 1937, amended section generally, substituting provisions authorizing corporation officers, boards, councils, and committees, and directing that corporation bylaws prescribe their powers, duties, terms of office, and manner of election or appointment, for provisions delineating officers of corporation and providing further detail into composition and method of electing or appointing a board of directors, an executive committee, and a board of trustees.

### § 5307. Permanent Fund of the National Education Association

#### (a) Establishment; spending or transfer limitations

The invested fund now known as the "Permanent Fund of the National Education Association," shall be held in such corporation as a Permanent Fund and shall be in charge of the Executive Committee, which shall provide for the safekeeping and investment of such fund, and of all other funds which the corporation may receive by donation, bequest, or devise. No part of the principal of such Permanent Fund or its accretions shall be expended or transferred to the General Fund, except by a two-thirds vote of the Representative Assembly, after the proposed expenditure or transfer has been approved by the Executive Committee and the Board of Directors, and after printed notice of the proposed ex-

penditure or transfer has been printed in the Journal of the National Education Association at least two months prior to the meeting of the Representative Assembly.

**(b) Use of income**

The income of the Permanent Fund shall be used only to meet the cost of maintaining the organization of the Association and of publishing its annual volume of Proceedings, unless the terms of the donation, bequest, or devise shall otherwise specify or the bylaws of the corporation shall otherwise provide.

**(c) Secretary of Association**

The Executive Committee shall elect the secretary of the Association, who shall be secretary of the Executive Committee, and shall fix the compensation and the term of his office for a period not to exceed four years.

(June 30, 1906, ch. 3929, § 7, 34 Stat. 806; June 14, 1937, ch. 336, § 3, 50 Stat. 257; June 30, 1969, Pub. L. 91-37, § 1(c), 83 Stat. 43.)

AMENDMENTS

1969—Pub. L. 91-37 amended section generally, redesignating subsecs. (b), (c), and (d) as (a), (b), and (c), respectively, and making the Executive Committee, rather than the board of trustees, in charge of the permanent fund, and striking out former subsec. (a) which made provision for the election and operation of the board of trustees to oversee the investment and safekeeping of the fund.

1937—Act June 14, 1937, amended section generally. Prior to amendment, section provided for establishment of a permanent fund, as well as spending limitations and procedures, use of fund income, payment of bills, and investment of surplus, as well as for the election of a secretary of the association and executive committee by the board of trustees.

TERMINATION OF SECTION

Section 2 of Pub. L. 91-37 provided that: "Upon the adoption by the Representative Assembly of the National Education Association of amended bylaws to provide for the administration of the property of the corporation and for the selection of the secretary of the Association, section 7 of the Act June 30, 1906 (34 Stat. 804) [this section], shall be of no further force and effect." [At its Annual Meeting convened on July 1, 1968, the National Education Association adopted a bylaw amendment transferring the duties of the Board of Trustees, including responsibility for the Permanent Fund and selection of the Secretary, to the Executive Committee.]

**§ 5308. Principal office**

The principal office of the said corporation shall be in the city of Washington, District of Columbia: *Provided*, That the meetings of the corporation, its officers, committees, and departments, may be held, and that its business may be transacted and an office or offices may be maintained elsewhere within the United States, as may be determined, in accordance with the by-laws.

(June 30, 1906, ch. 3929, § 8, 34 Stat. 807; June 14, 1937, ch. 336, § 4, 50 Stat. 258.)

AMENDMENTS

1937—Act June 14, 1937, which directed the amendment of this section by striking out "by the Board of Directors, or otherwise", was executed by striking "by the board of directors, or otherwise" after "as may be determined", to reflect the probable intent of Congress.

**§ 5309. Charter**

The charter, constitution, and by-laws of the National Educational Association shall continue in full force and effect until the charter granted by this chapter shall be accepted by such association at the next annual meeting of the association, and until new by-laws shall be adopted, and the present officers, directors, and trustees of said association shall continue to hold office and perform their respective duties as such until the expiration of the terms for which they were severally elected or appointed, and until their successors are elected. At such annual meeting the active members of the National Educational Association then present may organize and proceed to accept the charter granted by this chapter and adopt by-laws, to elect officers to succeed those whose terms have expired or are about to expire, and generally to organize the "National Education Association of the United States," and the board of trustees of the corporation hereby incorporated shall thereupon, if the charter granted by this chapter be accepted, receive, take over, and enter into possession, custody, and management of all property, real and personal, of the corporation heretofore known as the National Educational Association, incorporated as aforesaid under the Revised Statutes of the District of Columbia, and all its rights, contracts, claims, and property of every kind and nature whatsoever; and the several officers, directors, and trustees of such last-named association, or any other person having charge of any of the securities, funds, books, or property thereof, real or personal, shall on demand deliver the same to the proper officers, directors, or trustees of the corporation hereby created: *Provided*, That a verified certificate executed by the presiding officer and secretary of such annual meeting, showing the acceptance of the charter granted by this chapter by the National Educational Association shall be legal evidence of the fact, when filed with the recorder of deeds of the District of Columbia: *And provided further*, That in the event of the failure of the association to accept the charter granted by this chapter at said annual meeting, then the charter of the National Educational Association and its corporate existence shall be, and are hereby, extended until the thirty-first day of July, nineteen hundred and eight, and at any time before said date its charter may be extended in the manner and form provided by the general corporation law of the District of Columbia.

(June 30, 1906, ch. 3929, § 9, 34 Stat. 807.)

**§ 5310. Rights of creditors**

The rights of creditors of the said existing corporation, known as the National Educational Association, shall not in any manner be impaired by the passage of this chapter, or the transfer of the property heretofore mentioned, nor shall any liability or obligation, or the payment of any sum due or to become due, or any claim or demand, in any manner, or for any cause existing against the said existing corporation, be released or impaired; and the corporation hereby incorporated is declared to succeed to the obligations and liabilities, and to be held

liable to pay and discharge all of the debts, liabilities, and contracts of the said corporation so existing, to the same effect as if such new corporation had itself incurred the obligation or liability to pay such debt or damages, and no action or proceeding before any court or tribunal shall be deemed to have abated or been discontinued by reason of this chapter.

(June 30, 1906, ch. 3929, § 10, 34 Stat. 807.)

#### § 5311. Reservation of right to amend or repeal chapter

Congress may from time to time alter, repeal, or modify this chapter, but no contract or individual right made or acquired shall thereby be divested or impaired.

(June 30, 1906, ch. 3929, § 11, 34 Stat. 808.)

### CHAPTER 86—SOCIETY OF AMERICAN FLORISTS AND ORNAMENTAL HORTICULTURISTS

Sec.	
5401.	Corporation created.
5402.	Reservation of right to amend or repeal chapter.

#### § 5401. Corporation created

James Dean, of Freeport; Charles W. Ward, of Queens; William Scott, of Buffalo; and Charles Henderson, of New York City, all in the State of New York; William J. Stewart, Michael H. Norton, and Patrick Welch, of Boston; Edmund M. Wood, of Natick; and Lawrence Cotter, of Dorchester, all in the State of Massachusetts; Edward G. Hill, of Richmond, in the State of Indiana; John N. May, of Summitt, John G. Esler, of Saddle River; Patrick O'Mara, of Jersey City; William A. Manda, of South Orange, all in the State of New Jersey; Benjamin Durfee, William R. Smith, William F. Gude, and Henry Small, Junior, of Washington, in the District of Columbia; Willis N. Rudd, of Chicago; Emil Buettner, of Park Ridge; John C. Vaughan, of Chicago, all in the State of Illinois; Joseph A. Dirwanger, of Portland, in the State of Maine; Robert Craig, Edwin Lonsdale, W. Atlee Burpee, and John Burton, of Philadelphia; H. B. Beatty, of Oil City; and William Falconer, of Pittsburgh; all in the State of Pennsylvania; George M. Kellogg, of Pleasant Hill, in the State of Missouri; John T. D. Fulmer, of Des Moines, and J. C. Rennon, of Sioux City, in the State of Iowa; L. A. Berckmans, of Augusta, in the State of Georgia; H. Papworth, of New Orleans, in the State of Louisiana; Elmer D. Smith, of Adrian, and Harry Balsley, of Detroit, in the State of Michigan; F. A. Whelan, of Mount Vernon on the Potomac, in the State of Virginia; Adam Graham, of Cleveland, in the State of Ohio; William Fraser, of Baltimore, in the State of Maryland; John Spalding, of New London, and John N. Champion, of New Haven, in the State of Connecticut; and Charles W. Hoitt, of Nashua, in the State of New Hampshire, their associates and successors, are hereby created a body corporate and politic, within the District of Columbia, by the name of the Society of American Florists and Ornamental Horticulturists, for the education of the general public and of members of

the florist industry in the subjects of, and for the scientific development of, floriculture and horticulture in all their branches. Said corporation is authorized to adopt a constitution and to make bylaws not inconsistent with law, to hold real and personal estate in the District of Columbia and elsewhere, so far only as may be necessary to its lawful ends, to an amount not exceeding \$1,000,000, and such other estate as may be donated or bequeathed in any State or Territory: *Provided*, That all property so held, and the proceeds thereof, shall be held and used solely for the purposes set forth in this chapter. Said corporation shall operate without profit and any earnings and/or surplus funds that may be created through any of its educational or scientific activities shall be available only for the further accomplishment of the corporation's stated purposes. The principal office of the corporation shall be located within the District of Columbia, but the annual meetings may be held in such other places as the incorporators or their successors shall determine: *Provided*, That this corporation shall not be permitted to occupy any park in the city of Washington.

(Mar. 3, 1901, ch. 876, § 1, 31 Stat. 1453; June 29, 1938, ch. 796, 52 Stat. 1226.)

#### AMENDMENTS

1938—Act June 29, 1938, amended section generally, striking out provision referring to kindred purposes of corporation in the interest of floriculture and horticulture, substituting "\$1,000,000" for "fifty thousand dollars" as limit on real and personal estate of corporation, and inserting direction that corporation was to operate without profit and that any earnings or surplus funds created through any educational or scientific activities be available only for further accomplishment of corporation's stated purposes.

#### § 5402. Reservation of right to amend or repeal chapter

Congress reserves the right to alter, amend, or repeal this chapter in whole or in part.

(Mar. 3, 1901, ch. 876, § 2, 31 Stat. 1454; June 29, 1938, ch. 796, 52 Stat. 1227.)

#### AMENDMENTS

1938—Act June 29, 1938, amended section generally, reenacting text without change.

### CHAPTER 87—CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY

#### SUBCHAPTER I—ESTABLISHMENT AND OPERATION OF CORPORATION

Sec.	
5501.	Establishment of Corporation. <ul style="list-style-type: none"> <li>(a) Establishment.</li> <li>(b) Private, nonprofit status.</li> <li>(c) Board of Directors.</li> <li>(d) Director of Civilian Marksmanship.</li> </ul>
5502.	Conduct of Civilian Marksmanship Program. <ul style="list-style-type: none"> <li>(a) Functions.</li> <li>(b) Priority for youth activities.</li> <li>(c) Access to surplus property.</li> <li>(d) Transfer of Civilian Marksmanship Program to Corporation.</li> </ul>
5503.	Eligibility for participation in Civilian Marksmanship Program. <ul style="list-style-type: none"> <li>(a) Certification requirement.</li> <li>(b) Ineligibility resulting from certain convictions.</li> </ul>