

(b) Loans

The corporation may not make any loan to any officer, director, or employee of the corporation.

(c) Issuance of stock; dividends

The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

(d) Claim of approval or authorization

The corporation shall not claim congressional approval or the authorization of the Federal Government for any of its activities by virtue of this chapter.

(Pub. L. 102-484, div. A, title XVIII, §1809, Oct. 23, 1992, 106 Stat. 2582.)

§ 5010. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents whenever such officers and agents have acted within the scope of their authority.

(Pub. L. 102-484, div. A, title XVIII, §1810, Oct. 23, 1992, 106 Stat. 2583.)

§ 5011. Books and records

The corporation shall keep correct and complete books and records of account and minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep, at its principal office, a record of the names and addresses of all members having the right to vote in any proceeding of the corporation. All books and records of such corporation may be inspected by any member having the right to vote in any corporation proceeding, or by any agent or attorney of such member, for any proper purpose at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

(Pub. L. 102-484, div. A, title XVIII, §1811, Oct. 23, 1992, 106 Stat. 2583.)

§ 5012. Annual report

The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as the report of the audit required by section 1102 of this title. The report shall not be printed as a public document.

(Pub. L. 102-484, div. A, title XVIII, §1813, Oct. 23, 1992, 106 Stat. 2583.)

§ 5013. Reservation of right to amend or repeal chapter

The right to alter, amend, or repeal this chapter is expressly reserved to the Congress.

(Pub. L. 102-484, div. A, title XVIII, §1814, Oct. 23, 1992, 106 Stat. 2583; amended Pub. L. 103-35, title II, §202(a)(13), May 31, 1993, 107 Stat. 101.)

AMENDMENTS

1993—Pub. L. 103-35 made technical amendment to reference to this chapter to reflect correction of corresponding provision of original act.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-35 applicable as if included in the enactment of Pub. L. 102-484, see section 202(b) of Pub. L. 103-35, set out as a note under section 155 of Title 10, Armed Forces.

§ 5014. Tax-exempt status

The corporation shall maintain its status as an organization exempt from taxation as provided in title 26. If the corporation fails to maintain such status, the charter granted by this chapter shall expire.

(Pub. L. 102-484, div. A, title XVIII, §1815, Oct. 23, 1992, 106 Stat. 2583.)

§ 5015. Failure to comply with restrictions or provisions

The charter granted by this chapter shall expire if the corporation fails to comply with—

- (1) any restriction or other provision of this chapter;
- (2) any provision of its bylaws or articles of incorporation; or
- (3) any provision of the laws of the District of Columbia that apply to corporations such as the corporation recognized under this chapter.

(Pub. L. 102-484, div. A, title XVIII, §1816, Oct. 23, 1992, 106 Stat. 2583.)

§ 5016. "State" defined

For purposes of this chapter, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

(Pub. L. 102-484, div. A, title XVIII, §1817, Oct. 23, 1992, 106 Stat. 2584.)

CHAPTER 83—RETIRED ENLISTED ASSOCIATION, INCORPORATED

Sec.	
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5102.	Powers of corporation.
5103.	Objects and purposes of corporation.
5104.	Service of process.
5105.	Membership.
5106.	Board of directors.
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5108.	Prohibition on discrimination.
5109.	Restrictions. <ol style="list-style-type: none"> (a) Distribution of income or assets to members. (b) Loans. (c) Issuance of stock; dividends. (d) Claim of approval or authorization.
5110.	Liability for acts of officers and agents.
5111.	Books and records.
5112.	Annual report.
5113.	Reservation of right to amend or repeal chapter.
5114.	Tax-exempt status.
5115.	Exclusive right to names, seals, emblems, and badges.
5116.	Failure to comply with restrictions or provisions.
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§ 5101. Recognition as corporation and grant of Federal charter

The Retired Enlisted Association, Incorporated, a nonprofit corporation organized

under the laws of the State of Colorado, is recognized as such and is granted a Federal charter. (Pub. L. 102-484, div. A, title XVIII, §1821, Oct. 23, 1992, 106 Stat. 2584.)

§ 5102. Powers of corporation

The Retired Enlisted Association, Incorporated (in this chapter referred to as the “corporation”) shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State in which it is incorporated and subject to the laws of such State.

(Pub. L. 102-484, div. A, title XVIII, §1822, Oct. 23, 1992, 106 Stat. 2584.)

§ 5103. Objects and purposes of corporation

The objects and purposes of the corporation are those provided in its bylaws and articles of incorporation and shall include the following:

- (1) Upholding and defending the Constitution of the United States.
- (2) Promoting health, prosperity, and scholarship among its members and their dependents and survivors through benevolent programs.
- (3) Assisting veterans and their dependents and survivors through a service program established for that purpose.
- (4) Improving conditions for retired enlisted service members, veterans, and their dependents and survivors.
- (5) Fostering fraternal and social activities among its members in recognition that cooperative action is required for the furtherance of their common interests.

(Pub. L. 102-484, div. A, title XVIII, §1823, Oct. 23, 1992, 106 Stat. 2584.)

§ 5104. Service of process

With respect to service of process, the corporation shall comply with the laws of the State in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

(Pub. L. 102-484, div. A, title XVIII, §1824, Oct. 23, 1992, 106 Stat. 2584.)

§ 5105. Membership

Except as provided in section 5108 of this title, eligibility for membership in the corporation and the rights and privileges of members of the corporation shall be as provided in the articles of incorporation and bylaws of the corporation.

(Pub. L. 102-484, div. A, title XVIII, §1825, Oct. 23, 1992, 106 Stat. 2584.)

§ 5106. Board of directors

Except as provided in section 5108 of this title, the composition of the board of directors of the corporation and the responsibilities of such board shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State in which it is incorporated.

(Pub. L. 102-484, div. A, title XVIII, §1826, Oct. 23, 1992, 106 Stat. 2584.)

§ 5107. Officers

Except as provided in section 5108 of this title, the positions of officers of the corporation and the election of members to such positions shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State in which it is incorporated.

(Pub. L. 102-484, div. A, title XVIII, §1827, Oct. 23, 1992, 106 Stat. 2585.)

§ 5108. Prohibition on discrimination

In establishing the conditions of membership in the corporation and in determining the requirements for serving on the board of directors or as an officer of the corporation, the corporation may not discriminate on the basis of race, color, religion, sex, handicap, age or national origin.

(Pub. L. 102-484, div. A, title XVIII, §1828, Oct. 23, 1992, 106 Stat. 2585; Pub. L. 103-160, div. A, title XI, §1182(c)(6), Nov. 30, 1993, 107 Stat. 1772.)

AMENDMENTS

1993—Pub. L. 103-160 substituted “board of directors” for “board of the directors”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5105, 5106, 5107 of this title.

§ 5109. Restrictions

(a) Distribution of income or assets to members

No part of the income or assets of the corporation may inure to the benefit of any member, officer, or director of the corporation or be distributed to any such individual during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) Loans

The corporation may not make any loan to any officer, director, or employee of the corporation.

(c) Issuance of stock; dividends

The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(d) Claim of approval or authorization

The corporation shall not claim congressional approval or the authorization of the Federal Government for any of its activities by virtue of this chapter.

(Pub. L. 102-484, div. A, title XVIII, §1829, Oct. 23, 1992, 106 Stat. 2585.)

§ 5110. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents whenever such officers and agents have acted within the scope of their authority.

(Pub. L. 102-484, div. A, title XVIII, §1830, Oct. 23, 1992, 106 Stat. 2585.)

§ 5111. Books and records

The corporation shall keep correct and complete books and records of account and minutes

of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep, at its principal office, a record of the names and addresses of all members having the right to vote in any proceeding of the corporation. All books and records of such corporation may be inspected by any member having the right to vote in any corporation proceeding, or by any agent or attorney of such member, for any proper purpose at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

(Pub. L. 102-484, div. A, title XVIII, §1831, Oct. 23, 1992, 106 Stat. 2585.)

§ 5112. Annual report

The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as the report of the audit required by section 1102 of this title. The report shall not be printed as a public document.

(Pub. L. 102-484, div. A, title XVIII, §1833, Oct. 23, 1992, 106 Stat. 2586.)

§ 5113. Reservation of right to amend or repeal chapter

The right to alter, amend, or repeal this chapter is expressly reserved to the Congress.

(Pub. L. 102-484, div. A, title XVIII, §1834, Oct. 23, 1992, 106 Stat. 2586; Pub. L. 103-35, title II, §202(a)(13), May 31, 1993, 107 Stat. 101.)

AMENDMENTS

1993—Pub. L. 103-35 made technical amendment to reference to this chapter to reflect correction of corresponding provision of original act.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-35 applicable as if included in the enactment of Pub. L. 102-484, see section 202(b) of Pub. L. 103-35, set out as a note under section 155 of Title 10, Armed Forces.

§ 5114. Tax-exempt status

The corporation shall maintain its status as an organization exempt from taxation as provided in title 26. If the corporation fails to maintain such status, the charter granted by this chapter shall expire.

(Pub. L. 102-484, div. A, title XVIII, §1835, Oct. 23, 1992, 106 Stat. 2586.)

§ 5115. Exclusive right to names, seals, emblems, and badges

The corporation shall have the sole and exclusive right to use the names “The Retired Enlisted Association, Incorporated”, “The Retired Enlisted Association”, “Retired Enlisted Association”, and “TREA”, and such seals, emblems, and badges as the corporation may lawfully adopt. Nothing in this section may be construed to conflict or interfere with rights that are established or vested before October 23, 1992.

(Pub. L. 102-484, div. A, title XVIII, §1836, Oct. 23, 1992, 106 Stat. 2586.)

§ 5116. Failure to comply with restrictions or provisions

If the corporation fails to comply with any of the restrictions or provisions of this chapter, the charter granted by this chapter shall expire.

(Pub. L. 102-484, div. A, title XVIII, §1837, Oct. 23, 1992, 106 Stat. 2586.)

§ 5117. “State” defined

For purposes of this chapter, the term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

(Pub. L. 102-484, div. A, title XVIII, §1838, Oct. 23, 1992, 106 Stat. 2586.)

CHAPTER 84—NATIONAL FALLEN FIREFIGHTERS FOUNDATION

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	(b) Purposes.
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5206.	Audits, report requirements, and petition of Attorney General for equitable relief.
	(a) Audits.
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5207.	Immunity of United States.

§ 5201. Establishment and purposes of Foundation

(a) Establishment

There is established the National Fallen Firefighters Foundation (hereafter in this chapter referred to as the “Foundation”). The Foundation is a charitable and nonprofit corporation to be organized under the laws of the State of Maryland and is not an agency or establishment of the United States.

(b) Purposes

The purposes of the Foundation are—

(1) 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;

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

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