

August 30, 1964 (36 U.S.C. 1101 et seq.), the Foundation shall be treated as a private corporation established under Federal law.

(b) Report

The Foundation shall, within 4 months after the end of each fiscal year, prepare and submit to the appropriate committees of the Congress a report of the Foundation's proceedings and activities during such year, including a full and complete statement of its receipts, expenditures, and investments.

(c) Relief for certain Foundation acts or failures to act

If the Foundation—

(1) engages in, or threatens to engage in, any act, practice, or policy that is inconsistent with the purposes set forth in section 5201(b) of this title; or

(2) refuses, fails, or neglects to discharge its obligations under this chapter, or threatens to do so,

the Attorney General may petition in the United States District Court for the District of Columbia for such equitable relief as may be necessary or appropriate.

(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 Na-

tional 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 pur-

poses 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.