

§ 4907. Duties of board

The said board of governors shall have power to conduct and manage all the business and concerns of the said corporation; to fill, until the next annual election thereafter, any vacancy in the board occasioned by death, resignation, or otherwise; and to appoint such attending and resident physicians and surgeons, agents, assistants, and attendants as may be necessary, to fix their compensation, and to discharge them; to make such by-laws as may be necessary and proper and not contrary to law, relative to elections and meetings, the qualifications and duties of governors and officers, the admission and qualifications of members, the management and disposition of the estate, business, and concerns of the said corporation, and to alter or to amend the same.

(Jan. 30, 1913, ch. 21, § 7, 37 Stat. 655.)

§ 4908. Quorum requirement

Five governors shall be a quorum for the transaction of all business, except the sale or alienation of any of the real or personal estate of the said corporation, or the leasing of any real estate thereof for a longer term than one year, for which purposes or any of them the consent of a majority of the said board shall be necessary.

(Jan. 30, 1913, ch. 21, § 8, 37 Stat. 655.)

§ 4909. Duration of corporation

This charter shall continue in perpetuity.

(Jan. 30, 1913, ch. 21, § 9, 37 Stat. 655; Sept. 19, 1962, Pub. L. 87-673, 76 Stat. 557; Oct. 1, 1965, Pub. L. 89-231, § 2, 79 Stat. 901.)

AMENDMENTS

1965—Pub. L. 89-231 struck out before period at end “: *Provided*, That at no time shall said corporation hold real estate except for the necessary use of office and hospital purposes of said hospital”, and was executed by striking the quoted material which in the original contained the word “offices” rather than “office”.

1962—Pub. L. 87-673 substituted “in perpetuity” for “for the term of fifty years”.

§ 4910. Reservation of right to amend or repeal chapter

This chapter shall be subject to alterations, amendment, or repeal.

(Jan. 30, 1913, ch. 21, § 10, 37 Stat. 655.)

CHAPTER 82—MILITARY ORDER OF THE WORLD WARS

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§ 5001. Recognition as corporation and grant of Federal charter

The Military Order of the World Wars, a non-profit corporation organized under the laws of the District of Columbia, is recognized as such and is granted a Federal charter.

(Pub. L. 102-484, div. A, title XVIII, § 1801, Oct. 23, 1992, 106 Stat. 2581.)

§ 5002. Powers of corporation

The Military Order of the World Wars (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, § 1802, Oct. 23, 1992, 106 Stat. 2581.)

§ 5003. 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) Promoting military service associations.
- (2) Promoting patriotic education and military, naval, and air science.
- (3) Defending the honor and integrity of the Federal Government and the Constitution.
- (4) Fostering fraternal relations among all branches of the Armed Forces.
- (5) Encouraging the adoption of a suitable policy of national security.
- (6) Encouraging the commemoration of military service and the establishment of war memorials.

(Pub. L. 102-484, div. A, title XVIII, § 1803, Oct. 23, 1992, 106 Stat. 2582.)

§ 5004. 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, § 1804, Oct. 23, 1992, 106 Stat. 2582.)

§ 5005. Membership

Except as provided in section 5008 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, § 1805, Oct. 23, 1992, 106 Stat. 2582.)

§ 5006. Board of directors

Except as provided in section 5008 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, §1806, Oct. 23, 1992, 106 Stat. 2582.)

§ 5007. Officers

Except as provided in section 5008 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, §1807, Oct. 23, 1992, 106 Stat. 2582.)

§ 5008. 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, §1808, Oct. 23, 1992, 106 Stat. 2582.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5005, 5006, 5007 of this title.

§ 5009. 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 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

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- 5101. Recognition as corporation and grant of Federal charter.
- 5102. Powers of corporation.
- 5103. Objects and purposes of corporation.
- 5104. Service of process.
- 5105. Membership.
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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”.