

Public Law 100-281  
100th Congress

An Act

To recognize the organization known as the Non Commissioned Officers Association  
of the United States of America.

Apr. 6, 1988  
[S. 1397]

*Be it enacted by the Senate and House of Representatives of the  
United States of America in Congress assembled,*

Corporations.

CHARTER

SECTION 1. The Non Commissioned Officers Association of the 36 USC 4001.  
United States of America, Incorporated, a nonprofit corporation  
organized under the laws of the State of Texas, is recognized as such  
and is granted a Federal charter.

POWERS

SEC. 2. The Non Commissioned Officers Association of the United 36 USC 4002.  
States of America, Incorporated, (hereinafter in this Act 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.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation are those 36 USC 4003.  
provided in its bylaws and articles of incorporation and shall  
include—

- (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 service members, veterans and their dependents and survivors; and
- (5) fostering fraternal and social activities among its members in recognition that cooperative action is required for the furtherance of their common interests.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corporation shall 36 USC 4004.  
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.

MEMBERSHIP

SEC. 5. Except as provided in section 8, eligibility for membership 36 USC 4005.  
in the corporation and the rights and privileges of members of the

corporation shall be as provided in the constitution and bylaws of the corporation.

#### BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

- 36 USC 4006. SEC. 6. Except as provided in section 8, 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.

#### OFFICERS OF CORPORATION

- 36 USC 4007. SEC. 7. Except as provided in section 8, 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.

#### NONDISCRIMINATION

- 36 USC 4008. SEC. 8. 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.

#### RESTRICTIONS

- 36 USC 4009. SEC. 9. (a) 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) The corporation may not make any loan to any officer, director, or employee of the corporation.
- (c) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.
- (d) The corporation shall not claim congressional approval or the authorization of the Federal Government for any of its activities by virtue of this Act.

#### LIABILITY

- 36 USC 4010. SEC. 10. 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.

#### BOOKS AND RECORDS; INSPECTION

- 36 USC 4011. SEC. 11. 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.

#### AUDIT OF FINANCIAL TRANSACTIONS

SEC. 12. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"The Non Commissioned Officers Association of the United States of America, Incorporated."

#### ANNUAL REPORT

SEC. 13. 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 2 of the Act referred to in section 12 of this Act. The report shall not be printed as a public document. 36 USC 4012.

#### RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 14. The right to alter, amend, or repeal this Act is expressly reserved to the Congress. 36 USC 4013.

#### DEFINITION OF "STATE"

SEC. 15. For purposes of this Act, 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. 36 USC 4014.

#### TAX-EXEMPT STATUS

SEC. 16. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986. If the corporation fails to maintain such status, the charter granted by this Act shall expire. 36 USC 4015.

#### EXCLUSIVE RIGHT TO NAMES

SEC. 17. The corporation shall have the sole and exclusive right to use the names "The Non Commissioned Officers Association of the United States of America", "Non Commissioned Officers Association of the United States of America", "Non Commissioned Officers Association", and "NCOA", and such seals, emblems, and badges as the corporation may lawfully adopt. Nothing in this section may be construed to conflict or interfere with established or vested rights. 36 USC 4016.

## TERMINATION

36 USC 4017.

SEC. 18. If the corporation shall fail to comply with any of the restrictions or provisions of this Act, the charter granted by this Act shall expire.

Approved April 6, 1988.

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LEGISLATIVE HISTORY—S. 1397:

HOUSE REPORTS: No. 100-522 (Comm. on the Judiciary).

CONGRESSIONAL RECORD:

Vol. 133 (1987): Oct. 21, considered and passed Senate.

Vol. 134 (1988): Mar. 21, considered and passed House, amended.

Mar. 24, Senate concurred in House amendments.