

110TH CONGRESS
2D SESSION

H. R. 5854

To amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 2008

Mr. VAN HOLLEN introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. GRANT OF FEDERAL CHARTER TO MILITARY**
4 **OFFICERS ASSOCIATION OF AMERICA.**

5 (a) GRANT OF CHARTER.—Part B of subtitle II of
6 title 36, United States Code, is amended by inserting after
7 chapter 1403 the following new chapter:

8 **“CHAPTER 1404—MILITARY OFFICERS**
9 **ASSOCIATION OF AMERICA**

“Sec.

- “140401. Organization.
- “140402. Purposes.
- “140403. Membership.
- “140404. Governing body.
- “140405. Powers.
- “140406. Restrictions.
- “140407. Tax-exempt status required as condition of charter.
- “140408. Records and inspection.
- “140409. Service of process.
- “140410. Liability for acts of officers and agents.
- “140411. Annual report.
- “140412. Definition.

1 **“§ 140401. Organization**

2 “(a) FEDERAL CHARTER.—Military Officers Associa-
 3 tion of America (in this chapter, the ‘corporation’), a non-
 4 profit organization that meets the requirements for a vet-
 5 erans service organization under section 501(c)(19) of the
 6 Internal Revenue Code of 1986 and is organized under
 7 the laws of the Commonwealth of Virginia, is a federally
 8 chartered corporation.

9 “(b) EXPIRATION OF CHARTER.—If the corporation
 10 does not comply with the provisions of this chapter, the
 11 charter granted by subsection (a) shall expire.

12 **“§ 140402. Purposes**

13 “(a) GENERAL.—The purposes of the corporation are
 14 as provided in its bylaws and articles of incorporation and
 15 include—

16 “(1) to inculcate and stimulate love of the
 17 United States and the flag;

18 “(2) to defend the honor, integrity, and su-
 19 premacency of the Constitution of the United States
 20 and the United States Government;

1 “(3) to advocate military forces adequate to the
2 defense of the United States;

3 “(4) to foster the integrity and prestige of the
4 Armed Forces;

5 “(5) to foster fraternal relations between all
6 branches of the various Armed Forces from which
7 members are drawn;

8 “(6) to further the education of children of
9 members of the Armed Forces;

10 “(7) to aid members of the Armed Forces and
11 their family members and survivors in every proper
12 and legitimate manner;

13 “(8) to present and support legislative pro-
14 posals that provide for the fair and equitable treat-
15 ment of members of the Armed Forces, including the
16 National Guard and Reserves, military retirees, fam-
17 ily members, survivors, and veterans; and

18 “(9) to encourage recruitment and appointment
19 in the Armed Forces.

20 **“§ 140403. Membership**

21 “Eligibility for membership in the corporation, and
22 the rights and privileges of members of the corporation,
23 are as provided in the bylaws of the corporation.

1 **“§ 140404. Governing body**

2 “(a) BOARD OF DIRECTORS.—The composition of the
3 board of directors of the corporation, and the responsibil-
4 ities of the board, are as provided in the articles of incor-
5 poration and bylaws of the corporation.

6 “(b) OFFICERS.—The positions of officers of the cor-
7 poration, and the election of the officers, are as provided
8 in the articles of incorporation and bylaws.

9 **“§ 140405. Powers**

10 “The corporation has only those powers provided in
11 its bylaws and articles of incorporation filed in each State
12 in which it is incorporated.

13 **“§ 140406. Restrictions**

14 “(a) STOCK AND DIVIDENDS.—The corporation may
15 not issue stock or declare or pay a dividend.

16 “(b) DISTRIBUTION OF INCOME OR ASSETS.—The in-
17 come or assets of the corporation may not inure to the
18 benefit of, or be distributed to, a director, officer, or mem-
19 ber of the corporation during the life of the charter grant-
20 ed by this chapter. This subsection does not prevent the
21 payment of reasonable compensation to an officer or em-
22 ployee of the corporation or reimbursement for actual nec-
23 essary expenses in amounts approved by the board of di-
24 rectors.

1 “(c) LOANS.—The corporation may not make a loan
2 to a director, officer, employee, or member of the corpora-
3 tion.

4 “(d) CLAIM OF GOVERNMENTAL APPROVAL OR AU-
5 THORITY.—The corporation may not claim congressional
6 approval or the authority of the United States Govern-
7 ment for any of its activities.

8 “(e) CORPORATE STATUS.—The corporation shall
9 maintain its status as a corporation incorporated under
10 the laws of the Commonwealth of Virginia.

11 **“§ 140407. Tax-exempt status required as condition of**
12 **charter**

13 “If the corporation fails to maintain its status as an
14 organization exempt from taxation under the Internal
15 Revenue Code of 1986, the charter granted under this
16 chapter shall terminate.

17 **“§ 140408. Records and inspection**

18 “(a) RECORDS.—The corporation shall keep—

19 “(1) correct and complete records of account;

20 “(2) minutes of the proceedings of the mem-
21 bers, board of directors, and committees of the cor-
22 poration having any of the authority of the board of
23 directors of the corporation; and

24 “(3) at the principal office of the corporation,
25 a record of the names and addresses of the members

1 of the corporation entitled to vote on matters relat-
2 ing to the corporation.

3 “(b) INSPECTION.—A member entitled to vote on any
4 matter relating to the corporation, or an agent or attorney
5 of the member, may inspect the records of the corporation
6 for any proper purpose at any reasonable time.

7 **“§ 140409. Service of process**

8 “The corporation shall comply with the law on service
9 of process of each State in which it is incorporated and
10 each State in which it carries on activities.

11 **“§ 140410. Liability for acts of officers and agents**

12 “The corporation is liable for any act of any officer
13 or agent of the corporation acting within the scope of the
14 authority of the corporation.

15 **“§ 140411. Annual report**

16 “The corporation shall submit to Congress an annual
17 report on the activities of the corporation during the pre-
18 ceding fiscal year. The report shall be submitted at the
19 same time as the report of the audit required by section
20 10101(b) of this title. The report may not be printed as
21 a public document.

22 **“§ 140412. Definition**

23 “In this chapter, the term ‘State’ includes the Dis-
24 trict of Columbia and the territories and possessions of
25 the United States.”.

1 (b) CLERICAL AMENDMENT.—The table of chapters
2 at the beginning of subtitle II of title 36, United States
3 Code, is amended by inserting after the item relating to
4 chapter 1403 the following new item:

 “1404. Military Officers Association of America 140401”.

○