

(Added Pub. L. 111-95, §1(a), Nov. 6, 2009, 123 Stat. 3002.)

§ 140404. Governing body

(a) BOARD OF DIRECTORS.—The composition of the board of directors of the corporation, and the responsibilities of the board, are as provided in the articles of incorporation and bylaws of the corporation.

(b) OFFICERS.—The positions of officers of the corporation, and the election of the officers, are as provided in the articles of incorporation and bylaws.

(Added Pub. L. 111-95, §1(a), Nov. 6, 2009, 123 Stat. 3002.)

§ 140405. Powers

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

(Added Pub. L. 111-95, §1(a), Nov. 6, 2009, 123 Stat. 3002.)

§ 140406. Restrictions

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

(b) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member of the corporation during the life of the charter granted by this chapter. This subsection does not prevent the payment of reasonable compensation to an officer or employee of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(c) LOANS.—The corporation may not make a loan to a director, officer, employee, or member of the corporation.

(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

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

(Added Pub. L. 111-95, §1(a), Nov. 6, 2009, 123 Stat. 3002.)

§ 140407. Tax-exempt status required as condition of charter

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

(Added Pub. L. 111-95, §1(a), Nov. 6, 2009, 123 Stat. 3003.)

REFERENCES IN TEXT

The Internal Revenue Code of 1986, referred to in text, is classified generally to Title 26, Internal Revenue Code.

§ 140408. Records and inspection

(a) RECORDS.—The corporation shall keep—

(1) correct and complete records of account;
(2) minutes of the proceedings of the members, board of directors, and committees of the corporation having any of the authority of the board of directors of the corporation; and

(3) at the principal office of the corporation, a record of the names and addresses of the members of the corporation entitled to vote on matters relating to the corporation.

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

(Added Pub. L. 111-95, §1(a), Nov. 6, 2009, 123 Stat. 3003.)

§ 140409. Service of process

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

(Added Pub. L. 111-95, §1(a), Nov. 6, 2009, 123 Stat. 3003.)

§ 140410. Liability for acts of officers and agents

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

(Added Pub. L. 111-95, §1(a), Nov. 6, 2009, 123 Stat. 3003.)

§ 140411. Annual report

The corporation shall submit to Congress an annual report on the activities of the corporation during the preceding fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101(b) of this title. The report may not be printed as a public document.

(Added Pub. L. 111-95, §1(a), Nov. 6, 2009, 123 Stat. 3003.)

§ 140412. Definition

In this chapter, the term “State” includes the District of Columbia and the territories and possessions of the United States.

(Added Pub. L. 111-95, §1(a), Nov. 6, 2009, 123 Stat. 3003.)

CHAPTER 1405—MILITARY ORDER OF THE PURPLE HEART OF THE UNITED STATES OF AMERICA, INCORPORATED

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§ 140501. Organization

(a) FEDERAL CHARTER.—Military Order of the Purple Heart of the United States of America,

Incorporated (in this chapter, the “corporation”), is a federally chartered corporation.

(b) PLACE OF INCORPORATION AND DOMICILE.—The corporation is declared to be incorporated and domiciled in the District of Columbia.

(c) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1381.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
140501	36:821. 36:822. 36:824(1).	Aug. 26, 1958, Pub. L. 85–761, §§1, 2, 4(1), 72 Stat. 854, 856.

This section is substituted for the source provisions for consistency in the revised title and to eliminate executed and unnecessary words.

§ 140502. Principles and purposes

(a) PRINCIPLES.—The principles underlying the corporation are patriotic allegiance to the United States, fidelity to the Constitution and laws of the United States, the security of civil liberty, and the permanence of free institutions.

(b) PURPOSES.—The purposes of the corporation are educational, fraternal, historical, and patriotic, perpetuating the principles of liberty and justice which have created the United States, by—

- (1) commemorating all national patriotic holidays;
- (2) maintaining true allegiance to the Government of the United States and fidelity to its Constitution and laws;
- (3) preserving and strengthening comradeship and patriotism among its members;
- (4) assisting, comforting, and aiding all needy and distressed members and their dependents;
- (5) giving needed hospital and service work through its Department of Veterans Affairs certified service officers;
- (6) cooperating with other civic and patriotic organizations having worthy objectives;
- (7) keeping alive the achievements and memory of our country’s founders;
- (8) ever cherishing the memory of General George Washington, who founded the Purple Heart at his headquarters at Newburgh-on-the-Hudson on August 7, 1782;
- (9) influencing and teaching our citizenry, in a loyal appreciation of the heritages of American citizenship, with its responsibilities and privileges; and
- (10) preserving and defending the United States from all enemies.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1381.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
140502	36:823.	Aug. 26, 1958, Pub. L. 85–761, §3, 72 Stat. 856; June 13, 1991, Pub. L. 102–54, §13(n)(3), 105 Stat. 278.

In this section, the words “of America” are omitted for consistency in the revised title.

In subsection (b)(3), the word “among” is substituted for “amongst” to use more common terminology.

In subsection (b)(10), the word “whomsoever” is omitted as unnecessary.

§ 140503. Membership

(a) ACTIVE MEMBERS.—An individual is eligible for active membership in the corporation if the individual—

- (1) is of good moral character; and
- (2) has received the Purple Heart for wounds received as a member, of any rank, of the Armed Forces of the United States or any foreign country during military or naval combat against an armed enemy of the United States.

(b) ASSOCIATE MEMBERS.—The corporation may extend eligibility for membership as associate members to the parents, spouse, siblings, and lineal descendants of an individual described in subsection (a) of this section on terms provided in its constitution and bylaws.

(c) VOTING.—Each member described in subsection (a) of this section has one vote on each matter submitted to a vote at a meeting of the members.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1382; Pub. L. 110–207, §2, Apr. 30, 2008, 122 Stat. 719.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
140503	36:826.	Aug. 26, 1958, Pub. L. 85–761, §6, 72 Stat. 857.

In this section, the text of 36:826(d) is omitted as obsolete.

In subsection (a), the words “has received” are substituted for “who have received or who may hereafter receive”, and the words “as a member” are substituted for “are, have been, or may become members”, for clarity and to eliminate unnecessary words.

In subsection (b), the word “may” is substituted for “shall have the power, moreover, to” for consistency and to eliminate unnecessary words.

AMENDMENTS

2008—Subsec. (b). Pub. L. 110–207 substituted “the parents, spouse, siblings, and lineal descendants” for “parents and lineal descendants”.

§ 140504. Governing body

(a) BOARD OF DIRECTORS.—(1) The board of directors is the governing body of the corporation. Between meetings of the corporation, the board is responsible for the general policies and program of the corporation. The board is responsible for all funds of the corporation.

(2) The number of directors, their manner of selection (including the filling of vacancies), and their term of office are as provided in the constitution and bylaws of the corporation. However, the board shall have at least 18 directors.

(b) OFFICERS.—(1) The officers of the corporation are a commander, a senior vice commander, a chaplain, an adjutant, a finance officer, a judge advocate, an inspector, a surgeon, a historian, and other elected officers as provided in the constitution and bylaws.

(2) The manner of election, term of office, and duties of the officers are as provided in the constitution and bylaws.