

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
220103 .....	36:1305(a).	Dec. 29, 1979, Pub. L. 96-165, § 5(a), 93 Stat. 1270.

The text of 36:1305(a) (1st-3d sentences) and the word “Thereafter” are omitted as executed and obsolete.

**§ 220104. Governing body**

(a) BOARD OF GOVERNORS.—(1) The board of governors is the governing body of the corporation. The board is responsible for the general policies and program of the corporation and for the control of the affairs and property of the corporation.

(2) The board shall be elected by the members of the corporation for the term and in the classes provided in the bylaws of the corporation. The board includes—

- (A) six members appointed by the President;
- (B) the Secretary of Defense or the Secretary’s designee; and
- (C) representatives of the civilian organizations listed in section 220102(4) of this title, and of the public at large, as provided in the bylaws.

(3) The corporation may have other governing bodies or committees as provided in the bylaws.

(b) OFFICERS.—(1) The office of honorary chairman of the corporation shall be offered to the President. On acceptance, the honorary chairman shall be invited to preside at meetings of the corporation that the honorary chairman deems appropriate and convenient.

(2) The corporation may have other officers as provided in the bylaws.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1460; Pub. L. 109-284, § 5(11), Sept. 27, 2006, 120 Stat. 1212.)

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<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
220104(a) .....	36:1305(b), (c).	Dec. 29, 1979, Pub. L. 96-165, § 5(b)-(d), 93 Stat. 1270.
220104(b) .....	36:1305(d).	

In subsection (a)(1), the words “The board of governors is the governing body of the corporation” are substituted for “The management of the corporation shall be entrusted to a board of governors” for consistency in the revised title.

In subsection (a)(2), the text of 36:1305(b) (2d sentence) and the word “Thereafter” are omitted as executed and obsolete.

In subsection (b)(1), the word “offered” is substituted for “tendered” to use a more common word.

AMENDMENTS

2006—Subsec. (a)(2)(B). Pub. L. 109-284 substituted “Defense” for “State”.

**§ 220105. Powers**

The corporation has all the powers necessary and proper to carry out the purposes stated in section 220102 of this title, including the power—

- (1) to adopt and amend bylaws and regulations for the management of its property and the regulation of its affairs;
- (2) to adopt and alter a corporate seal;

(3) to adopt and alter emblems and marks;  
 (4) to establish and maintain offices to conduct the affairs of the corporation;

(5) to choose officers, representatives, and agents as the activities of the corporation require;

(6) to make contracts;

(7) to acquire, own, lease, encumber, and transfer property as necessary or convenient to carry out the purposes of the corporation;

(8) to borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property;

(9) to publish a magazine, newspaper, and other publications;

(10) to establish, regulate, and terminate councils, organizations, chapters, or affiliates as needed to carry out the purposes stated in section 220102 of this title;

(11) to solicit funds;

(12) to sue and be sued; and

(13) to do any other act necessary and proper to carry out the purposes stated in section 220102 of this title.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1460.)

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<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
220105 .....	36:1303.  36:1306 (1st sentence).	Dec. 29, 1979, Pub. L. 96-165, §§ 3, 6 (1st sentence), 93 Stat. 1269, 1271.

In this section, the text of 36:1306 (1st sentence) is omitted as executed and obsolete.

Before clause (1), the word “objects” is omitted as included in “purposes”. The word “including” is substituted for “Without limiting the generality of the foregoing, the corporation shall have the following specific powers” to eliminate unnecessary words.

In clause (1), the word “adopt” is substituted for “enact”, the word “regulations” is substituted for “rules, and regulations”, and the words “for the management of its property and the regulation of its affairs” are substituted for “for its internal governance and management”, for consistency in the revised title. The words “not inconsistent with this chapter or other provisions of law” are omitted as unnecessary.

In clause (5), the words “as the activities of the corporation require” are substituted for “as may be necessary to carry out the corporate purposes” for consistency in the revised title.

In clause (6), the words “make contracts” are substituted for “make and enter into contracts” for consistency in the revised title and to eliminate unnecessary words.

Clause (7) is substituted for 36:1303(d) for consistency in the revised title.

In clause (8), the words “for the purposes of the corporation” are omitted as unnecessary. The words “instruments of indebtedness, and secure its obligations by granting security interests in its property” are substituted for “bonds therefor, and secure the same by mortgage” for consistency in the revised title. The words “subject in every case to all applicable provisions of Federal and State law” are omitted as unnecessary.

In clause (10), the words “State, regional, local, and overseas” are omitted as unnecessary. The words “as needed” are substituted for “in such manner and by such rules as it deems appropriate so as to enable it”, and the words “to carry out the purposes stated in section 220102 of this title” are substituted for “to carry

out its powers and accomplish the objects and purposes set forth in section 1302 of this title”, to eliminate unnecessary words.

In clause (11), the word “raise” is omitted as included in “solicit”. The words “for the accomplishment of its purposes” are omitted as unnecessary. The words “accept gifts, legacies, devises, and support in furtherance thereof” are omitted as unnecessary because the same power is granted by the words “solicit funds” (in this clause) and “acquire [and] own . . . property” (in clause (6)).

In clause (12), the words “in any court” are omitted as unnecessary.

In clause (13), the words “any other act” are substituted for “any and all acts and things” for consistency in the revised title and to eliminate unnecessary words. The words “the purposes stated in section 220102 of this title” are substituted for “the foregoing specifically enumerated purposes” for clarity and consistency in the revised section.

**§ 220106. Exclusive right to name, seals, emblems, and badges**

The corporation and its councils, organizations, chapters, and affiliates have the exclusive right to use the names “United Service Organizations, Incorporated” and “USO” and seals, emblems, and badges the corporation adopts.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1461.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
220106 .....	36:1307.	Dec. 29, 1979, Pub. L. 96–165, § 7, 93 Stat. 1271.

The word “sole” is omitted as included in “exclusive”, and the words “such distinctive insignia” are omitted as included in “seals, emblems, and badges”. The words “lawfully” and “in carrying out its purposes” are omitted as unnecessary.

**§ 220107. Assistance by Department of Defense**

The Secretary of Defense may make the resources of the Department of Defense, including access to General Services Administration supplies and services through the Federal Supply Schedule of the General Services Administration, available to the corporation to the extent compatible with the primary mission of the Department and in accordance with guidelines issued by the Secretary.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1461; Pub. L. 108–375, div. A, title VIII, § 820, Oct. 28, 2004, 118 Stat. 2016.)

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Revised Section	Source (U.S. Code)	Source (Statutes at Large)
220107 .....	36:1308.	Dec. 29, 1979, Pub. L. 96–165, § 8, 93 Stat. 1271.

The words “Secretary of Defense” are substituted for “Department of Defense” the first time they appear because of 10:113(a). The words “in order to facilitate the accomplishment of the USO mission” are omitted as unnecessary.

AMENDMENTS

2004—Pub. L. 108–375 inserted “, including access to General Services Administration supplies and services through the Federal Supply Schedule of the General Services Administration,” after “Department of Defense”.

**§ 220108. Restrictions**

(a) PROFIT.—The corporation may not engage in business activity for profit unless the activity is substantially related to—

- (1) the purposes stated in section 220102 of this title; or
- (2) raising funds to accomplish those purposes.

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

(c) POLITICAL ACTIVITIES.—The corporation shall be nonpolitical and may not provide financial aid or assistance to, or otherwise promote the candidacy of, an individual seeking elective public office. A substantial part of the activities of the corporation may not involve carrying on propaganda or otherwise attempting to influence legislation.

(d) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of a governor, officer, member, or employee or be distributed to any person during the life of the corporation or on its dissolution or final liquidation. This subsection does not prevent the payment of reasonable compensation to an officer, employee, or other person or reimbursement for actual necessary expenses in amounts approved by the board of governors.

(e) LOANS.—The corporation may not make a loan to a governor, officer, member, or employee.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1461.)

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Revised Section	Source (U.S. Code)	Source (Statutes at Large)
220108(a) .....	36:1304(b) (last sentence).	Dec. 29, 1979, Pub. L. 96–165, § 4(a), (b), (d), (e), 93 Stat. 1269, 1270.
220108(b) .....	36:1304(b) (1st sentence).	
220108(c) .....	36:1304(a).	
220108(d) .....	36:1304(d).	
220108(e) .....	36:1304(e).	

In subsection (a), before clause (1), the word “pecuniary” is omitted as unnecessary.

In subsection (b), the words “any shares of capital” are omitted as unnecessary.

In subsection (c), the words “as an organization” are omitted as unnecessary.

In subsection (d) the words “inure to the benefit of” are substituted for “inure to” for consistency in the revised title.

**§ 220109. Duty to maintain corporate status**

The corporation shall maintain its status as a corporation incorporated under the laws of New York, another State, or the District of Columbia.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1461.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
220109 .....	36:1306 (last sentence).	Dec. 29, 1979, Pub. L. 96–165, § 6 (last sentence), 93 Stat. 1271.