

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1447.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
190102	36:223.	June 30, 1950, ch. 431, § 3, 64 Stat. 313.

The word “object” is omitted as unnecessary.

§ 190103. Membership

(a) **ELIGIBILITY.**—Eligibility for membership in the corporation is as provided in the constitution and bylaws of the corporation.

(b) **VOTING.**—Each active member of a department or chapter has one vote in the conduct of official business of that department or chapter.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1447.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
190103(a)	36:225.	June 30, 1950, ch. 431, §§ 5, 7(e), 64 Stat. 313, 314.
190103(b)	36:227(e).	

§ 190104. Governing body

(a) **NATIONAL CONVENTION.**—The corporation shall hold an annual national convention. The national convention shall be composed of delegates elected by the various departments.

(b) **NATIONAL EXECUTIVE COMMITTEE.**—(1) The national executive committee is the governing body of the corporation.

(2) The national executive committee consists of the president, the president elect, the last past president, 3 vice presidents, 3 junior vice presidents, a minimum of 3 national executive committee members, and the executive director. Each of these individuals, except the president elect and the executive director, has one vote on each matter decided by the committee.

(c) **OFFICERS.**—(1) The officers of the corporation are a president, a president elect, 3 vice presidents, 3 junior vice presidents, a minimum of 3 national executive committee members, an executive director, a national treasurer, a judge advocate, and other officers specified in the constitution of the corporation.

(2) The national officers of the corporation shall be elected and take office at the annual national convention, except for the executive director, the national treasurer, the judge advocate, and any other national officers specified in the constitution of the corporation, who shall be appointed by the national executive committee.

(3) The elected officers shall hold office for one year or until their successors have been elected and qualified.

(d) **VACANCIES.**—(1) Except for the positions of president, president elect, and last past president, a vacancy on the national executive committee shall be filled by the existing members of the committee. An individual appointed by the committee to fill a vacancy serves until the next national convention when the individual’s successor shall be elected for the unexpired term, if any, caused by the vacancy.

(2) If the president is absent or the office of president is vacant, the national vice president

of the same service as the president shall act as president.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1447; Pub. L. 111-113, § 2(a)–(c), Dec. 14, 2009, 123 Stat. 3026.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
190104(a)	36:227(b) (1st sentence 12th–14th words), (c).	June 30, 1950, ch. 431, §§ 6, 7(a)–(d), 64 Stat. 313.
190104(b)	36:227(a), (d).	
190104(c)(1)	36:226.	
190104(c)(2)	36:227(b) (1st sentence 1st–14th words, 32d–last words).	
190104(c)(3)	36:227(b) (1st sentence 15th–31st words).	
190104(d)(1)	36:227(b) (2d, 3d sentences).	
190104(d)(2)	36:227(b) (last sentence).	

In subsection (a), the first sentence is added for clarity and is implied by 36:227(b) (12th–14th words).

In subsection (b), the text of 36:227(d) is omitted as obsolete.

In subsection (c)(3), the word “duly” is omitted as unnecessary.

In subsection (d)(1), the words “In the event of the death, inability to serve, or resignation” are omitted as unnecessary.

In subsection (d)(2), the words “If the president is absent or the office of president is vacant” are substituted for “in the event of his death, inability to serve, resignation, or absence”, and the words “act as president” are substituted for “assume the duties and have the powers of the president”, to eliminate unnecessary words.

Editorial Notes

AMENDMENTS

2009—Subsec. (b)(2). Pub. L. 111-113, § 2(a), inserted “the president elect,” after “the president,” and “a minimum of” before “3 national executive committee members,” and substituted “except the president elect and the executive director,” for “except the executive director,”.

Subsec. (c)(1). Pub. L. 111-113, § 2(b)(1), inserted “a president elect,” after “a president,” and “a minimum of” before “3 national executive committee members,” struck out “a surgeon, a chaplain, a historian, a public relations officer,” after “a judge advocate,” and substituted “specified in the constitution of the corporation” for “as decided at the national convention”.

Subsec. (c)(2). Pub. L. 111-113, § 2(b)(2), inserted “and take office” after “be elected” and substituted “the judge advocate, and any other national officers specified in the constitution of the corporation,” for “and the national public relations officer,”.

Subsec. (d)(1). Pub. L. 111-113, § 2(c), substituted “president, president elect, and last past president,” for “president and last past president,”.

§ 190105. Powers

The corporation may—

- (1) adopt and amend a constitution and bylaws;
- (2) adopt and alter a corporate seal;
- (3) adopt and alter emblems and badges;
- (4) acquire, own, lease, encumber, and transfer property as necessary to carry out the purposes of the corporation;
- (5) publish a magazine, newspaper, and other publications;

- (6) establish, regulate, and discontinue subordinate departmental subdivisions and local chapters;
- (7) sue and be sued; and
- (8) do any other act necessary and proper to carry out the purposes of the corporation.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1447.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
190105	36:224 (less perpetual succession). 36:228.	June 30, 1950, ch. 431, §§4 (less perpetual succession), 8, 64 Stat. 313, 314.

In this section, the text of 36:228 is omitted as executed and obsolete.

In clause (1), the words “not inconsistent with the laws of the United States or of any State” are omitted as unnecessary.

Clause (4) is substituted for “acquire, hold, lease, and dispose of such real and personal property as may be necessary to carry out the corporate object and purpose” and “accept gifts, legacies, and devises in furtherance of the corporate object and purpose” for consistency in the revised title and to eliminate unnecessary words.

In clause (8), the words “and all . . . and things” and “object” are omitted as unnecessary.

§ 190106. Exclusive right to name, seals, emblems, and badges

The corporation and its subordinate departmental subdivisions and local chapters have the exclusive right to use the name “Reserve Officers Association of the United States” and seals, emblems, and badges the corporation adopts.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1448.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
190106	36:238.	June 30, 1950, ch. 431, §18, 64 Stat. 315.

The words “sole”, “to have, and”, “in carrying out its object and purpose”, and “lawfully” are omitted as unnecessary.

§ 190107. Restrictions

(a) PROFIT.—The corporation may not engage in business for profit.

(b) STOCK.—The corporation may not issue stock.

(c) POLITICAL ACTIVITIES.—The corporation or an officer or member as such may not contribute to, support, or assist a political party or candidate for public office.

(d) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, an officer or member except on dissolution or final liquidation of the corporation.

(e) LOANS.—The corporation may not make a loan or advance to an officer or member of the national executive committee. Members of the national executive committee who vote for or assent to making a loan or advance to an officer, and officers who participate in making the loan or advance, are jointly and severally liable

to the corporation for the amount of the loan or advance until it is repaid.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1448.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
190107(a), (b).	36:229.	June 30, 1950, ch. 431, §§9, 10, 11 (words before comma), 14, 64 Stat. 314.
190107(c)	36:230.	
190107(d)	36:231 (words before 2d comma).	
190107(e)	36:234.	

In subsection (a), the words “pecuniary” and “or gain” are omitted as unnecessary.

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

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

In subsection (e), the words “or advance” are added in 2 places for consistency in the subsection.

§ 190108. Headquarters

The headquarters of the corporation shall be in the District of Columbia.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1448.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
190108	36:236 (1st sentence).	June 30, 1950, ch. 431, §16 (1st sentence), 64 Stat. 315

The word “national” is omitted as unnecessary.

§ 190109. Records and inspection

(a) RECORDS.—The corporation shall keep—

- (1) correct and complete records of account;
- (2) minutes of the proceedings of its national conventions, national executive committee, and other national entities of the corporation; and

(3) at its principal office, a record of the names and addresses of its members entitled to vote.

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

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1448; Pub. L. 111–113, §2(d), Dec. 14, 2009, 123 Stat. 3027.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
190109	36:233.	June 30, 1950, ch. 431, §13, 64 Stat. 314.

In this section, the word “records” is substituted for “books and records” for consistency in the revised title and with other titles of the United States Code.

In subsection (a)(1), the word “correct” is substituted for “current” for consistency in the revised title.

Editorial Notes

AMENDMENTS

2009—Subsec. (a)(2). Pub. L. 111–113 substituted “other national entities of the corporation;” for “national council;”.