Public Law 96-165
96th Congress

An Act

To incorporate United Service Organizations, Incorporated.

Dec. 29, 1979
[H.R. 600]

United Service Organizations, incorporation.
36 USC 1301.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following persons, to wit:

Colonel Paul Akst, United States Air Force (retired), New York, New York;
Robert C. Andrews, Nashville, Tennessee;
Mary Louise Austin, Atlanta, Georgia;
Alden G. Barber, Menlo Park, California;
James E. Barrett, Washington, District of Columbia;
Alfred D. Bell, Junior, Burlingame, California;
Mrs. Andrew J. Bennett, Junior, Baton Rouge, Louisiana;
Rocky Bleier, Pittsburgh, Pennsylvania;
Frank J. Brennan, Fort Washington, Pennsylvania;
N. Brewster Broder, Southfield, Michigan;
Mrs. Edward G. Brown, Millbrook, New York;
Mrs. Joseph O. Butcher, Bloomington, Indiana;
Marvin E. Cardoza, San Francisco, California;
Zebedee C. Chaney, Junior, New York, New York;
Louis J. Cohen, Newark, New Jersey;
John B. Coleman, Chicago, Illinois;
Gilbert Colgate, Junior, New York, New York;
Robert K. Corn, Papillion, Nebraska;
Kathryn Grant Crosby, Beverly Hills, California;
Edward J. Daly, Oakland, California;
Richard J. Davis, Junior, Arlington, Virginia;
General Michael S. Davison, United States Army (retired), Washington, District of Columbia;
Colonel Peter Dawkins, United States Army, Fort Campbell, Kentucky;
John W. Dixon, Dallas, Texas;
Mikki Ehrenfeld, Lincoln, Massachusetts;
E. Stanley Enlund, Chicago, Illinois;
Kimball C. Firestone, Potomac, Maryland;
Mrs. Maxine Flournoy, Alice, Texas;
Robert G. Geib, New York, New York;
Rear Admiral Lawrence R. Geis, United States Navy (retired), Jacksonville, Florida;
Jacob Goodstein, New York, New York;
Theodore J. Hagans, Junior, Washington, District of Columbia;
Mrs. Henry E. Harriman, Junior, San Diego, California;
John Halliburton, Kerrville, Texas;
Ronald E. Herington, New Bedford, Massachusetts;
Mrs. Margaret Howard Ismaila, Cleveland, Ohio;
Eugene Jelesnik, Salt Lake City, Utah;
Major General Orris E. Kelly, United States Army, Washington, District of Columbia;
Robert P. Kelsey, Junior, Boston, Massachusetts;
Donald R. Keough, Atlanta, Georgia;
Ralph B. Kohnen, Junior, Cincinnati, Ohio;

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James J. Lazarus, Kearny, New Jersey;
Honorable John Davis Lodge, Westport, Connecticut;
Honorable Al G. Loehr, Saint Cloud, Minnesota;
Morgan Maxfield, North Kansas City, Missouri;
Mrs. Andrew M. McBurney, New York, New York;
Fred M. McCahey, Winnetka, Illinois;
Brigadier General Martin Menter, United States Air Force (retired), Chevy Chase, Maryland;
Ms. Mary Wells Milam, Miami, Florida;
Nick J. Mileti, Gates Mills, Ohio;
Donald L. Miller, New York, New York;
Doctor Ron Miller, Brooklyn, New York;
Fred Much, Houston, Texas;
Doctor Frank L. Myers, Avenel, New Jersey;
Chief Commissaryman Robert A. Nolan, United States Navy (retired), Washington, District of Columbia;
Leo Perlis, Washington, District of Columbia;
Robert B. Pirie, Washington, District of Columbia;
Joseph Robbie, Miami, Florida;
Vincent J. Romeo, Flat Rock, North Carolina;
Lieutenant Colonel James H. Ryan, United States Army (retired), Mount Rainier, Maryland;
Theodore R. Serrill, Edgewater, Maryland;
Mrs. Charles H. Sethness, Junior, Chicago, Illinois;
Joseph H. Singer, Somerville, New Jersey;
Colonel C. Haskell Small, United States Army (retired), Washington, District of Columbia;
Robert A. Staub, New York, New York;
Dorothy C. Stephens, Washington, District of Columbia;
Warren Titus, Boston, Massachusetts;
Martin Tucker, New York, New York;
Mrs. Pearl Scott Tyler, Boston, Massachusetts;
Mrs. Audrey Ullman, Arlington, Virginia;
Mrs. Paula Unruh, Tulsa, Oklahoma;
Jeff Wald, Beverly Hills, California;
Doctor Seymour S. Weisman, Norwalk, Connecticut;
William G. Whyte, Washington, District of Columbia;
Clifford R. Williams, Milwaukee, Wisconsin;
Julius E. Williams, New York, New York;
Michael Collins, Washington, District of Columbia;

and their successors are hereby created and declared to be a body corporate having the name United Service Organizations, Incorporated (hereinafter the "corporation"). The said corporation shall have perpetual existence and the powers, limitations, and restrictions herein contained.

36 USC 1302.

SEC. 2. OBJECTS AND PURPOSES OF THE CORPORATION.—The objects and purposes of the corporation are to provide a voluntary civilian agency through which the people of this Nation may, in peace or war, serve the religious, spiritual, social, welfare, educational, and entertainment needs of the men and women in the Armed Forces within or without the territorial limits of the United States, and in general, to contribute to the maintenance of morale of such men and women; to solicit funds for the maintenance of the organization and the accomplishment of its responsibility; to accept the cooperation of and to provide an organization and a means through which the National Board of Young Men's Christian Associations, National Board of Young Women's Christian Associations, National Catholic Community Service, the Salvation Army, the National Jewish Welfare

Board, the Travelers Aid-International Social Service of America, and other civilian agencies experienced in specialized types of related work, which may be needed adequately to meet particular needs of the members of the Armed Forces, may carry on their historic work of serving the spiritual, religious, social, welfare, educational, and entertainment needs of such men and women and be afforded an appropriate means of participation and financial assistance; to coordinate their programs, and to accept the cooperation of individual citizens in accomplishing its purposes. The corporation shall have such other objects and purposes as are consonant with the above.

SEC. 3. CORPORATE POWERS.—The corporation shall have all the powers necessary and proper to accomplish the objects and purposes set forth in section 2. Without limiting the generality of the foregoing, the corporation shall have the following specific powers: 36 USC 1303.

(a) To enact and amend bylaws, rules, and regulations for its internal governance and management, not inconsistent with this Act or other provisions of law.

(b) To establish, regulate, and terminate State, regional, local, and overseas councils, organizations, chapters, or affiliates in such manner and by such rules as it deems appropriate so as to enable it to carry out its powers and accomplish the objects and purposes set forth in section 2.

(c) To solicit and raise funds for the accomplishment of its purposes, and to accept gifts, legacies, devises, and support in furtherance thereof.

(d) To acquire, hold, and dispose of such real and personal property as may be necessary to carry out the corporate purposes; to sell, mortgage, or lease any of its real property if authorized by its board of governors.

(e) To make and enter into contracts.

(f) To borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, subject in every case to all applicable provisions of Federal and State law.

(g) To adopt and alter a corporate seal, emblems, and marks.

(h) To choose such officers, representatives, and agents as may be necessary to carry out the corporate purposes.

(i) To establish and maintain offices for the conduct of the affairs of the corporation.

(j) To publish a newspaper, magazine, or other publications.

(k) To sue and be sued in any court.

(l) To do any and all acts and things necessary and proper to accomplish the foregoing specifically enumerated purposes.

SEC. 4. RESTRICTIONS ON CORPORATE POWERS.—(a) The corporation shall be nonpolitical and, as an organization, shall not furnish financial aid or assistance to, or otherwise promote the candidacy of, any person seeking elective public office. No substantial part of the activities of the corporation shall involve carrying on propaganda, or otherwise attempting to influence legislation. 36 USC 1304.

(b) The corporation shall have no power to issue any shares of capital stock, or to declare or pay any dividends. It shall also have no power to engage in any business activity for pecuniary profit unless the activity is substantially related to the carrying out of its objects and purposes, as set forth in section 2, or the raising of funds for the accomplishment of said purposes.

(c) The property of the corporation is irrevocably dedicated to charitable purposes. Upon dissolution or final liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, its remaining assets, if any, shall be distributed

in accordance with the determination of its board of governors, in compliance with its bylaws and all Federal and State laws applicable thereto: *Provided, however,* That its property shall not, in any event, inure to the benefit of any private person except a fund, foundation, association, or corporation operated exclusively for charitable purposes.

(d) No part of the income or assets of the corporation shall inure to any member, governor, officer, or employee of the corporation or be distributable to any person during the life of the corporation or upon its dissolution or liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of reasonable compensation for services rendered to officers and employees of the corporation and other persons, or to prevent their reimbursement for actual necessary expenses in amounts approved by the corporation's board of governors.

(e) The corporation shall not make loans to its members, officers, governors, or employees.

36 USC 1305.

SEC. 5. GOVERNANCE OF THE CORPORATION.

(a) MEMBERS OF THE CORPORATION.—The persons listed in section 1 are the present members of United Service Organizations, Incorporated, a corporation organized under the Not-for-Profit Corporation Law of the State of New York (hereinafter "the New York Corporation"). Upon the enactment of this charter, and for not more than one year thereafter, the said persons shall be the members of the corporation hereunder. They shall adopt bylaws and perform all other acts necessary to complete the organization of the corporation. Thereafter, the members of the corporation shall consist of nine persons designated by the President of the United States, and such representatives of the organizations listed in section 2 of this Act and of the public at large as shall be specified in the bylaws. The rights, privileges, and designations of the classes of members shall also be as specified in the bylaws.

(b) BOARD OF GOVERNORS.—The management of the corporation shall be entrusted to a board of governors, which shall be responsible for the general policies and program of the corporation and for the control of its affairs and property. Upon the enactment of this charter and for not more than one year thereafter, the membership of the initial board of governors of the corporation created hereunder shall consist of the present members of the board of governors of the New York corporation. Thereafter, the board of governors shall be elected by the members of the corporation for such terms and in such classes as shall be specified in the bylaws, and shall include the following persons:

(1) Six members appointed by the President of the United States.

(2) The Secretary of Defense, or his designee.

(3) Such representatives of the organizations listed in section 2 of this Act and of the public at large as shall be specified in the bylaws.

(c) OTHER GOVERNING BODIES.—The corporation shall have such other governing bodies and committees as may be provided for in its bylaws.

(d) OFFICERS.—The office of honorary chairman of the corporation shall be tendered to the President of the United States. Upon acceptance of such office, the honorary chairman shall be invited to preside at such meetings of the corporation as he may deem appropriate and convenient. The corporation shall have such other officers as may be designated in its bylaws.

SEC. 6. STATE OF INCORPORATION.—Upon the enactment of this charter, the corporation shall acquire the assets and assume the liabilities of the New York corporation. The United Service Organizations, Incorporated, shall retain and maintain its existing status as a corporation incorporated under the laws of the State of New York, another State, or the District of Columbia. 36 USC 1306.

SEC. 7. USE OF NAMES "UNITED SERVICE ORGANIZATIONS, INCORPORATED" AND "USO".—The corporation, its regional, State, and local councils, organizations, chapters, and affiliates shall have the sole and exclusive right to use the names "United Service Organizations, Incorporated" and "USO" and such distinctive insignia, emblems, and badges as the corporation may lawfully adopt in carrying out its purposes. 36 USC 1307.

SEC. 8. ASSISTANCE BY GOVERNMENT AGENCIES.—The Department of Defense may make its resources available to the USO, to the extent compatible with the primary mission of the Department of Defense and in accordance with guidelines promulgated by the Secretary of Defense, in order to facilitate the accomplishment of the USO mission. 36 USC 1308.

SEC. 9. MISCELLANEOUS PROVISIONS.—(a) The principal office of the corporation shall be located in New York, New York, or in such other place as may be later determined by the board of governors, but the activities of the corporation shall not be confined to that place. The said activities may be conducted throughout the various States, territories, and possessions of the United States, and in foreign countries. Principal office, location. 36 USC 1309.

(b) The corporation shall maintain at all times in the District of Columbia a designated agent authorized to accept service of process for the corporation. Service upon, or notice mailed to the business address of, such agent, shall be deemed notice to or service upon the corporation. Designated agent in District of Columbia.

(c) The corporation shall file in the office of the secretary of each State, territory, or possession of the United States in which the corporation or its local, State, or regional councils, organizations, chapters, or affiliates may have activities, the name and post office address of an authorized agent upon whom local process or demands against the corporation may be served. Local authorized agents.

(d) The corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its members, and of its board of governors, or any committee having any of the authority of the board of governors; and shall keep at its principal office a record giving the names and addresses of its members entitled to vote; and shall permit all books and records of the corporation to be inspected by any member or his agent or his attorney for any purpose at any reasonable time. Books and records. Minutes of proceedings.

Annual report.

(e) The corporation shall make public an annual report concerning its proceedings and activities for the preceding calendar year.

(f) The provisions of sections 1102 and 1103 of title 36 of the United States Code shall apply with respect to the corporation.

36 USC 1101.

(g) Section 1 of Public Law 88-504 (78 Stat. 635; 63 U.S.C. 1101) is amended by adding a new item 50 as follows:

"(50) United Service Organizations.".

(h) The right to alter, amend, or repeal this Act is hereby expressly reserved to the Congress.

Approved December 29, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-505 (Comm. on the Judiciary).
SENATE REPORTS: No. 96-545 accompanying S. 2113 and No. 96-546 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Oct. 15, considered and passed House.
Dec. 20, considered and passed Senate.