

- Sec.
- 190302. Organization.
- 190303. Purposes.
- 190304. Membership.
- 190305. Governing body.
- 190306. Powers.
- 190307. Exclusive right to name, seals, emblems, and badges.
- 190308. Restrictions.
- 190309. Duty to maintain tax-exempt status.
- 190310. Records and inspection.
- 190311. Service of process.
- 190312. Liability for acts of officers and agents.
- 190313. Annual report.

**§ 190301. Definition**

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

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1449.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
190301 .....	36:5117.	Oct. 23, 1992, Pub. L. 102–484, title XVIII, §1838, 106 Stat. 2586.

The words “the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands” are omitted as included in “the territories and possessions of the United States”.

**§ 190302. Organization**

(a) FEDERAL CHARTER.—Retired Enlisted Association, Incorporated (in this chapter, the “corporation”), a nonprofit corporation incorporated in Colorado, is a federally chartered corporation.

(b) EXPIRATION OF CHARTER.—If the corporation does not comply with any provision of this chapter, the charter granted by this chapter expires.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1449.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
190302(a) .....	36:5101.	Oct. 23, 1992, Pub. L. 102–484, title XVIII, §§1821, 1835 (last sentence), 1837, 106 Stat. 2584, 2586.
190302(b) .....	36:5114 (last sentence). 36:5116.	

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

**§ 190303. Purposes**

The purposes of the corporation are as provided in its articles of incorporation and bylaws and include—

- (1) upholding and defending the Constitution of the United States;
- (2) promoting health, prosperity, and scholarship among its members and their dependents and survivors through benevolent programs;
- (3) assisting veterans and their dependents and survivors through a service program established for that purpose;

(4) improving conditions for retired enlisted service members, veterans, and their dependents and survivors; and

(5) fostering fraternal and social activities among its members in recognition that cooperative action is required for the furtherance of their common interests.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1449.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
190303 .....	36:5103.	Oct. 23, 1992, Pub. L. 102–484, title XVIII, §1823, 106 Stat. 2584.

The word “objects” is omitted as included in “purposes”.

**§ 190304. Membership**

(a) ELIGIBILITY.—Except as provided in this chapter, eligibility for membership in the corporation and the rights and privileges of members are as provided in the articles of incorporation and bylaws.

(b) NONDISCRIMINATION.—The terms of membership may not discriminate on the basis of race, color, religion, sex, disability, age, or national origin.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1450.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
190304(a) .....	36:5105.	Oct. 23, 1992, Pub. L. 102–484, title XVIII, §1825, 106 Stat. 2584.
190304(b) .....	36:5108 (related to membership).	Oct. 23, 1992, Pub. L. 102–484, title XVIII, §1828 (related to membership), 106 Stat. 2585; Nov. 30, 1993, Pub. L. 103–160, title XI, §1182(c)(6), 107 Stat. 1772.

In subsection (a), the words “Except as provided in this chapter” are substituted for “Except as provided in section 5108 of this title” for consistency in the revised title.

In subsection (b), the words “The terms of membership” are substituted for “In establishing the conditions of membership in the corporation” for consistency in the revised title and to eliminate unnecessary words.

**§ 190305. Governing body**

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

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

(c) NONDISCRIMINATION.—The requirements for serving as a director or officer may not discriminate on the basis of race, color, religion, sex, disability, age, or national origin.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1450.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
190305(a) .....	36:5106.	Oct. 23, 1992, Pub. L. 102–484, title XVIII, §§1826, 1827, 106 Stat. 2584.

HISTORICAL AND REVISION NOTES—Continued

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
190305(b) ..... 190305(c) .....	36:5107. 36:5108 (related to directors and officers).	Oct. 23, 1992, Pub. L. 102-484, title XVIII, §1828 (related to directors and officers), 106 Stat. 2585; Nov. 30, 1993, Pub. L. 103-160, title XI, §1182(c)(6), 107 Stat. 1772.

In subsections (a) and (b), the words “and in conformity with the laws of the State in which it is incorporated” are omitted as unnecessary.

In subsection (c), the words “The requirements for serving as a director or officer” are substituted for “in determining the requirements for serving on the board of directors or as an officer of the corporation” for consistency in the revised title and to eliminate unnecessary words.

**§ 190306. Powers**

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

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1450.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
190306 .....	36:5102.	Oct. 23, 1992, Pub. L. 102-484, title XVIII, §1822, 106 Stat. 2584.

The words “and subject to the laws of such State” are omitted as unnecessary.

**§ 190307. Exclusive right to name, seals, emblems, and badges**

The corporation has the exclusive right to use the names “The Retired Enlisted Association, Incorporated”, “The Retired Enlisted Association”, “Retired Enlisted Association”, and “TREA” and seals, emblems, and badges the corporation adopts. This section does not affect any vested rights.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1450.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
190307 .....	36:5115.	Oct. 23, 1992, Pub. L. 102-484, title XVIII, §1836, 106 Stat. 2586.

The words “sole” and “lawfully” are omitted as unnecessary. The last sentence is substituted for “Nothing in this section may be construed to conflict or interfere with rights that are established or vested before October 23, 1992” for consistency in the revised title and to eliminate unnecessary words.

**§ 190308. 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 during the life of the charter granted by this chapter. This subsection does not prevent the payment of reasonable

compensation to an officer 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, or employee.

(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.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1450.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
190308(a) .....	36:5109(c).	Oct. 23, 1992, Pub. L. 102-484, title XVIII, §1829, 106 Stat. 2585.
190308(b) .....	36:5109(a).	
190308(c) .....	36:5109(b).	
190308(d) .....	36:5109(d).	

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

In subsection (b), the words “This subsection does not” are substituted for “Nothing in this subsection shall be construed to” for consistency in the revised title.

In subsection (d), the words “by virtue of this chapter” are omitted as unnecessary.

**§ 190309. Duty to maintain tax-exempt status**

The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1450.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
190309 .....	36:5114 (1st sentence).	Oct. 23, 1992, Pub. L. 102-484, title XVIII, §1835 (1st sentence), 106 Stat. 2586.

**§ 190310. Records and inspection**

(a) RECORDS.—The corporation shall keep—

- (1) correct and complete records of account;
- (2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; 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. 1451.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
190310 .....	36:5111.	Oct. 23, 1992, Pub. L. 102-484, title XVIII, §1831, 106 Stat. 2585.

The word “records” is substituted for “books and records” for consistency in the revised title and with other titles of the United States Code. The words