

(hereinafter in this chapter referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State in which it is incorporated and subject to the laws of such State.

(Pub. L. 100-281, §2, Apr. 6, 1988, 102 Stat. 73.)

#### § 4003. Objects and purposes of corporation

The objects and purposes of the corporation are those provided in its bylaws and articles of incorporation and shall 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 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. 100-281, §3, Apr. 6, 1988, 102 Stat. 73.)

#### § 4004. Service of process

With respect to service of process, the corporation shall comply with the laws of the State in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

(Pub. L. 100-281, §4, Apr. 6, 1988, 102 Stat. 73.)

#### § 4005. Membership

Except as provided in section 4008 of this title, eligibility for membership in the corporation and the rights and privileges of members of the corporation shall be as provided in the constitution and bylaws of the corporation.

(Pub. L. 100-281, §5, Apr. 6, 1988, 102 Stat. 73.)

#### § 4006. Board of directors

Except as provided in section 4008 of this title, the composition of the board of directors of the corporation and the responsibilities of such board shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State in which it is incorporated.

(Pub. L. 100-281, §6, Apr. 6, 1988, 102 Stat. 74.)

#### § 4007. Officers

Except as provided in section 4008 of this title, the positions of officers of the corporation and the election of members to such positions shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State in which it is incorporated.

(Pub. L. 100-281, §7, Apr. 6, 1988, 102 Stat. 74.)

#### § 4008. Prohibition on discrimination

In establishing the conditions of membership in the corporation and in determining the re-

quirements for serving on the board of directors or as an officer of the corporation, the corporation may not discriminate on the basis of race, color, religion, sex, handicap, age, or national origin.

(Pub. L. 100-281, §8, Apr. 6, 1988, 102 Stat. 74.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4005, 4006, 4007 of this title.

#### § 4009. Restrictions

##### (a) Distribution of income or assets to members

No part of the income or assets of the corporation may inure to the benefit of any member, officer, or director of the corporation or be distributed to any such individual during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

##### (b) Loans

The corporation may not make any loan to any officer, director, or employee of the corporation.

##### (c) Issuance of stock; dividends

The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

##### (d) Claim of approval or authorization

The corporation shall not claim congressional approval or the authorization of the Federal Government for any of its activities by virtue of this chapter.

(Pub. L. 100-281, §9, Apr. 6, 1988, 102 Stat. 74.)

#### § 4010. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents whenever such officers and agents have acted within the scope of their authority.

(Pub. L. 100-281, §10, Apr. 6, 1988, 102 Stat. 74.)

#### § 4011. Books and records; inspection

The corporation shall keep correct and complete books and records of account and minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep, at its principal office, a record of the names and addresses of all members having the right to vote in any proceeding of the corporation. All books and records of such corporation may be inspected by any member having the right to vote in any corporation proceeding, or by any agent or attorney of such member, for any proper purpose at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

(Pub. L. 100-281, §11, Apr. 6, 1988, 102 Stat. 74.)

#### § 4012. Annual report

The corporation shall report annually to the Congress concerning the activities of the cor-

poration during the preceding fiscal year. Such annual report shall be submitted at the same time as the report of the audit required by section 1102 of this title. The report shall not be printed as a public document.

(Pub. L. 100-281, §13, Apr. 6, 1988, 102 Stat. 75.)

**§ 4013. Reservation of right to amend or repeal chapter**

The right to alter, amend, or repeal this chapter is expressly reserved to the Congress.

(Pub. L. 100-281, §14, Apr. 6, 1988, 102 Stat. 75.)

**§ 4014. "State" defined**

For purposes of this chapter, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

(Pub. L. 100-281, §15, Apr. 6, 1988, 102 Stat. 75.)

**§ 4015. Tax-exempt status**

The corporation shall maintain its status as an organization exempt from taxation as provided in title 26. If the corporation fails to maintain such status, the charter granted by this chapter shall expire.

(Pub. L. 100-281, §16, Apr. 6, 1988, 102 Stat. 75.)

**§ 4016. Exclusive right to names, seals, emblems, and badges**

The corporation shall have the sole and exclusive right to use the names "The Non Commissioned Officers Association of the United States of America", "Non Commissioned Officers Association of the United States of America", "Non Commissioned Officers Association", and "NCOA", and such seals, emblems, and badges as the corporation may lawfully adopt. Nothing in this section may be construed to conflict or interfere with established or vested rights.

(Pub. L. 100-281, §17, Apr. 6, 1988, 102 Stat. 75.)

CROSS REFERENCES

Penalty for unauthorized manufacture, reproduction, or sale of badges or emblems of veterans' organizations, see section 705 of Title 18, Crimes and Criminal Procedure.

**§ 4017. Failure to comply with restrictions or provisions**

If the corporation shall fail to comply with any of the restrictions or provisions of this chapter, the charter granted by this chapter shall expire.

(Pub. L. 100-281, §18, Apr. 6, 1988, 102 Stat. 76.)

**CHAPTER 73—NATIONAL MINING HALL OF FAME AND MUSEUM**

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**§ 4101. Recognition as corporation and grant of Federal charter**

The National Mining Hall of Fame and Museum, organized and incorporated under the laws of Colorado, is hereby recognized as such and is granted a charter.

(Pub. L. 100-655, title I, §101, Nov. 14, 1988, 102 Stat. 3849.)

**§ 4102. Powers of corporation**

The National Mining Hall of Fame and Museum (hereafter in this chapter referred to as the "corporation"), shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States in which it is incorporated and subject to the laws of such State or States.

(Pub. L. 100-655, title I, §102, Nov. 14, 1988, 102 Stat. 3849.)

**§ 4103. Objects and purposes of corporation**

The objects and purposes of the corporation are those provided in its articles of incorporation including—

(1) to honor citizens, mining leaders, miners, prospectors, teachers, scientists, engineers, inventors, governmental leaders, and other individuals, who have helped to make this Nation great by their outstanding contributions to the establishment, development, advancement, or improvement of mining in the United States of America;

(2) to perpetuate the memory of such individuals and record their contributions and achievements by the erection and maintenance of such buildings, monuments, and edifices as may be deemed appropriate as a lasting memorial;

(3) to foster, promote, and encourage a better understanding of the origins and growth of mining, especially in the United States, and the part mining has played in changing the economic, social, and scientific aspects of our Nation;

(4) to establish and maintain a library and museum for collecting and preserving for posterity, the history of those honored by the corporation, together with a documentation of their accomplishments and contributions to mining, including such items as mining pictures, paintings, books, papers, documents, scientific data, relics, mementos, artifacts, and things relating to such items;