

105TH CONGRESS
2^D SESSION

S. 2524

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 9, 1998

Referred to the Committee on the Judiciary

AN ACT

To codify without substantive change laws related to Patriotic and National Observances, Ceremonies, and Organizations and to improve the United States Code.

- 1 *Be it enacted by the Senate and House of Representatives of the United*
- 2 *States of America in Congress assembled,*

1 **SECTION 1. TITLE 36, UNITED STATES CODE.**

2 Title 36, United States Code, is amended as follows:

3 (1) In section 902, strike subsections (b) and (c) and substitute the
4 following:

5 “(b) **REQUIRED DISPLAY.**—The POW/MIA flag shall be displayed at the
6 locations specified in subsection (d) of this section on POW/MIA flag dis-
7 play days. The display serves—

8 “(1) as the symbol of the Nation’s concern and commitment to
9 achieving the fullest possible accounting of Americans who, having been
10 prisoners of war or missing in action, still remain unaccounted for; and

11 “(2) as the symbol of the Nation’s commitment to achieving the full-
12 est possible accounting for Americans who in the future may become
13 prisoners of war, missing in action, or otherwise unaccounted for as a
14 result of hostile action.

15 “(c) **DAYS FOR FLAG DISPLAY.**—(1) For purposes of this section, POW/
16 MIA flag display days are the following:

17 “(A) Armed Forces Day, the third Saturday in May.

18 “(B) Memorial Day, the last Monday in May.

19 “(C) Flag Day, June 14.

20 “(D) Independence Day, July 4.

21 “(E) National POW/MIA Recognition Day.

22 “(F) Veterans Day, November 11.

23 “(2) In addition to the days specified in paragraph (1) of this subsection,
24 POW/MIA flag display days include—

25 “(A) in the case of display at medical centers of the Department of
26 Veterans Affairs (required by subsection (d)(7) of this section), any
27 day on which the flag of the United States is displayed; and

28 “(B) in the case of display at United States Postal Service post of-
29 fices (required by subsection (d)(8) of this section), the last business
30 day before a day specified in paragraph (1) that in any year is not
31 itself a business day.

32 “(d) **LOCATIONS FOR FLAG DISPLAY.**—The locations for the display of
33 the POW/MIA flag under subsection (b) of this section are the following:

34 “(1) The Capitol.

35 “(2) The White House.

36 “(3) The Korean War Veterans Memorial and the Vietnam Veterans
37 Memorial.

38 “(4) Each national cemetery.

39 “(5) The buildings containing the official office of—

40 “(A) the Secretary of State;

41 “(B) the Secretary of Defense;

1 “(C) the Secretary of Veterans Affairs; and

2 “(D) the Director of the Selective Service System.

3 “(6) Each major military installation, as designated by the Secretary
4 of Defense.

5 “(7) Each medical center of the Department of Veterans Affairs.

6 “(8) Each United States Postal Service post office.

7 “(e) COORDINATION WITH OTHER DISPLAY REQUIREMENT.—Display of
8 the POW/MIA flag at the Capitol pursuant to subsection (d)(1) of this sec-
9 tion is in addition to the display of that flag in the Rotunda of the Capitol
10 pursuant to Senate Concurrent Resolution 5 of the 101st Congress, agreed
11 to on February 22, 1989 (103 Stat. 2533).

12 “(f) DISPLAY TO BE IN A MANNER VISIBLE TO THE PUBLIC.—Display
13 of the POW/MIA flag pursuant to this section shall be in a manner de-
14 signed to ensure visibility to the public.

15 “(g) LIMITATION.—This section may not be construed or applied so as
16 to require any employee to report to work solely for the purpose of providing
17 for the display of the POW/MIA flag.”.

18 (2) In section 2102(b), strike “designated personnel” and substitute
19 “personnel made available to the Commission”.

20 (3) In section 2501(2), insert “solicit,” before “accept,”.

21 (4)(A) Insert after chapter 201 the following:

22 **“CHAPTER 202—AIR FORCE SERGEANTS**
23 **ASSOCIATION**

“Sec.

“20201. Definition.

“20202. Organization.

“20203. Purposes.

“20204. Membership.

“20205. Governing body.

“20206. Powers.

“20207. Restrictions.

“20208. Duty to maintain corporate and tax-exempt status.

“20209. Records and inspection.

“20210. Service of process.

“20211. Liability for acts of officers and agents.

“20212. Annual report.

24 **“§ 20201. Definition**

25 “For purposes of this chapter, ‘State’ includes the District of Columbia
26 and the territories and possessions of the United States.

27 **“§ 20202. Organization**

28 “(a) FEDERAL CHARTER.—Air Force Sergeants Association (in this
29 chapter, the ‘corporation’), a nonprofit corporation incorporated in the Dis-
30 trict of Columbia, is a federally chartered corporation.

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

1 **“§ 20203. Purposes**

2 “(a) GENERAL.—The purposes of the corporation are as provided in its
3 bylaws and articles of incorporation and include—

4 “(1) helping to maintain a highly dedicated and professional corps
5 of enlisted personnel within the United States Air Force, including the
6 United States Air Force Reserve, and the Air National Guard;

7 “(2) supporting fair and equitable legislation and Department of the
8 Air Force policies and influencing by lawful means departmental plans,
9 programs, policies, and legislative proposals that affect enlisted person-
10 nel of the Regular Air Force, the Air Force Reserve, and the Air Na-
11 tional Guard, its retirees, and other veterans of enlisted service in the
12 Air Force;

13 “(3) actively publicizing the roles of enlisted personnel in the United
14 States Air Force;

15 “(4) participating in civil and military activities, youth programs,
16 and fundraising campaigns that benefit the United States Air Force;

17 “(5) providing for the mutual welfare of members of the corporation
18 and their families;

19 “(6) assisting in recruiting for the United States Air Force;

20 “(7) assembling together for social activities;

21 “(8) maintaining an adequate Air Force for our beloved country;

22 “(9) fostering among the members of the corporation a devotion to
23 fellow airmen; and

24 “(10) serving the United States and the United States Air Force loy-
25 ally, and doing all else necessary to uphold and defend the Constitution
26 of the United States.

27 “(b) CORPORATE FUNCTION.—The corporation shall function as an edu-
28 cational, patriotic, civic, historical, and research organization under the laws
29 of the District of Columbia.

30 **“§ 20204. Membership**

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

34 “(b) NONDISCRIMINATION.—The terms of membership may not discrimi-
35 nate on the basis of race, color, religion, sex, disability, age, or national ori-
36 gin.

37 **§ “20205. Governing body**

38 “(a) BOARD OF DIRECTORS.—The board of directors and the responsibil-
39 ities of the board are as provided in the bylaws and articles of incorporation.

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

1 “(c) NONDISCRIMINATION.—The requirements for serving as a director or
 2 officer may not discriminate on the basis of race, color, religion, sex, disabil-
 3 ity, age, or national origin.

4 **“§ 20206. Powers**

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

7 **“§ 20207. Restrictions**

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

10 “(b) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the
 11 corporation may not inure to the benefit of, or be distributed to, a director,
 12 officer, or member during the life of the charter granted by this chapter.
 13 This subsection does not prevent the payment of reasonable compensation
 14 to an officer or employee or reimbursement for actual necessary expenses
 15 in amounts approved by the board of directors.

16 “(c) LOANS.—The corporation may not make a loan to a director, officer,
 17 employee, or member.

18 “(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The cor-
 19 poration may not claim congressional approval or the authority of the
 20 United States Government for any of its activities.

21 **“§ 20208. Duty to maintain corporate and tax-exempt status**

22 “(a) CORPORATE STATUS.—The corporation shall maintain its status as
 23 a corporation incorporated under the laws of the District of Columbia.

24 “(b) TAX-EXEMPT STATUS.—The corporation shall maintain its status as
 25 an organization exempt from taxation under the Internal Revenue Code of
 26 1986 (26 U.S.C. 1 et seq.).

27 **“§ 20209. Records and inspection**

28 “(a) RECORDS.—The corporation shall keep—

29 “(1) correct and complete records of account;

30 “(2) minutes of the proceedings of its members, board of directors,
 31 and committees having any of the authority of its board of directors;
 32 and

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

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

38 **“§ 20210. Service of process**

39 “The corporation shall comply with the law on service of process of each
 40 State in which it is incorporated and each State in which it carries on ac-
 41 tivities.

1 **“§ 20211. Liability for acts of officers and agents**

2 “The corporation is liable for the acts of its officers and agents acting
3 within the scope of their authority.

4 **“§ 20212. Annual report**

5 “The corporation shall submit an annual report to Congress on the activi-
6 ties of the corporation during the prior fiscal year. The report shall be sub-
7 mitted at the same time as the report of the audit required by section
8 10101 of this title. The report may not be printed as a public document.”.

9 (B) In the table of chapters at the beginning of subtitle II, insert
10 after the item related to chapter 201:

“202. AIR FORCE SERGEANTS ASSOCIATION 20201”.

11 (5)(A) Insert after chapter 209 the following:

12 **“CHAPTER 210—AMERICAN GI FORUM OF THE**
13 **UNITED STATES**

“Sec.

“21001. Definition.

“21002. Organization.

“21003. Purposes.

“21004. Membership.

“21005. Governing body.

“21006. Powers.

“21007. Restrictions.

“21008. Duty to maintain corporate and tax-exempt status.

“21009. Records and inspection.

“21010. Service of process.

“21011. Liability for acts of officers and agents.

“21012. Annual report.

14 **“§ 21001. Definition**

15 “For purposes of this chapter, ‘State’ includes the District of Columbia
16 and the territories and possessions of the United States.

17 **“§ 21002. Organization**

18 “(a) FEDERAL CHARTER.—American GI Forum of the United States (in
19 this chapter, the ‘corporation’), a nonprofit corporation incorporated in
20 Texas, is a federally chartered corporation.

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

23 **“§ 21003. Purposes**

24 “(a) GENERAL.—The purposes of the corporation are as provided in its
25 bylaws and articles of incorporation and include—

26 “(1) securing the blessing of American democracy at every level of
27 local, State, and national life for all United States citizens;

28 “(2) upholding and defending the Constitution and the United States
29 flag;

1 “(3) fostering and perpetuating the principles of American democ-
2 racy based on religious and political freedom for the individual and
3 equal opportunity for all;

4 “(4) fostering and enlarging equal educational opportunities, equal
5 economic opportunities, equal justice under the law, and equal political
6 opportunities for all United States citizens, regardless of race, color, re-
7 ligion, sex, or national origin;

8 “(5) encouraging greater participation of the ethnic minority rep-
9 resented by the corporation in the policy-making and administrative ac-
10 tivities of all departments, agencies, and other governmental units of
11 local and State governments and the United States Government;

12 “(6) combating all practices of a prejudicial or discriminatory nature
13 in local, State, or national life which curtail, hinder, or deny to any
14 United States citizen an equal opportunity to develop full potential as
15 an individual; and

16 “(7) fostering and promoting the broader knowledge and apprecia-
17 tion by all United States citizens of their cultural heritage and lan-
18 guage.

19 “(b) CORPORATE FUNCTION.—The corporation shall function as an edu-
20 cational, patriotic, civic, historical, and research organization under the laws
21 of Texas.

22 **“§ 21004. Membership**

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

26 “(b) NONDISCRIMINATION.—The terms of membership may not discrimi-
27 nate on the basis of race, color, religion, sex, disability, age, or national ori-
28 gin.

29 **“§ 21005. Governing body**

30 “(a) BOARD OF DIRECTORS.—The board of directors and the responsibil-
31 ities of the board are as provided in the bylaws and articles of incorporation.

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

34 “(c) NONDISCRIMINATION.—The requirements for serving as a director or
35 officer may not discriminate on the basis of race, color, religion, sex, disabil-
36 ity, age, or national origin.

37 **“§ 21006. Powers**

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

“§ 21007. 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 employee 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, employee, or member.

“(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.

“§ 21008. Duty to maintain corporate and tax-exempt status

“(a) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of Texas.

“(b) 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.).

“§ 21009. 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.

“§ 21010. Service of process

“The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

“§ 21011. Liability for acts of officers and agents

“The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

“§ 21012. Annual report

“The corporation shall submit an annual report to Congress on the activities of the corporation during the prior fiscal year. The report shall be sub-

1 mitted at the same time as the report of the audit required by section
2 10101 of this title. The report may not be printed as a public document.”.

3 (B) In the table of chapters at the beginning of subtitle II, insert
4 after the item related to chapter 209:

“210. AMERICAN GI FORUM OF THE UNITED STATES 21001”.

5 (6) In section 21703(1)(A)(iv), strike “December 22, 1961” and
6 substitute “February 28, 1961”.

7 (7) In section 70103(b), strike “the State of”.

8 (8) In section 151303, subsections (f) and (g) are amended to read
9 as follows:

10 “(f) STATUS.—Appointment to the board does not constitute appointment
11 as an officer or employee of the United States Government for the purpose
12 of any law of the United States.

13 “(g) COMPENSATION.—Members of the board serve without compensa-
14 tion.

15 “(h) LIABILITY.—Members of the board are not personally liable, except
16 for gross negligence.”.

17 (9) In section 151305(b), strike “the State of”.

18 (10) In section 152903(8), strike “Corporation” and substitute “cor-
19 poration”.

20 **SEC. 2. TECHNICAL AMENDMENTS TO OTHER LAWS.**

21 (a) The provisos in the paragraph under the heading “AMERICAN BAT-
22 TLE MONUMENTS COMMISSION” in the Departments of Veterans Affairs
23 and Housing and Urban Development, and Independent Agencies Approp-
24 riations Act, 1998 (Public Law 105–65, Oct. 27, 1997, 111 Stat. 1368,
25 36 App. U.S.C. 121b, 122, and 122a) are repealed.

26 (b) Paragraph (3) of section 198(s) of the National and Community Serv-
27 ice Act of 1990 (42 U.S.C. 12653(s)(3)) is repealed.

28 (c) Effective August 12, 1998, Public Law 105–225 (Aug. 12, 1998, 112
29 Stat. 1253) is amended as follows:

30 (1) Section 4(b) is amended by striking “2320(d)” and substituting
31 “2320(e)”.

32 (2) Section 7(a), and the amendment made by section 7(a), are re-
33 pealed.

34 **SEC. 3. EFFECTIVE DATE.**

35 The amendment made by section 1(8) of this Act shall take effect as if
36 included in the provisions of Public Law 105–225, as of the date of enact-
37 ment of Public Law 105–225.

1 **SEC. 4. LEGISLATIVE PURPOSE AND CONSTRUCTION.**

2 (a) NO SUBSTANTIVE CHANGE.—(1) Section 1 of this Act restates, with-
3 out substantive change, laws enacted before September 5, 1998, that were
4 replaced by section 1. Section 1 may not be construed as making a sub-
5 stantive change in the laws replaced.

6 (2) Laws enacted after September 4, 1998, that are inconsistent with this
7 Act supersede this Act to the extent of the inconsistency.

8 (b) REFERENCES.—A reference to a law replaced by this Act, including
9 a reference in a regulation, order, or other law, is deemed to refer to the
10 corresponding provision enacted by this Act.

11 (c) CONTINUING EFFECT.—An order, rule, or regulation in effect under
12 a law replaced by this Act continues in effect under the corresponding provi-
13 sion enacted by this Act until repealed, amended, or superseded.

14 (d) ACTIONS AND OFFENSES UNDER PRIOR LAW.—An action taken or
15 an offense committed under a law replaced by this Act is deemed to have
16 been taken or committed under the corresponding provision enacted by this
17 Act.

18 (e) INFERENCES.—An inference of a legislative construction is not to be
19 drawn by reason of the location in the United States Code of a provision
20 enacted by this Act or by reason of a heading of the provision.

21 (f) SEVERABILITY.—If a provision enacted by this Act is held invalid, all
22 valid provisions that are severable from the invalid provision remain in ef-
23 fect. If a provision enacted by this Act is held invalid in any of its applica-
24 tions, the provision remains valid for all valid applications that are severable
25 from any of the invalid applications.

26 **SEC. 5. REPEALS.**

27 (a) INFERENCES OF REPEAL.—The repeal of a law by this Act may not
28 be construed as a legislative inference that the provision was or was not in
29 effect before its repeal.

30 (b) REPEALER SCHEDULE.—The laws specified in the following schedule
31 are repealed, except for rights and duties that matured, penalties that were
32 incurred, and proceedings that were begun before the date of enactment of
33 this Act:

Schedule of Laws Repealed

Statutes at Large

| Date | Chapter or Public Law | Section | Statutes at Large | | U.S. Code | |
|-----------------|-----------------------|---------------------|-------------------|-----------------|-----------|--------------------------|
| | | | Volume | Page | Title | Section |
| 1997 Nov. 18 | 105-85 | 1082, 1501-1516 ... | 111 | 1917, 1963 | 36 App. | 189a, 1101, 5801-5815 |
| Nov. 20 1998 | 105-110 .. | | 111 | 2270 | 36 App. | 45 |
| Aug. 7 | 105-220 .. | 413 | 112 | 1241 | 36 App. | 155b |
| Aug. 13 | 105-231 .. | 1-16 | 112 | 1530 | 36 App. | 1101, 5901-5915 |

Passed the Senate October 8 (legislative day, October 2), 1998.

Attest:

GARY SISCO,
Secretary.