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CHAPTER 1—AMERICAN NATIONAL RED CROSS

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CROSS REFERENCES

Operation of American Red Cross vessels under Neutrality Act of 1939, see section 444 of Title 22, Foreign Relations and Intercourse.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 42 section 5143.

§ 1. Corporation created

Clara Barton, Hilary A. Herbert, Thomas F. Walsh, Charles C. Glover, Charles J. Bell, Mabel T. Boardman, George Dewey, William R. Day, Nelson A. Miles, James Tanner, William K. Van Reypen, John M. Wilson, Simon Wolf, James R. Garfield, Gifford Pinchot, S. W. Woodward, Mary A. Logan, Walter Wyman, of Washington, District of Columbia; George H. Shields, of Missouri; William H. Taft, F. B. Loomis, Samuel Mather, of Ohio; Spencer Trask, Robert C. Ogden, Cleveland H. Dodge, George C. Boldt, William T. Wardwell, John G. Carlisle, George B. McClellan, Elizabeth Mills Reid, Margaret Carnegie, of New York; John H. Converse, Alexander Mackay-Smith, J. Wilkes O'Neill, H. Kirke Porter, of Pennsylvania; Richard Olney, W. Murray Crane, Henry L. Higginson, William Draper, Frederick H. Gillett, of Massachusetts; Marshall Field, Robert T. Lincoln, Lambert Tree, of Illinois; A. G. Kaufman, of South Carolina; Alexander W. Terrell, of Texas; George Gray, of Delaware; Redfield Proctor, of Vermont; John W. Foster, Noble C. Butler, Robert W. Miers, of Indiana; John Sharp Williams, of Mississippi; William Alden Smith, of Michigan; Horace Davis, W. W. Morrow, of California; Daniel C. Gilman, Eugene Lovering, of Maryland; J. Taylor Ellyson, of Virginia; Daniel R. Noyes, of Minnesota; Emanuel Fiske, Marshall Fiske, of Connecticut, together with five other persons to be named by the President of the United States, one to be chosen from each of the Departments of State, War, Navy, Treasury, and Justice, their associates and successors, are created a body corporate and politic in the District of Columbia.

(Jan. 5, 1905, ch. 23, § 1, 33 Stat. 599; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

PREAMBLE

Act Jan. 5, 1905, as amended by act May 8, 1947, ch. 50, §§ 1, 2, 61 Stat. 80, provided:

''Whereas on the twenty-second of August, eighteen hundred and sixty-four, at Geneva, Switzerland, plenipotentiaries respectively representing Italy, Baden, Belgium, Denmark, Spain, Portugal, France, Prussia, Saxony, and Wurttemberg and the Federal Council of Switzerland agreed upon ten articles of a treaty or convention for the purpose of mitigating the evils inseparable from war; of ameliorating the condition of soldiers wounded on the field of battle, and particularly providing, among other things, in effect, that persons employed in hospitals and in according relief to the sick and wounded and supplies for this purpose shall be deemed neutral and entitled to protection; and that a distinctive and uniform flag shall be adopted for hospitals and ambulances and convoys of sick and wounded and an arm badge for individuals neutralized; and

''Whereas the said treaty has been revised and extended by a treaty or convention for the amelioration of the condition of the wounded and the sick of armies in the field, signed at Geneva, July 27, 1929, and adhered to by the United States of America, effective August 8, 1932; and

''Whereas the International Conference of Geneva of eighteen hundred and sixty-three recommended 'that there exist in every country a committee whose mission consists in cooperating in times of war with the hospital service of the armies by all means in its power;' and

''Whereas a permanent organization is an agency needed in every nation to carry out the purposes of said treaties, and especially to secure supplies and to execute the humane objects contemplated by said treaties, with the power to adopt and use the distinctive flag and arm badge specified by said treaties, on which shall be the sign of the Red Cross, for the purpose of cooperating with the 'Comité International de Secours aux Militaires Blessés' (International Committee of Relief for the Wounded in War); and

''Whereas in accordance with the requirements and customs of said international body such an association adopting and using said insignia was formed in the city of Washington, District of Columbia, in July, eighteen hundred and eighty-one known as 'The American National Association of the Red Cross,' reincorporated April seventeenth, eighteen hundred and ninety-three, under the laws of the District of Columbia, and reincorporated by Act of Congress in June, nineteen hundred; and

''Whereas it is believed that the importance of the work demands a repeal of the present charter and a reincorporation of the society under Government supervision: Now, therefore,''.

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted ''Title 10, Armed Forces'' which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1a, 2, 8 of this title.

§1a. Continuation of corporation

The corporation now existing as The American National Red Cross under sections 1, 2 to 6, 8, and 9 of this title shall continue as a body corporate and politic in the District of Columbia. The first national convention after May 8, 1947, shall be convened and held under rules and regulations prescribed by the governing body of the corporation as presently constituted. After such first national convention, the Board of Governors of the corporation from time to time shall constitute the associates and successors of the incorporators named in said sections, and neither the said incorporators nor any associates or successors theretofore designated by them or by their successors shall have any powers or duties.

(May 8, 1947, ch. 50, §8, 61 Stat. 83.)

§2. Name and powers of corporation

The name of this corporation shall be ''The American National Red Cross'', and by that name it shall have perpetual succession, with the power to sue and be sued in courts of law and equity, State or Federal, within the jurisdiction of the United States; to have and to hold such real and personal estate as shall be deemed advisable and to dispose of the same, to accept gifts, devises, and bequests of real and personal estate for the purposes of this corporation hereinafter set forth; to adopt a seal and the same to alter and destroy at pleasure; and to have the right to have and to use, in carrying out its purposes hereinafter designated, as an emblem and badge, a Greek red cross on a white ground, as the same has been described in the treaties of Geneva, August twenty-second, eighteen hundred and sixty-four and July twenty-seventh, nineteen hundred and twenty-nine, and adopted by the several nations acceding thereto; to ordain and establish bylaws and regulations not inconsistent with the laws of the United States of America or any State thereof, and generally to do all such acts and things as may be necessary to carry into effect the provisions of sections 1, 2 to 6, 8, and 9 of this title and promote the purposes of said organization; and the corporation created is designated as the organization which is authorized to act in matters of relief under said treaties. In accordance with the said treaties, the delivery of the brassard allowed for individuals neutralized in time of war shall be left to military authority.

(Jan. 5, 1905, ch. 23, §2, 33 Stat. 600; May 8, 1947, ch. 50, §3, 61 Stat. 81.)

AMENDMENTS

1947—Act May 8, 1947, increased certain powers of corporation to accept gifts and devises of real estate.

CROSS REFERENCES

Licenses for erection and use of buildings on military installations, see section 2670 of Title 10, Armed Forces.

Loan of equipment needed for instruction and practice to organization formed by Red Cross aiding armed forces in war time, see section 2542 of Title 10.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1a, 8 of this title.

§3. Purposes of corporation

The purposes of the corporation are and shall be—

First. To furnish volunteer aid to the sick and wounded of Armed Forces in time of war, in accordance with the spirit and conditions of the conference of Geneva of October, eighteen hundred and sixty-three, and also of the treaties of the Red Cross, or the treaties of Geneva, of August twenty-second, eighteen hundred and sixty-four, and July twenty-seventh, nineteen hundred and twenty-nine, to which the United States of America has given its adhesion, and also of any other treaty or convention similar in purpose to which the United States of America may hereafter give its adhesion.

Second. And for said purposes to perform all the duties devolved upon a national society by each nation which has acceded to any of said treaties or conventions.

Third. To succeed to all the rights and property which were prior to January 5, 1905, held and to all the duties which were prior to January 5, 1905, performed by the American National Red Cross as a corporation duly incorporated by Act of Congress June 6, 1900, which Act is repealed and the organization created thereby is dissolved.

Fourth. To act in matters of voluntary relief and in accord with the military authorities as a medium of communication between the people of the United States of America and their Armed Forces, and to act in such matters between similar national societies of other governments through the ''Comité International de Secours'', and the Government and the people and the Armed Forces of the United States of America.

Fifth. And to continue and carry on a system of national and international relief in time of peace and apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other great national calamities, and to devise and carry on measures for preventing the same.

(Jan. 5, 1905, ch. 23, § 3, 33 Stat. 600; May 8, 1947, ch. 50, § 4, 61 Stat. 81; July 17, 1953, ch. 222, § 4(a), (b), 67 Stat. 179.)

REFERENCES IN TEXT

Act of Congress June 6, 1900, referred to in text, is act June 6, 1900, ch. 784, 31 Stat. 277, which is not classified to the Code.

AMENDMENTS

1953—Act July 17, 1953, in first par. substituted ''Armed Forces'' for ''armies'' and, in fourth par. substituted ''Armed Forces'' for ''Army and Navy'' and struck out ''and naval'' after ''military''.

1947—Act May 8, 1947, included the treaty of July 27, 1929, in first and second pars.

CROSS REFERENCES

Cooperation and assistance to armed forces, see section 2602 of Title 10, Armed Forces.

Operation of American Red Cross vessels under Neutrality Act of 1939, see section 444 of Title 22, Foreign Relations and Intercourse.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1a, 2, 8 of this title.

§ 4. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862

Section, acts Jan. 5, 1905, ch. 23, § 4, 33 Stat. 600; June 23, 1910, ch. 372, § 1, 36 Stat. 604, related to fraudulent representation or use of insignia. See sections 1, 706 and 917 of Title 18, Crimes and Criminal Procedure.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 1, 1948, see section 20 of act June 25, 1948, set out as an Effective Date note preceding section 1 of Title 18, Crimes and Criminal Procedure.

§ 4a. Membership; status of chapters; rules and regulations governing chapters; election of officers

Membership in the American National Red Cross shall be open to all the people of the United States, its Territories, and dependencies, upon payment of the sums specified from time to time in the bylaws.

The chapters of the American National Red Cross shall be the local units of the corporation within the States and Territories of the United States. The regulations with respect to the granting of charters to the chapters and the revocation of the same, the territorial jurisdiction of the chapters, the relationship of the chapters to the corporation and compliance by the chapters with the policies and rules of the corporation, shall be as determined from time to time by the Board of Governors. Such regulations shall require that each chapter shall, in the election of the governing body of the chapter and in the selection of delegates to the national convention of the corporation, adhere to democratic principles of election as specified in the bylaws.

(Jan. 5, 1905, ch. 23, § 4a, as added May 8, 1947, ch. 50, § 5, 61 Stat. 81.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1a, 2, 8 of this title.

§ 5. Board of Governors; number; election; tenure; filling vacancies; annual meetings; voting by proxy

The governing body of the corporation in which all powers of government, direction, and management of the corporation shall be lodged, shall consist of a Board of Governors numbering fifty persons, to be appointed or elected in the manner following, namely:

(a) Eight Governors shall be appointed by the President of the United States. Of the Governors so appointed, one shall be designated by the President of the United States to act as the principal officer of the corporation with such title and such functions as may from time to time be prescribed in the bylaws; and the remainder shall be officials of departments and agencies of the Federal Government, whose positions and interests are such as to qualify them to contribute toward the accomplishment of Red Cross programs and objectives. Of these at least one and not more than three shall be selected from the armed forces.

(b) Thirty Governors shall be elected by the chapters. The Governors so elected shall be elected at the national convention under procedures for nomination and election which shall be such as to insure equitable representation of all the chapters, having regard to geographical considerations, to the size of the chapters and to the size of the populations served by the chapters.

(c) Twelve Governors shall be elected by the Board of Governors as members-at-large. The Governors so elected shall be individuals who are representative of the national interests which it is the function of the Red Cross to serve, and with which it is desirable that the corporation shall have close association.

The term of office of all Governors shall be three years, except that the term of office of any Governor appointed by the President of the United States (other than the principal officer of the corporation) shall expire if and when such Governor shall retire, prior to the date on which his term as Governor would otherwise expire, from the official position held at the time of his appointment as Governor.

Of the first Board of Governors to be selected hereunder, those Governors to be elected pursuant to subsection (b) of this section shall be elected at the first national convention follow-

ing May 8, 1947, those Governors to be elected pursuant to subsection (c) of this section shall be elected as soon as practicable following such first national convention, and those Governors to be appointed pursuant to subsection (a) of this section shall be appointed so as to take office at the same time. The Governors so elected pursuant to subsections (b) and (c) of this section shall be divided by lot into three classes, the terms of which shall expire at the end of one, two, and three years, respectively, so that thereafter one-third of the members of the Board of Governors elected pursuant to subsections (b) and (c) of this section will be chosen at the time of each national convention, and shall take office at such time or as soon as practicable thereafter.

The President of the United States shall fill as soon as may be any vacancy that may occur by death, resignation, or otherwise in the office of the principal officer of the corporation or in the membership of the Board of Governors appointed by him. Any vacancy that may occur in the Governors elected by the chapters pursuant to subsection (b) of this section or in the Governors-at-large elected by the Board of Governors pursuant to subsection (c) of this section, shall be temporarily filled by appointment made by the Board of Governors, such appointees to serve until the next national convention.

The Board of Governors shall have power (i) to appoint from its own members an executive committee of not less than eleven persons, who, when the Board of Governors is not in session, shall have and exercise all the powers of the Board of Governors, and (ii) to appoint and remove, or provide for the appointment and removal of, all officers and employees of the corporation, except the principal officer designated by the President of the United States.

The annual meeting of the corporation shall be the national convention of delegates of the chapters, which shall be held annually on such date and at such place as may be specified by the Board of Governors. In all matters requiring a vote at the national convention, each chapter shall be entitled to not less than one vote. The number of votes which each chapter shall be entitled to cast shall be determined according to allocation by the Board of Governors, which shall be established on an equitable basis giving consideration both to the size of the membership of the chapters and to the size of the populations in the territories served by the chapters. Such allocations shall be reviewed at least every five years.

Voting by proxy shall not be allowed at any meeting of the Board of Governors, or at the national convention, or at any meeting of the chapters: *Provided, however*, That in the event of any national emergency which in the opinion of the Board of Governors makes attendance at the national convention impossible, the Board of Governors may permit the election of Governors by proxy at the national convention.

(Jan. 5, 1905, ch. 23, §5, 33 Stat. 601; Dec. 10, 1912, ch. 1, §1, 37 Stat. 647; Mar. 3, 1921, ch. 131, §1, 41 Stat. 1354; May 8, 1947, ch. 50, §6, 61 Stat. 82.)

AMENDMENTS

1947—Act May 8, 1947, amended section generally, enlarging the governing board and making the method of selection of its members more democratic.

1921—Act Mar. 3, 1921, provided that the executive committee of the central committee should consist of nine instead of seven persons, five of whom should be a quorum.

1912—Act Dec. 10, 1912, changed date of annual meeting from first Tuesday after first Monday in December to Wednesday preceding second Thursday in December.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1a, 2, 8 of this title.

§6. Annual report; audit of financial transactions

The American National Red Cross shall as soon as practicable after the first day of July of each year make and transmit to the Secretary of Defense a report of its proceedings for the fiscal year ending June 30, next preceding, including a full, complete, and itemized report of receipts and expenditures of whatever kind, which report shall be duly audited by the Department of Defense, and a copy of said report shall be transmitted to Congress by the Department of Defense.

(Jan. 5, 1905, ch. 23, §6, 33 Stat. 602; Feb. 27, 1917, ch. 137, 39 Stat. 946; July 17, 1953, ch. 222, §4(c), 67 Stat. 179.)

AMENDMENTS

1953—Act July 17, 1953, substituted ''Secretary of Defense'' and ''Department of Defense'' for ''Secretary of War'' and ''Department of War'', respectively.

1917—Act Feb. 27, 1917, required reports of the preceding fiscal year to be made as soon as practicable after first of July of each year instead of on January first of each year.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1a, 2, 8 of this title.

§7. Reimbursement of Department of Defense for auditing expenses

The American National Red Cross annually shall reimburse the Department of Defense for auditing its accounts, and the sum so paid shall be covered into the Treasury of the United States as a miscellaneous receipt.

(May 29, 1920, ch. 214, §1, 41 Stat. 659; July 17, 1953, ch. 222, §5, 67 Stat. 179.)

CODIFICATION

Section is based upon provision appearing in act May 29, 1920, popularly known as the Executive, Legislative and Judicial Appropriation Act for fiscal year ending June 30, 1921.

AMENDMENTS

1953—Act July 17, 1953, substituted ''Department of Defense'' for ''War Department''.

§8. Reservation of right to amend or repeal certain sections

Congress shall have the right to repeal, alter, or amend sections 1, 2 to 6, 8, and 9 of this title at any time.

(Jan. 5, 1905, ch. 23, §7, 33 Stat. 602.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1a, 2 of this title.

§ 9. Endowment fund

The endowment fund of the American National Red Cross shall be kept and invested under the management and control of a board of nine trustees, who shall be elected from time to time by the Board of Governors under such regulations regarding terms and tenure of office, accountability, and expense as the Board of Governors shall prescribe.

(Jan. 5, 1905, ch. 23, § 8, as added June 23, 1910, ch. 372, § 2, 36 Stat. 604; amended May 8, 1947, ch. 50, § 7, 61 Stat. 83.)

AMENDMENTS

1947—Act May 8, 1947, changed election of trustees by incorporators and their successors to election by Board of Governors.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1a, 2, 8 of this title.

§§ 10, 11. Repealed. July 17, 1953, ch. 222, § 6, 67 Stat. 179

Section 10, acts Apr. 24, 1912, ch. 90, § 1, 37 Stat. 90; June 29, 1943, ch. 176, § 1, 57 Stat. 247, related to land and naval forces in time of war. See section 2602 of Title 10, Armed Forces.

Section 11, acts Apr. 24, 1912, ch. 90, § 2, 37 Stat. 91; June 29, 1943, ch. 176, § 2, 57 Stat. 248, related to transportation, subsistence and passport fees. See section 2602 of Title 10.

§ 12. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641

Section, act June 3, 1916, ch. 134, § 127a, as added June 4, 1920, ch. 227, subch. I, § 51, 41 Stat. 785; amended July 17, 1953, ch. 222, § 3, 67 Stat. 178, related to buildings for Red Cross supplies. See section 2670 of Title 10, Armed Forces.

§ 13. Permanent building at headquarters in Washington, D.C.

The permanent building erected upon square 172 in the city of Washington, District of Columbia, for the use of the American National Red Cross in connection with its work in co- operation with the Government of the United States shall remain the property of the United States but under the supervision of the Administrator of General Services and the American National Red Cross shall at all times be charged with the responsibility, the care, keeping, and maintenance of said building without expense to the United States.

(Feb. 7, 1930, ch. 42, §§ 1, 5, 46 Stat. 66; Ex. Ord. No. 6166, § 2, June 10, 1933; Mar. 2, 1934, ch. 38, § 1, 48 Stat. 389; 1939 Reorg. Plan No. I, §§ 301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380.)

CODIFICATION

Section is composed of sections 1 and 5 of act Feb. 7, 1930. Section 1 provided for erection of permanent building and section 5 for the ownership and supervision thereof.

TRANSFER OF FUNCTIONS

Functions of Federal Works Agency and of all agencies thereof, together with all functions of Federal Works Administrator transferred to Administrator of General Services by section 103(a) of act June 30, 1949. Federal Works Agency and office of Federal Works Administrator abolished by section 103(b) of that act. Section 103 is set out as section 753(b) of Title 40, Public Buildings, Property, and Works.

By section 5 of act Feb. 7, 1930, the permanent building was to remain under supervision of Director of Public Buildings and Public Parks of National Capital. The office of Public Buildings and Public Parks of National Capital abolished and its functions transferred to Office of National Parks, Buildings, and Reservations of Department of the Interior by Ex. Ord. No. 6166. The name of the latter office changed to "National Park Service" by act Mar. 2, 1934. The Branch of Buildings Management of National Park Service, with certain other agencies, consolidated as Public Buildings Administration under Federal Works Agency by sections 301 and 303 of Reorg. Plan No. I of 1939, set out in the Appendix to Title 5, Government Organization and Employees.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see section 605 of act June 30, 1949, set out as an Effective Date note under section 471 of Title 40, Public Buildings, Property, and Works.

PERMANENT BUILDING FOR DISTRICT OF COLUMBIA CHAPTER

Joint Res. July 1, 1947, ch. 195, 61 Stat. 241, as amended Nov. 8, 1988, Pub. L. 100–637, § 1, 102 Stat. 3325, provided: "That authority be, and is hereby, given to the American National Red Cross to erect upon the south half of square 104 in the city of Washington, District of Columbia, a permanent building for the use of the District of Columbia Chapter, American National Red Cross, in connection with its work, in cooperation with the Government of the United States and its responsibilities under its charter granted by the Congress of the United States.

"SEC. 2. That the plans of the proposed building shall first be approved by the American National Red Cross, the Commission of Fine Arts and the National Capital Park and Planning Commission and the erection and design thereof shall be under the supervision of the Administrator of the Federal Works Agency [now the Administrator of General Services] in accordance with the provisions of the Public Buildings Act of May 25, 1926, as amended [enacting sections 341, 342, 343 to 345a, 346, and 347 of Title 40, Public Buildings, Property, and Works] and as hereby further amended.

"SEC. 3. That the cost of the removal of the buildings on this site shall be borne by the American National Red Cross, District of Columbia Chapter, without expense to the United States.

"SEC. 4. That said permanent building shall remain the property of the United States but under the supervision of the Administrator of the Federal Works Agency [now the Administrator of General Services] and the American National Red Cross, District of Columbia Chapter, shall, at all times be charged with the responsibility, care, keeping, and maintenance of said building without expense to the United States.

"SEC. 5. That moneys of the American National Red Cross, District of Columbia Chapter, available for the construction of the aforesaid building, including any amount administratively determined necessary for the payment of salaries and expenses of personnel engaged upon the preparation of plans and specifications, field supervision, and general office expenses, may be transferred to and expended by the Public Buildings Administration of the Federal Works Agency [now the Administrator of General Services], and such funds may be consolidated in the books of the Treasury Department into a special account for direct expenditure in the prosecution of said work, and the Commissioner of Public Buildings is authorized to prepare drawings and specifications for this building prior to the approval by the Attorney General of the title to such acquisition.

''SEC. 6. That said building shall be appropriate in design and character and shall be used by the American National Red Cross, District of Columbia Chapter, and shall cost not less than $1,000,000: *Provided*, That this expenditure shall include complete equipment.

''SEC. 7. That the person, firm, or corporation which the Commissioner of Public Buildings shall select to furnish professional architectural and engineering services required for the project shall be chosen from nominations made by the American National Red Cross, District of Columbia Chapter.

''SEC. 8. That the National Capital Housing Authority is hereby authorized and directed to transfer to the jurisdiction of the Federal Works Administrator [now the Administrator of General Services] such part of the site for said building as is now under the jurisdiction of said Authority: *Provided*, That the Treasurer of the United States is authorized and directed to credit said Authority with the fair market value, at the date of transfer, of the property so transferred: *Provided further*, That the Federal Works Administrator [now the Administrator of General Services] is hereby authorized to utilize the property so transferred, as well as that part of the site already under his jurisdiction, for the purposes of this Act.

''SEC. 9. That the Federal Works Administrator, through the Public Buildings Administration [both now under the Administrator of General Services], is hereby authorized to furnish steam from the central heating plant for the heating of said building, such steam to be paid for by the American National Red Cross, District of Columbia Chapter, at such reasonable rates, not less than cost, as may be determined by the Federal Works Administrator [now Administrator of General Services]: *Provided*, That the Federal Works Administrator, through the Public Buildings Administration [both now under the Administrator of General Services], is authorized to prepare plans and specifications and to supervise and to contract for the work necessary to connect said building with the Government mains and to pay the cost of such work and services, including administrative expenses, from the funds consolidated into the Treasury pursuant to section 5 thereof.

''SEC. 10. The enactment of this joint resolution shall not be construed as establishing a policy of the United States Government to furnish building sites for Red Cross chapters or any eleemosynary institution at any other place.

''SEC. 11. (a) Notwithstanding any other provision of law, the Administrator of the General Services Administration shall enter into a lease of the real property described in the first section of this Act with the American National Red Cross, District of Columbia Chapter. Such lease shall provide that such property shall be used as an office, medical and scientific facility by such Red Cross Chapter and the tenants of such Chapter on such terms and conditions as shall be customary and necessary, including that—

''(1) the lease shall be triple net to the United States and such Red Cross Chapter shall pay all taxes, insurance, and operating costs, and a rent of $1.00 for the term of the lease;

''(2) the lease term shall be for 99 years, and all improvements on such property shall revert to the ownership of the United States at the conclusion of the term;

''(3) such Red Cross Chapter may (at the expense of such Chapter) demolish the improvements on such property or any improvements constructed on such property after the date of enactment of this section [Nov. 8, 1988], build, own, operate, and maintain new improvements, enter into leases, finance improvements (and mortgage any improvements and the leasehold estate), and in all manner deal with the property subject only to the condition that the ownership interest of the United States in the land shall not be adversely affected;

''(4) any space not needed for the operations of such Red Cross Chapter or the American National Red Cross in any building or improvement constructed on such property shall be first made available for use by Federal agencies at rental rates and other related expenses that are less than fair market value and reflect the value of the property provided to such Red Cross Chapter under the provisions of this Act;

''(5) the United States shall cooperate with such Red Cross Chapter with respect to any zoning or other matters relating to the development or improvement of such property; and

''(6) the plans of any proposed building or improvement for construction after the date of the enactment of this section shall first be approved by the American National Red Cross, the Commission of Fine Arts, and the National Capital Planning Commission.

''(b) The enactment of this section may not be construed as establishing a policy of the United States Government to furnish building sites for Red Cross chapters or any eleemosynary institution at any other place.''

§ 14. Omitted

CODIFICATION

Section, act May 5, 1926, ch. 246, 44 Stat. 403, related to use of temporary buildings upon square 172 in Washington, D.C. See section 13 of this title.

§ 15. Memorial building to Women of World War I; expenditures; supervision

The memorial building to commemorate the services and sacrifices of the patriotic women of the United States of America, of its insular possessions, and of the District of Columbia during the World War, erected on the land occupied in part on June 7, 1924, by the Memorial to the Women of the Civil War, the permanent headquarters of the American Red Cross, shall be used by the American National Red Cross.

The expenditures for said memorial building shall be made under the direction of a commission consisting of the chairman of the Senate Committee on the Library and the chairman of the House Committee on the Library. Said memorial building shall remain the property of the United States Government but under the supervision of the Administrator of General Services, and the American Red Cross shall at all times be charged with the responsibility, the care, keeping, and maintenance of the said memorial building without expense to the United States.

(June 7, 1924, ch. 369, §§ 1, 2, 4, 43 Stat. 665, 666; Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983; Ex. Ord. No. 6166, § 2, June 10, 1933; Mar. 2, 1934, ch. 38, § 1, 48 Stat. 389; 1939 Reorg. Plan No. I, §§ 301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380.)

TRANSFER OF FUNCTIONS

Functions of Federal Works Agency and of all agencies thereof, together with all functions of Federal Works Administrator transferred to Administrator of General Services by section 103(a) of act June 30, 1949. Federal Works Agency and office of Federal Works Administrator abolished by section 103(b) of that act. Section 103 is set out as section 753(b) of Title 40, Public Buildings, Property, and Works.

The building provided for in this section was originally placed under supervision of ''Superintendent of Public Buildings and Grounds,'' by act June 7, 1924. The office of Public Buildings and Grounds under Chief of Engineers abolished and functions of Chief of Engineers and of Secretary of War with respect thereto transferred to Director of Public Buildings and Public Parks of National Capital by act Feb. 26, 1925. The office of

Public Buildings and Public Parks of National Capital abolished and functions thereof transferred to Office of National Parks, Buildings and Reservations of Department of the Interior by Ex. Ord. No. 6166. The name of the latter office changed to ''National Park Service'' by act Mar. 2, 1934. Functions of Director of National Park Service relating to public buildings transferred to Federal Works Administrator by section 303(b) of Reorg. Plan No. I of 1939, set out in the Appendix to Title 5, Government Organization and Employees.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see section 605 of act June 30, 1949, set out as an Effective Date note under section 471 of Title 40, Public Buildings, Property, and Works.

§ 16. Exchange of Government-owned cotton for articles containing wool

The American National Red Cross or any other organization to which the Government-owned cotton has been or shall hereafter be delivered pursuant to law is authorized, if it shall be deemed advisable, to exchange any such cotton for cloth or wearing apparel or other articles of clothing containing wool.

(Mar. 3, 1933, ch. 214, 47 Stat. 1544.)

§§ 17 to 17b. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641

Section 17, act July 17, 1953, ch. 222, § 1, 67 Stat. 178, related to use of American Red Cross in cooperation with Armed Forces. See section 2602 of Title 10, Armed Forces.

Section 17a, act July 17, 1953, ch. 222, § 2, 67 Stat. 178, related to furnishing of transportation, meals, and quarters to American Red Cross personnel by Government. See section 2602 of Title 10.

Section 17b, act July 17, 1953, ch. 222, § 7, 67 Stat. 179, related to status of American Red Cross personnel as Government employees. See section 2602 of Title 10.

CHAPTER 1A—DAUGHTERS OF THE AMERICAN REVOLUTION

Sec.
18. Corporation created; purposes.
18a. Right to acquire, hold, and dispose of property; constitution, bylaws, and seal; headquarters or principal office.
18b. Annual report; historical material.
18c. Exclusive use of name, emblems, seals, and badges.

§ 18. Corporation created; purposes

Mary Park Foster (Mrs. John W. Foster), of Indiana; Mary Virginia Ellet Cabell (Mrs. William D. Cabell), of Virginia; Helen Mason Boynton (Mrs. Henry V. Boynton), of Ohio; Henrietta Greely (Mrs. A. W. Greely), of Washington, District of Columbia; Lelie Dent Saint Clair (Mrs. F. O. Saint Clair), of Maryland; Regina M. Knott (Mrs. A. Leo Knott), of Maryland; Sara Agnes Rice Pryor (Mrs. Roger A. Pryor), of New York; Sarah Ford Judd Goode (Mrs. G. Brown Goode), of Washington, District of Columbia; Mary Desha, of Kentucky; Sue Virginia Field (Mrs. Stephen J. Field), of California; Sallie Kennedy Alexander (Mrs. Thomas Alexander), of Washington, District of Columbia; Rosa Wright Smith, of Washington, District of Columbia; Sarah C. J. Hagan (Mrs. Hugh Hagan), of Georgia; Mary Stiner Putnam (Mrs. John Risley Putnam), of New York; Mary Leighton Shields (Mrs. George H. Shields), of Missouri; Ellen Hardin Walworth, of New York; Mary E. MacDonald (Mrs. Marshall MacDonald), of Virginia; Eugenia Washington, of Virginia; Alice M. Clarke (Mrs. A. Howard Clarke), of Massachusetts; Clara Barton, of Washington, District of Columbia; Mary S. Lockwood, of Washington, District of Columbia; Frances B. Hamlin (Mrs. Teunis S. Hamlin), of Washington, District of Columbia; Martha C. B. Clarke (Mrs. Arthur E. Clarke), of New Hampshire; Lucia E. Blount (Mrs. Henry Blount), of Indiana; Jennie A. O. Keim (Mrs. Randolph De B. Keim), of Connecticut; Louise Ward McAllister, of New York; Effie Ream Osborne (Mrs. Frank Stuart Osborne), of Illinois; Marie Devereux, of Washington, District of Columbia; Belinda O. Wilbour (Mrs. Joshua Wilbour), of Rhode Island; Georgina E. Shippen (Mrs. W. W. Shippen), of New Jersey; Julia K. Hogg (Mrs. N. B. Hogg), of Pennsylvania; Katherine C. Breckinridge (Mrs. Clifton R. Breckinridge), of Arkansas; Sara Isabella Hubbard (Mrs. Adolphus S. Hubbard), of California; Mary L. D. Putnam (Mrs. Charles E. Putnam), of Iowa; Delia Clayborne Buckner (Mrs. Simon B. Buckner), of Kentucky; Emily Marshall Eliot (Mrs. Samuel Eliot), of Massachusetts; Lucy Grey Henry (Mrs. William Wirt Henry), of Virginia; Elizabeth Blair Lee, of Maryland, Mrs. Francis P. Burrows (Mrs. Julius C. Burrows), Mrs. Mary H. McMillan (Mrs. James McMillan), Mrs. Emma Gregory Hull (Mrs. J. A. T. Hull), Mrs. Mary B. K. Washington (Mrs. Joseph Washington), and their associates and successors, are created a body corporate and politic, in the District of Columbia, by the name of The National Society of the Daughters of the American Revolution, for patriotic, historical, and educational purposes, to perpetuate the memory and spirit of the men and women who achieved American independence, by the acquisition and protection of historical spots and the erection of monuments; by the encouragement of historical research in relation to the Revolution and the publication of its results; by the preservation of documents and relics, and of the records of the individual services of Revolutionary soldiers and patriots, and by the promotion of celebrations of all patriotic anniversaries; to carry out the injunction of Washington, in his farewell address to the American people, ''to promote, as an object of primary importance, institutions for the general diffusion of knowledge,'' thus developing an enlightened public opinion and affording to young and old such advantages as shall develop in them the largest capacity for performing the duties of American citizens; to cherish, maintain, and extend the institutions of American freedom; to foster true patriotism and love of country, and to aid in securing for mankind all the blessings of liberty.

(Feb. 20, 1896, ch. 23, § 1, 29 Stat. 8.)

§ 18a. Right to acquire, hold, and dispose of property; constitution, bylaws, and seal; headquarters or principal office

The society is authorized to acquire by purchase, gift, devise, or bequest and to hold, convey, or otherwise dispose of such property, real or personal, as may be convenient or necessary for its lawful purposes, and may adopt a con-

stitution and make bylaws not inconsistent with law, and may adopt a seal. Said society shall have its headquarters or principal office at Washington, in the District of Columbia.

(Feb. 20, 1896, ch. 23, § 2, 29 Stat. 9; Mar. 3, 1915, ch. 89, 38 Stat. 955; Feb. 5, 1926, ch. 11, 44 Stat. 4; July 30, 1951, ch. 255, 65 Stat. 130; Oct. 1, 1976, Pub. L. 94–443, § 1, 90 Stat. 1475.)

AMENDMENTS

1976—Pub. L. 94–443 substituted provision authorizing the society to acquire, by purchase, gift, devise or bequeath, real and personal property, and to hold, convey or otherwise dispose of it for provision which authorized the society to hold real and personal property in the United States in an amount not to exceed $10,000,000.

1951—Act July 30, 1951, substituted ''$10,000,000'' for ''$5,000,000''.

1926—Act Feb. 5, 1926, substituted ''$5,000,000'' for ''$1,000,000''.

1915—Act Mar. 3, 1915, substituted ''$1,000,000'' for ''$500,000''.

§ 18b. Annual report; historical material

The Society shall report annually to the Secretary of the Smithsonian Institution concerning its proceedings, and said Secretary shall communicate to Congress such portion thereof as he may deem of national interest and importance. The Regents of the Smithsonian Institution are authorized to permit said national society to deposit its collections, manuscripts, books, pamphlets, and other material for history in the Smithsonian Institution or in the National Museum, at their discretion, upon such conditions and under such rules as they shall prescribe.

(Feb. 20, 1896, ch. 23, § 3, 29 Stat. 9.)

§ 18c. Exclusive use of name, emblems, seals, and badges

The society and its subordinate divisions shall have the sole and exclusive right to use the name ''National Society of the Daughters of the American Revolution''. The society shall have the exclusive and sole right to use, or to allow or refuse the use of, such emblems, seals, and badges as have heretofore been adopted or used by the National Society of the Daughters of the American Revolution.

(Feb. 20, 1896, ch. 23, § 4, as added Oct. 1, 1976, Pub. L. 94–443, § 2, 90 Stat. 1475.)

CHAPTER 1B—AMERICAN HISTORICAL ASSOCIATION

Sec.
20. Corporation created; purposes; right to hold property; constitution, by-laws, and seal; principal office; reports; historical material.

§ 20. Corporation created; purposes; right to hold property; constitution, by-laws, and seal; principal office; reports; historical material

Andrew D. White, of Ithaca, in the State of New York; George Bancroft, of Washington, in the District of Columbia; Justin Winsor, of Cambridge, in the State of Massachusetts; William F. Poole, of Chicago, in the State of Illinois; Herbert B. Adams, of Baltimore, in the State of Maryland; Clarence W. Bowen, of Brooklyn, in the State of New York, their associates and successors, are created in the District of Columbia a body corporate and politic, by the name of the American Historical Association, for the promotion of historical studies, the collection and preservation of historical manuscripts, and for kindred purposes in the interest of American history and of history in America. Said association is authorized to hold real and personal estate in the District of Columbia so far only as may be necessary to its lawful ends, to adopt a constitution, and to make by-laws not inconsistent with law. Said association shall have its principal office at Washington, in the District of Columbia, and may hold its annual meetings in such places as the said incorporators shall determine. Said association shall report annually to the Secretary of the Smithsonian Institution concerning its proceedings and the condition of historical study in America. Said Secretary shall communicate to Congress the whole of such reports, or such portion thereof as he shall see fit. The Regents of the Smithsonian Institution are authorized to permit said association to deposit its collections, manuscripts, books, pamphlets, and other material for history in the Smithsonian Institution or in the National Museum; at their discretion, upon such conditions and under such rules as they shall prescribe.

(Jan. 4, 1889, ch. 20, 25 Stat. 640; July 3, 1957, Pub. L. 85–83, § 1, 71 Stat. 276.)

AMENDMENTS

1957—Pub. L. 85–83 substituted ''as may be necessary to its lawful ends'' for ''only as may be necessary to its lawful ends to an amount not exceeding five hundred thousand dollars''.

TAX EXEMPTION OF REAL PROPERTY

Section 2 of Pub. L. 85–83 provided that: ''The real property situated in Square 817, in the city of Washington, District of Columbia, described as lot 23, owned, occupied, and used by the American Historical Association, is exempt from all taxation so long as the same is so owned and occupied, and not used for commercial purposes, subject to the provisions of sections 2, 3, and 5 of the Act entitled 'An Act to define the real property exempt from taxation in the District of Columbia', approved December 24, 1942 (56 Stat. 1089; D.C. Code, secs. 47–801b, 47–801c, and 47–801e) [47–1005, 47–1007, and 47–1009].''

CROSS REFERENCES

Smithsonian Institution—
- Distribution of reports, see section 1341 of Title 44, Public Printing and Documents.
- Duties of Secretary, see sections 44 and 46 of Title 20, Education.
- Regents, see sections 42 to 44 of Title 20.

CHAPTER 1C—SONS OF THE AMERICAN REVOLUTION

Sec.
20a. Corporation created.
20b. Purposes and objects of corporation.
20c. Powers of corporation; restriction.
20d. Trustees.
20e. First meeting.
20f. Charter.
20g. Reservation of right to amend or repeal chapter.

§ 20a. Corporation created

Francis Henry Appleton, of Massachusetts; Lucius P. Deming, of Connecticut; William Seward Webb, of Vermont; Horace Porter, of New York; Joseph C. Breckinridge, of Washington, District of Columbia; Franklin Murphy, of New Jersey; Walter S. Logan, of New York; Edwin Warfield, of Maryland; Edwin S. Greeley, of Connecticut; James D. Hancock, of Pennsylvania; Morris B. Beardsley, of Connecticut; John C. Lewis, of Kentucky; Henry Stockbridge, of Maryland; Nelson A. McClary, of Illinois; A. Howard Clark, of Washington, District of Columbia; Isaac W. Birdseye, of Connecticut; William K. Wickes, of New York; J. W. Atwood, of Ohio; J. W. Whiting, of Alabama; Ricardo E. Miner, of Arizona; Joseph M. Hill, of Arkansas; Alexander G. Eells, of California; Clarkson N. Guyer, of Colorado; Jonathan Trumbull, of Connecticut; Thomas F. Bayard, of Delaware; William H. Bayly, of Washington, District of Columbia; William S. Keyser, of Florida; Charles M. Cook, of Hawaii; Inman H. Fowler, of Indiana; Eugene Secor, of Iowa; John M. Meade, of Kansas; Peter F. Pescud, of Louisiana; Waldo Pettengill, of Maine; James D. Iglehart, of Maryland; Moses G. Parker, of Massachusetts; Rufus W. Clark, of Michigan; James C. Haynes, of Minnesota; Ashley Cabell, of Missouri; Ogden A. Southmayd, of Montana; Amos Field, of Nebraska; Daniel C. Roberts, of New Hampshire; J. Franklin Fort, of New Jersey; William A. Marble, of New York; Isaac F. Mack, of Ohio; Henry H. Edwards, of Oklahoma; Thomas M. Anderson, of Oregon; William L. Jones, of Pennsylvania; John E. Studely, of Rhode Island; Theodore G. Carter, of South Dakota; J. A. Cartwright, of Tennessee; I. M. Standifer, of Texas; Fred A. Hale, of Utah; Henry D. Holton, of Vermont; Lunsford L. Lewis, of Virginia; Cornelius H. Hanford, of Washington; J. Franklin Pierce, of Wisconsin; Truman G. Avery, of New York; William W. J. Warren, of New York; Henry V. A. Joslin, of Rhode Island; John Paul Earnest, of Washington, District of Columbia; A. S. Hubbard, of California, and all such other persons as may from time to time be associated with them, and their successors, are hereby constituted a body corporate and politic, in the city of Washington, in the District of Columbia, by the name of the National Society of the Sons of the American Revolution.

(June 9, 1906, ch. 3065, § 1, 34 Stat. 227.)

§ 20b. Purposes and objects of corporation

The purposes and objects of corporation are declared to be patriotic, historical, and educational, and shall include those intended or designed to perpetuate the memory of the men who, by their services or sacrifices during the war of the American Revolution, achieved the independence of the American people; to unite and promote fellowship among their descendants; to inspire them and the community at large with a more profound reverence for the principles of the Government founded by our forefathers; to encourage historical research in relation to the American Revolution; to acquire and preserve the records of the individual services of the patriots of the war, as well as documents, relics, and landmarks; to mark the scenes of the Revolution by appropriate memorials; to celebrate the anniversaries of the prominent events of the war and of the Revolutionary period; to foster true patriotism; to maintain and extend the institutions of American freedom, and to carry out the purposes expressed in the preamble to the Constitution of our country and the injunctions of Washington in his farewell address to the American people.

(June 9, 1906, ch. 3065, § 2, 34 Stat. 227.)

§ 20c. Powers of corporation; restriction

The corporation shall have power to receive, purchase, hold, sell, and convey real and personal estate, so far only as may be necessary or convenient for its lawful purposes; to sue and be sued, complain and defend in any court; to adopt a common seal, and to alter the same at pleasure; to make and adopt a constitution, by-laws, rules, and regulations for admission, government, suspension, and expulsion of its members, and from time to time to alter and repeal such constitution, by-laws, rules, and regulations, and to adopt others in their places; to provide for the election of its officers and to define their duties; to provide for State societies or chapters with rules for their conduct, and to regulate and provide for the management, safe-keeping, and protection of its property and funds: *Provided always*, That such constitution, by-laws, rules, and regulations be not inconsistent with the laws of the United States or any of the States thereof.

(June 9, 1906, ch. 3065, § 3, 34 Stat. 228; Sept. 8, 1961, Pub. L. 87–214, 75 Stat. 489.)

AMENDMENTS

1961—Pub. L. 87–214 struck out ''to an amount not exceeding at any one time in the aggregate $500,000'' after ''convenient for its lawful purposes''.

§ 20d. Trustees

The property and affairs of said corporation shall be managed by not less than forty trustees, who shall be elected annually at such time as shall be fixed by the by-laws, and at least one trustee shall be elected annually from a list of nominees to be made by each of the State societies and submitted in this society at least thirty days before the annual meeting, in accordance with the general provisions regulating such nominations as may be adopted by this society.

(June 9, 1906, ch. 3065, § 4, 34 Stat. 228; Feb. 6, 1925, ch. 142, 43 Stat. 808.)

AMENDMENTS

1925—Act Feb. 6, 1925, struck out ''more than sixty nor'' before ''less than forty trustees''.

§ 20e. First meeting

The first meeting of this corporation shall be held on a call issued by any fifteen of the above-named corporators by a written notice signed by them, stating the time and place of meeting, addressed to each of the corporators personally named herein and deposited in the post-office at least five days before the day of meeting.

(June 9, 1906, ch. 3065, § 5, 34 Stat. 228.)

§ 20f. Charter

This charter shall take effect upon its being accepted by a majority vote of the corporators named herein who shall be present at said meeting, or at any other meeting specially called for that purpose; and notice of such acceptance shall be given by said corporation by causing a certificate to that effect signed by its president and secretary to be filed in the office of the Secretary of State.

(June 9, 1906, ch. 3065, § 6, 34 Stat. 228.)

§ 20g. Reservation of right to amend or repeal chapter

Congress reserves the right to alter, amend, or repeal this chapter.

(June 9, 1906, ch. 3065, § 7, 34 Stat. 228.)

CHAPTER 2—BOY SCOUTS OF AMERICA

Sec.
21. Corporation created.
22. Name and powers of corporation.
23. Purposes of corporation.
24. Acquisition of assets and liabilities of existing corporation; prohibition against issuance of stock or payment of dividends.
25. Executive board; powers.
26. Annual and special meetings; quorum.
27. Exclusive right to emblems, badges, marks, and words or phrases.
28. Annual report.
29. Reservation of right to amend or repeal chapter.

§ 21. Corporation created

Colin H. Livingstone and Ernest P. Bicknell, of Washington, District of Columbia; Benjamin L. Dulaney, of Bristol, Tennessee; Milton A. McRae, of Detroit, Michigan; David Starr Jordan, of Berkeley, California; F. L. Seely, of Asheville, North Carolina; A. Stamford White, of Chicago, Illinois; Daniel Carter Beard, of Flushing, New York; George D. Pratt, of Brooklyn, New York; Franklin C. Hoyt, Jeremiah W. Jenks, Charles P. Neill, Frank Presbrey, Edgar M. Robinson, Mortimer L. Schiff, and James E. West, of New York, New York; G. Barrett Rich, junior, of Buffalo, New York; Robert Garrett, of Baltimore, Maryland; John Sherman Hoyt, of Norwalk, Connecticut; Charles C. Jackson, of Boston, Massachusetts; John H. Nicholson, of Pittsburgh, Pennsylvania; William D. Murray, of Plainfield, New Jersey; and George D. Porter, of Philadelphia, Pennsylvania, their associates and successors, are created a body corporate and politic of the District of Columbia, where its domicile shall be.

(June 15, 1916, ch. 148, § 1, 39 Stat. 227.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 25 of this title.

§ 22. Name and powers of corporation

The name of the corporation created by this chapter shall be ''Boy Scouts of America'', and by that name it shall have perpetual succession, with power to sue and be sued in courts of law and equity within the jurisdiction of the United States; to hold such real and personal estate as shall be necessary for corporate purposes, and to receive real and personal property by gift, devise, or bequest; to adopt a seal, and the same to alter and destroy at pleasure; to have offices and conduct its business and affairs within and without the District of Columbia and in the several States and Territories of the United States; to make and adopt by-laws, rules, and regulations not inconsistent with the laws of the United States of America, or any State thereof, and generally to do all such acts and things (including the establishment of regulations for the election of associates and successors) as may be necessary to carry into effect the provisions of this chapter and promote the purposes of said corporation.

(June 15, 1916, ch. 148, § 2, 39 Stat. 227.)

§ 23. Purposes of corporation

The purpose of the corporation shall be to promote, through organization, and cooperation with other agencies, the ability of boys to do things for themselves and others, to train them in scoutcraft, and to teach them patriotism, courage, self-reliance, and kindred virtues, using the methods which were in common use by Boy Scouts on June 15, 1916.

(June 15, 1916, ch. 148, § 3, 39 Stat. 228.)

§ 24. Acquisition of assets and liabilities of existing corporation; prohibition against issuance of stock or payment of dividends

Said corporation may acquire, by way of gift, all the assets of the existing national organization of Boy Scouts, a corporation under the laws of the District of Columbia, and defray and provide for any debts or liabilities to the discharge of which said assets shall be applicable; but said corporation shall have no power to issue certificates of stock or to declare or pay dividends, its object and purposes being solely of a benevolent character and not for pecuniary profit to its members.

(June 15, 1916, ch. 148, § 4, 39 Stat. 228.)

§ 25. Executive board; powers

The governing body of the said Boy Scouts of America shall consist of an executive board composed of citizens of the United States. The number, qualifications, and terms of office of members of the executive board shall be prescribed by the by-laws. The persons mentioned in section 21 of this title shall constitute the first executive board and shall serve until their successors are elected and have qualified. Vacancies in the executive board shall be filled by a majority vote of the remaining members thereof. The bylaws may prescribe the number of members of the executive board necessary to constitute a quorum of the board, which number may be less than a majority of the whole number of the board. The executive board shall have power to make and to amend the bylaws, and, by a two-thirds vote of the whole board at a meeting called for this purpose, may authorize and cause to be executed mortgages and liens upon the property of the corporation. The executive board may, by resolution passed by a majority of the whole board, designate three or more of

their number to constitute an executive or governing committee, of which a majority shall constitute a quorum, which committee, to the extent provided in said resolution or in the bylaws of the corporation, shall have and exercise the powers of the executive board in the management of the business affairs of the corporation, and may have power to authorize the seal of the corporation to be affixed to all papers which may require it. The executive board, by the affirmative vote of a majority of the whole board, may appoint any other standing committees, and such standing committees shall have and may exercise such powers as shall be conferred or authorized by the bylaws. With the consent in writing and pursuant to an affirmative vote of a majority of the members of said corporation, the executive board shall have authority to dispose in any manner of the whole property of the corporation.

(June 15, 1916, ch. 148, § 5, 39 Stat. 228.)

CROSS REFERENCES

Citizenship clause, see Const. Amend. 14, § 1.

§ 26. Annual and special meetings; quorum

An annual meeting of the incorporators, their associates and successors, shall be held once in every year after the year of incorporation, at such time and place as shall be prescribed in the bylaws, when the annual reports of the officers and executive board shall be presented and members of the executive board elected for the ensuing year. Special meetings of the corporation may be called upon such notice as may be prescribed in the bylaws. The number of members which shall constitute a quorum at any annual or special meeting shall be prescribed in the bylaws. The members and executive board shall have power to hold their meetings and keep the seal, books, documents, and papers of the corporation within or without the District of Columbia.

(June 15, 1916, ch. 148, § 6, 39 Stat. 228.)

§ 27. Exclusive right to emblems, badges, marks, and words or phrases

The corporation shall have the sole and exclusive right to have and to use, in carrying out its purposes, all emblems and badges, descriptive or designating marks, and words or phrases now or heretofore used by the Boy Scouts of America in carrying out its program, it being distinctly and definitely understood, however, that nothing in this chapter shall interfere or conflict with established or vested rights.

(June 15, 1916, ch. 148, § 7, 39 Stat. 228.)

CROSS REFERENCES

Right to wear uniforms, see section 772 of Title 10, Armed Forces.

Trade-mark provisions of section 1051 et seq. of Title 15 not to repeal or affect this section, see section 48 of act July 5, 1946, set out as a note under section 1051 of Title 15, Commerce and Trade.

§ 28. Annual report

On or before the 1st day of April of each year the said Boy Scouts of America shall make and transmit to Congress a report of its proceedings for the year ending December 31 preceding.

(June 15, 1916, ch. 148, § 8, 39 Stat. 229; Aug. 30, 1964, Pub. L. 88–504, § 4(1), 78 Stat. 636.)

AMENDMENTS

1964—Pub. L. 88–504 struck out ‘‘, including a full, complete, and itemized report of receipts and expenditures, of whatever kind’’ after ‘‘December 31 preceding’’.

§ 29. Reservation of right to amend or repeal chapter

Congress shall have the right to repeal, alter, or amend this chapter at any time.

(June 15, 1916, ch. 148, § 9, 39 Stat. 229.)

CHAPTER 2A—GIRL SCOUTS OF AMERICA

Sec.
31. Corporation created.
32. Name and powers of corporation.
33. Purposes of corporation.
34. National Council; powers; board of directors; executive committee.
35. Regular and special meetings.
36. Exclusive right to emblems, badges, marks, and words or phrases.
37. Annual report.
38. Acquisition of assets and liabilities of existing corporation.
38a. Reservation of right to amend or repeal chapter.
39. Printing annual report.

§ 31. Corporation created

Mrs. Harry S. Truman, of Independence, Missouri; Mrs. Woodrow Wilson, of Washington, District of Columbia; Mrs. Calvin Coolidge, of Northampton, Massachusetts; Mrs. Franklin D. Roosevelt, of Hyde Park, New York; Mrs. Arthur O. Choate, of New York, New York; Mrs. Frederick H. Brooke, of Washington, District of Columbia; Mrs. Vance C. McCormick, of Harrisburg, Pennsylvania; Mrs. Harvey S. Mudd, of Los Angeles, California; Mrs. Alan H. Means, of Los Angeles, California; Mrs. C. Vaughan Ferguson, of Schenectady, New York; Doctor Mary H. S. Hayes, of New York, New York; Mrs. Walter N. Rothschild, of New York, New York; Mrs. Charles Kendrick, of San Francisco, California; Mrs. Frederick H. Bucholz, of Omaha, Nebraska; Mrs. Nathan Mobley, of Greenwich, Connecticut; Mrs. Amory Houghton, of Corning, New York; Mrs. Gordon Hunger, of Scarsdale, New York; Mrs. Charles H. Ridder, of New York, New York; Mrs. Paul Rittenhouse, of New York, New York; Mrs. Alfred R. Bachrach, of New York, New York; Mrs. Stanlee T. Bates, of Cleveland Heights, Ohio; Mrs. D. D. Bovaird, of Tulsa, Oklahoma; Mrs. W. Wright Byran, of Atlanta, Georgia; Mrs. R. A. Burnett, of Amarillo, Texas; Mrs. Cyril T. Carney, of Des Moines, Iowa; Mrs. Leonard G. Carpenter, of Crystal Bay, Minnesota; Mrs. Everett Case, of Hamilton, New York; Doctor Rosalind Cassidy, of Santa Monica, California; Mrs. H. S. Fenimore Cooper, of Cooperstown, New York; Mrs. J. Roger DeWitt, of Independence, Missouri; Mrs. R. T. Dozier, of Montgomery, Alabama; Mrs. Charles W. Farnsworth, of Concord, Massachusetts; Mrs. Merritt Farrell, of Newtown, Ohio; Mrs. W. V. M.

Fawcett, of Newton, Massachusetts; Mrs. J. T. Finlen, of Butte, Montana; Mrs. John A. Frick, of Allentown, Pennsylvania; Mrs. A. B. Graham, of Portland, Oregon; Mrs. Edward F. Johnson, of Scarsdale, New York; Mrs. Charles H. Larkin Second, of Eden, New York; Mrs. Roy F. Layton, of Chevy Chase, Maryland; Mrs. James P. McGranery, of Philadelphia, Pennsylvania; Mrs. Julius Mark, of New York, New York; Miss Clementine Miller, of Columbus, Indiana; Mrs. Dudley H. Mills, of Glen Head, Long Island, New York; Mrs. Hilleary L. Murray, of Minneapolis, Minnesota; Mrs. C. E. Robbins, of Pierre, South Dakota; Mrs. Harry M. Robbins, of Seattle, Washington; Mrs. Snelling Robinson, of Lake Forest, Illinois; Mrs. Harry M. Sartoris, of Washington, District of Columbia; Mrs. Theodore Squier, of Milwaukee, Wisconsin; Miss Dorothea Sullivan, of Washington, District of Columbia; Mrs. John Arthur Thum, of Glendora, California; Mrs. George L. Todd, of Rochester, New York; Mrs. Abe D. Waldauer, of Memphis, Tennessee; Mrs. Frank L. Weil, of New York, New York; Mrs. John M. Whalen, of Kingston, Rhode Island; Mrs. William T. Wilson, Junior, of Winston-Salem, North Carolina; Mrs. Albert E. Winger, of New York, New York; Mrs. Arthur Woods, of Washington, District of Columbia, officers, directors, or members; and their associates and successors, constituting Girl Scouts of the United States of America, a membership corporation organized under the laws of the District of Columbia (hereinafter referred to as the ''old corporation''), are incorporated a body corporate and politic of the District of Columbia, where its domicile shall be.

(Mar. 16, 1950, ch. 62, § 1, 64 Stat. 22.)

§ 32. Name and powers of corporation

The name of such corporation shall be Girl Scouts of the United States of America (hereinafter referred to as the ''corporation''), and by that name it shall have perpetual succession, with power to sue and be sued in courts of law and equity within the jurisdiction of the United States; to take, receive, and hold, in trust or otherwise, and to sell and convey real and personal property necessary for its corporate purposes, and other real and personal property, the income from which shall be applied to its corporate purposes; to adopt a seal, and to alter or destroy such seal; to have offices and to conduct its business and affairs within and without the District of Columbia and in the several States, Territories, and possessions of the United States; to adopt a constitution, bylaws, rules, and regulations (including regulations for the election of associates and successors) not inconsistent with the laws of the United States, or any State thereof, and from time to time to alter such constitution, bylaws, rules, and regulations and generally to perform such acts as may be necessary to carry out the purposes of this chapter and promote the purposes of the corporation.

(Mar. 16, 1950, ch. 62, § 2, 64 Stat. 23.)

§ 33. Purposes of corporation

The purposes of the corporation shall be to promote the qualities of truth, loyalty, helpfulness, friendliness, courtesy, purity, kindness, obedience, cheerfulness, thriftiness, and kindred virtues among girls, as a preparation for their responsibilities in the home and for service to the community, to direct and coordinate the Girl Scout movement in the United States, its Territories, and possessions, and to fix and maintain standards for the movement which will inspire the rising generation with the highest ideals of character, patriotism, conduct, and attainment, which purposes shall be nonsectarian, nonpolitical, and not for pecuniary profit.

(Mar. 16, 1950, ch. 62, § 3, 64 Stat. 23.)

§ 34. National Council; powers; board of directors; executive committee

There shall be a National Council of Girl Scouts (hereinafter referred to as the ''national council''), which shall have power to make and amend a constitution and bylaws, and to elect a board of directors, and officers and agents. The number, qualifications, and terms of office of members of the national council shall be prescribed by the constitution, except that they shall be citizens of the United States. The constitution may prescribe the number of members of the national council necessary to constitute a quorum, which number may be less than a majority of the whole number. The affairs of the corporation between meetings of the national council shall be managed by a board of directors, except that the bylaws may provide for an executive committee to exercise the powers of the board of directors in the interim between its meetings, and for other committees to operate under the general supervision of the board of directors. The number, qualifications, and terms of office of members of the board of directors shall be prescribed by the constitution. The constitution may prescribe the number of members of the board of directors necessary to constitute a quorum which number shall not be less than twenty, or two-fifths of the whole number. The board of directors, to the extent provided in the constitution and bylaws, shall have the powers of the national council, in the interim between its meetings. The national council, or between meetings thereof, the board of directors, may authorize and cause to be executed leases, mortgages, and liens upon, and sales and conveyances of, any of the property of the corporation; and the proceeds arising therefrom shall be applied or invested for the use and benefit of the corporation.

(Mar. 16, 1950, ch. 62, § 4, 64 Stat. 23; Aug. 14, 1953, ch. 486, § 1, 67 Stat. 582.)

AMENDMENTS

1953—Act Aug. 14, 1953, made it clear that only citizens of the United States may be members of the National Council.

CROSS REFERENCES

Citizenship clause, see Const. Amend. 14, § 1.

§ 35. Regular and special meetings

Meetings of the national council shall be held as provided in the constitution, for elections, and to receive the reports of the officers and

board of directors. Special meetings may be called as prescribed in the constitution. The national council and the board of directors shall have power to hold meetings and keep the seal, books, documents, and papers of the corporation within or without the District of Columbia.

(Mar. 16, 1950, ch. 62, § 5, 64 Stat. 24; Aug. 14, 1953, ch. 486, § 1, 67 Stat. 582.)

AMENDMENTS

1953—Act Aug. 14, 1953, struck out provision that there must be a meeting of the National Council at least once every two years.

§ 36. Exclusive right to emblems, badges, marks, and words or phrases

The corporation shall have the sole and exclusive right to have and to use, in carrying out its purposes, all emblems and badges, descriptive or designating marks, and words or phrases now or heretofore used by the old corporation and by its successor in carrying out its program, including the sole and exclusive right to use, or to authorize the use of, during the existence of the corporation, the badge of the Girl Scouts, Incorporated, which is referred to in the Act of August 12, 1937 (Public, Numbered 259, Seventy-fifth Congress; 50 Stat. 623), and all the other aforesaid emblems and badges, descriptive or designating marks, and words or phrases in connection with the manufacturing, advertising, and selling of equipment and merchandise: *Provided, however*, That nothing in this chapter shall interfere or conflict with established or vested rights.

(Mar. 16, 1950, ch. 62, § 6, 64 Stat. 24; Aug. 17, 1951, ch. 328, 65 Stat. 192.)

REFERENCES IN TEXT

Act of August 12, 1937 (Public, Numbered 259, Seventy-fifth Congress; 50 Stat. 623), referred to in text, is act Aug. 12, 1937, ch. 590, 50 Stat. 623, which is not classified to the Code.

AMENDMENTS

1951—Act Aug. 17, 1951, inserted ''and by its successors'' and ''including the sole and exclusive right to use, or to authorize the use of, during the existence of the corporation, the badge of the Girl Scouts, Incorporated, which is referred to in the Act of August 12, 1937 (Public, Numbered 259, Seventy-fifth Congress; 50 Stat. 623), and all the other aforesaid emblems and badges, descriptive or designating marks, and words or phrases in connection with the manufacturing, advertising, and selling of equipment and merchandise'' and substituted ''*Provided, however*, That'' for ''it being distinctly and definitely understood, however, that''.

§ 37. Annual report

On or before the first day of April of each year the corporation shall make and transmit to Congress a report of its proceedings for the preceding fiscal year.

(Mar. 16, 1950, ch. 62, § 7, 64 Stat. 24; Aug. 14, 1953, ch. 486, § 2, 67 Stat. 583; Aug. 30, 1964, Pub. L. 88–504, § 4(2), 78 Stat. 636.)

AMENDMENTS

1964—Pub. L. 88–504 struck out '', including a full, complete, and itemized report of receipts and expenditures of whatever kind'' after ''fiscal year''.

1953—Act Aug. 14, 1953, substituted ''for the preceding fiscal year'' for ''for the year ending December 31, preceding'' after ''its proceedings''.

§ 38. Acquisition of assets and liabilities of existing corporation

On March 16, 1950, the separate existence of the old corporation shall cease and the old corporation shall be merged into the corporation. The corporation shall possess all the public and private rights, privileges, powers, and franchises and shall be subject to all the restrictions, disabilities, and duties of the old corporation so merged into it, and all of the rights, privileges, powers, and franchises of the old corporation, and all property—real, personal, and mixed—and all debts due it on whatever account shall be vested in the corporation; and all property, rights, privileges, powers, and franchises and all other interests of the old corporation shall be the property of the corporation and the title to any real estate vested in the old corporation by deed or otherwise, under the laws of the District of Columbia or any State, shall not revert or be in any way impaired by reason of this chapter: *Provided, however*, That all rights of creditors and all liens upon any property of the old corporation shall be preserved unimpaired and all its debts, liabilities, and duties shall attach to the corporation and may be enforced against it to the same extent as if such debts, liabilities, and duties had been incurred or contracted by it.

(Mar. 16, 1950, ch. 62, § 8, 64 Stat. 24.)

§ 38a. Reservation of right to amend or repeal chapter

Congress shall have the right to repeal, alter, or amend this chapter at any time.

(Mar. 16, 1950, ch. 62, § 9, 64 Stat. 24.)

§ 39. Printing annual report

The annual report of the Girl Scouts of the United States of America shall be printed each year, with accompanying illustrations, as a separate House document of the session of the Congress to which such report may be submitted.

(Apr. 16, 1951, ch. 29, 65 Stat. 32.)

CODIFICATION

Section was not enacted as part of act Mar. 16, 1950, ch. 62, 64 Stat. 22, which comprises this chapter.

CHAPTER 3—THE AMERICAN LEGION

Sec.
41. Corporation created.
42. Completion of organization.
43. Purpose of corporation.
44. Powers of corporation.
45. Membership.
46. Nonpolitical nature of corporation.
47. Acquisition of assets and liabilities of existing organization.
48. Exclusive right to names.
49. Annual report.
50. Agents for service of process.
51. Reservation of right to amend or repeal chapter.

§ 41. Corporation created

That the following persons, to wit: William S. Beam, of North Carolina; Charles H. Brent, of

New York; William H. Brown, of Connecticut; G. Edward Buxton, junior, of Rhode Island; Bennett C. Clark, of Missouri; Richard Derby, of New York; L. H. Evridge, of Texas; Milton J. Foreman, of Illinois; Ruby D. Garrett, of Missouri; Fred J. Griffith, of Oklahoma; Roy C. Haines, of Maine; John F. J. Herbert, of Massachusetts; Roy Hoffman, of Oklahoma; Fred B. Humphreys, of New Mexico; John W. Inzer, of Alabama; Stuart S. Janney, of Maryland; Luke Lea, of Tennessee; Henry Leonard, of Colorado; Henry D. Lindsley, of Texas; Ogden L. Mills, of New York; Thomas W. Miller, of Delaware; Edward Myers, of Pennsylvania; Franklin D'Olier, of Pennsylvania; W. G. Price, junior, of Pennsylvania; S. A. Ritchie, of New York; Theodore Roosevelt, junior, of New York; Albert A. Sprague, of Illinois; John J. Sullivan, of Washington; Dale Shaw, of Iowa; Daniel G. Stivers, of Montana; H. J. Turney, of Ohio; George A. White, of Oregon; Eric Fisher Wood, of Pennsylvania; George H. Wood, of Ohio; Mathew H. Murphy, of Alabama; Andrew P. Martin, of Arizona; J. J. Harrison, of Arkansas; Henry G. Mathewson, of California; H. A. Saidy, of Colorado; Alfred M. Phillips, junior, of Connecticut; George N. Davis, of Delaware; A. H. Blanding, of Florida; Walter Harris, of Georgia; E. C. Boom, of Idaho; George G. Seaman, of Illinois; Raymond S. Springer, of Indiana; Mathew A. Tinley, of Iowa; W. A. Phares, of Kansas; Henry De Haven Moorman, of Kentucky; T. Semmes Walmsley, of Louisiana; A. L. Robinson, of Maine; James A. Gary, junior, of Maryland; George C. Waldo, of Michigan; Harrison Fuller, of Minnesota; Alexander Fitzhugh, of Mississippi; H. C. Clark, of Missouri; Charles E. Pew, of Montana; John G. Maher, of Nebraska; J. G. Scrugham, of Nevada; Frank Knox, of New Hampshire; Hobart Brown, of New Jersey; Charles M. De Bremon, of New Mexico; C. K. Burgess, of North Carolina; Julius Baker, of North Dakota; F. C. Galbraith, of Ohio; Ross N. Lillard, of Oklahoma; E. J. Eivers, of Oregon; George F. Tyler, of Pennsylvania; Alexander H. Johnson, of Rhode Island; Julius H. Walker, of South Carolina; M. L. Shade, of South Dakota; Roane Waring, of Tennessee; Claude V. Birkhead, of Texas; Wesley E. King, of Utah; Charles Francis Cocke, of Virginia; H. Nelson Jackson, of Vermont; Harvey I. Moss, of Washington; Jackson Arnold, of West Virginia; John C. Davis, of Wisconsin; A. H. Beach, of Wyoming; E. Lester Jones, of the District of Columbia; Lawrence Judd, of Hawaii; Robert R. Landon, of the Philippine Islands; and such persons as may be chosen who are members of the ''American Legion'', an unincorporated patriotic society of the soldiers, sailors, and marines of the Great War, 1917 to 1918, known as the ''American Legion'', and their successors, are created and declared to be a body corporate. The name of this corporation shall be ''The American Legion.''

(Sept. 16, 1919, ch. 59, § 1, 41 Stat. 284.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 42 of this title.

§ 42. Completion of organization

Said persons named in section 41 of this title and such other persons as may be selected from among the membership of the American Legion, an unincorporated society of the soldiers, sailors, and marines of the Great War of 1917–1918, are hereby authorized to meet to complete the organization of said corporation by the selection of officers, the adoption of a constitution and by-laws, and to do all other things necessary to carry into effect the provisions of this chapter, at which meeting any person duly accredited as a delegate from any local or State organization of the existing unincorporated organization known as the ''American Legion'' shall be permitted to participate in the proceedings thereof.

(Sept. 16, 1919, ch. 59, § 2, 41 Stat. 284.)

§ 43. Purpose of corporation

The purpose of this corporation shall be: To uphold and defend the Constitution of the United States of America; to promote peace and good will among the peoples of the United States and all the nations of the earth; to preserve the memories and incidents of the two World Wars and the other great hostilities fought to uphold democracy; to cement the ties and comradeship born of service; and to consecrate the efforts of its members to mutual helpfulness and service to their country.

(Sept. 16, 1919, ch. 59, § 3, 41 Stat. 285; Oct. 29, 1942, ch. 633, § 1, 56 Stat. 1012; July 26, 1955, ch. 386, § 1, 69 Stat. 379; Sept. 1, 1966, Pub. L. 89–550, § 1, 80 Stat. 371.)

AMENDMENTS

1966—Pub. L. 89–550 substituted ''and the other great hostilities'' for ''and the Korean hostilities''.

1955—Act July 26, 1955, amended section generally, inserting reference to Korean hostilities.

1942—Act Oct. 29, 1942, amended section generally, inserting reference to the Constitution and to second world war.

§ 44. Powers of corporation

The corporation created by this chapter shall have the following powers: To have perpetual succession with power to sue and be sued in courts of law and equity; to receive, hold, own, use, and dispose of such real estate and personal property as shall be necessary for its corporate purposes; to adopt a corporate seal and alter the same at pleasure; to adopt a constitution, by-laws, and regulations to carry out its purposes, not inconsistent with the laws of the United States or of any State; to use, in carrying out the purposes of the corporation, such emblems and badges as it may adopt and to have the exclusive right to manufacture, and to control the right to manufacture, and to use, such emblems and badges as may be deemed necessary in the fulfillment of the purposes of the corporation; to establish and maintain offices for the conduct of its business; to establish State and Territorial organizations and local chapter or post organizations; to publish a magazine or other publications, and generally to do any and all such acts and things as may be necessary and proper in carrying into effect the purposes of the corporation.

(Sept. 16, 1919, ch. 59, § 4, 41 Stat. 285; June 26, 1953, ch. 153, § 1, 67 Stat. 82.)

AMENDMENTS

1953—Act June 26, 1953, inserted provision relating to the exclusive right to manufacture, the use, and control of such emblems and badges deemed necessary in the fulfillment of the purposes of the corporation.

CROSS REFERENCES

Loan or gift of condemned or obsolete material by Secretary of military department or Secretary of the Treasury, see section 2572 of Title 10, Armed Forces.

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

Recognition by Secretary of Veterans Affairs of representatives of American Legion for prosecution of claims under laws administered by Department of Veterans Affairs, see section 5902 of Title 38, Veterans' Benefits.

§ 45. Membership

No person shall be a member of this corporation unless such person has served in the naval or military services of the United States at some time during any of the following periods: April 6, 1917, to November 11, 1918; December 7, 1941, to December 31, 1946; June 25, 1950, to January 31, 1955; December 22, 1961, to May 7, 1975; August 24, 1982, to July 31, 1984; December 20, 1989, to January 31, 1990; August 2, 1990, to the date of cessation of hostilities, as determined by the United States Government; all dates inclusive, or who, being a citizen of the United States at the time of entry therein, served in the military or naval service of any governments associated with the United States during said wars or hostilities: *Provided, however*, That such person shall have an honorable discharge or separation from such service or continues to serve honorably after any of the aforesaid terminal dates.

(Sept. 16, 1919, ch. 59, § 5, 41 Stat. 285; Oct. 29, 1942, ch. 633, § 2, 56 Stat. 1012; July 9, 1946, ch. 546, 60 Stat. 524; Dec. 28, 1950, ch. 1177, 64 Stat. 1122; July 26, 1955, ch. 386, § 2, 69 Stat. 380; Sept. 1, 1966, Pub. L. 89–550, § 2, 80 Stat. 372; Dec. 27, 1974, Pub. L. 93–557, 88 Stat. 1792; Aug. 17, 1978, Pub. L. 95–346, 92 Stat. 485; Dec. 21, 1979, Pub. L. 96–155, 93 Stat. 1165; Oct. 30, 1990, Pub. L. 101–478, 104 Stat. 1157; Dec. 2, 1991, Pub. L. 102–179, 105 Stat. 1229.)

AMENDMENTS

1991—Pub. L. 102–179 amended section generally. Prior to amendment, section read as follows: ''No person shall be a member of this corporation unless he has served in the naval or military services of the United States at some time during any of the following periods; April 6, 1917, to November 11, 1918; December 7, 1941, to December 31, 1946; June 25, 1950, to January 31, 1955; December 22, 1961, to May 7, 1975; August 24, 1982, to July 31, 1984; December 20, 1989, to January 31, 1990; all dates inclusive, or who, being a citizen of the United States at the time of entry therein, served in the military or naval service of any governments associated with the United States during said wars or hostilities: *Provided, however*, That such person shall have an honorable discharge or separation from such service or continues to serve honorably after any of the aforesaid terminal dates.''

1990—Pub. L. 101–478 amended section generally. Prior to amendment, section read as follows: ''No person shall be a member of this corporation unless he has served in the naval or military services of the United States at some time during any of the following periods: April 6, 1917, to November 11, 1918; December 7, 1941, to December 31, 1946; June 25, 1950, to January 31, 1955; December 22, 1961, to May 7, 1975; all dates inclusive, or who, being a citizen of the United States at the time of entry therein, served in the military or naval service of any of the governments associated with the United States during said wars or hostilities: *Provided, however*, That such person shall have an honorable discharge or separation from such service or continues to serve honorably after any of the aforesaid terminal dates.''

1979—Pub. L. 96–155 authorized membership in the corporation for service commencing Dec. 22, 1961, rather than Aug. 5, 1964, to May 7, 1975.

1978—Pub. L. 95–346 substituted ''May 7, 1975'' for ''August 15, 1973''.

1975—Pub. L. 93–557 substituted ''December 31, 1946'' for ''September 2, 1945'', ''January 31, 1955'' for ''July 27, 1953'', and ''August 15, 1973'' for ''the date of cessation of hostilities as determined by the Government of the United States''.

1966—Pub. L. 89–550 inserted ''August 5, 1964, to the date of cessation of hostilities as determined by the Government of the United States,'' after ''June 25, 1950, to July 27, 1953;''.

1955—Act July 26, 1955, substituted ''July 27, 1953'' for ''the date of cessation of hostilities, as determined by the United States Government''.

1950—Act Dec. 28, 1950, redefined eligibility for membership in the American Legion.

1946—Act July 9, 1946, permitted veterans of World War II to become members.

1942—Act Oct. 29, 1942, included as members personnel of war beginning Dec. 7, 1941, and inserted proviso.

CROSS REFERENCES

Citizenship clause, see Const. Amend. 14, § 1.

§ 46. Nonpolitical nature of corporation

The organization shall be nonpolitical and, as an organization, shall not promote the candidacy of any person seeking public office.

(Sept. 16, 1919, ch. 59, § 6, 41 Stat. 285.)

§ 47. Acquisition of assets and liabilities of existing organization

Said corporation may acquire any or all the assets of the existing unincorporated national organization known as the ''American Legion'' upon discharging or satisfactorily providing for the payment and discharge of all its liabilities.

(Sept. 16, 1919, ch. 59, § 7, 41 Stat. 285.)

§ 48. Exclusive right to names

Said corporation and its State and local subdivisions shall have the sole and exclusive right to have and to use, in carrying out its purposes, the name ''The American Legion'', or ''American Legion''.

(Sept. 16, 1919, ch. 59, § 8, 41 Stat. 285; June 26, 1953, ch. 153, § 2, 67 Stat. 82.)

AMENDMENTS

1953—Act June 26, 1953, extended the exclusive right to the use of the name ''American Legion''.

§ 49. Annual report

The said corporation shall, on or before the 1st day of January in each year, make and transmit to the Congress a report of its proceedings for the preceding calendar year: *Provided, however*, That said report shall not be printed as public documents.

(Sept. 16, 1919, ch. 59, §9, 41 Stat. 285; Aug. 30, 1964, Pub. L. 88–504, §4(3), 78 Stat. 636.)

AMENDMENTS

1964—Pub. L. 88–504 struck out ‘‘, including a full and complete report of its receipts and expenditures’’ after ‘‘calendar year’’.

CROSS REFERENCES

Printing of proceedings of national encampments as House documents, see section 1332 of Title 44, Public Printing and Documents.

§50. Agents for service of process

As a condition precedent to the exercise of any power or privilege herein granted or conferred the American Legion shall file in the office of the secretary of state of each State the name and post-office address of an authorized agent in such State upon whom legal process or demands against the American Legion may be served.

(Sept. 16, 1919, ch. 59, §9½, 41 Stat. 285.)

§51. Reservation of right to amend or repeal chapter

The right to repeal, alter, or amend this chapter at any time is expressly reserved.

(Sept. 16, 1919, ch. 59, §10, 41 Stat. 285.)

CHAPTER 3A—UNITED SPANISH WAR VETERANS

§§56 to 56h. Omitted

CODIFICATION

Sections 56 to 56h related to United Spanish War Veterans, the corporate existence of which terminated pursuant to former section 56g of this title.

Section 56, acts Apr. 22, 1940, ch. 130, §1, 54 Stat. 152; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501, created a corporation known as United Spanish War Veterans, specified individuals eligible for membership, and specified the powers of the corporation.

Section 56a, act Apr. 22, 1940, ch. 130, §2, 54 Stat. 153, defined objects and purposes of corporation.

Section 56b, act Apr. 22, 1940, ch. 130, §3, 54 Stat. 153, provided for principal office, place for holding annual meetings, and possession of property.

Section 56c, act Apr. 22, 1940, ch. 130, §4, 54 Stat. 153, provided for supreme governing authority of corporation.

Section 56d, act Apr. 22, 1940, ch. 130, §5, 54 Stat. 153, provided that governing body determine membership, except as limited by provision of section 56 of this title.

Section 56e, act Apr. 22, 1940, ch. 130, §6, 54 Stat. 153, provided that activities of corporation be carried on through certain agencies.

Section 56f, act Apr. 22, 1940, ch. 130, §7, 54 Stat. 154, provided corporation exclusive right to name.

Section 56g, act Apr. 22, 1940, ch. 130, §8, 54 Stat. 154, provided that corporate existence of United Spanish War Veterans terminate when the last of its members dies.

Section 56h, acts Apr. 22, 1940, ch. 130, §9, 54 Stat. 154; June 25, 1948, ch. 646, §32(b), 62 Stat. 991; May 24, 1949, ch. 139, §127, 63 Stat. 107, provided for dispostion and future ownership of property and archives.

CHAPTER 3B—MARINE CORPS LEAGUE

Sec.
57. Corporation created.
57a. Purposes of corporation.
57b. Powers of corporation.
58. Annual report.
59. Reservation of right to amend or repeal chapter.

§57. Corporation created

Major General John A. Lejeune, United States Marine Corps, retired, honorary national commandant; Maurice A. Illch, national commandant; Roy S. Taylor, senior national vice commandant; Kenneth B. Collings, junior national vice commandant; Alexander F. Ormsby, national judge advocate; Reverend John H. Clifford, national chaplain; Edward A. Walker, national sergeant at arms; John B. Hinckley, Junior, national adjutant and paymaster; John E. Brock, national chief of staff, are created a body corporate of the name ‘‘Marine Corps League.’’

(Aug. 4, 1937, ch. 564, §1, 50 Stat. 558.)

§57a. Purposes of corporation

The purposes of this corporation shall be (a) to preserve the traditions and to promote the interests of the United States Marine Corps; (b) to band those who were on August 4, 1937, serving in the United States Marine Corps and those who have been honorably discharged from that service together in fellowship that they may effectively promote the ideals of American freedom and democracy; (c) to fit its members for the duties of citizenship and to encourage them to serve as ably as citizens as they have served the Nation under arms; (d) to hold sacred the history and memory of the men who have given their lives to the Nation; (e) to foster love for the principles which they have supported by blood and valor since the founding of the Republic; (f) to maintain true allegiance to American institutions; (g) to create a bond of comradeship between those in service and those who have returned to civil life; (h) to aid voluntarily and to render assistance to all marines and former marines as well as to their widows and orphans; (i) to perpetuate the history of the United States Marine Corps and by fitting acts to observe the anniversaries of historical occasions of peculiar interest to marines.

(Aug. 4, 1937, ch. 564, §2, 50 Stat. 558.)

§57b. Powers of corporation

The corporation (a) shall have perpetual succession; (b) may charge and collect membership dues and receive contributions of money or property to be devoted to carrying out the purposes of the organization; (c) may sue or may be sued; (d) may adopt a corporate seal and alter it at pleasure; (e) may adopt and alter bylaws not inconsistent with the Constitution and laws of the United States or of any State; (f) may establish and maintain offices for the conduct of its business; (g) may appoint or elect officers and agents; (h) may choose a board of trustees, consisting of not more than fifteen persons nor less than five persons, to conduct the business and exercise the powers of the corporation; (i) may acquire, by purchase, devise, bequest, gift, or otherwise, and hold, encumber, convey, or otherwise dispose of such real and personal property as may be necessary or appropriate for its corporate purposes; and (j) generally may do any

and all lawful acts necessary or appropriate to carry out the purposes for which the corporation is created.

(Aug. 4, 1937, ch. 564, § 3, 50 Stat. 559.)

§ 58. Annual report

The corporation shall, on or before the 1st day of December in each year, transmit to Congress a report of its proceedings and activities for the preceding calendar year. Such reports shall not be printed as public documents.

(Aug. 4, 1937, ch. 564, § 4, 50 Stat. 559; Aug. 30, 1964, Pub. L. 88–504, § 4(5), 78 Stat. 636.)

AMENDMENTS

1964—Pub. L. 88–504 struck out ‘‘, including the full and complete statement of its receipts and expenditures’’ after ‘‘calendar year’’.

§ 59. Reservation of right to amend or repeal chapter

The right to alter, amend, or repeal this chapter at any time is expressly reserved.

(Aug. 4, 1937, ch. 564, § 5, 50 Stat. 559.)

CHAPTER 4—BELLEAU WOOD MEMORIAL ASSOCIATION

Sec.
61. Corporation created.
62. Purposes of corporation.
63. Powers of corporation.
64. Acquisition of assets and liabilities of existing corporation.
65. Annual report.
66. Reservation of right to amend or repeal chapter.

§ 61. Corporation created

Ira E. Bennett, Tasker H. Bliss, Nathalie Boynton, Marie Moore Forrest, Elizabeth Van Rensselaer Frazer, James E. Freeman, Margaret Overman Gregory, Harry V. Haynes, John A. LeJeune, A. L. McClellan, Wendell C. Neville, Frank B. Noyes, John Barton Payne, Augusta Reath, Alice Hay Wadsworth, John Walsh, and their associates and successors, are created a body corporate by the name of ‘‘Belleau Wood Memorial Association.’’

(Mar. 3, 1923, ch. 228, § 1, 42 Stat. 1441.)

§ 62. Purposes of corporation

The purposes of the corporation shall be: (a) To acquire and maintain the whole or any portion of Belleau Wood, Department of Aisne, France, for memorial purposes; (b) to erect such buildings and monuments and establish such institutions thereon as it may deem appropriate as a memorial to the men of the American Expeditionary Forces who participated in the Battle of Belleau Wood, France, and vicinity during the World War; (c) to solicit and obtain members; (d) to charge and collect membership dues, and to solicit and receive contributions of money to be devoted to carrying out such purposes; and (e) to care for and maintain such memorial.

(Mar. 3, 1923, ch. 228, § 2, 42 Stat. 1441.)

§ 63. Powers of corporation

The corporation (a) shall have perpetual succession; (b) may sue and be sued; (c) may adopt a corporate seal and alter it at pleasure; (d) may adopt and alter bylaws not inconsistent with the Constitution and laws of the United States or of any State; (e) may establish and maintain offices for the conduct of its business; (f) may appoint officers and agents; (g) may choose a board of trustees consisting of not more than fifteen persons nor less than five persons, to conduct the business and exercise the powers of the corporation; (h) may acquire, by purchase, devise, bequest, gift, or otherwise, and hold, encumber, convey, or otherwise dispose of, such real and personal property as may be necessary or appropriate for its corporate purposes, and especially the whole or any portion of Belleau Wood, Department of Aisne, France, to the extent that it may be or become consistent with, or permitted by, the laws of the French Republic; and (i) generally may do any and all lawful acts necessary or appropriate to carry out the purposes for which the corporation is created.

(Mar. 3, 1923, ch. 228, § 3, 42 Stat. 1441.)

§ 64. Acquisition of assets and liabilities of existing corporation

The Belleau Wood Memorial Association, a corporation heretofore incorporated under the laws of the District of Columbia, is authorized to transfer to the corporation created by this chapter all of its property, rights, and assets, and such corporation is authorized to receive all of such property, rights, and assets. Upon such transfer, such association shall thereby be dissolved, and such corporation shall be liable for all the obligations of, and claims against, such association, and all of such obligations and claims may be enforced against the corporation.

(Mar. 3, 1923, ch. 228, § 4, 42 Stat. 1441.)

§ 65. Annual report

The corporation shall, on or before the 1st day of December in each year, transmit to Congress a report of its proceedings and activities for the preceding calendar year. Such reports shall not be printed as public documents.

(Mar. 3, 1923, ch. 228, § 5, 42 Stat. 1441; Aug. 30, 1964, Pub. L. 88–504, § 4(6), 78 Stat. 636.)

AMENDMENTS

1964—Pub. L. 88–504 struck out ‘‘, including the full and complete statement of its receipts and expenditures’’ after ‘‘calendar year’’.

§ 66. Reservation of right to amend or repeal chapter

The right to alter, amend, or repeal this chapter at any time is expressly reserved.

(Mar. 3, 1923, ch. 228, § 6, 42 Stat. 1441.)

CHAPTER 4A—AMVETS (AMERICAN VETERANS OF WORLD WAR II, KOREA, AND VIETNAM)

Sec.
67. Corporation created.
67a. Adoption of constitution, bylaws, and declaration of principles; election of officers.
67b. Purposes of corporation.
67c. Powers of corporation.

Sec.
67d. Propaganda activities prohibited; nonpolitical nature of corporation; membership of executive committee; headquarters; territorial scope of activities.
67e. Membership.
67f. Voting rights of members and convention delegates; executive committee.
67g. Acquisition of assets and liabilities of existing association.
67h. Use of assets on dissolution or liquidation.
67i. Additional corporate powers.
67j. Liability for acts of officials and agents.
67k. Agent for service of process.
67*l*. Election of officers.
67m. Books and records; inspection.
67n. Prohibition against issuance of stock or payment of dividends.
67*o*. Loans to officers; liability of officers.
67p. Exclusive right to name, seals, emblems, and badges.
67q. Service of process; local authorized agents in States.
67r. Grant and accrual of rights of other national veterans' organizations.
67s. Reservation of right to amend or repeal chapter.

§ 67. Corporation created

The following persons, to wit: Jack W. Hardy, 7421 Beverly Boulevard, Los Angeles, California; Elmo Keel, 4085 Minnesota Avenue Northeast, Washington, District of Columbia; William Enters, suite 1509–1511, 11 South LaSalle Street, Chicago, Illinois; Doctor Gerald I. Cetrulo, 166 Bloomfield Avenue, Newark, New Jersey; Norman Clock, 125 South Fourth Street, Reading, Pennsylvania; Floyd Williams, C–2 704 North Monroe Street, Arlington, Virginia; Reverend Joseph T. O'Callaghan, United States Navy Department, Washington, District of Columbia; George R. Porter, 1730 South Adams Street, Fort Worth, Texas; Robert E. McLaughlin, 800 South Washington Street, Alexandria, Virginia; Ray Sawyer, Plymouth, New Hampshire; James C. Tate, 2 Wilton Road, Rural Free Delivery Numbered 5, Alexandria, Virginia; George E. Burke, 1126 Central Avenue, Saint Petersburg, Florida; A. Ronald Button, 6331 Hollywood Boulevard, Hollywood 28, California; Americus Lamberti, 515 West Seventh Street, Plainfield, New Jersey; Emory S. McNider, Coffeyville, Alabama; Allen Hansen, 815 East Broadway, Tucson, Arizona; Edward S. Shattuck, 1400 North Hobart Boulevard, Los Angeles, California; Elvon L. Howell, 652 Gilpin Street, Denver, Colorado; William N. Welsh, 21 Bristol Street, West Haven, Connecticut; Francis D. Odell, 18 Lawson Avenue, Claymont, Delaware; George Lewis, 125 State Capitol, Atlanta, Georgia; Lee Witaski, 1438 Thorndale Avenue, Chicago, Illinois; Doctor Clyde Iongstreth, Atlantic, Iowa; Harry N. Gillig, Junior, 612 Kansas Avenue, Topeka, Kansas; John H. Ostertag, 955 Charles Street, Louisville, Kentucky; Otto E. Passman, 114–120 Walnut Street, post-office drawer 1833, Monroe, Louisiana; Doctor G. E. Marrone, 610 Fairview Avenue, Frederick, Maryland; Howard J. McDonald, 4 College Street, Lewiston, Maine; Edward J. Beauchamp, 4 College Street, Lewiston, Maine; Albert J. Reynolds, Tremont Temple Building, Boston, Massachusetts; Neil Holland, 401 Charlevoix Building, 2033 Park Avenue, Detroit, Michigan; Monte M. Korn, 18041 Washburn, Detroit, Michigan; Raymond D. Vosburgh, 222½ West Lewis Street, Mankato, Minnesota; George R. Gess, box 47, Mount Olive, Mississippi; Henry W. Simpson, room 500, 119 North Seventh Street, Saint Louis, Missouri; R. C. Letcher, Billings Fire Department, Billings, Montana; Doctor A. D. Faier, 1102 Medical Arts Building, Omaha, Nebraska; Jay J. Strode, Wells, Nevada; N. L. Samaha, C–1, 1 Keeble Street, Plymouth, New Hampshire; William Hepp, 1918 Liberty Bank Building, Buffalo, New York; Huston W. Galyen, 1121 Sixteenth Avenue North, Fargo, North Dakota; Carl Freudenberg, 1298 Michigan Avenue, Cincinnati, Ohio; Fred Milligan, attorney at law, Columbus, Ohio; Joseph D. Stafford, route 2, box 662, Oklahoma City, Oklahoma; Anthony R. McGrath, 609 Plaza Building, Pittsburgh, Pennsylvania; Harry M. DeWitt, Junior, 2316 Fortieth Street Northwest, Washington, District of Columbia; Robert W. Donald, post-office box 2, Easley, South Carolina; Dick Kelly, Shaw Insurance Company, Sioux Falls, South Dakota; Alex Bullocks, 1464 Washington Street, Memphis, Tennessee; Thomas J. Russell, Burlington, Vermont; John E. Fletcher, 806 North Eye Street, Tacoma, Washington; R. L. Stubbs, Professional Building, Fairmont, West Virginia; Walter L. Thompson, 1316 Lombard, Everett, Washington; Robert A. Garrett, 163 Eccles Building, Ogden, Utah; Searcy Johnson, 805 Mercantile Building, Dallas, Texas; Hampton C. Godbe, 116 P Street, Salt Lake City, Utah; Allen P. Solada, 311 Dauphin Building, Harrisburg, Pennsylvania; George Vukmanic, 221 Martin Avenue, Pittsburgh 16, Pennsylvania; Royce C. Granger, 102 East Eighteenth Street, Tulsa, Oklahoma; Charles E. Nassif, 1023 Thirteenth Street North, Fargo, North Dakota; Paul D. Higgins, 104½ Broadway, Fargo, North Dakota; Edmund P. Radwan, 906 Broadway, Buffalo, New York; Alexander J. Matturria, 234 Mount Prospect Avenue, Newark, New Jersey; J. F. Roche, Bond Building, 1015 Elm Street, Manchester, New Hampshire; Kenneth A. Van Vorst, 114 East Bonanza Road, Las Vegas, Nevada; Julian C. Harvey, 1731 Walnut Street, Kansas City, Missouri; John Wesley, box 482, Picayune, Mississippi; Claude C. Morgan, 810 Hammond Building, Detroit, Michigan; Edward A. Trudell, 26 Horan Way, Jamaica Plain, Massachusetts; Vincent C. Neeson, Labelle and Bellona, Ruxton, Baltimore 4, Maryland; R. L. Huot, 106 Elm Street, Biddeford, Maine; John E. Sutherlin, Sutherlin Sales Company, Industries Building, New Orleans, Louisiana; Thomas Wilkerson, 1600 Washington, Henderson, Kentucky; John C. Junkins, Cherokee, Kansas; Doctor C. W. Hoffman, 1340 Forty-first Street, Des Moines, Iowa; Allen W. Jenkins, 1015 Cherry Street, Evansville, Indiana; Edwin I. Bruder, 6837 Clyde Avenue, Chicago, Illinois; Harry P. Orcutt, Fort Benning, Georgia; Arthur Di Vincent, post-office box 4579, Miami 28, Florida; Maurice B. Marholin, 176 McClintock Road, New Britain, Connecticut; Harry Steinbery, First National Bank Building, El Dorado, Arkansas; Jess Curtiss, 807 North Third Street, Phoenix, Arizona; Edward S. Coston, 69 Ninth Street North, Birmingham, Alabama; Anthony O. Jones, 315 Security Building, Phoenix, Arizona; Frank Dee Scriven, 8474 West Third Street, Los Angeles 36,

California; Allen C. Hessier, 1275 Clarkson Street, Number 4, Denver 3, Colorado; Michael Dzamki, 3912 First Street, East Chicago, Indiana; S. Howard Rudolph, Junior, Atlantic, Iowa; Fred K. Greer, 427 East Market Street, Princeton, Kentucky; Roy Morgan, Winnfield, Louisiana; James C. Wilt, 842 Columbia Avenue, Cumberland, Maryland; Chester Modzelewski, 67 Davenport Street, Chicopee, Massachusetts; Arthur Madar, 9166 Yorkshire, Detroit, Michigan; John J. Clark, 257 Harrison Street, Biloxi, Mississippi; William E. Blake, 73 Grey, Buffalo 12, New York; Albert Geremia, room 303, 17 Exchange Street, Providence, Rhode Island; Frank E. Richter, 3, 12–14 West Sixth Street, Evansville, Indiana; Frank J. Ross, 1020 East Pleasant, Milwaukee, Wisconsin; Conrad K. Strauss, 160 Holland Avenue, Cowesett, Rhode Island; Paul S. Limerick, 456 Catalina, Webster Groves, Missouri; Raymond O'Brien, 22 North Ryan Street, Buffalo, New York; Dallas P. Richeson, post-office box 2226, Phoenix, Arizona; Fred Nimz, route 6, box 815A, Phoenix, Arizona; Tom Bulman, 243 East Fifteenth Street, Tucson, Arizona; Charles E. Brode, 15 North Lee Street, Cumberland, Maryland; Clyde B. Blanton, 2095 Seventh Avenue, North, Saint Petersburg, Florida; Floyd Cooper, 912 Polk Street, Amarillo, Texas; Paul Moody, 548 South Spring Street, Los Angeles, California; Oliver A. Farabee, Lexington, North Carolina; Thad Males, 329 West Valerio Street, Santa Barbara, California; and such persons who are members of the AMVETS (American Veterans of World War II, Korea, and Vietnam) and their successors, are created and declared to be a body corporate by the name AMVETS (American Veterans of World War II, Korea, and Vietnam) and by such name shall be known and have perpetual succession of the powers, limitations, and restrictions herein contained.

(July 23, 1947, ch. 298, § 1, 61 Stat. 403; Aug. 15, 1977, Pub. L. 95–98, § 1(a), 91 Stat. 830.)

AMENDMENTS

1977—Pub. L. 95–98 substituted ''World War II, Korea, and Vietnam)'' for ''World War II)''.

EFFECTIVE DATE OF 1977 AMENDMENT

Section 2 of Pub. L. 95–98 provided that: ''The amendments made by the first section of this Act [amending this section and sections 67a, 67b, 67e, 67g, 67h, and 67p to 67r of this title] shall take effect on the first day of the second calendar month following the date of enactment of this Act [Aug. 15, 1977].''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 67a of this title.

§ 67a. Adoption of constitution, bylaws, and declaration of principles; election of officers

A majority of the persons above named and other persons selected from among the membership of AMVETS (American Veterans of World War II), an unincorporated association as set forth in section 67 of this title, met in national convention in Chicago, Illinois, on October 12, 13, and 14, 1945, and then and there, by and through duly elected delegates representing one hundred and thirty-one posts throughout the United States adopted a national constitution, bylaws, and declaration of principles and duly elected national officers for said organization, all as set forth in the Congressional Record, proceedings and debates of the Seventy-ninth Congress, first session, on November 6 and 7, 1945.

(July 23, 1947, ch. 298, § 2, 61 Stat. 405.)

CODIFICATION

Amendment of this section by Pub. L. 95–98, § 1(a), Aug. 15, 1977, 91 Stat. 830, which directed that ''AMVETS (American Veterans of World War II, Korea, and Vietnam)'' be substituted for ''AMVETS (American Veterans of World War II)'' has not been executed to text because the organization name is used in this section in the context of a historical reference to the name of the predecessor unincorporated association as that association existed at the time of the 1945 convention, at which time the association was named ''AMVETS (American Veterans of World War II)''.

§ 67b. Purposes of corporation

The purposes of this corporation shall be as follows:

(1) To preserve for ourselves and our posterity the great and basic truths and enduring principles upon which this Nation was founded.

(2) To maintain a continuing interest in the welfare and rehabilitation of the disabled veterans of World War II, the Korean conflict, and the Vietnam era and to establish facilities for the assistance of all veterans and to represent them in their claims before the Department of Veterans Affairs and other organizations without charge.

(3) To dedicate ourselves to the service and best interests of the community, State, and Nation, to the end that our country shall be and remain forever a whole, strong, and free Nation.

(4) To aid and encourage the abolition of prejudice, ignorance, and disease. To encourage universal exercise of the voting franchise, to the end that there shall be elected and maintained in public office men and women who hold such office as a public trust administered in the best interests of all the people.

(5) To advocate the development and means by which all Americans may become enlightened and informed citizens and thus participate fully in the functions of our democracy.

(6) To encourage and support an international organization of all peace-loving nations, to the end that not again shall any nation be permitted to breach their national peace.

(7) To continue to serve the best interests of our Nation in peace as in war.

(8) To develop to the utmost the human, mental, spiritual, and economical resources of our Nation.

(9) To perpetuate and preserve the friendships and comradeship born on the battle front and nurtured in the common experience of service to our Nation during time of war.

(10) To honor the memory of those men and women who gave their lives that a free America and a free world might live by the creation of living memorials in the form of additional educational, cultural, and recreational facilities.

(11) To operate as a corporation not for profit and that no part of the income or assets

shall inure to the benefit of any of its members, directors, or officers, nor be distributable thereto otherwise than upon dissolution or final liquidation; and that such corporation is organized and shall be operated exclusively for charitable, educational, patriotic, and civic improvement purposes.

(July 23, 1947, ch. 298, §3, 61 Stat. 405; Aug. 15, 1977, Pub. L. 95–98, §1(b)(1), 91 Stat. 830; June 13, 1991, Pub. L. 102–54, §13(n)(1), 105 Stat. 278.)

AMENDMENTS

1991—Par. (2). Pub. L. 102–54 substituted ''Department of Veterans Affairs'' for ''Veterans' Administration''.

1977—Par. (2). Pub. L. 95–98 inserted '', the Korean conflict, and the Vietnam era'' after ''World War II''.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–98 effective Oct. 1, 1977, see section 2 of Pub. L. 95–98, set out as a note under section 67 of this title.

§67c. Powers of corporation

The corporation created shall have the following powers: To have perpetual succession with power to sue and be sued in any court of competent jurisdiction; take and hold by lease, gift, purchase, grant, devise, or bequest any property, real or personal, necessary for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of law of any State (A) governing the amount or kind of real and personal property which may be held by, or (B) otherwise limiting or controlling the ownership of real and personal property by, a corporation operating in such State; to ordain and establish bylaws and regulations not inconsistent with the laws of the United States of America or any State thereof, for the management of its property and the regulation of its affairs; to use in carrying out its purposes such seals, emblems, and badges as it may lawfully adopt; to establish State and regional organizations and local posts; to publish magazines, newspapers, or any other publications consistent with the purposes of the corporation and to do any and all such acts and things as may be necessary and proper to carry into effect the purposes of the corporation.

(July 23, 1947, ch. 298, §4, 61 Stat. 406.)

CROSS REFERENCES

Additional powers, see section 67i of this title.

§67d. Propaganda activities prohibited; nonpolitical nature of corporation; membership of executive committee; headquarters; territorial scope of activities

(1) No part of the activities of the corporation shall consist of carrying on propaganda.

(2) The corporation and its officers and the members of its executive committee as such shall not contribute to or otherwise support or assist any political party or candidate for elective public office.

(3) The current executive committee consists of forty members, namely, Ray Sawyer, Plymouth, New Hampshire; Jack W. Hardy, Title Guaranty Building, Los Angeles, California; Albert J. Reynolds, 3117 Washington Street, Roxbury, Massachusetts; L. M. Hinshaw, box 558, Asheboro, North Carolina; J. M. Crespi, Sims Building, 12 Auburn Avenue Northeast, Atlanta, Georgia; Arthur J. Madar, 9166 Yorkshire, Detroit 24, Michigan; Kenneth A. Anderson, 7166 South Penn Street, Denver, Colorado; Anthony O. Jones, 315 Security Building, Phoenix, Arizona; Agnes Frazee, post-office box 751, Uniontown, Pennsylvania; Floyd Williams, C–2, 704 North Monroe Street, Arlington, Virginia; William Kipp, 1032 North Dearborn Street, Chicago, Illinois; John J. Carney, 308 Leader Building, Cleveland, Ohio; Doctor John S. Weir, 618 South Main Street, Fond du Lac, Wisconsin; Reverend Sam Hill Ray, Loyola University, New Orleans, Louisiana; Nathan Gordon, Little Rock, Arkansas; Thad Males, 329 West Valerio Street, Santa Barbara, California; Al Grossi, Farmington, Connecticut; Harry M. De Witt, Junior, 2316 Fortieth Street Northwest, Washington, District of Columbia; George E. Burke, 1126 Central Avenue, Saint Petersburg, Florida; Charles L. Crowley, 935 Oglethorpe Avenue, Atlanta, Georgia; L. Harlan Swisher, 306 Davidson Drive, Champaign, Illinois; Arthur Schnipper, 4334 Ivy Street, East Chicago, Indiana; Robert Buckmaster, 158 Woodstock Road, Waterloo, Iowa; William C. Moss, Bogalusa, Louisiana; Edward J. Beauchamp, 163 Lisbon Street, Lewiston, Maine; Thomas Burke, 222 South Street, Fitchburg, Massachusetts; Milton F. Cooney, 55 Naomi Street, Pontiac, Michigan; Paul Limerick, 456 Catalina, Webster Groves, Missouri; Louis W. Zaris, 331 Guarantee Trust Building, Atlantic City, New Jersey; William Hepp, 176 Lafayette Street, Buffalo, New York; J. C. Powell, box 830, Winston-Salem, North Carolina; E. L. Hallowell, 455 Forest Avenue, Dayton, Ohio; K. L. Shirk, 33 North Duke Street, Lancaster, Pennsylvania; Albert Geremia, 277 Webster Avenue, Providence, Rhode Island; Richard H. Dewey, 251 Madison Avenue, Memphis, Tennessee; Ivan Stone, 2708 West Lamar, Houston, Texas; Doctor M. H. Seidner, 406 First Security Bank Building, Ogden, Utah; J. C. McCaughan, Junior, 1904 West Broad Street, Richmond, Virginia; John F. Howell, Junior, 1110½ Seventeenth Street, Parkersburg, West Virginia; and Kenneth Kunde, Quonset Park, Oshkosh, Wisconsin.

(4) The headquarters office and principal place of business of said corporation shall be located in Washington, District of Columbia, but the activities of said organization, as set out herein, shall not be confined to the District of Columbia, but shall be conducted throughout the various States, Territories, and possessions of the United States.

(July 23, 1947, ch. 298, §5, 61 Stat. 406.)

§67e. Membership

Eligibility for membership in AMVETS and the rights and privileges of members shall, except as provided in this chapter, be as provided in the constitution and bylaws of the organization, and terms of membership and requirements for holding office within the organization shall not be discriminatory on the basis of race, color, religion, sex or national origin.

(July 23, 1947, ch. 298, §6, 61 Stat. 407; Dec. 28, 1950, ch. 1178, 64 Stat. 1122; July 26, 1955, ch. 383,

69 Stat. 375; Sept. 14, 1966, Pub. L. 89–576, 80 Stat. 772; Aug. 15, 1977, Pub. L. 95–98, § 1(b)(2), 91 Stat. 830; May 31, 1984, Pub. L. 98–304, 98 Stat. 220.)

AMENDMENTS

1984—Pub. L. 98–304 amended section generally. Prior to amendment, section read as follows: ''Any person who served in the Armed Forces of the United States of America or any American citizen who served in the armed forces of an allied nation of the United States at any time after September 15, 1940, and before May 8, 1975, is eligible for regular membership in AMVETS, provided such service when terminated by discharge or release from active duty be by honorable discharge or separation. No person who is a member of, or who advocates the principles of, any organization believing in, or working for, the overthrow of the United States Government by force, and no person who refuses to uphold and defend the Constitution of the United States, shall be privileged to become, or continue to be, a member of this organization''.

1977—Pub. L. 95–98 substituted ''at any time after September 15, 1940, and before May 8, 1975,'' for ''on or after September 16, 1940, and on or before the date of cessation of hostilities as determined by the Government of the United States,''.

1966—Pub. L. 89–576 redefined eligibility for membership in AMVETS, substituting ''the date of cessation of hostilities as determined by the Government of the United States'' for ''January 31, 1955''.

1955—Act July 26, 1955, substituted ''and on or before January 31, 1955'' for ''and before the legal termination of World War II''.

1950—Act Dec. 28, 1950, redefined eligibility for membership in AMVETS.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–98 effective Oct. 1, 1977, see section 2 of Pub. L. 95–98, set out as a note under section 67 of this title.

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.

§ 67f. Voting rights of members and convention delegates; executive committee

(1) Each member of the said corporation shall have the right to one vote in the conduct of official business at the post level. Each post shall have the right to elect delegates to national conventions of the corporation, which delegates shall each exercise one vote in the conduct of business of the respective convention to which he is elected.

(2) The executive committee of the said corporation shall consist of one member duly elected to represent each department, and, in addition, all elective officers shall be members of the executive committee, ex officio.

(July 23, 1947, ch. 298, § 7, 61 Stat. 407.)

§ 67g. Acquisition of assets and liabilities of existing association

The said corporation may and shall acquire all of the assets of the existing unincorporated association known as AMVETS (American Veterans of World War II) upon discharge or satisfactory provisions for the discharge of all its liabilities.

(July 23, 1947, ch. 298, § 8, 61 Stat. 407.)

CODIFICATION

Amendment of this section by Pub. L. 95–98, § 1(a), Aug. 15, 1977, 91 Stat. 830, which directed that ''AMVETS (American Veterans of World War II, Korea, and Vietnam)'' be substituted for ''AMVETS (American Veterans of World War II)'' has not been executed to text because the organization name is used in this section in the context of a historical reference to the name of the predecessor unincorporated association as that association existed at the time of the 1945 convention, at which time the association was named ''AMVETS (American Veterans of World War II)''.

§ 67h. Use of assets on dissolution or liquidation

In the event of a final dissolution or liquidation of such corporation, and after the discharge or satisfactory provisions for the discharge of all its liabilities, the remaining assets of the said corporation shall be transferred to the Department of Veterans Affairs to be applied to the care and comfort of disabled veterans of World War II, the Korean conflict and the Vietnam era.

(July 23, 1947, ch. 298, § 9, 61 Stat. 407; Aug. 15, 1977, Pub. L. 95–98, § 1(b)(3), 91 Stat. 830; June 13, 1991, Pub. L. 102–54, § 13(n)(1), 105 Stat. 278.)

AMENDMENTS

1991—Pub. L. 102–54 substituted ''Department of Veterans Affairs'' for ''Veterans' Administration''.

1977—Pub. L. 95–98 inserted '', the Korean conflict and the Vietnam era'' after ''World War II''.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–98 effective Oct. 1, 1977, see section 2 of Pub. L. 95–98, set out as a note under section 67 of this title.

§ 67i. Additional corporate powers

The corporation shall have power to—

(1) Have succession by its corporate name;

(2) Choose such officers, representatives, and agents as are necessary to carry out the purposes of the corporation;

(3) Contract and be contracted with;

(4) Transfer and convey all real or personal property;

(5) Borrow money for the purposes of the corporation, issue bonds therefor, and secure same by mortgage subject in every case to all applicable provisions of Federal or State laws.

(July 23, 1947, ch. 298, § 10, 61 Stat. 407.)

§ 67j. Liability for acts of officials and agents

The corporation shall be liable for the acts of its officials, representatives, and agents when acting within the scope of their authority.

(July 23, 1947, ch. 298, § 11, 61 Stat. 407.)

§ 67k. Agent for service of process

The corporation shall maintain in the District of Columbia at all times a designated agent authorized to accept services of processes for such corporation; and notice to or service upon such agent, or mail to the business address of such agent, shall be deemed notice or service upon the corporation.

(July 23, 1947, ch. 298, § 12, 61 Stat. 407.)

§ 67*l*. Election of officers

The following national officers of the said corporation shall be elected by the chosen delegates

thereof in annual national conventions, each official delegate casting one vote, to wit: National commander and seven national vice commanders, one of whom shall be a woman; finance officer, adjutant, judge advocate, and provost marshal.

(July 23, 1947, ch. 298, § 13, 61 Stat. 408.)

§ 67m. Books and records; inspection

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

(July 23, 1947, ch. 298, § 14, 61 Stat. 408.)

CROSS REFERENCES

Printing of proceedings of national encampments as House documents, see section 1332 of Title 44, Public Printing and Documents.

§ 67n. Prohibition against issuance of stock or payment of dividends

The corporation shall not have or issue shares of stock, nor declare or pay dividends.

(July 23, 1947, ch. 298, § 15, 61 Stat. 408.)

§ 67*o*. Loans to officers; liability of officers

No loan shall be made by the corporation to its officers or directors, or any of them, and any directors of the corporation who vote for or assent to the making of a loan or advance to an officer or director of the corporation, and any officer or officers participating in the making of any such loan or advance, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

(July 23, 1947, ch. 298, § 16, 61 Stat. 408.)

§ 67p. Exclusive right to name, seals, emblems, and badges

The corporation and its State, regional, and local subdivisions shall have the sole and exclusive right to have and use in carrying out its purposes the name AMVETS (American Veterans of World War II, Korea, and Vietnam), and such seals, emblems, and badges as the corporation may lawfully adopt.

(July 23, 1947, ch. 298, § 17, 61 Stat. 408; Aug. 15, 1977, Pub. L. 95–98, § 1(a), 91 Stat. 830.)

AMENDMENTS

1977—Pub. L. 95–98 substituted ''World War II, Korea, and Vietnam)'' for ''World War II)''.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–98 effective Oct. 1, 1977, see section 2 of Pub. L. 95–98, set out as a note under section 67 of this title.

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.

§ 67q. Service of process; local authorized agents in States

As a condition precedent to the exercise of any power or privilege herein granted or conferred AMVETS (American Veterans of World War II, Korea, and Vietnam) shall serve notice on the secretary of state, in each State, of the name and address of an authorized agent in such State upon whom legal process or demands against this corporation may be served.

(July 23, 1947, ch. 298, § 18, 61 Stat. 408; Aug. 15, 1977, Pub. L. 95–98, § 1(a), 91 Stat. 830.)

AMENDMENTS

1977—Pub. L. 95–98 substituted ''World War II, Korea, and Vietnam)'' for ''World War II)''.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–98 effective Oct. 1, 1977, see section 2 of Pub. L. 95–98, set out as a note under section 67 of this title.

§ 67r. Grant and accrual of rights of other national veterans' organizations

Such provisions, privileges, and prerogatives as have been granted heretofore to other national veterans' organizations by virtue of their being incorporated by Congress are granted and accrue to AMVETS (American Veterans of World War II, Korea, and Vietnam).

(July 23, 1947, ch. 298, § 19, 61 Stat. 408; Aug. 15, 1977, Pub. L. 95–98, § 1(a), 91 Stat. 830.)

AMENDMENTS

1977—Pub. L. 95–98 substituted ''World War II, Korea, and Vietnam)'' for ''World War II)''.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–98 effective Oct. 1, 1977, see section 2 of Pub. L. 95–98, set out as a note under section 67 of this title.

§ 67s. Reservation of right to amend or repeal chapter

The right to repeal, alter, or amend this chapter at any time is expressly reserved.

(July 23, 1947, ch. 298, § 20, 61 Stat. 408.)

CHAPTER 5—GRAND ARMY OF THE REPUBLIC

§§ 71 to 77. Omitted

CODIFICATION

Sections 71 to 77 related to Grand Army of the Republic, the corporate existence of which terminated pursuant to former section 76 of this title.

Section 71, act June 3, 1924, ch. 242, § 1, 43 Stat. 358, created a corporation known as Grand Army of the Republic, with a membership limited to those who served as soldiers and sailors of the United States between Apr. 12, 1861, and Apr. 9, 1865, or in State regiments called into active service between those date and who were honorably discharged, and specified the powers of the corporation.

Section 72, act June 3, 1924, ch. 242, § 2, 43 Stat. 359, defined objects and purposes of corporation.

Section 73, act June 3, 1924, ch. 242, § 3, 43 Stat. 359, provided for a governing body for corporation.

Section 74, act June 3, 1924, ch. 242, § 4, 43 Stat. 359, provided that governing body determine membership, except as limited by the provision of section 71 of this title.

Section 75, act June 3, 1924, ch. 242, § 5, 43 Stat. 359, provided that activities of corporation be carried on through certain agencies.

Section 76, act June 3, 1924, ch. 242, § 6, 43 Stat. 360, provided that corporate existence of Grand Army of the Republic terminate when the last of its members dies.

Section 77, acts June 3, 1924, ch. 242, § 7, 43 Stat. 360; June 25, 1936, ch. 804, 49 Stat. 1921; June 25, 1948, ch. 646, § 32(b), 62 Stat. 991; May 24, 1949, ch. 139, § 127, 63 Stat. 107, provided for disposal of property and archives.

CHAPTER 5A—LADIES OF THE GRAND ARMY OF THE REPUBLIC

Sec.

78. Corporation created.
78a. Omitted.
78b. Purposes of corporation.
78c. Powers of corporation.
78d. Membership; voting rights.
78e. Governing body; composition; meetings.
78f. Officers of corporation; selection; tenure; duties.
78g. Principal office; territorial scope of activities; agent for service of process.
78h. Distribution of income or assets to members; loans.
78i. Nonpolitical nature of corporation.
78j. Liability for acts of officers and agents.
78k. Prohibition against issuance of stock or payment of dividends.
78*l*. Books and records; inspection.
78m. Repealed.
78n. Annual report.
78*o*. Exclusive right to name, emblems, seals, and badges.
78p. Use of assets on dissolution or liquidation.
78q. Reservation of right to amend or repeal chapter.

§ 78. Corporation created

The following-named persons, to wit: Gussie Laile Morin, Seattle, Washington; Margaret Hopkins Worrell, Ironton, Ohio; Twannette Paull, Kansas City, Missouri; Nellie D. Howe, Grand Rapids, Michigan; Sarah J. Ehrmann, Orange City, Florida; Mabel S. Taylor, Providence, Rhode Island; Edwina P. Trigg, Kansas City, Missouri; Cora M. Rowling, Indianapolis, Indiana; Irene Mangle, Woodruff, Wisconsin; Catherine G. Schroeder, Los Angeles, California; Mabel Y. Coffey, Colorado Springs, Colorado;

Helen M. Lehman, Jersey City, New Jersey; Margaret Grandle, Pittsburg, Kansas; Frances M. Kuhns, Greensburg, Pennsylvania; Gladys W. Newton, Charleston, West Virginia; Olive Vanwagenen, Washington, District of Columbia; Luella Orr, Tulsa, Oklahoma; Edna S. Lindsey, Portland, Oregon; Rosalie E. Leonard, Boise, Idaho; Lura B. Frye, Peoria, Illinois; Theo McCallum, Neenah, Wisconsin; Eloise E. Whitmer, Washington, District of Columbia; Harriet E. Hughes, New York City, New York; Margaret G. Urban, Oakmont, Pennsylvania;

Bertha Hunt, Des Moines, Iowa; Marie E. Godda, Omaha, Nebraska; Anna Hausman, Washington, District of Columbia; Frances C. Linnell, Plymouth, Massachusetts; Alma M. Blitz, Minneapolis, Minnesota; Lila Lovett, Portland, Maine; Eveh M. Ervin, Keene, New Hampshire; Mildred Puckett, Louisville, Kentucky; Ada Anderson, Wilmington, Delaware; and all past national presidents, and their successors, are created and declared to be a body corporate of the District of Columbia, where its legal domicile shall be, by the name of the Ladies of the Grand Army of the Republic (hereinafter referred to as the corporation), and by such name, shall be known and have perpetual succession and the powers, limitations, and restrictions herein contained.

(Pub. L. 86–47, § 1, June 17, 1959, 73 Stat. 76.)

§ 78a. Omitted

CODIFICATION

Section, Pub. L. 86–47, § 2, June 17, 1959, 73 Stat. 77, related to procedure for completion of organization of corporation.

§ 78b. Purposes of corporation

The purposes of the corporation shall be: To perpetuate the memory of the Grand Army of the Republic and of the men who saved the Union in 1861 to 1865; to assist in every practicable way in the preservation and making available for research of documents and records pertaining to the Grand Army of the Republic and its members; to cooperate in doing honor to all those who have patriotically served our country in any way; to teach patriotism and the duties of citizenship, the true history of our country, and the love and honor of our flag; to oppose every tendency or movement that would weaken loyalty to, or make for the destruction or impairment of, our constitutional Union; and to inculcate and broadly sustain the American principles of representative government, of equal rights, and of impartial justice for all.

(Pub. L. 86–47, § 3, June 17, 1959, 73 Stat. 77.)

§ 78c. Powers of corporation

The corporation shall have power—

(1) to have succession by its corporate name;

(2) to sue and be sued, complain and defend in any court of competent jurisdiction;

(3) to adopt, use, and alter a corporate seal;

(4) to choose such officers, managers, agents, and employees as the activities of the corporation may require;

(5) to adopt, amend, and alter a constitution and bylaws; not inconsistent with the laws of the United States or of any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;

(6) to contract and be contracted with;

(7) to take by lease, gift, purchase, grant, devise, or bequest from any public body or agency or any private corporation, association, partnership, firm, or individual and to hold absolutely or in trust for any of the purposes of the corporation any property, real, personal, or mixed, necessary or convenient for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of law of any State (A) governing the amount or kind of property which may be held by, or (B) otherwise limiting or controlling the ownership of property by, a corporation operating in such State;

(8) to transfer, convey, lease, sublease, encumber and otherwise alienate real, personal, or mixed property;

(9) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, deed of trust, pledge or otherwise, subject in every case to all applicable provisions of Federal and State laws; and

(10) to do any and all acts and things necessary and proper to carry out the objects and purposes of the corporation.

(Pub. L. 86–47, § 4, June 17, 1959, 73 Stat. 77.)

§ 78d. Membership; voting rights

(a) Eligibility for membership in the corporation and the rights, privileges, and designation of classes of membership shall, except as provided in this chapter, be determined as the constitution and bylaws of the corporation may provide. Eligibility for membership in the corporation shall be limited to female blood relatives of persons who served between April 12, 1861, and April 9, 1865, as soldiers or sailors of the United States Army, Navy, Marine Corps, or Revenue-Cutter Service, and of such State regiments as were called into active service and were subject to orders of United States general officers between the dates above mentioned and were honorably discharged therefrom at the close of such service or who died in such service.

(b) Each member of the corporation shall have the right to one vote in each matter submitted to a vote at all meetings of the members of the corporation.

(Pub. L. 86–47, § 5, June 17, 1959, 73 Stat. 78.)

REVENUE CUTTER SERVICE

Coast Guard established in lieu of Revenue Cutter Service and Life-Saving Service by act Jan. 28, 1915, ch. 20, § 1, 38 Stat. 800. That act was repealed by act Aug. 4, 1949, ch. 393, § 20, 63 Stat. 561, section 1 of which reestablished the Coast Guard by enacting Title 14, Coast Guard.

§ 78e. Governing body; composition; meetings

The supreme governing authority of the corporation shall be the national convention thereof, composed of such officers and elected representatives from the several States and other local subdivisions of the corporate organization as shall be provided by the constitution and bylaws: *Provided*, That the form of the government of the corporation shall always be representative of the membership at large and shall not permit the concentration of control thereof in the hands of a limited number of members or in a self-perpetuating group not so representative. The meetings of the national convention may be held in any State or Territory or in the District of Columbia.

(Pub. L. 86–47, § 6, June 17, 1959, 73 Stat. 78.)

§ 78f. Officers of corporation; selection; tenure; duties

The officers of the corporation shall be selected in such manner and for such terms and with such duties and titles as may be prescribed in the constitution and bylaws of the corporation.

(Pub. L. 86–47, § 7, June 17, 1959, 73 Stat. 78.)

§ 78g. Principal office; territorial scope of activities; agent for service of process

(a) The principal office of the corporation shall be located in Washington, District of Columbia, or in such other place as may later be determined by the corporation, but the activities of the corporation shall not be confined to that place and may be conducted throughout the various States, Territories, and possessions of the United States.

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

(Pub. L. 86–47, § 8, June 17, 1959, 73 Stat. 78.)

§ 78h. Distribution of income or assets to members; loans

(a) No part of the income or assets of the corporation shall inure to any of its members or officers as such, or be distributable to any of them during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of compensation to officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the council of administration of the corporation.

(b) The corporation shall not make loans to its officers or employees. Any member of the council of administration who votes for or assents to the making of a loan or advance to an officer or employee of the corporation, and any officer who participates in the making of such loan or advance, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

(Pub. L. 86–47, § 9, June 17, 1959, 73 Stat. 78.)

§ 78i. Nonpolitical nature of corporation

The corporation and its officers and agents as such shall not contribute to any political party or candidate for public office.

(Pub. L. 86–47, § 10, June 17, 1959, 73 Stat. 79.)

§ 78j. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Pub. L. 86–47, § 11, June 17, 1959, 73 Stat. 79.)

§ 78k. Prohibition against issuance of stock or payment of dividends

The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

(Pub. L. 86–47, § 12, June 17, 1959, 73 Stat. 79.)

§ 78*l*. Books and records; inspection

The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its national conventions and council of administration. All books and records of the corporation may be in-

spected by any member, or his agent or attorney, for any proper purposes, at any reasonable time.

(Pub. L. 86–47, § 13, June 17, 1959, 73 Stat. 79.)

§ 78m. Repealed. Pub. L. 88–504, § 4(7), Aug. 30, 1964, 78 Stat. 636

Section, Pub. L. 86–47, § 14, June 17, 1959, 73 Stat. 79, related to audit of financial transactions and report of such audit to Congress. See sections 1101 to 1103 of this title.

§ 78n. Annual report

On or before March 1 of each year the corporation shall report to the Congress on its activities during the preceding fiscal year. Such report may consist of a report on the proceedings of the national convention covering such fiscal year. Such report shall not be printed as a public document.

(Pub. L. 86–47, § 15, June 17, 1959, 73 Stat. 79.)

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

The corporation and its subordinate divisions shall have the sole and exclusive right to use the name, ''Ladies of the Grand Army of the Republic''. The corporation shall have the exclusive and sole right to use, or to allow or refuse the use of, such emblems, seals, and badges as have heretofore been used by the Ladies of the Grand Army of the Republic.

(Pub. L. 86–47, § 16, June 17, 1959, 73 Stat. 79.)

§ 78p. Use of assets on dissolution or liquidation

Upon dissolution or final liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets, if any, of the corporation shall be distributed in accordance with the determination of the council of administration and in compliance with the constitution and bylaws of the corporation and all Federal and State laws applicable thereto.

(Pub. L. 86–47, § 17, June 17, 1959, 73 Stat. 80.)

§ 78q. Reservation of right to amend or repeal chapter

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

(Pub. L. 86–47, § 18, June 17, 1959, 73 Stat. 80.)

CHAPTER 6—UNITED STATES BLIND VETERANS OF WORLD WAR I

Sec.
81. Corporation created.
82. Completion of organization.
83. Purposes of corporation.
84. Powers of corporation.
85. Membership.
86. Nonpolitical nature of corporation.
87. Exclusive right to name.
88. Reservation of right to amend or repeal chapter.

§ 81. Corporation created

The following persons, to wit: James P. Funk, of Pennsylvania; Bernard Corcoran, of New York; James Kozeluh, of Arkansas; Earl Booher, of Kansas; Carl Bronner, of Michigan; Samuel Hendrickson, of Cincinnati; Harvey E. Gilbert, of Illinois; Quiller Cole, of Georgia; Lawrence A. Bunce, of Colorado; Ludwig Guminish, of New York; Richard H. Miller, junior, of Maryland; Charles R. Fear, of Pennsylvania; Oscar M. Simpkins, of Oklahoma; Everett L. Radford, of Texas; Thomas H. Huskey, of Missouri; Lee M. Brame, of Alabama; Frank O. Berg, of Wisconsin; Henry G. Beggs, of Georgia; Lawrence V. Morrow, of Missouri; Charles R. Leguerrir, of Missouri; Walter Taylor, of Missouri; Laigear Antee, of Louisiana; Alois F. Greene, of Illinois; Loyal M. Holmes, of Maryland; Newton A. Kulp, of Pennsylvania; Roswell D. Pitman, of New York; Connie L. McLean, of Texas; Hamilton C. Miles, of Ohio; John J. Austin, of South Dakota; Irvine E. Barnes, of Missouri; Bertie W. Randall, of Missouri; Max N. Kujawski, of Indiana; Charles Freeland, of Illinois; James M. Daniels, of Tennessee; William E. Yates, of Texas; Mike Kereli, of Ohio; Peter Lionudakes, of Utah; Vaclav T. Jesek, of Texas; Samuel Hillman, of Ohio; Herbert S. Journeau, of Michigan; Charles F. Ross, of New York; Morgan Rose, of New York; Walter F. Develing, of Illinois; Rudolph E. Frye, of Maryland; Steve D. Tanner, of Montana; Joseph Hulin, of North Carolina; Blaine G. Yeoman, of Oklahoma; Thomas Williams, of West Virginia; William J. Murray, of New York; Ivan E. Bushong, of Washington; Raymond Washburn, of Ohio; William P. Alexander, of Kentucky; Burl Glover, of Ohio; John H. Williams, of Washington; Joseph L. Herver, of Oklahoma; Daniel Carbone, of Pennsylvania; John J. Varga, of Connecticut; John J. Rapp, of Pennsylvania; Charles S. Bennett, of Arkansas; Richard Knigge, of Idaho; Walter Mau, of New York; Domenico Capuczi, of New York; John Kosic, of Massachusetts; Raymond S. Day, of Pennsylvania; Harry Herring, of Pennsylvania; Samuel Singer, of Massachusetts; George Graves, of Missouri; Abe Kittay, of New York; John Halahan, of Pennsylvania; Frank J. Lhota, of Pennsylvania; Edward J. Paulson, of Pennsylvania; Ellis De Witt, of the District of Columbia; Bernard Cady, of Maryland; John Marzullo, of Illinois; Joe Brew, of Pennsylvania; Lloyd Pierson, of Nebraska; Philip N. Harrison, of Pennsylvania, and their successors, are created and declared to be a body corporate of the District of Columbia. The name of this corporation shall be ''The United States Blind Veterans of the World War.''

(June 7, 1924, ch. 296, § 1, 43 Stat. 535.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 82 of this title.

§ 82. Completion of organization

The said persons named in section 81 of this title are hereby authorized to meet to complete the organization of said corporation by the selection of officers, the adoption of a constitution and by-laws, and and[1] to do all other things necessary to carry into effect the provisions of this chapter.

(June 7, 1924, ch. 296, § 2, 43 Stat. 535.)

[1] So in original.

§ 83. Purposes of corporation

The purposes of the corporation are to bind together for their mutual fellowship and assistance those citizens of the United States of America who have served their country in war, and who bear as a mark of such service the loss of their sight and to perpetuate and keep alive the memories of their comradeship and to enable them by their organization to render what aid they can to the blind in general.

(June 7, 1924, ch. 296, § 3, 43 Stat. 535.)

§ 84. Powers of corporation

The corporation created by this chapter shall have the following powers: To have perpetual succession with power to sue and be sued in courts of law and equity; to receive, hold, own, use, and dispose of such real estate and personal property as shall be necessary for its corporate purposes; to adopt a corporate seal and alter the same at pleasure; to adopt a constitution, bylaws, and regulations to carry out its purposes, not inconsistent with the laws of the United States or of any State; to use in carrying out the purposes of the corporation such emblems and badges as it may adopt; to establish and maintain offices for the conduct of its business; to establish State and Territorial organizations and local chapter or post organizations; to publish a magazine or other publications, and generally do any and all such acts and things as may be necessary and proper in carrying into effect the purposes of the corporation.

(June 7, 1924, ch. 296, § 4, 43 Stat. 536.)

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.

§ 85. Membership

Any honorably discharged American veteran of the allied forces who participated in the World War and whose vision has become defective to such an extent that he is eligible for training under Supervisor for the Blind of the Veterans' Administration, and any ex-service man who is eligible for such training shall be eligible for ''active membership'' in the United States Blind Veterans of the World War. The members of this corporation shall have the power to admit such other persons to ''honorary'' membership as they may see fit.

(June 7, 1924, ch. 296, § 5, 43 Stat. 536; July 3, 1930, ch. 863, § 1, 46 Stat. 1016.)

CHANGE OF NAME

Reference to Veterans' Administration deemed to refer to Department of Veterans Affairs pursuant to section 10 of Pub. L. 100–527, set out as a Department of Veterans Affairs Act note under section 301 of Title 38, Veterans' Benefits.

TRANSFER OF FUNCTIONS

''Veterans' Administration'' substituted for ''United States Veterans' Bureau'' pursuant to act July 3, 1930, ch. 863, § 1, 46 Stat. 1016, which consolidated Bureau of Pensions, National Home for Disabled Volunteer Soldiers, and United States Veterans' Bureau into Veterans' Administration. Act July 3, 1930, was repealed by section 2202(125) of Pub. L. 85–56, title XXII, June 17, 1957, 71 Stat. 163. Section 201 of Pub. L. 85–56 continued Veterans' Administration as an independent establishment in executive branch of Government. See section 301 of Title 38, Veterans' Benefits.

§ 86. Nonpolitical nature of corporation

This organization shall be nonpolitical and shall not be used for the dissemination of partisan principles.

(June 7, 1924, ch. 296, § 6, 43 Stat. 536.)

§ 87. Exclusive right to name

The corporation and its State and local subdivisions shall have the sole and exclusive right to have and to use in carrying out its purposes the name ''The United States Blind Veterans of the World War.''

(June 7, 1924, ch. 296, § 7, 43 Stat. 536.)

§ 88. Reservation of right to amend or repeal chapter

The right to repeal, alter, or amend this chapter at any time is expressly reserved.

(June 7, 1924, ch. 296, § 8, 43 Stat. 536.)

CHAPTER 6A—DISABLED AMERICAN VETERANS

Sec.
90a. Corporation created.
90b. Completion of organization.
90c. Purposes of corporation.
90d. Powers of corporation.
90e. Membership.
90f. Nonpolitical nature of corporation.
90g. Acquisition of assets and liabilities of existing organization.
90h. Exclusive right to name.
90i. Annual report.
90j. Agents for service of process.
90k. Reservation of right to amend or repeal chapter.

§ 90a. Corporation created

The following persons, to wit, Robert S. Marx, of Ohio; William J. Donovan, of New York; H. G. Lightner, of Kentucky; A. B. Powell, of Alabama; Glenn E. Miner, of Arizona; George H. H. Pratt, of Arkansas; Volney P. Mooney, junior, of California; A. E. Sherlock, of Colorado; Peter Nugent, of Connecticut; Miles H. Draper, of Florida; William E. Tate, of Georgia; Jesse J. McQueen, of Idaho; Herman H. Weimer, of Illinois; S. G. Smelser, of Indiana; Henry J. Bitters, of Iowa; E. C. Moore, of Kansas; L. C. Mayeux, of Louisiana; F. J. McCarthy, of Maine; George W. Golden, of Maryland; J. W. McQueen, of Missouri; Leon C. Waite, of Massachusetts; L. E. Sharp, of Michigan; George E. Leach, of Minnesota; Quintus E. Camp, of Mississippi; John W. Mahan, of Montana; Leonard D. Densmore, of Nebraska; I. A. Lougaris, of Nevada; E. P. Badger, of New Hampshire; W. J. Dodd, of New Jersey; Carl F. Whittaker, of New Mexico; Malcolm Smith, of North Carolina; H. J. Muehlenbein, of North Dakota; Fletcher Riley, of Oklahoma; Lile Dailey, of Oregon; J. J. O'Leary, of Pennsylvania; Arthur Cole, of Rhode Island; G. G. Blackman, of South Carolina; Albert Haugse, of

South Dakota; Reuben D. Hays, of Tennessee; M. A. Harlan, of Texas; Gaylen S. Young, of Utah; Malvern S. Ellis, of Vermont; George D. Simmons, of Virginia; Miles Price, of Washington; W. J. O'Neil, of West Virginia; Reverend G. Stearns, of Wisconsin; and such persons as may be chosen who are members of the Disabled American Veterans of the World War, and their successors, are created and declared to be a body corporate. The name of this corporation shall be the ''Disabled American Veterans.''

(June 17, 1932, ch. 268, § 1, 47 Stat. 320; July 15, 1942, ch. 505, § 1, 56 Stat. 659.)

AMENDMENTS

1942—Act July 15, 1942, substituted ''Disabled American Veterans'' for ''Disabled American Veterans of the World War''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 90b of this title.

§ 90b. Completion of organization

The said persons named in section 90a of this title, and such other persons as may be selected from among the membership of the Disabled American Veterans of the World War, an unincorporated patriotic society of the wounded and disabled soldiers, sailors, and marines of the Great War of 1917–1918, are hereby authorized to meet to complete the organization of said corporation by the selection of officers, the adoption of a constitution and by-laws, and to do all other things necessary to carry into effect the provisions of this chapter, at which meeting any person duly accredited as a delegate from any local or State organizations of the existing unincorporated organization known as the Disabled American Veterans of the World War shall be permitted to participate in the proceedings thereof.

(June 17, 1932, ch. 268, § 2, 47 Stat. 320.)

§ 90c. Purposes of corporation

The purposes of this corporation shall be—

To uphold and maintain the Constitution and the laws of the United States, to realize the true American ideals and aims for which those eligible to membership fought; to advance the interests and work for the betterment of all wounded, injured, and disabled American veterans; to cooperate with the Department of Veterans Affairs and all other public and private agencies devoted to the cause of improving and advancing the condition, health, and interests of all wounded, injured, and disabled veterans; to stimulate a feeling of mutual devotion, helpfulness, and comradeship among all wounded, injured, and disabled veterans; to serve our comrades, our communities, and our country; and to encourage in all people that spirit of understanding which will guard against future wars.

(June 17, 1932, ch. 268, § 3, 47 Stat. 320; July 15, 1942, ch. 505, § 2, 56 Stat. 660; June 13, 1991, Pub. L. 102–54, § 13(n)(2), 105 Stat. 278.)

AMENDMENTS

1991—Pub. L. 102–54 substituted ''Department of Veterans Affairs'' for ''United States Veterans' Administration''.

1942—Act July 15, 1942, struck out references to veterans ''of the World War'' and inserted ''to serve our comrades, our communities, and our country;''.

§ 90d. Powers of corporation

The corporation created by this chapter shall have the following powers: To have perpetual succession with power to sue and be sued in courts of law and equity; to receive, hold, own, use, and dispose of such real estate and personal property as shall be necessary for its corporate purposes; to adopt a corporate seal and alter the same at pleasure; to adopt a constitution, by-laws, and regulations to carry out its purposes, not inconsistent with the laws of the United States or any State; to use in carrying out the purposes of the corporation such emblems and badges as it may adopt; to establish and maintain offices for the conduct of its business; to establish State and Territorial organizations and local chapter or post organizations; to publish a newspaper or other publications devoted to the purposes of the corporation; and generally to do any and all such acts and things as may be necessary and proper in carrying into effect the purposes of the corporation.

(June 17, 1932, ch. 268, § 4, 47 Stat. 321.)

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.

Recognition by Secretary of Veterans Affairs of representatives of Disabled American Veterans for prosecution of claims under laws administered by Department of Veterans Affairs, see section 5902 of Title 38, Veterans' Benefits.

§ 90e. Membership

Any man or woman who was wounded, gassed, injured, or disabled in line of duty during time of war while in the service of either the military or naval forces of the United States of America, and who has been honorably discharged or separated from such service, or who may still be in active service in the armed forces of the United States, is eligible for membership in the Disabled American Veterans. Others who were disabled while serving with any of the armed forces of any nations associated with the United States as allies during any of its war periods, who are American citizens and who were honorably discharged, are also eligible. The Disabled American Veterans shall not have honorary members.

(June 17, 1932, ch. 268, § 5, 47 Stat. 321; July 15, 1942, ch. 505, § 3, 56 Stat. 660.)

AMENDMENTS

1942—Act July 15, 1942, struck out limitation on membership to disabled veterans of World War I, among other changes.

§ 90f. Nonpolitical nature of corporation

The organization shall be nonpolitical and nonsectarian, and as an organization shall not promote the candidacy of any person seeking public office.

(June 17, 1932, ch. 268, § 6, 47 Stat. 321; July 15, 1942, ch. 505, § 4, 56 Stat. 660.)

AMENDMENTS

1942—Act July 15, 1942, struck out comma and inserted ''and'' after ''nonpolitical'', inserted ''and'' before ''as'', and substituted ''person'' for ''persons''.

§ 90g. Acquisition of assets and liabilities of existing organization

Said corporation may acquire any or all of the assets of the existing unincorporated national organization known as the Disabled American Veterans of the World War upon discharging or satisfactorily providing for the payment and discharge of all its liabilities.

(June 17, 1932, ch. 268, § 7, 47 Stat. 321.)

§ 90h. Exclusive right to name

Said corporation, and its State and local subdivisions, shall have the sole and exclusive right to have and to use in carrying out its purposes the name ''Disabled American Veterans''.

(June 17, 1932, ch. 268, § 8, 47 Stat. 321; July 15, 1942, ch. 505, § 5, 56 Stat. 660.)

AMENDMENTS

1942—Act July 15, 1942, substituted ''Disabled American Veterans'' for ''Disabled Veterans of the World War''.

§ 90i. Annual report

The said corporation shall, on or before the 1st day of January in each year, make and transmit to the Congress a report of its proceedings for its preceding fiscal year.

(June 17, 1932, ch. 268, § 9, 47 Stat. 321; July 15, 1942, ch. 505, § 6, 56 Stat. 660; Aug. 30, 1964, Pub. L. 88–504, § 4(8), 78 Stat. 636; Dec. 18, 1967, Pub. L. 90–208, § 1, 81 Stat. 655; May 21, 1984, Pub. L. 98–291, 98 Stat. 203.)

AMENDMENTS

1984—Pub. L. 98–291 struck out ''(a)'' before ''The said corporation shall'' and struck out subsec. (b) which directed the corporation to make and transmit to the Comptroller General, at the close of each fiscal year, a report of its proceedings for the preceding fiscal year, including a full, complete, and itemized report of receipts and expenditures of whatever kind, which report had to be duly authorized by the Comptroller General, and which had directed the corporation to reimburse the Comptroller General for auditing its accounts, with the sums so paid to be covered into the Treasury of the United States as miscellaneous receipts.

1967—Pub. L. 90–208 designated existing provisions as subsec. (a) and added subsec. (b).

1964—Pub. L. 88–504 struck out '', including a full and complete report of its receipts and expenditures'' after ''fiscal year''.

1942—Act July 15, 1942, amended section generally, changing period of annual report from calendar year to fiscal year and omitting proviso that report shall not be printed as a public document.

EFFECTIVE DATE OF 1967 AMENDMENT

Section 2 of Pub. L. 90–208 provided that: ''The amendment made by this Act [amending this section] shall be effective with respect to each fiscal year of the Disabled American Veterans beginning after the date of enactment of this Act [Dec. 18, 1967].''

CROSS REFERENCES

Printing of proceedings of national encampments as House documents, see section 1332 of Title 44, Public Printing and Documents.

§ 90j. Agents for service of process

As a condition precedent to the exercise of any power or privilege herein granted or conferred, the Disabled American Veterans shall file in the office of the secretary of each State, in which chapters thereof may be organized, the name and post-office address of an authorized agent in such State, upon whom legal process or demands against the Disabled American Veterans may be served.

(June 17, 1932, ch. 268, § 10, 47 Stat. 321; July 15, 1942, ch. 505, § 7, 56 Stat. 660.)

AMENDMENTS

1942—Act July 15, 1942, amended section generally, striking out ''of the World War'' after ''Veterans'' in two places, ''posts'' before ''chapters'', and ''or subdivisions'' after ''chapters''.

§ 90k. Reservation of right to amend or repeal chapter

The right to repeal, alter, or amend this chapter at any time is expressly reserved.

(June 17, 1932, ch. 268, § 11, 47 Stat. 322.)

CHAPTER 7—AMERICAN WAR MOTHERS

Sec.
91. Corporation created.
92. Completion of organization.
93. Object of corporation.
94. Meetings.
95. Powers of corporation.
96. Property; exemption from taxation.
97. Membership.
98. Nonpolitical nature of corporation.
99. Acquisition of assets and liabilities of existing organization.
100. Exclusive right to name.
101. Reports to Congress.
102. Agents for service of process.
103. Charter.
104. Reservation of right to amend or repeal chapter.
105. Initial officers.

§ 91. Corporation created

The following-named persons, namely: Alice M. French, founder, Indianapolis, Indiana; Mable C. Digney, State War Mother, White Plains, New York; Mrs. George Gordon Seibold, Washington, District of Columbia; Mary I. Huntington, State War Mother, Bloomington, Indiana; Edna C. Wilson, State War Mother, Warrensburg, Missouri; Libbie Thomas, State War Mother, Racine, Wisconsin; Virginia Heaen, State War Mother, Frankfort, Kentucky; A. Shanahan, State War Mother, Jersey City, New Jersey; Blanche A. Bellak, State War Mother, Philadelphia, Pennsylvania; Lydia Burby, State War Mother, Butte, Montana; Estelle T. Wilcox, State War Mother, Omaha, Nebraska; Emile Hendricks, State War Mother, Salem, Oregon; Grace R. Montgomery, State War Mother, Charlotte, North Carolina; Kate C. DeKay, State War Mother, Blackfoot, Idaho; Elizabeth Allen, State War Mother, Loveland, Colorado; Ida McCullough, State War Mother, Ottawa, Illinois; Rose S. Sargent, State War Mother, San Francisco, California; Jessie Monahan, State War Mother, Edmond, Oklahoma; Margaret N. McCluer, Kansas City, Missouri; Carrie R. Root,

Gardner, Illinois; Mary E. Spence, Milwaukee, Wisconsin; Alice Bronson Oldham, Lexington, Kentucky; Florence A. Latham, Kansas City, Missouri; Mahala M. Boyd, New Castle, Indiana; Carrie White Avery, Washington, District of Columbia; H. C. Morrison, Shelbyville, Indiana; Jeanette Boone, Kansas City, Missouri; Gertrude R. Cary, Joliet, Illinois; Mrs. R. E. Little, Wadesboro, North Carolina; Mrs. Isabelle Clements, Sacramento, California; Mrs. Alice E. Evans, Pueblo, Colorado; Mrs. Mary Dawson, Idaho Falls, Idaho; Mrs. Jessie T. Lesh, Chicago, Illinois; Mrs. Harry C. Morrison, Shelbyville, Indiana; Mrs. Jessie E. Moody, Carterville, Missouri; Mrs. J. L. Roddy, North Platte, Nebraska; Mrs. Catherine H. Connelly, Newark, New Jersey; Mrs. Ella O'Gorman Stanton, Bronx, New York City, New York; Mrs. R. C. Warren, Gastonia, North Carolina; Mrs. Hattie V. Selkin, Oklahoma City, Oklahoma; Mrs. Ida Boxwell, Middletown, Ohio; Mrs. Charles S. Fohl, Harrisburg, Pennsylvania; Mrs. E. L. Phillip, Milwaukee, Wisconsin; Mrs. Julia A. Wilkinson, Portland, Maine; and their associates and successors duly chosen are incorporated and declared to be a body corporate of the District of Columbia by the name of American War Mothers, and by such name shall be known and have perpetual succession with the powers, limitations, and restrictions herein contained.

(Feb. 24, 1925, ch. 303, § 1, 43 Stat. 966.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 92 of this title.

§ 92. Completion of organization

The persons named in section 91 of this title and such other persons as may be selected from among the membership of American War Mothers, an association of women whose sons and daughters served the allied cause in the great World War between the dates of April 6, 1917, and November 11, 1918, are hereby authorized to meet to complete the organization of said corporation by the selection of officers, the adoption of a constitution and by-laws, and to do all other things necessary to carry into effect the provisions of this chapter, at which meeting any person duly accredited as a delegate from any local or State organization of the existing organization known as American War Mothers shall be permitted to participate in the proceedings thereof.

(Feb. 24, 1925, ch. 303, § 2, 43 Stat. 967.)

§ 93. Object of corporation

The object of the corporation shall be to keep alive and develop the spirit that promoted world service; to maintain the ties of fellowship born of that service and to assist and further any patriotic work; to inculcate a sense of individual obligation to the community, State, and Nation; to work for the welfare of the Army and Navy; to assist in any way in their power men and women who served and were wounded or incapacitated in the World War; to foster and promote friendship and understanding between America and the Allies in the World War.

(Feb. 24, 1925, ch. 303, § 3, 43 Stat. 967.)

§ 94. Meetings

The corporation shall hold its meetings in such place as the incorporators or their successors shall determine.

(Feb. 24, 1925, ch. 303, § 4, 43 Stat. 967.)

§ 95. Powers of corporation

The corporation created by this chapter shall have the following powers: To have succession until the membership as hereinafter provided for shall become extinct, with power to sue and be sued in courts of law and equity; to receive, hold, own, use, and dispose of such real estate and personal property as shall be necessary for its corporate purposes; to adopt a corporate seal and alter the same at pleasure; to adopt a constitution, bylaws, and regulations to carry out its purposes, not inconsistent with the laws of the United States or of any State; to use in carrying out the purposes of the corporation such emblems and badges as it may adopt; to establish and maintain offices for the conduct of its business; to establish State, Territorial, and local subdivisions; to publish a magazine or other publications, and generally to do any and all such acts and things as may be necessary and proper to carry into effect the purposes of the corporation.

(Feb. 24, 1925, ch. 303, § 5, 43 Stat. 967.)

§ 96. Property; exemption from taxation

All of the personal property and funds of the corporation held or used for the purposes hereof, pursuant to the provisions of this chapter, whether of principal or income, shall, so long as the same shall be so used, be exempt from taxes by the United States or any Territory or District thereof. The corporation shall not accept, own, or hold directly or indirectly any property, real or personal, except such as may be reasonably necessary to carry out the purposes of its creation as defined in this chapter.

(Feb. 24, 1925, ch. 303, § 6, 43 Stat. 967.)

§ 97. Membership

The membership of American War Mothers is limited to women, and no woman shall be and become a member of this corporation unless she is a citizen of the United States and unless her son or sons or daughter or daughters of her blood, her legally adopted son or sons or legally adopted daughter or daughters, or her stepson or stepsons or stepdaughter or stepdaughters served in the Armed Forces of the United States or of its allies in World War I, World War II, the Korean conflict, or any subsequent war or conflict involving the United States, having an honorable discharge from such service, or being still in the service.

(Feb. 24, 1925, ch. 303, § 7, 43 Stat. 968; Sept. 26, 1942, ch. 563, 56 Stat. 758; June 26, 1953, ch. 152, 67 Stat. 81; Apr. 12, 1974, Pub. L. 93–267, 88 Stat. 85.)

AMENDMENTS

1974—Pub. L. 93–267 extended membership in American War Mothers to certain adoptive mothers and stepmothers.

1953—Act June 26, 1953, substituted "Armed Forces of the United States or of its allies" for "Army or Navy

of the United States, or in the military or naval service of its allies'', and extended its provisions to the Korean conflict and to any subsequent war or conflict involving the United States.

1942—Act Sept. 26, 1942, extended its provisions to include the World War commencing in 1941.

§98. Nonpolitical nature of corporation

This organization shall be nonpolitical, nonsectarian, nonpartisan, and nonprofit, and as an organization shall not promote the candidacy of any person seeking public office.

(Feb. 24, 1925, ch. 303, §8, 43 Stat. 968; June 26, 1953, ch. 152, 67 Stat. 81.)

AMENDMENTS

1953—Act June 26, 1953, inserted ''nonsectarian, nonpartisan, and nonprofit''.

§99. Acquisition of assets and liabilities of existing organization

Said corporation may acquire any or all of the assets of the existing organization known as American War Mothers upon discharging or satisfactorily providing for the payment and discharge of all its liabilities.

(Feb. 24, 1925, ch. 303, §9, 43 Stat. 968.)

§100. Exclusive right to name

The corporation and its State, Territorial, and local subdivisions shall have the sole and exclusive right to have and to use in carrying out its business purposes the name of American War Mothers.

(Feb. 24, 1925, ch. 303, §10, 43 Stat. 968.)

§101. Reports to Congress

The corporation shall, on or before the 1st day of January in each year, make and transmit to the Congress a report of its proceedings for the preceding calendar year: *Provided, however*, That said report shall not be printed as a public document.

(Feb. 24, 1925, ch. 303, §11, 43 Stat. 968; Aug. 30, 1964, Pub. L. 88–504, §4(9), 78 Stat. 636.)

AMENDMENTS

1964—Pub. L. 88–504 struck out '', including a full and complete report of its receipts and expenditures'' after ''calendar year''.

§102. Agents for service of process

As a condition precedent to the exercise of any power or privilege herein granted or conferred the corporation shall file in the office of the secretary of each State the name and post-office address of an authorized agent in such State upon whom local process or demands against American War Mothers may be served.

(Feb. 24, 1925, ch. 303, §12, 43 Stat. 968.)

§103. Charter

This charter shall take effect upon its being accepted by a majority vote of the incorporators named herein who shall be present at the first meeting of the corporation, due notice of which meeting shall be given to each of the incorporators named herein, and a notice of such acceptance shall be given by said corporation, causing a certificate to that effect, signed by its president and secretary, to be filed in the office of the recorder of deeds of the District of Columbia.

(Feb. 24, 1925, ch. 303, §13, 43 Stat. 968.)

§104. Reservation of right to amend or repeal chapter

Congress may from time to time alter, repeal, or modify this chapter of incorporation, but no contract or individual right made or acquired shall be divested or impaired.

(Feb. 24, 1925, ch. 303, §14, 43 Stat. 968.)

§105. Initial officers

The management and direction of the affairs of the corporation and the controlling and disposing of its property and funds shall be vested in the persons duly elected at the last annual convention held in Kansas City, Missouri, who shall be the officers of the American War Mothers for the year beginning October, 1923, to serve until the next annual convention to be held at Philadelphia, Pennsylvania, on October 8, 1925, or until their successors are duly appointed, and who are the following:

Margaret N. McCluer, National War Mother, Kansas City, Missouri; Carrie L. Root, first vice National War Mother, Gardner, Illinois; Blanche A. Bellak, second vice National War Mother, Philadelphia, Pennsylvania; Mary E. Spence, third vice National War Mother, Milwaukee, Wisconsin; Rose S. Sargent, fourth vice National War Mother, San Francisco, California; Alice Bronson Oldham, national recording secretary, Lexington, Kentucky; Florence A. Latham, national corresponding secretary, Kansas City, Missouri; Mahala M. Boyd, national treasurer, Newcastle, Indiana; Kate C. De Kay, national historian, Blackfoot, Idaho; Carrie White Avery, national custodian of records, Washington, District of Columbia; Estelle T. Wilcox, national auditor, Omaha, Nebraska.

(Feb. 24, 1925, ch. 303, §15, 43 Stat. 968.)

CHAPTER 7A—VETERANS OF FOREIGN WARS OF THE UNITED STATES

Sec.
111. Corporation created.
112. Completion of organization.
113. Purposes of corporation.
114. Powers of corporation.
115. Membership.
116. Acquisition of assets and liabilities of existing association.
117. Exclusive right to name, seal, emblems, and badges.
118. Annual report.
119. Agents for service of process.
120. Reservation of right to amend or repeal chapter.

§111. Corporation created

The following persons, to wit: James E. Van Zandt, Altoona, Pennsylvania; Bernard K. Kearney, Gloversville, New York; Scott P. Squyres, Oklahoma City, Oklahoma; Robert B. Handy, Junior, Kansas City, Missouri; Henry F. Marquard, Chicago, Illinois; William E. Guthner,

Denver, Colorado; Edward J. Neron, Sacramento, California; Joseph C. Menendez, New Orleans, Louisiana; Paul L. Foulk, Altoona, Pennsylvania; Robert E. Kernodle, Kansas City, Missouri; Walter I. Joyce, New York City, New York; George A. Ilg, Cranston, Rhode Island; James F. Daley, Hartford, Connecticut; Charles R. Haley, Pittsburgh, Pennsylvania; F. C. Devericks, Clarksburg, West Virginia; John J. Skillman, Miami, Florida; Ellie H. Schill, New Orleans, Louisiana; Gerald C. Mathias, Lagrange, Indiana; James W. Starner, Effingham, Illinois; Leon S. Pickens, Wichita, Kansas; Archie W. Nimens, Minneapolis, Minnesota; Harvey W. Snyder, Denver, Colorado; Charles O. Carlston, San Francisco, California; Walter L. Daniels, Seattle, Washington; John E. Swaim, Tulsa, Oklahoma; Peter J. Rosch, Washington, District of Columbia; and their successors, who are, or who may become, members of the Veterans of Foreign Wars of the United States, a national association of men who as soldiers, sailors, marines and airmen have served this Nation in wars, campaigns, and expeditions on foreign soil or in hostile waters, and such national association, are created and declared a body corporate, known as the Veterans of Foreign Wars of the United States.

(May 28, 1936, ch. 471, § 1, 49 Stat. 1390; May 29, 1953, ch. 85, § 1, 67 Stat. 40.)

AMENDMENTS

1953—Act May 29, 1953, included airmen.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 112 of this title.

§ 112. Completion of organization

The said persons named in section 111 of this title, or their successors, and such other persons as are duly accredited delegates from any local post or State department of the existing national association known as the Veterans of Foreign Wars of the United States, under its constitution and bylaws, are hereby authorized to meet and to complete the organization of said corporation, by the adoption of a constitution and bylaws, the election of officers, and to do all other things necessary to carry into effect and incidental to, the provisions of this chapter.

(May 28, 1936, ch. 471, § 2, 49 Stat. 1390.)

§ 113. Purposes of corporation

The purposes of this corporation shall be fraternal, patriotic, historical, and educational; to preserve and strengthen comradeship among its members; to assist worthy comrades; to perpetuate the memory and history of our dead, and to assist their widows and orphans; to maintain true allegiance to the Government of the United States of America, and fidelity to its Constitution and laws; to foster true patriotism; to maintain and extend the institutions of American freedom; and to preserve and defend the United States from all her enemies, whomsoever.

(May 28, 1936, ch. 471, § 3, 49 Stat. 1391.)

§ 114. Powers of corporation

The corporation created by this chapter shall have the following powers: To have perpetual succession with power to sue and be sued in courts of law and equity; to receive, hold, own, use, and dispose of such real estate, personal property, money, contract, rights, and privileges as shall be deemed necessary and incidental for its corporate purposes; to adopt a corporate seal and alter the same at pleasure; to adopt, amend, apply, and administer a constitution, bylaws, and regulations to carry out its purposes, not inconsistent with the laws of the United States or of any State; to adopt, and have the exclusive right to manufacture and use such emblems and badges as may be deemed necessary in the fulfillment of the purposes of the corporation; to establish and maintain offices for the conduct of its business; to establish, regulate, or discontinue subordinate State and Territorial subdivisions and local chapters or posts; to publish a magazine or other publications, and generally to do any and all such acts and things as may be necessary and proper in carrying into effect the purposes of the corporation.

(May 28, 1936, ch. 471, § 4, 49 Stat. 1391.)

CROSS REFERENCES

Loan or gift of condemned or obsolete material by Secretary of military department or Secretary of Treasury, see section 2572 of Title 10, Armed Forces.

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

Recognition by Secretary of Veterans Affairs of representatives of Veterans of Foreign Wars for prosecution of claims under laws administered by Department of Veterans Affairs, see section 5902 of Title 38, Veterans' Benefits.

§ 115. Membership

No person shall be a member of this corporation unless he has served honorably as an officer or enlisted man in the Armed Forces of the United States of America in any foreign war, insurrection, or expedition, which service shall be recognized as campaign-medal service and governed by the authorization of the award of a campaign badge by the Government of the United States of America.

(May 28, 1936, ch. 471, § 5, 49 Stat. 1391; May 29, 1953, ch. 85, § 2, 67 Stat. 40.)

AMENDMENTS

1953—Act May 29, 1953, extended membership eligibility to all persons who have served in Armed Forces and are otherwise eligible.

§ 116. Acquisition of assets and liabilities of existing association

Said corporation may and shall acquire all of the assets of the existing national association known as the Veterans of Foreign Wars of the United States upon discharging or satisfactorily providing for the payment discharge[1] of all its liabilities.

(May 28, 1936, ch. 471, § 6, 49 Stat. 1391.)

§ 117. Exclusive right to name, seal, emblems, and badges

The said corporation shall have the sole and exclusive right to have and to use, in carrying

[1] So in original. Probably should be preceded by "and".

out its purposes, the name ''Veterans of Foreign Wars of the United States'' and the sole and exclusive right to the use of its corporate seal, emblems, and badges as adopted by said corporation.

(May 28, 1936, ch. 471, § 7, 49 Stat. 1391.)

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.

§ 118. Annual report

Said corporation shall, on or before the 1st day of January in each year, make and transmit to the Congress a report of its proceedings for the preceding fiscal year: *Provided, however,* That said report shall not be printed as a public document.

(May 28, 1936, ch. 471, § 8, 49 Stat. 1391; Aug. 30, 1964, Pub. L. 88–504, § 4(10), 78 Stat. 637.)

AMENDMENTS

1964—Pub. L. 88–504 struck out '', including a full and complete report of its receipts and expenditures'' after ''fiscal year'' and ''financial'' before ''report shall not be printed''.

CROSS REFERENCES

Printing of proceedings of national encampments as House documents, see section 1332 of Title 44, Public Printing and Documents.

§ 119. Agents for service of process

As a condition precedent to the exercise of any power or privilege herein granted or conferred, the Veterans of Foreign Wars of the United States shall file in the office of the Secretary of State of each State the name and post-office address of an authorized agent in such State upon whom legal process or demands against the Veterans of Foreign Wars of the United States may be served.

(May 28, 1936, ch. 471, § 9, 49 Stat. 1391.)

§ 120. Reservation of right to amend or repeal chapter

The right to repeal, alter, or amend this chapter at any time is expressly reserved.

(May 28, 1936, ch. 471, § 10, 49 Stat. 1391.)

CHAPTER 8—AMERICAN BATTLE MONUMENTS COMMISSION

Sec.
121. American Battle Monuments Commission; appointment; secretary; terms of office; vacancies; expenses; designation and employment of personnel.
121a. Omitted.
121b. Station allowance for Army officers serving on Commission.
122. Expenses of officers of Armed Forces serving on Commission.
122a. Reimbursement of agencies for salary, pay, and allowances of assigned personnel.
122b. Military cemeteries in foreign countries; determination as permanent cemeteries; selection of new sites; design and construction; maintenance; construction by Armed Forces; burials and reburials; re-entry.
123. Powers and duties as to memorials.
124. Approval of designs for memorials.
125. Erection of war memorials.
(a) Cooperation with States, etc.
(b) Control, administration, and maintenance of war memorials by Commission.
(c) Demolition of war memorials erected on foreign soils and other functions of Commission.
(d) ''Sponsors'' defined.
125a. Erection of works in National Memorial Cemetery of the Pacific.
125b. Pacific War Memorial and other historical and memorial sites on Corregidor in Republic of the Philippines.
(a) Operation by ABMC.
(b) Condition.
(c) Personnel.
(d) Use of other agencies.
(e) Funding.
(f) Authority to solicit funds.
(g) Fund.
(h) Authorization of funding.
126. Repealed.
127. Arrangements with foreign countries.
128. Funds received from States, municipalities, or private sources.
129, 130. Repealed.
131. Statements to President.
132. Transfer of administrative functions, supplies, materials and equipment to Commission; maintenance of cemeteries located in foreign countries.
133. Disbursing agent for disbursement of expenditures outside continental United States.
134 to 135a. Omitted or Repealed.
136. Seal of Commission; judicial notice.
137. Disposition of land in foreign countries.
138. Records and archives.
138a. Appropriations.
138b. Acquisition and disposition of land in foreign countries; operation of vehicles; establishment of offices; printing authority; contract power; effective date; delegation of authority; claims against Commission.
138c. American Battle Monuments Commission Foreign Currency Fluctuations Account.
(a) Establishment; purpose; transfer of funds.
(b) Merger and availability of transferred funds; increase in permissible obligations of funds.
(c) Recording of obligations and fluctuations in exchange rates.
(d) Return of transferred funds.
(e) Time of return.
(f) Unobligated balances; merger and availability.
(g) Annual report on transferred funds.

§ 121. American Battle Monuments Commission; appointment; secretary; terms of office; vacancies; expenses; designation and employment of personnel

The Commission, known as the American Battle Monuments Commission (referred to in sections 121, 122b to 125, 127, 128, 131, 132, and 138 to 138b of this title as the Commission), shall consist of not more than eleven members who shall be appointed by the President, who shall also appoint one officer of the Regular Army to serve as its secretary. The members and secretary shall serve at the pleasure of the President who shall fill any vacancies that from time to time occur. Notwithstanding any other provision of law, members of the armed forces of the United

States may be appointed members of the Commission.

The members of the Commission shall serve as such without compensation, except that (1) their actual expenses in connection with the work of the Commission, (2) when in a travel status outside the continental United States, a per diem at the same rate prescribed for members of the uniformed services under section 405 of Title 37, in lieu of subsistence, and (3) when in a travel status within the continental United States, a per diem at the same rate authorized to be paid under sections 5702 and 5703 of Title 5, in lieu of subsistence, may be paid to such members from any funds appropriated for the purposes of sections 121, 122b to 125, 127, 128, 131, 132, and 138 to 138b of this title, or acquired by other means hereinafter authorized.

Upon the request of the Commission, the heads of the Federal departments or agencies are authorized to designate such personnel, and to make available to the Commission such facilities, of their respective departments or agencies, or of the Army, Navy, Air Force, or Marine Corps, as the case may be, as may be necessary to assist in carrying out the purposes of sections 121, 122b to 125, 127, 128, 131, 132, and 138 to 138b of this title, and may expend for such purposes any funds appropriated to such departments, agencies, and services, with reimbursement from the Commission for the pay and allowances of the personnel so designated. The Commission is authorized to employ such further personnel as may be necessary to carry out the purposes of such sections, within the limits of any appropriation or appropriations made for such purposes. To ensure adequate care and maintenance of the cemeteries, monuments, and memorials under the jurisdiction of the Commission, the Commission, subject to the availability of appropriations, shall employ (1) not less than 50 personnel in the competitive service (as defined in section 2102 of title 5, of whom not less than 43 shall be assigned to duty in foreign countries in which such cemeteries, monuments, and memorials are located, and (2) not less than 348 individuals who are citizens of the countries in which such cemeteries, monuments, and memorials are located, who shall be hired for local employment relating to the care and maintenance of such cemeteries, monuments, and memorials. No individual may be employed as the superintendent, or as an assistant superintendent, of a cemetery operated by the Commission unless such individual is a citizen of the United States.

The provisions of this subsection shall take effect on the first day of the first calendar month following the date of enactment of this Act.

(Mar. 4, 1923, ch. 283, § 1, 42 Stat. 1509; June 26, 1946, ch. 502, 60 Stat. 317; July 25, 1956, ch. 721, § 1, 70 Stat. 640; Oct. 21, 1970, Pub. L. 91–480, 84 Stat. 1081; Apr. 1, 1976, Pub. L. 94–256, 90 Stat. 301; Oct. 18, 1978, Pub. L. 95–479, title III, § 306, 92 Stat. 1566; Oct. 7, 1980, Pub. L. 96–385, title V, § 506, 94 Stat. 1537; Dec. 18, 1989, Pub. L. 101–237, title V, § 503, 103 Stat. 2094.)

REFERENCES IN TEXT

This subsection, referred to in text, probably refers to the second and third undesignated paragraphs of this section as amended by act July 25, 1956.

The date of enactment of this Act, referred to in text, probably means the date of enactment of act July 25, 1956, which was approved July 25, 1956.

AMENDMENTS

1989—Pub. L. 101–237 substituted ''members of the armed forces'' for ''commissioned officers of the armed forces'' in third sentence.

1980—Pub. L. 96–385, subject to available appropriations, required employment of at least 50 persons in the competitive service, including not less than 43 individuals for foreign assignment, for care and maintenance of cemeteries, monuments, and memorials, and at least 348 local citizens for employment at foreign locations.

1978—Pub. L. 95–479 inserted provision prohibiting the employment of an individual as superintendent or assistant superintendent of a cemetery unless such individual is a citizen of the United States.

1976—Pub. L. 94–256 substituted provisions authorizing the members of the Commission to receive a per diem at the same rate prescribed under section 405 of Title 37, when in a travel status outside the continental United States, and a per diem at the same rate authorized to be paid under sections 5702 and 5703 of Title 5 when in travel status within the continental United States, for provisions authorizing a per diem of $40 in lieu of subsistence when in travel status outside the continental United States, and a per diem at the same rate authorized to be paid under section 5703(c)(1) when in travel status within the continental United States.

1970—Pub. L. 91–480 substituted provisions authorizing members of the Commission to receive a per diem of $40 in lieu of subsistence when in a travel status outside the continental United States, and a per diem at the same rate authorized to be paid under section 5703(c)(1) of Title 5 when in a travel status within the continental United States, for provisions authorizing a per diem of $20 in lieu of subsistence when in a travel status.

1956—Act July 25, 1956, authorized payment of a per diem in lieu of subsistence, made the facilities of Federal departments or agencies available to the Commission, included personnel and facilities of the Air Force, and permitted expenditure of funds appropriated to Federal departments or agencies with reimbursement from the Commission.

1946—Act June 26, 1946, increased the number of Commission members from seven to eleven.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–385 effective Oct. 1, 1980, see section 601(b) of Pub. L. 96–385, set out as a note under section 1114 of Title 38, Veterans' Benefits.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–479 effective Oct. 1, 1978, see section 401 of Pub. L. 95–479, set out as a note under section 1114 of Title 38, Veterans' Benefits.

APPROPRIATIONS

Section 11 of act Mar. 4, 1923, authorized appropriations to effectuate original provisions of act Mar. 4, 1923, which were classified to sections 121 and 123 to 132 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 125, 127, 128, 138a, 138b of this title.

§ 121a. Omitted

CODIFICATION

Section, act Mar. 28, 1946, ch. 113, title I, § 101, 60 Stat. 62, which authorized Commission to delegate to its chairman, secretary, or officials in charge of either the Washington or Paris offices such of its authority as it deemed necessary and proper, was from the Independent Offices Appropriation Act, 1947, and was not re-

peated in subsequent appropriation acts. See section 138b of this title. Similar provisions were contained in the following prior appropriation acts:

May 3, 1945, ch. 106, title I, § 101, 59 Stat. 108.
June 27, 1944, ch. 286, title I, § 101, 58 Stat. 363.
June 26, 1943, ch. 145, title I, § 101, 57 Stat. 171.
June 27, 1942, ch. 450, § 1, 56 Stat. 395.
Apr. 5, 1941, ch. 40, § 1, 55 Stat. 95.
Apr. 18, 1940, ch. 107, § 1, 54 Stat. 114.
Mar. 16, 1939, ch. 11, § 1, 53 Stat. 525.
May 23, 1938, ch. 259, § 1, 52 Stat. 412.
June 28, 1937, ch. 396, § 1, 50 Stat. 331.
Mar. 19, 1936, ch. 156, § 1, 49 Stat. 1169.
Feb. 2, 1935, ch. 3, § 1, 49 Stat. 7.

§ 121b. Station allowance for Army officers serving on Commission

Where station allowance has been authorized by the Department of the Army for officers of the Army serving the Army at certain foreign stations, the same allowance shall be authorized for officers of the Armed Forces assigned to the Commission while serving at the same foreign stations.

(Sept. 28, 1994, Pub. L. 103–327, title III, 108 Stat. 2317.)

CODIFICATION

Section is from the appropriation act cited as the credit to this section.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Oct. 28, 1993, Pub. L. 103–124, title III, 107 Stat. 1291.
Oct. 6, 1992, Pub. L. 102–389, title III, 106 Stat. 1595.
Oct. 28, 1991, Pub. L. 102–139, title III, 105 Stat. 760.
Nov. 5, 1990, Pub. L. 101–507, title III, 104 Stat. 1370.
Nov. 9, 1989, Pub. L. 101–144, title III, 103 Stat. 854.
Aug. 19, 1988, Pub. L. 100–404, title II, 102 Stat. 1021.
Dec. 22, 1987, Pub. L. 100–202, § 101(f) [title II], 101 Stat. 1329–187, 1329–194.
Oct. 18, 1986, Pub. L. 99–500, § 101(g) [H.R. 5313, title II], 100 Stat. 1783–242, and Oct. 30, 1986, Pub. L. 99–591, § 101(g) [H.R. 5313, title II], 100 Stat. 3341–242.
Nov. 25, 1985, Pub. L. 99–160, title II, 99 Stat. 914.
July 18, 1984, Pub. L. 98–371, title II, 98 Stat. 1221.
July 12, 1983, Pub. L. 98–45, title II, 97 Stat. 224.
Sept. 30, 1982, Pub. L. 97–272, title II, 96 Stat. 1165.
Dec. 23, 1981, Pub. L. 97–101, title II, 95 Stat. 1422.
Dec. 15, 1980, Pub. L. 96–526, title II, 94 Stat. 3050.
Nov. 5, 1979, Pub. L. 96–103, title II, 93 Stat. 775.
Sept. 30, 1978, Pub. L. 95–392, title II, 92 Stat. 795.
Oct. 4, 1977, Pub. L. 95–119, title II, 91 Stat. 1077.
Aug. 9, 1976, Pub. L. 94–378, title II, 90 Stat. 1098.
Oct. 17, 1975, Pub. L. 94–116, title II, 89 Stat. 587.
Sept. 6, 1974, Pub. L. 93–414, title II, 88 Stat. 1099.
Nov. 27, 1973, Pub. L. 93–162, title V, 87 Stat. 653.
Oct. 25, 1972, Pub. L. 92–544, title V, 86 Stat. 1128.
Aug. 10, 1971, Pub. L. 92–77, title V, 85 Stat. 264.
Oct. 21, 1970, Pub. L. 91–472, title V, 84 Stat. 1058.
Dec. 24, 1969, Pub. L. 91–153, title V, 83 Stat. 421.
Aug. 9, 1968, Pub. L. 90–470, title V, 82 Stat. 686.
Nov. 8, 1967, Pub. L. 90–133, title V, 81 Stat. 429.
Nov. 8, 1966, Pub. L. 89–797, title V, 80 Stat. 1501.
Sept. 2, 1965, Pub. L. 89–164, title V, 79 Stat. 639.
Aug. 31, 1964, Pub. L. 88–527, title V, 78 Stat. 731.
Dec. 30, 1963, Pub. L. 88–245, title V, 77 Stat. 796.
Oct. 18, 1962, Pub. L. 87–843, title V, 76 Stat. 1100.
Aug. 3, 1961, Pub. L. 87–125, title IV, 75 Stat. 279.
July 12, 1960, Pub. L. 86–642, title I, 74 Stat. 475.
July 8, 1959, Pub. L. 86–79, title I, 73 Stat. 164.
June 25, 1958, Pub. L. 85–468, title I, 72 Stat. 223.
June 5, 1957, Pub. L. 85–48, title I, 71 Stat. 52.
June 13, 1956, ch. 385, title I, 70 Stat. 278.
June 29, 1955, ch. 226, title I, 69 Stat. 194.
June 24, 1954, ch. 359, title I, 68 Stat. 274.
July 31, 1953, ch. 302, title I, 67 Stat. 299.
July 5, 1952, ch. 578, title I, 66 Stat. 395.

CROSS REFERENCES

Travel and transportation allowances to officers of the Army, see section 401 et seq. of Title 37, Pay and Allowances of the Uniformed Services.

§ 122. Expenses of officers of Armed Forces serving on Commission

When traveling on business of the Commission, officers of the Armed Forces serving as members or as Secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission.

(Sept. 28, 1994, Pub. L. 103–327, title III, 108 Stat. 2317.)

CODIFICATION

Section is from the appropriation act cited as the credit to this section.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Oct. 28, 1993, Pub. L. 103–124, title III, 107 Stat. 1291.
Oct. 6, 1992, Pub. L. 102–389, title III, 106 Stat. 1595.
Oct. 28, 1991, Pub. L. 102–139, title III, 105 Stat. 760.
Nov. 5, 1990, Pub. L. 101–507, title III, 104 Stat. 1370.
Nov. 9, 1989, Pub. L. 101–144, title III, 103 Stat. 854.
Aug. 19, 1988, Pub. L. 100–404, title II, 102 Stat. 1021.
Dec. 22, 1987, Pub. L. 100–202, § 101(f) [title II], 101 Stat. 1329–187, 1329–195.
Oct. 18, 1986, Pub. L. 99–500, § 101(g) [H.R. 5313, title II], 100 Stat. 1783–242, and Oct. 30, 1986, Pub. L. 99–591, § 101(g) [H.R. 5313, title II], 100 Stat. 3341–242.
Nov. 25, 1985, Pub. L. 99–160, title II, 99 Stat. 914.
July 18, 1984, Pub. L. 98–371, title II, 98 Stat. 1221.
July 12, 1983, Pub. L. 98–45, title II, 97 Stat. 224.
Sept. 30, 1982, Pub. L. 97–272, title II, 96 Stat. 1165.
Dec. 23, 1981, Pub. L. 97–101, title II, 95 Stat. 1422.
Dec. 15, 1980, Pub. L. 96–526, title II, 94 Stat. 3050.
Nov. 5, 1979, Pub. L. 96–103, title II, 93 Stat. 775.
Sept. 30, 1978, Pub. L. 95–392, title II, 92 Stat. 795.
Oct. 4, 1977, Pub. L. 95–119, title II, 91 Stat. 1077.
Aug. 9, 1976, Pub. L. 94–378, title II, 90 Stat. 1099.
Oct. 17, 1975, Pub. L. 94–116, title II, 89 Stat. 587.
Sept. 6, 1974, Pub. L. 93–414, title II, 88 Stat. 1099.
Nov. 27, 1973, Pub. L. 93–162, title V, 87 Stat. 653.
Oct. 25, 1972, Pub. L. 92–544, title V, 86 Stat. 1128.
Aug. 10, 1971, Pub. L. 92–77, title V, 85 Stat. 264.
Oct. 21, 1970, Pub. L. 91–472, title V, 84 Stat. 1058.
Dec. 24, 1969, Pub. L. 91–153, title V, 83 Stat. 421.
Aug. 9, 1968, Pub. L. 90–470, title V, 82 Stat. 686.
Nov. 8, 1967, Pub. L. 90–133, title V, 81 Stat. 429.
Nov. 8, 1966, Pub. L. 89–797, title V, 80 Stat. 1501.
Sept. 2, 1965, Pub. L. 89–164, title V, 79 Stat. 639.
Aug. 31, 1964, Pub. L. 88–527, title V, 78 Stat. 731.
Dec. 30, 1963, Pub. L. 88–245, title V, 77 Stat. 796.
Oct. 18, 1962, Pub. L. 87–843, title V, 76 Stat. 1100.
Aug. 3, 1961, Pub. L. 87–125, title IV, 75 Stat. 279.
July 12, 1960, Pub. L. 86–642, title I, 74 Stat. 475.
July 8, 1959, Pub. L. 86–79, title I, 73 Stat. 164.
June 25, 1958, Pub. L. 85–468, title I, 72 Stat. 223.
June 5, 1957, Pub. L. 85–48, title I, 71 Stat. 52.
June 13, 1956, ch. 385, title I, 70 Stat. 279.
June 29, 1955, ch. 226, title I, 69 Stat. 194.
June 24, 1954, ch. 359, title I, 68 Stat. 274.
July 31, 1953, ch. 302, title I, 67 Stat. 299.
July 5, 1952, ch. 578, title I, 66 Stat. 395.
Aug. 31, 1951, ch. 376, title I, 65 Stat. 269.
Sept. 6, 1950, ch. 896, Ch. VIII, title I, 64 Stat. 699.
Aug. 24, 1949, ch. 506, title I, 63 Stat. 633.
Apr. 20, 1948, ch. 219, title I, 62 Stat. 179.
May 3, 1945, ch. 106, title I, 59 Stat. 107.
June 27, 1944, ch. 286, title I, 58 Stat. 363.
June 26, 1943, ch. 145, title I, 57 Stat. 171.

June 27, 1942, ch. 450, 56 Stat. 395.
Apr. 5, 1941, ch. 40, 55 Stat. 95.
Apr. 18, 1940, ch. 107, 54 Stat. 113.
Mar. 16, 1939, ch. 11, 53 Stat. 525.
May 23, 1938, ch. 259, 52 Stat. 412.
June 28, 1937, ch. 396, 50 Stat. 331.
Mar. 19, 1936, ch. 156, 49 Stat. 1169.
Feb. 2, 1935, ch. 3, 49 Stat. 7.
June 16, 1933, ch. 101, 48 Stat. 285.
June 30, 1932, ch. 330, 47 Stat. 454.
Feb. 23, 1931, ch. 281, 46 Stat. 1356.
Apr. 19, 1930, ch. 201, 46 Stat. 231.
Feb. 20, 1929, ch. 270, 45 Stat. 1232.
May 16, 1928, ch. 580, 45 Stat. 575.
Feb. 11, 1927, ch. 104, 44 Stat. 1071.
Apr. 22, 1926, ch. 171, 44 Stat. 307.
June 7, 1924, ch. 292, 43 Stat. 522.
Apr. 2, 1924, ch. 81, 43 Stat. 35.

§ 122a. Reimbursement of agencies for salary, pay, and allowances of assigned personnel

The Commission shall reimburse other Government agencies, including the Armed Forces, for salary, pay, and allowances of personnel assigned to it.

(Sept. 28, 1994, Pub. L. 103–327, title III, 108 Stat. 2317.)

CODIFICATION

Section is from the appropriation act cited as the credit to this section.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:
Oct. 28, 1993, Pub. L. 103–124, title III, 107 Stat. 1291.
Oct. 6, 1992, Pub. L. 102–389, title III, 106 Stat. 1595.
Oct. 28, 1991, Pub. L. 102–139, title III, 105 Stat. 760.
Nov. 5, 1990, Pub. L. 101–507, title III, 104 Stat. 1370.
Nov. 9, 1989, Pub. L. 101–144, title III, 103 Stat. 854.
Aug. 19, 1988, Pub. L. 100–404, title II, 102 Stat. 1021.
Dec. 22, 1987, Pub. L. 100–202, § 101(f) [title II], 101 Stat. 1329–187, 1329–195.
Oct. 18, 1986, Pub. L. 99–500, § 101(g) [H.R. 5313, title II], 100 Stat. 1783–242, and Oct. 30, 1986, Pub. L. 99–591, § 101(g) [H.R. 5313, title II], 100 Stat. 3341–242.
Nov. 25, 1985, Pub. L. 99–160, title II, 99 Stat. 914.
July 18, 1984, Pub. L. 98–371, title II, 98 Stat. 1221.
July 12, 1983, Pub. L. 98–45, title II, 97 Stat. 224.
Sept. 30, 1982, Pub. L. 97–272, title II, 96 Stat. 1165.
Dec. 23, 1981, Pub. L. 97–101, title II, 95 Stat. 1422.
Dec. 15, 1980, Pub. L. 96–526, title II, 94 Stat. 3050.
Nov. 5, 1979, Pub. L. 96–103, title II, 93 Stat. 775.
Sept. 30, 1978, Pub. L. 95–392, title II, 92 Stat. 795.
Oct. 4, 1977, Pub. L. 95–119, title II, 91 Stat. 1077.
Aug. 9, 1976, Pub. L. 94–378, title II, 90 Stat. 1099.
Oct. 17, 1975, Pub. L. 94–116, title II, 89 Stat. 587.
Sept. 6, 1974, Pub. L. 93–414, title II, 88 Stat. 1099.
Nov. 27, 1973, Pub. L. 93–162, title V, 87 Stat. 653.
Oct. 25, 1972, Pub. L. 92–544, title V, 86 Stat. 1128.
Aug. 10, 1971, Pub. L. 92–77, title V, 85 Stat. 264.
Oct. 21, 1970, Pub. L. 91–472, title V, 84 Stat. 1058.
Dec. 24, 1969, Pub. L. 91–153, title V, 83 Stat. 421.
Aug. 9, 1968, Pub. L. 90–470, title V, 82 Stat. 686.
Nov. 8, 1967, Pub. L. 90–133, title V, 81 Stat. 429.
Nov. 8, 1966, Pub. L. 89–797, title V, 80 Stat. 1501.
Sept. 2, 1965, Pub. L. 89–164, title V, 79 Stat. 640.
Aug. 31, 1964, Pub. L. 88–527, title V, 78 Stat. 731.
Dec. 30, 1963, Pub. L. 88–245, title V, 77 Stat. 796.
Oct. 18, 1962, Pub. L. 87–843, title V, 76 Stat. 1101.
Aug. 3, 1961, Pub. L. 87–125, title IV, 75 Stat. 280.
July 12, 1960, Pub. L. 86–642, title I, 74 Stat. 475.
July 8, 1959, Pub. L. 86–79, title I, 73 Stat. 164.
June 25, 1958, Pub. L. 85–468, title I, 72 Stat. 223.
June 5, 1957, Pub. L. 85–48, title I, 71 Stat. 52.
June 13, 1956, ch. 385, title I, 70 Stat. 279.
June 29, 1955, ch. 226, title I, 69 Stat. 194.
June 24, 1954, ch. 359, title I, 68 Stat. 274.

§ 122b. Military cemeteries in foreign countries; determination as permanent cemeteries; selection of new sites; design and construction; maintenance; construction by Armed Forces; burials and reburials; re-entry

When, as a result of combat operations, the Armed Forces shall establish military cemeteries in zones of operations outside the United States and its Territories and possessions, the Commission and the Secretary of the Army immediately upon the cessation of hostilities, shall determine which of the cemeteries so established, if any, shall become permanent cemeteries or, as they may deem desirable, select new sites at any other location for such cemeteries. The Commission shall be solely responsible for the design and construction of such permanent cemeteries, and of all buildings, plantings, headstones, and other permanent improvements incidental thereto except that (1) the Armed Forces shall be responsible for the maintenance of such permanent cemeteries until such time as the Commission shall express its readiness to assume the functions of administration hereinafter authorized, (2) all construction undertaken by the Armed Forces in establishing and maintaining the cemetery prior to its transfer to the Commission shall be nonpermanent in nature, (3) burials and reburials therein by the Armed Forces shall be carried out in accordance with plans prepared by the Commission, (4) the Armed Forces shall have the right to re-enter any cemeteries transferred to the Commission for the purpose of making exhumations or reinterments should they deem any such action to be necessary.

(Mar. 4, 1923, ch. 283, § 2, as added July 25, 1956, ch. 721, § 3(a), 70 Stat. 640.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 121, 125, 127, 128, 138a, 138b of this title.

§ 123. Powers and duties as to memorials

The Commission shall prepare plans and estimates for the erection of suitable memorials to commemorate the services of the American Armed Forces, and shall erect and maintain memorials in the United States and at such places outside the United States where the American Armed Forces have served since April 6, 1917, or shall hereafter serve, as the Commission shall determine. The Commission shall also erect and maintain works of architecture and art in such American cemeteries located outside of the United States, its Territories, and possessions, as have been or may hereafter be declared to be permanent cemeteries. Works of architecture and art erected by the Commission in cemeteries within the United States, its Territories and possessions, shall be maintained by the Department of Defense.

The Commission shall control as to materials and design and provide regulations for, and supervise the erection of, all memorial monuments and buildings in American cemeteries located outside the United States, its Territories, and possessions.

The Commission shall control as to design and provide regulations for the erection of all memorial monuments and buildings commemorating the services of the American Armed Forces erected in any foreign country or political division thereof which may authorize the Commission to perform such functions.

(Mar. 4, 1923, ch. 283, § 3, formerly § 2, 42 Stat. 1509; June 26, 1946, ch. 502, 60 Stat. 317; renumbered § 3 and amended July 25, 1956, ch. 721, §§ 2(b), 3(b), 70 Stat. 640, 641.)

AMENDMENTS

1956—Act July 25, 1956, § 3(b), amended section generally, requiring maintenance of works of architecture and art by the Department of Defense and striking out provisions which gave the Commission control over memorial monuments and buildings upon federally owned or controlled property in the United States or in its Territories and possessions, except national cemeteries.

1946—Act June 26, 1946, extended authority and field of operations of Commission to cover all battlefields and cemeteries throughout the world.

TRANSFER OF FUNCTIONS

Functions of War Department [now Department of the Army] pertaining to national cemeteries and memorials located in foreign countries transferred to American Battle Monuments Commission by Ex. Ord. No. 6614, Feb. 26, 1934. Ex. Ord. No. 6690, Apr. 25, 1934, provided that Ex. Ord. No. 6614 should become effective May 21, 1934.

Transfer of administration of national monuments to National Park Service, see Ex. Ord. No. 6166, § 2, June 10, 1933, set out as a note under section 901 of Title 5, Government Organization and Employees.

SURRENDER TREE SITE IN SANTIAGO, CUBA

Pub. L. 85–125, Aug. 13, 1957, 71 Stat. 344, provided: ''That the American Battle Monuments Commission is responsible for the care and maintenance of the Surrender Tree site in Santiago, Cuba. This Act takes effect on the next July 1, after the date of its enactment [Aug. 13, 1957].''

CROSS REFERENCES

National and international monuments and memorials generally, see section 431 et seq. of Title 16, Conservation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 121, 122b, 125, 127, 128, 138a, 138b of this title.

§ 124. Approval of designs for memorials

Before any design for any memorial is accepted by the Commission, it shall be approved by the National Commission of Fine Arts.

(Mar. 4, 1923, ch. 283, § 4, formerly § 3, 42 Stat. 1510; June 26, 1946, ch. 502, 60 Stat. 317; renumbered § 4 and amended July 25, 1956, ch. 721, §§ 2(b), 3(c), 70 Stat. 640, 641.)

AMENDMENTS

1956—Act July 25, 1956, § 3(c), amended section generally, striking out provisions which required prior approval of materials for memorials.

1946—Act June 26, 1946, reenacted section without change.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 121, 125, 127, 128, 138a, 138b, 1381e of this title.

§ 125. Erection of war memorials

(a) Cooperation with States, etc.

The Commission is authorized to cooperate with American citizens, States, municipalities, or associations desiring to erect war memorials outside the continental limits of the United States in such manner as may be determined by the Commission: *Provided*, That no assistance in erecting any such memorial shall be given by any administrative agency of the United States unless the plan has been approved in accordance with the provisions of sections 121, 122b to 125, 127, 128, 131, 132, and 138 to 138b of this title.

(b) Control, administration, and maintenance of war memorials by Commission

(1) The Commission is authorized, in its discretion, to assume responsibility for the control, administration, and maintenance of any war memorial erected before, on, or after the effective date of this subsection outside the United States by an American citizen, a State, a political subdivision of a State, any other non-Federal governmental agency, foreign agency, or private association to commemorate the services of any of the American Armed Forces in hostilities occurring since April 6, 1917, if (A) the memorial is not erected on the territory of the former enemy concerned, and (B) the sponsors of the memorial consent to the Commission assuming such responsibilities and transfer to the Commission all their right, title, and interest in the memorial. If reasonable effort fails to locate the sponsors of a memorial, the Commission may assume responsibility therefor under this subsection by agreement with the appropriate foreign authorities. A decision of the Commission to assume responsibility for any war memorial under this subsection is final.

(2) Any funds accumulated by the sponsors for the maintenance and repair of a war memorial for which the Commission assumes responsibility under this subsection may be transferred to the Commission for use in carrying out the purpose of sections 121, 122b to 125, 127, 128, 131, 132, and 138 to 138b of this title. Any such funds so transferred shall be deposited by the Commission in the manner provided for in section 128 of this title.

(c) Demolition of war memorials erected on foreign soils and other functions of Commission

The Commission is authorized to take necessary measures to demolish any war memorial erected on foreign soil by an American citizen, a State, a political subdivision of a State, any other non-Federal governmental agency, foreign agency, or private association and to dispose of the site of such memorial in such manner as it deems proper, if—

(1) the appropriate foreign authorities agree to such demolition; and

(2) the sponsors of the memorial consent to such demolition; or

(3) the memorial has fallen into disrepair and a reasonable effort on the part of the Commission has failed—

(A) to persuade the sponsors to maintain the memorial at a standard acceptable to the Commission, or

(B) to locate the sponsors.

(d) "Sponsors" defined

As used in this section, the term ''sponsors'' includes the legal successors to the sponsor.

(Mar. 4, 1923, ch. 283, § 5, formerly § 4, 42 Stat. 1510; June 26, 1946, ch. 502, 60 Stat. 318; renumbered § 5, July 25, 1956, ch. 721, § 2(b), 70 Stat. 640; Jan. 2, 1974, Pub. L. 93–244, 87 Stat. 1070.)

REFERENCES IN TEXT

The effective date of this subsection, referred to in subsec. (b)(1), means the effective date of Pub. L. 93–244, which was approved Jan. 2, 1974.

AMENDMENTS

1974—Pub. L. 93–244 designated existing provisions as subsec. (a) and added subsecs. (b) to (d).

1946—Act of June 26, 1946, amended section generally. Former provisions of this section are now covered by section 127 of this title.

MAINTENANCE AND REPAIR OF PACIFIC BATTLE MONUMENTS

Pub. L. 103–160, div. A, title III, § 369, Nov. 30, 1993, 107 Stat. 1634, provided that:

''(a) AUTHORITY.—The Commandant of the Marine Corps may provide necessary minor maintenance and repairs to the Pacific battle monuments until such time as the Secretary of the American Battle Monuments Commission and the Commandant of the Marine Corps agree that the repair and maintenance will be performed by the American Battle Monuments Commission.

''(b) FUNDING.—Of the amounts authorized to be appropriated to the Marine Corps for operation and maintenance in a fiscal year, not more than $15,000 may be made available to repair and maintain Pacific battle monuments, except that of the amounts available to the Marine Corps for operation and maintenance in fiscal year 1994, $150,000 may be made available to repair and relocate a monument located on Iwo Jima commemorating the heroic efforts of United States military personnel during World War II.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 121, 127, 128, 138a, 138b of this title.

§ 125a. Erection of works in National Memorial Cemetery of the Pacific

The Commission is authorized to erect such works of architecture and art in the National Memorial Cemetery of the Pacific as may be determined by the Commission with the consent of the Secretary of the Army.

(June 24, 1954, ch. 359, title I, § 101, 68 Stat. 275.)

CODIFICATION

Section was not repeated in any subsequent appropriation act, which made appropriations for the American Battle Monuments Commission.

The proviso that the Commission may reimburse other Government agencies, including the Armed Forces, for salary, pay, and allowances of personnel assigned to it, was omitted in view of section 122a of this title.

§ 125b. Pacific War Memorial and other historical and memorial sites on Corregidor in Republic of the Philippines

(a) Operation by ABMC

Subject to subsection (b) of this section and to the agreement referred to in such subsection, the American Battle Monuments Commission shall restore, operate, and maintain the Pacific War Memorial and other historical and memorial sites on Corregidor in the Republic of the Philippines.

(b) Condition

The Commission may carry out this section only after an agreement has been entered into between the Republic of the Philippines and the United States with respect to the restoration, operation, and maintenance of the Memorial and other historical and memorial sites referred to in subsection (a) of this section.

(c) Personnel

The Commission may employ personnel as may be necessary to carry out this section.

(d) Use of other agencies

Departments, agencies, and other instrumentalities of the United States are authorized to assist the Commission, on a reimbursable basis, in carrying out this section.

(e) Funding

The American Battle Monuments Commission shall carry out this section with private funds except to the extent funds are appropriated pursuant to subsection (h) of this section.

(f) Authority to solicit funds

For the purpose of carrying out this section, the Commission may solicit and accept private contributions and shall deposit such contributions in the fund established by subsection (g) of this section.

(g) Fund

(1) There is hereby established in the Treasury a fund which shall be available to the American Battle Monuments Commission only for carrying out this section. The fund shall consist of—

(A) amounts deposited into, and interest and proceeds credited to, the fund under paragraph (2); and

(B) obligations obtained under paragraph (3).

(2) The Chairman of the Commission shall deposit into the fund the amounts that are accepted under subsection (f) of this section. The Secretary of the Treasury shall credit to the fund the interest on, and the proceeds from sale or redemption of, obligations held in the fund.

(3) The Secretary of the Treasury shall invest any portion of the fund that, as determined by the Chairman of the Commission, is not required to meet current expenses. Each investment shall be made in an interest-bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Chairman of the Commission, has a maturity suitable for the fund.

(4) Amounts in the fund that are in excess of the costs of carrying out this section, as determined by the Chairman of the Commission, shall be deposited in the Treasury as miscellaneous receipts to reimburse the United States for funds appropriated pursuant to subsection (h) of this section.

(h) Authorization of funding

There are hereby authorized to be appropriated—

(1) $6,000,000 for site preparation, design, planning, construction, and associated admin-

istrative costs for the restoration of the Memorial and other historical and memorial sites referred to in subsection (a) of this section; and

(2) such sums as may be necessary for the operation and maintenance of such Memorial and other historical and memorial sites.

(Pub. L. 100–687, div. B, title XVI, § 1602, Nov. 18, 1988, 102 Stat. 4137.)

§ 126. Repealed. July 25, 1956, ch. 721, § 2(a), 70 Stat. 640

Section, acts Mar. 4, 1923, ch. 283, § 5, 42 Stat. 1510; June 26, 1946, ch. 502, 60 Stat. 317, required Commission to advise Secretary of the Army of location and date of completion of each memorial erected by it.

§ 127. Arrangements with foreign countries

The President is requested to make the necessary arrangements with the proper authorities of the countries concerned to enable the Commission to carry out the purposes of sections 121, 122b to 125, 127, 128, 131, 132, and 138 to 138b of this title.

(Mar. 4, 1923, ch. 283, § 6, 42 Stat. 1510; June 26, 1946, ch. 502, 60 Stat. 318.)

AMENDMENTS

1946—Act June 26, 1946, amended section generally.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 121, 125, 128, 138a, 138b of this title.

§ 128. Funds received from States, municipalities, or private sources

The Commission is authorized to receive funds from any State, municipal, or private source for the purpose of sections 121, 122b to 125, 127, 128, 131, 132, and 138 to 138b of this title, and such funds shall be deposited by the Commission with the Treasurer of the United States and shall be kept by him in separate accounts and shall be disbursed upon vouchers approved by the Chairman of the Commission.

(Mar. 4, 1923, ch. 283, § 7, 42 Stat. 1510; June 26, 1946, ch. 502, 60 Stat. 318.)

AMENDMENTS

1946—Act June 26, 1946, amended section generally.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 121, 125, 127, 138a, 138b of this title.

§§ 129, 130. Repealed. July 25, 1956, ch. 721, § 2(a), 70 Stat. 640

Section 129, acts Mar. 4, 1923, ch. 283, § 8, 42 Stat. 1510; June 26, 1946, ch. 502, 60 Stat. 317, authorized preparation of memorials at arsenals or navy yards and permitted use of captured war material.

Section 130, acts Mar. 4, 1923, ch. 283, § 9, 42 Stat. 1510; June 26, 1946, ch. 502, 60 Stat. 317, authorized Commission to furnish replicas of any memorial, or part thereof.

§ 131. Statements to President

The Commission shall transmit to the President of the United States annually on the 1st of October a statement of all its financial and other transactions during the preceding fiscal year.

(Mar. 4, 1923, ch. 283, § 8, formerly § 10, 42 Stat. 1510; June 26, 1946, ch. 502, 60 Stat. 318; renumbered § 8, July 25, 1956, ch. 721, § 2(c), 70 Stat. 640; Apr. 21, 1976, Pub. L. 94–273, § 3(19), 90 Stat. 377.)

AMENDMENTS

1976—Pub. L. 94–273 substituted ''October'' for ''July''.

1946—Act June 26, 1946, reenacted section without change.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 121, 125, 127, 128, 138a, 138b of this title.

§ 132. Transfer of administrative functions, supplies, materials and equipment to Commission; maintenance of cemeteries located in foreign countries

The President may by Executive order transfer to the Commission, with respect to any permanent military cemeteries located outside of the United States, its Territories and possessions, the same functions of administration which were transferred to the Commission by Executive Order 6614, dated February 26, 1934, and Executive Order 10057, dated May 14, 1949, as amended by Executive Order 10087, dated December 3, 1949, together with any supplies, materials and equipment located therein or in military depots overseas which are excess to the needs of the Department of Defense and are requested by the Commission for the performance of such functions. Thereafter the Commission shall be responsible for the maintenance of such cemetery and of all improvements therein.

(Mar. 4, 1923, ch. 283, § 10, formerly § 12, 42 Stat. 1510; June 26, 1946, ch. 502, 60 Stat. 318; renumbered § 10 and amended July 25, 1956, ch. 721, §§ 2(c), 4(b), 70 Stat. 640, 641.)

REFERENCES IN TEXT

Executive Order 10057, dated May 14, 1949, as amended by Executive Order 10087, dated December 3, 1949, referred to in text, is set out below.

AMENDMENTS

1956—Act July 25, 1956, § 4(b), amended section generally, substituting ''permanent military cemeteries'' for ''national cemeteries'', included Executive Orders 10057 and 10087, authorized transfer of supplies, materials and equipment, and inserted provisions making the Commission responsible for the maintenance of such cemeteries and improvements therein.

1946—Act June 26, 1946, amended section generally.

EX. ORD. NO. 9873. ADMINISTRATION OF THE MEXICO CITY NATIONAL CEMETERY

Ex. Ord. No. 9873, July 16, 1947, 12 F.R. 4777, provided:

By virtue of the authority vested in me by section 12 of the act of March 4, 1923, as amended by the act of June 26, 1946, 60 Stat. 318 [this section], and as President of the United States, it is hereby ordered as follows:

1. All functions of administration pertaining to the Mexico City National Cemetery, located in Mexico City, Calazada, Molchor, Ocampo 31, Mexico, DF, now vested in or exercised by the War Department, together with the field civilian personnel, records, supplies, equipment, and property of every kind pertaining thereto, are hereby transferred from the War Department to the American Battle Monuments Commission.

2. The unexpended balances of appropriations or allotments of appropriations which are now, or may become, available to the War Department for the performance of the functions transferred by this order shall be transferred to the American Battle Monuments Commission to such extent as the Director of the Bureau of the Budget may deem necessary.

EX. ORD. NO. 10057. TRANSFER OF CERTAIN FUNCTIONS PERTAINING TO UNITED STATES MILITARY CEMETERIES

Ex. Ord. No. 10057, May 14, 1949, 14 F.R. 2585, as amended Ex. Ord. 10087, Dec. 3, 1949, 14 F.R. 7287, provided:

By virtue of the authority vested in me by section 12 of the act of March 4, 1923, 42 Stat. 1509, as amended by the act of June 26, 1946, 60 Stat. 318 [this section], and as President of the United States, it is hereby ordered as follows:

1. All functions of administration pertaining to World War II United States Military Cemeteries located in or near Cambridge, England; Margraten, the Netherlands; Hamm, Luxembourg; Henri-Chapelle, Belgium; Neuvilleen-Condroz, Belgium; St. Laurent, France; St. James, France; Epinal, France; St. Avold, France; Draguignan, France; Nettuno (Anzio), Italy; Florence, Italy; Tunis (Carthage), Tunisia; and Ft. McKinley, Philippine Islands, now vested in or exercised by the Secretary of the Army pursuant to the act of May 16, 1946, c. 261, 60 Stat. 182, as amended by the act of August 5, 1947, c. 497, 61 Stat. 779, together with (a) such supplies, equipment, temporary structures, utilities and facilities pertaining thereto as are located therein or are in depots or other places overseas under the jurisdiction of the American Graves Registration Service and are determined by the American Battle Monuments Commission to be required for the discharge of its responsibilities under this order, and (b) the cemetery records currently maintained for the operation of such cemeteries, including records pertinent to the acquisition of real estate upon which the cemeteries and their appurtenances are situated, are hereby transferred to the American Battle Monuments Commission; such transfer to become effective as to any particular cemetery or group of cemeteries upon the completion of the operational mission of the Department of the Army with respect to such cemetery or group of cemeteries, but in no instance later than December 31, 1951, or at such earlier date as may be determined by the President or the Congress pursuant to the said act of May 16, 1946, as amended by the act of August 5, 1947.

2. The Department of the Army shall have the right to re-enter any of such cemeteries subsequent to the effective date of the transfer of functions with respect thereto for the purpose of making exhumations or reinterments should any such action become necessary.

3. There shall be transferred to the American Battle Monuments Commission so much of the unexpended balances of appropriations now, or which may become, available to the Department of the Army for the performance of the functions transferred by the provisions of this order as the Director of the Bureau of the Budget may deem necessary for use prior to July 1, 1950, in connection with such functions.

EX. ORD. NO. 12115. PERMANENT AMERICAN CEMETERY IN REPUBLIC OF PANAMA

Ex. Ord. No. 12115, Jan. 19, 1979, 44 F.R. 4645, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including Section 10 of the Act of March 4, 1923 (42 Stat. 1509), as amended (36 U.S.C. 132), and to implement the intent of the United States Senate (124 Cong. Rec. S3857 of March 16, 1978) as set forth by Reservations (1) and (3) to the Resolution of Ratification of the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, it is hereby ordered as follows:

1–101. The Secretary of State shall take all appropriate steps to complete, prior to the date of entry into force of the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, hereinafter referred to as the Neutrality Treaty, the negotiations which have begun with the Republic of Panama for an agreement under which the United States of America would, upon the date of entry into force of such agreement and thereafter, administer as a permanent American cemetery such part of Corozal Cemetery as encompasses the remains of citizens of the United States of America.

1–102. Subject to the conclusion of the agreement referred to in Section 1–101 of this Order, the American Battle Monuments Commission shall administer that part of Corozal Cemetery which encompasses the remains of citizens of the United States of America, in accordance with the terms of the agreement with the Republic of Panama.

1–103. The Governor of the Canal Zone shall, to the extent funds are available, disinter from Mount Hope Cemetery, before entry into force of the Neutrality Treaty, and reinter in Corozal Cemetery the remains of United States citizens, and the remains of members of their immediate family that are buried with them. The Governor shall not remove from Mount Hope Cemetery the remains of any such person whose next of kin timely requests in writing that such remains not be disinterred. The Governor shall transport to the United States for reinterment the remains of any such person whose next of kin timely requests in writing that such remains be transported to the United States for reinterment.

1–104. The Secretary of Defense shall, to the extent funds are available, disinter from Corozal Cemetery and transport to the United States for reinterment the remains of United States citizens, and the remains of members of their immediate family buried with them, whose next of kin requests in writing by April 1, 1982, that such remains be transported to the United States for reinterment.

1–105. Subject to the availability of funds, all the costs incurred in the disinterment, reinterment in Corozal Cemetery, and transportation of remains required by this Order, including the costs of preparation, cremation if requested, and a casket or urn, shall be borne by the United States of America. The costs of reinterment in the United States, including any costs for funeral home services, vaults, plots, or crypts, will be the responsibility of the next of kin making the request, except to the extent otherwise provided by law, including any unused specific entitlements available pursuant to statute.

1–106. (a) The Governor of the Canal Zone shall identify, to the extent feasible, the closest surviving next of kin of each deceased United States citizen buried in the Mount Hope and Corozal Cemeteries, and of such next of kin of each member of the immediate family that is buried with such United States citizen.

(b) The Governor shall provide notice to the next of kin of such deceased buried in Mount Hope Cemetery that the Government plans to remove the deceased to Corozal Cemetery unless the next of kin requests in writing, not later than three months after the first issuance of such notification, either that the remains not be removed from Mount Hope Cemetery, or that the remains be moved to, and reinterred in, the United States in a cemetery or other burial site designated by the next of kin.

(c) The Governor shall also provide notice to the next of kin of such deceased who are buried in Corozal Cemetery that the Government will disinter and transport such deceased to the United States for reinterment in a cemetery or other burial site designated by the next of kin, if the next of kin so requests in writing not later than April 1, 1982.

(d) The Governor shall publish the notices provided for in subsections (b) and (c) of this Section in appropriate newspapers, magazines and other periodicals, and utilize such other means of communicating with the next of kin that he finds to be practical and effective.

1–107. The Governor of the Canal Zone shall, before the entry into force of the Neutrality Treaty, fully advise the next of kin of all available options, and their implications, in those cases where a request has been made that remains not be removed from Mount Hope Cemetery.

1–108. The Secretary of the Army shall supervise the planned removal of the remains from Mount Hope Cemetery to Corozal Cemetery and shall ensure compliance with the wishes of any next of kin who, within the time specified in clause B(i) to the Third Reservation to the Neutrality Treaty, objects to such removal.

1–109. As used in this Order:

(a) ''Next of kin'' means the person whom the Governor of the Canal Zone determines to be the nearest living relative, by consanguinity or affinity, of a person buried at Mount Hope Cemetery or Corozal Cemetery.

(b) ''Members of their immediate family'' means the spouse, children, mother or father of the deceased United States citizen.

JIMMY CARTER.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 121, 125, 127, 128, 138a, 138b of this title.

§ 133. Disbursing agent for disbursement of expenditures outside continental United States

On and after February 11, 1927, disbursements for expenditures outside of continental United States may be made by a special disbursing agent designated by the commission and under such regulations as it may prescribe.

(Feb. 11, 1927, ch. 104, 44 Stat. 1071.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Apr. 22, 1926, ch. 171, 44 Stat. 307.
June 7, 1924, ch. 292, 43 Stat. 522.
Apr. 2, 1924, ch. 81, 43 Stat. 35.

§§ 134, 135. Omitted

CODIFICATION

Section 134, acts Apr. 22, 1926, ch. 171, § 1, 44 Stat. 307; Feb. 11, 1927, ch. 104, § 1, 44 Stat. 1071; May 16, 1928, ch. 580, § 1, 45 Stat. 575; Feb. 20, 1929, ch. 270, § 1, 45 Stat. 1231; Apr. 19, 1930, ch. 201, § 1, 46 Stat. 230; Feb. 23, 1931, ch. 281, § 1, 46 Stat. 1356; June 30, 1932, ch. 330, § 1, 47 Stat. 454, authorized Commission to incur certain obligations, and has not been repeated in subsequent appropriation acts.

Section 135, act Mar. 28, 1946, ch. 113, title I, § 101, 60 Stat. 62, related to power to contract for work in Europe, etc., and has not been repeated in subsequent appropriation acts. See section 138b of this title. Similar provisions were contained in the following prior appropriation acts:

May 3, 1945, ch. 106, title I, 59 Stat. 107.
June 27, 1944, ch. 286, title I, 58 Stat. 363.
June 26, 1943, ch. 145, title I, 57 Stat. 171.
June 27, 1942, ch. 450, 56 Stat. 395.
Apr. 5, 1941, ch. 40, 55 Stat. 95.
Apr. 18, 1940, ch. 107, 54 Stat. 113.
Mar. 16, 1939, ch. 11, 53 Stat. 525.
May 23, 1938, ch. 259, 52 Stat. 412.
June 28, 1937, ch. 396, 50 Stat. 331.
Mar. 19, 1936, ch. 156, 49 Stat. 1169.
Feb. 2, 1935, ch. 3, 49 Stat. 7.
June 16, 1933, ch. 101, 48 Stat. 285.
June 30, 1932, ch. 330, 47 Stat. 454.
Feb. 23, 1931, ch. 281, 46 Stat. 1356.
Apr. 19, 1930, ch. 201, 46 Stat. 230.
Feb. 20, 1929, ch. 270, 45 Stat. 1231.
May 16, 1928, ch. 580, 45 Stat. 575.
Feb. 11, 1927, ch. 104, 44 Stat. 1071.
Apr. 22, 1926, ch. 171, 44 Stat. 307.

§ 135a. Repealed. Oct. 10, 1940, ch. 851, § 4, 54 Stat. 1111

Section, acts June 28, 1937, ch. 396, § 1, 50 Stat. 331; May 23, 1938, ch. 259, § 1, 52 Stat. 412; Mar. 16, 1939, ch. 11, § 1, 53 Stat. 525; Apr. 18, 1940, ch. 107, § 1, 54 Stat. 113, related to purchase of supplies in minimum quantity without restrictions.

§ 136. Seal of Commission; judicial notice

The commission shall have a seal, which shall be judicially noticed.

(Feb. 11, 1927, ch. 104, § 1, 44 Stat. 1071.)

§ 137. Disposition of land in foreign countries

The commission may, under such terms and conditions and in such manner as the commission may in its discretion deem necessary and proper dispose of any land or interest in land in foreign countries which has been or may hereafter be acquired by the commission in connection with its work.

(Feb. 11, 1927, ch. 104, § 1, 44 Stat. 1071.)

CODIFICATION

Provisions of this section were to be superseded by the third paragraph of section 138b of this title upon the expiration of the Surplus Property Act of 1944. See References in Text note set out under section 138b of this title.

§ 138. Records and archives

The records and archives of the Commission, shall, when no longer required by the Commission, be deposited with the National Archives in accordance with the provisions of section 2107 of title 44.

(Mar. 4, 1923, ch. 283, § 9, formerly § 11, 42 Stat. 1510; June 26, 1946, ch. 502, 60 Stat. 318; renumbered § 9 and amended July 25, 1956, ch. 721, §§ 2(c), 4(a), 70 Stat. 640, 641.)

CODIFICATION

''Section 2107 of title 44'' substituted in text for ''the Federal Records Act of 1950 (44 U.S.C. 397)'' on authority of Pub. L. 90–620, § 2(b), Oct. 22, 1968, 82 Stat. 1305, the first section of which enacted Title 44, Public Printing and Documents, and Pub. L. 98–497, title I, § 102(a)(1), Oct. 19, 1984, 98 Stat. 2280, which renumbered section 2103 of Title 44 (as enacted by Pub. L. 90–620) as section 2107.

AMENDMENTS

1956—Act July 25, 1956, § 4(a), substituted ''when no longer required by the Commission'' for ''upon the termination of its duties'' and required deposit of records and archives in accordance with the provisions of the Federal Records Act of 1950 (44 U.S.C. 397).

1946—Act June 26, 1946, amended section generally. Former provisions of this section are covered by section 138a of this title.

TRANSFER OF FUNCTIONS

National Archives Establishment transferred to General Services Administration by act June 30, 1949, ch. 288, title I, § 104(a), 63 Stat. 381. On Dec. 11, 1949, National Archives and Records Service, under direction of Archivist of the United States, established by Administrator of General Services to succeed National Archives Establishment. National Archives and Records Service of General Services Administration transferred to Na-

tional Archives and Records Administration, see section 2102 of Title 44, Public Printing and Documents, and sections 103 to 106 and 108 of Pub. L. 98–497, set out as notes under section 2102 of Title 44.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions as effective July 1, 1949, see section 605 of act June 30, 1949, set out as an Effective Date note under section 471 of Title 40, Public Buildings, Property, and Works.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 121, 125, 127, 128, 138a, 138b of this title.

§ 138a. Appropriations

Such sum or sums as Congress may after June 26, 1946, appropriate for the purposes of sections 121, 122b to 125, 127, 128, 131, 132, and 138 to 138b of this title are authorized to be appropriated.

(Mar. 4, 1923, ch. 283, § 11, formerly § 13, as added June 26, 1946, ch. 502, 60 Stat. 318; renumbered § 11, July 25, 1956, ch. 721, § 2(c), 70 Stat. 640.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 121, 125, 127, 128, 138b of this title.

§ 138b. Acquisition and disposition of land in foreign countries; operation of vehicles; establishment of offices; printing authority; contract power; effective date; delegation of authority; claims against Commission

Within the limits of any appropriation or appropriations made for the purposes of sections 121, 122b to 125, 127, 128, 131, 132, and 138 to 138b of this title, the Commission is authorized (1) to acquire land or interest in land in foreign countries for carrying out the purposes of said sections or of any Executive order conferring functions upon the Commission without submission to the Attorney General of the United States under the provisions of section 255 of title 40; (2) to maintain, repair, and operate motor-propelled passenger-carrying vehicles and other property, which may be furnished to the Commission by other departments of the Government; (3) to establish offices in the District of Columbia and elsewhere in or outside of the United States; (4) to rent office and garage space in foreign countries which may be paid for in advance; (5) to procure printing, binding, engraving, lithographing, photographing, and typewriting, including the publication of information concerning the American activities, battlefields, memorials, and cemeteries with respect to which it may exercise any functions.

Notwithstanding the requirements of existing laws or regulations, under such terms and conditions as the Commission may in its discretion deem necessary and proper, the Commission may contract for work, supplies, materials, and equipment outside or for use outside of the United States and engage, by contract or otherwise, the services of architects, firms of architects, and other technical and professional personnel.

The Commission may under such terms and conditions and in such manner as it may deem proper dispose of any land or interest in land in foreign countries which has been or may after June 26, 1946, be acquired by the Commission in connection with its work: *Provided*, That this subsection shall not be effective until the expiration of the Surplus Property Act of 1944.

Claims of the type described in section 2734 of title 10, on account of damage to or loss or destruction of property both real and personal, or personal injury or death of any person, arising on or after July 25, 1956 and caused by the negligent or wrongful act or omission of any officer or civilian employee of the Commission while acting within the scope of his office or employment, may be considered, ascertained, adjusted, determined, and paid in the manner provided in section 2734 of title 10 for the settlement of Army claims, except that in such cases one or more officers or employees of the Commission may be appointed by the Secretary of the Army to a claims commission or commissions or as officers to approve settlements of claims made by such commission or commissions, and all payments in settlement of such claims shall be made out of appropriations made for the purposes of sections 121, 122b to 125, 127, 128, 131, 132, and 138 to 138b of this title.

The Commission may delegate to its Chairman, secretary, or officials in charge of any of its offices, under such terms and conditions as it may prescribe, such of its authority as it may deem necessary and proper.

(Mar. 4, 1923, ch. 283, § 12, formerly § 14, as added June 26, 1946, ch. 502, 60 Stat. 318; renumbered § 12 and amended July 25, 1956, ch. 721, §§ 2(c), 4(c), 70 Stat. 640, 641.)

REFERENCES IN TEXT

The expiration of the Surplus Property Act of 1944, referred to in the third paragraph, means the expiration of act Oct. 3, 1944, ch. 479, 58 Stat. 765, which was classified principally to sections 1611 to 1641 of Title 50, Appendix, War and National Defense. The expiration of such act was to occur, pursuant to section 38 of such act, three years after cessation of hostilities of World War II. Cessation of hostilities was proclaimed on Dec. 31, 1946, by Proc. No. 2714, 12 F.R. 1, set out as a note preceding section 1 of Title 50, Appendix. However, effective July 1, 1949, section 38 of act Oct. 3, 1944, along with substantially all of such act was repealed (except for sections 1622, 1631, 1637, and 1641 of Title 50, Appendix) by act June 30, 1949, ch. 288, title VI, § 602(a)(1), 63 Stat. 399, renumbered Sept. 5, 1950, ch. 849, § 6(a), (b), 64 Stat. 583. Sections 1622 and 1641 were partially repealed by the 1949 act, and section 1622 is still set out in part in Title 50, Appendix. Section 1622(g) was repealed and reenacted as part of sections 47151 to 47153 of Title 49, Transportation, by Pub. L. 103–272, §§ 1(d), 7(b), July 5, 1994, 108 Stat. 1278–1280, 1379. Section 1631 was repealed by act June 7, 1939, ch. 190, § 6(e), as added by act July 23, 1946, ch. 590, 60 Stat. 599, and is covered by sections 98 et seq. of Title 50, War and National Defense. Section 1637 was repealed by act June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948, and is covered by section 3287 of Title 18, Crimes and Criminal Procedure. Provisions of section 1641 not repealed by the 1949 act were repealed by Pub. L. 87–256, § 111(a)(1), Sept. 21, 1961, 75 Stat. 538, and are covered by chapter 33 (§ 2451 et seq.) of Title 22, Foreign Relations and Intercourse. The provisions of the Surplus Property Act of 1944 originally repealed by the 1949 act are covered by chapter 10 (§ 471 et seq.) of Title 40, Public Buildings, Property, and Works.

CODIFICATION

In the fourth paragraph, ''section 2734 of title 10'' substituted for ''the first section of the Act entitled 'An

act to provide for the prompt settlement of claims for damages occasioned by Army, Navy, and Marine Corps forces in foreign countries', approved January 2, 1942 (55 Stat. 880, as amended; 31 U.S.C. 224d)'' and ''such Act'', on authority of act Aug. 10, 1956, § 49(b), ch. 1041, 70A Stat. 640, the first section of which enacted Title 10, Armed Forces. The 1942 Act originally enacted sections 224d to 224i–1, and repealed section 223a, of former Title 31, Money and Finance. Sections 224d, 224h, and 224i of former Title 31 were repealed by the 1956 Act, and reenacted as section 2734 of Title 10, Armed Forces. Sections 224e, 224f, 224g, and 224i–1 of former Title 31 were repealed by the 1956 Act as being unnecessary and executed.

AMENDMENTS

1956—Act July 25, 1956, § 4(c), amended section to permit the Commission to contract for work, supplies, materials, and equipment for use outside the United States, and to authorize the consideration, ascertainment, adjustment, determination, and payment of claims caused by the negligent or wrongful act or omission of any officer or civilian employee of the Commission.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 121, 125, 127, 128, 138a of this title.

§ 138c. American Battle Monuments Commission Foreign Currency Fluctuations Account

(a) Establishment; purpose; transfer of funds

There is hereby established in the Treasury an account to be known as the ''Foreign Currency Fluctuations, American Battle Monuments Commission, Account''. The account shall be used to provide funds, in addition to funds appropriated for salaries and expenses of the American Battle Monuments Commission, to pay the costs of such salaries and expenses that exceed the amount appropriated therefor as a result of fluctuations in currency exchange rates of foreign countries occurring after a budget request for the Commission is submitted to Congress. The account may not be used for any other purpose. Funds in the account may be transferred to funds appropriated for salaries and expenses of the Commission.

(b) Merger and availability of transferred funds; increase in permissible obligations of funds

Funds transferred under subsection (a) of this section shall be merged with and available for the same time period as the appropriation to which they are applied. A provision of law limiting the amount of funds the Commission may obligate in any fiscal year shall be increased to the extent necessary to reflect fluctuations in exchange rates from those used in preparing the budget submission.

(c) Recording of obligations and fluctuations in exchange rates

An obligation of the Commission payable in the currency of a foreign country may be recorded as an obligation based upon exchange rates used in preparing a budget submission. A change reflecting fluctuations in exchange rates may be recorded as a disbursement is made.

(d) Return of transferred funds

Funds transferred from the Foreign Currency Fluctuations, American Battle Monuments Commission, Account may be transferred back to that account—

(1) if the funds are not needed to pay obligations incurred because of fluctuations in currency exchange rates of foreign countries in the appropriation to which the funds were originally transferred; or

(2) because of subsequent favorable fluctuations in the rates or because other funds are, or become, available to pay such obligations.

(e) Time of return

A transfer back to the account under subsection (d) of this section may not be made after the end of the second fiscal year after the fiscal year in which the appropriation to which the funds were originally transferred is available for obligation.

(f) Unobligated balances; merger and availability

Not later than the end of the second fiscal year following the fiscal year for which appropriations for salaries and expenses have been made available to the Commission, unobligated balances of such appropriation provided for a fiscal year may be transferred into the Foreign Currency Fluctuations, American Battle Monuments Commission, Account, to be merged with and available for the same period and purposes as that account.

(g) Annual report on transferred funds

The Commission shall submit to the appropriate committees of the Congress each year a report on funds transferred under this section.

(Mar. 4, 1923, ch. 283, § 13, as added May 20, 1988, Pub. L. 100–322, title III, § 345(a), 102 Stat. 540.)

EFFECTIVE DATE

Section 345(c) of Pub. L. 100–322 provided that: ''The amendment made by subsection (a) [enacting this section] applies with respect to each fiscal year after fiscal year 1988.''

AUTHORIZATION OF APPROPRIATIONS

Section 345(b) of Pub. L. 100–322 provided that: ''There is authorized to be appropriated to the Foreign Currency Fluctuations, American Battle Monuments Commission, Account the sum of $3,000,000.''

CHAPTER 8A—THE NATIONAL YEOMEN F

Sec.
139. Corporation created; purposes.
139a. Right to hold property; constitution, bylaws and seal.
139b. Deposit of historical material.

§ 139. Corporation created; purposes

Eva H. Clarke, Beatrice Brown Dwyer, and Mary J. O'Donnell, of Arizona;

Ruby Busse Anglim, Lottie Sessions Barrett, Philome Lucy Cavanagh, Stella Austen Clark, Pearl Bonham Clerk, Lillian Koeber Deamer, Harriet Jane Dodson, Alma Simmermacher Dreyer, Stella Neumann Elberson, Ola Belle Emmner, Edna Crumpler Estes, Mirian Mathews Everett, Katherine Driscoll Fallon, Kathleen Vance Hatch, Eva Wilson Hay, Ellen Keefe Heady, Ruth Hemphill, Myrtle Kinsey, Anna Geisler Kirkpatrick, Katherine Brown Lightner, Margaret Dannagger Lovelace, Lillian Catherine McCarthy, Gladys Farmer McCool, Laura Landes Metcalf, Louise Vickery Mowers, Ruth Manahan Neal, Gladys D. Nelson, Madeline

O'Leary Peggs, Caroline Peirce, Sara Craddock Sasser, May Gesner Schaefer, Billie Browne Schank, Rita Beauton Schaub, Etienne V. Schier, Louise Williams Sears, Anne Williams Shumway, Florence Kelly Sparrow, Laura V. Waldron, Agnes L. Walker, Gladys Spalding Wheless, Evelyn Lyon Wiberg, and Muriel Andrews Zerangue, all of California;

Gladys Yeager Briggs, and Blanche Marion Curry, of Colorado;

Grace Pascoe Agard, Julie Sternberg Aichler, Mary Sweeney Alling, Sara Hinchey Barry, Anna Kilroy Bean, Kathleen Moriarity Begley, Anna Lyons Bergin, Ethel Cornet Bolles, Anna McDowell Brown, Mary MacKenzie Carson, Lucy Galvin Cavanaugh, Rose Reiger Chapman, Dorothy Sara Clifford, Monica Cecelia Clifford, Sadie Connelly, Marjory Murray Cormack, Martha Swirsky Cotton, Marion McEntee Cox, Ione Disco Cunningham, Katherine Lyng Donovan, Margaret Bess Dordelman, Marguerite Driscoll, Mae Sheehan Dwyer, Ruth Lawson Euster, Katherine Frances Fagan, Ethel Clendenen Fargo, Gertrude Selesnitzky Feinberg, Elisabeth Tagliabue Fields, Helen Buckley Fitzgerald, Irene Catherine Fitzgerald, Anna Campbell Forsythe, Anna J. Gaughan, Mary Penders Gillis, Mary Agnes Grady, Theresa Madeleine Hamill, Alice Mary Harrington, Florence Hulbert Hermanus, Ella Veronica Houlihan, Deborah Pickett Kane, Frances Walsh Keenan, Margaret O'Brien Kennedy, Hazel Merwin Lander, Elizabeth Mallon Leighton, Agnes Carlson Lukens, Catherine Gertrude MacKenzie, Clara Armstrong MacKenzie, Edna Murray Manchester, Mary Driscoll Markham, A. Regina Martin, Josephine McAuliffe Martin, Bellerose Meunier, Mazie Rogers Miller, Elsie Reichert Moon, Winnifred Patricia Nagle, Isabelle Dickson Peterson, Lucy Riley Pfannenstiel, Jewel Perkins Pitt, Eleanor Donahoe Reilly, Elizabeth Kepes Reynolds, Ida Reed Sanders, Alice Savage, Mildred Mabel Schwartz, Margaret Hogan Seaman, Ida Selesnitzky Stone, Agusta Strand, Caroline Wyllie Waterman, Juliana Augusta Weske, Helen Weinhusen, Louise Arnold Wiley, Selina Lee Winter, Margaret Hardiman Wrisley, Mary Connors Wundrack, and Marie Deering Yeager, all of Connecticut;

Norma M. Albers, Lucille Loveless Allan, Gladys Elizabeth Allen, Sarah Jarvis Andrus, Edith Ober Armstrong, Mary Hough Barber, May A. Barrett, Nettie Neitzey Beach, Mary Munday Becker, Esther Hall Beckett, Anne Curtin Belt, Charlotte Louise Berry, Jeannette L. Bishop, Alice Boland Bloomfield, Amelia Boberg, Beulah Holtzscheiter Bosworth, Jane M. Breen, Kate Knight Briggs, Eloise Broaddus, Helen Sprague Brown, Lola Carlisle Strailman Browning, Rose Flood Buice, Annette Louise Burton, Gertrude Bange Butts, Mary Callen, Daisy House Campbell, Ella Echois Chambers, Emma S. Collie, Maude V. Cowan, Jane Regina Cox, Catherine Crowley, Reva S. Darrell, F. Pearl Delaplaine, Eleanor Marie Downey, Alice M. Downie, Cora Laughlin Drake, Anna Cecelia Dunn, Emma Schroder Dyer, Bessie London Faine, Elizabeth Waters Fallis, Anna Schultz Frame, Barbara Spence French, Agnes Monia Gallagher, Annie Ellen Gilson, Eleanor Mary Griffith, Mary Derouda Hall, Amy F. Hammond, Adelaide Ruth Harbers, Dorothy B. Harper, Carolyn Hardesty Herman, Nellie Grant Hinson, Mary E. Jones, Claire Keefe, Kathryn Gallagher Kendrick, Ann Kilmartin, Hope Knickerbocker, Louise Elender Koester, Mary Beall Kolhos, Helen Lucinda Leonard, Edith Kite Lewis, Mary Dove Loughrey, Marie B. Luebkert, Lillian Allen Brubaker Luther, Helen Horigan Maisel, Laura Garcia Martin, Louise Greenwald Matthews, Helen C. McCarty, Geraldine Clark McGovern, Lois B. McRae, Ellen Russell McWilliams, Eloise Sanford Davison Miller, Mary Kurth Moler, Alice Alford Morgan, Anna Lochte Murphy, Margaret Elma Naylor, Edna Meier Nielson, Margaret Broderick Nolan, Alice F. O'Neal, Helen Geraldine O'Neill, Helen Linkins Opitz, Netty Baxter Parker, Blanche C. Paul, Anna Viola Phelps, Annie Skidmore Powers, Sue Gould Prentiss, Edith Warren Quinn, Lillian Louise Reagan, Edna Marie Robey, Estelle Richardson Ruby, Ethel Clark Rule, Louise MacDonnell Ryan, Elizabeth Ivey Sage, Marion Trumbo Skinner, Jessica Randolph Smith, Margaret Grady Smith, Mabel F. Staub, Emily Steele, Nellie Rollins Stein, Edith Herndon Summerson, Mary Sullivan Tatspaugh, Marion Crawford Thur, Mary Killilea Tracey, Margaret Mills Vaughan, Eva Young Virtue, Olive Wrenn Walter, Genevieve F. Wedding, Mary Z. Weide, Lena Kathryn Willige, Pansie Casanave Willson, Ethel M. Wilson, Faith Clements Windsor, Amy Owen Wood, Lena Rigby Woolford, Myrtle Stephens Wright, and Mary Crook Yates, all of the District of Columbia;

Marie Roberts Bevis, Zella Prunty Byrd, Lamonte Oliver Cates, Demerise Labbe Cleveland, Ida Matthews Eichenberger, Loyce Davis Hackett, Mabel Williamson Jacobs, Madeline A. Jacobson, Idele Torrance Jamison, Adele Mead Kendrick, Josephine Mack Miller, Lois Clappison Morse, Almeda Fink Murphy, Roxana Anne Post, Agnes Towson Shelton, Daisy Ruth Westerlund, and Elsie Tuttle Wright, all of Florida;

Anna Elizabeth O'Connell, of Georgia;

Alta Sebree Wardwell Donovan, of Idaho;

Elsie Ericksen Biever, Nora Pomeroy Darling, Grace Alma Dunbar, Anne Rourke Durst, Virginia Stoddert Moore Grottee, Nell Weston Halstead, Edna Benton Hann, Cornelia M. Huennekens, Elizabeth Ann McCoy, Mary Louise Minton, Josephine MacFarland Moran, Mable Vander Ploeg Pease, Hester Smith Rasmussen, Agnes Foertsch Rohlfing, Marie Healy Simpson, Evelyn Jackson Skavlan, Constance Strong, and May Gilligan Sutherland, all of Illinois;

Donna Zimmer Akin, Bessie Fisher Bogwell, Hortense Lee Goldsmith, Mary Parker Harris, and Minnie Tryon Ryan, all of Indiana;

Maud Lowell Ayers, of Kentucky;

Sarah Flaherty Gallagher, and Gladys Ilsley McKnight, of Maine;

L. Dorothy Devey Brunken, Lucille Bonita Garrett, Fannie Grigat Laut, Grace Ryder Mead, Katherine Marie Page, Lillian Deters Tabor, Effie Van Horn Thomas, Edna Josephine Yorker, and Anna Kaer Yust, all of Maryland;

Mary Lee Aylward, Marion L. Bain, Florence K. Barry, Anna E. Beers, Helen I. Blake, Mary C. Breslow, Adelaide Mary Bresnahan, Gladys Bruce, Isabel Kehoe Burk, Aileen J. Burke, Eliz-

abeth Helen Burke, Dorothy Leighton Cady, Alice Elinor Carey, Helen Carman, Mary A. Carroll, Mary Chisel, Mary Warner Colombo, Mazie Conley, Kathryn J. Connor, Anita Ryan Connors, Mary M. Conroy, Ellen Bernadette Corbett, Catherine A. Corcoran, Winifred Burns Cox, Lizzie Glidden Crowley, Madeleine Galvin Delano, Elinor Kyle Devine, Sally Ryan Devlin, Mary F. Doherty, Jane E. Dolsen, Mary Dowd, Eleanor Marion Drew, Alice Driscoll, Mary Joyce Duggan, Mollie Catherine Dundon, Margaret Murphy Faherty, Helen Farrell, Helen Mary Farrell, Catherine Woodward Feeney, Bernice W. Fortin, Patricia Gleason, Marion E. Grady, Mary E. Grady, Anna Mary Hegarty, Ethel Hickey, Dorothy Drew Horan, Elizabeth A. Horgan, Marie Lambert Johnson, Anna Riley Joyce, Agnes Keanneally, Ellen E. Kearns, Bessie Josephine Kelly, Violet Elizabeth Kirkland, Ethel Lally, Genevieve Adrienne Lane, Lucy Marshall Lanigan, Ellen A. Lannigan, Leonore Learson, Julia B. Lehan, Marie Alice Long, Gertrude Lorton, Emma Macaulay Lyle, Helen Stolba Macbeth, Gertrude Catherine Macdonald, Margaret Mehlman Maguire, Anna Marie Mahan, Genevieve A. Maher, Mary Louise Marcille, Marie Kathryn McAuliffe, Anna McCarthy, Helen F. McDonald, Catherine McDonough, Marion Mary Mc- Elaney, Anna Marie McGuire, Esther McCall McLaughlin, Agnes Murphy McLean, Anna L. McNulty, Ruth Desmond McSweeney, Bertha Erickson Mead, Irene Florence Michel, Yvonne Michel, Margaret Isabelle Mitchell, Margaret Louise Murphy, Helen Adelaide Murray, Elizabeth McDonald Myers, Helen Barr Nickerson, Eleanor Teresa O'Brien, Marguerite Catherine O'Brien, Ria Minehan O'Brien, Margaret Lonergan O'Brion, Helen O'Brien O'Connor, Elizabeth M. O'Donnell, Mary Bull Owens, Olive T. Parsons, Mary Fielding Rawling, Mary McGunigle Redmond, Elizabeth Foley Regan, Mary Lane Regan, Ellen Riley, Helen O'Brien Riley, Anita Roberts, Mary Myers Robinson, Alice Mahan Saunders, Gladys Mary Saxton, Mary Elizabeth Scalley, Julia E. Shine, Elizabeth Stander, Mary Catherine Sughrue, Madeline O'Brien Sullivan, Harriet Mussinan Swearingen, Mary Gross Thayer, Grace M. Tomasello, Madeline Robillard Treloar, Isabel Catherine Wall, Lulu Veronica Walsh, Ethel Mary Ward, Agnes O'Brien Welch, Esther Marie Werme, Margaret Gertrude Wholly, Alice M. Williams, Lillian Everette Williams, Lucy M. Winn, and Maud C. Young, all of Massachusetts;

Theresa Bean Ballenger, Lilla Mary Bellinger, Gertrude M. Camp, Pauline Cassidy, Grace Schoenhur Conway, Marie Rossley Kalt, Gladys Webster Mallett, Helen Moran, and Margaret Morton Mullaney, all of Michigan;

Ethyl Ryan Maly and Gertrude O'Connor Trestrail, of Minnesota;

Gladys Thames Hubbard, of Mississippi;

Sophie Polenska Coleman, of Missouri;

Davidson, Edyth Plummer, and Dorothy Mauck Wehrman, of Nebraska;

Christina Sander Anderson, Anna Elizabeth Conroy, Gertrude O'Neil DeBrunner, A. May Erwin, Alice Catherine Fairbrother, Kathleen Mary Field, Anne Pedersen Freeman, Marguerite B. Geiger, Lillian Helena Hannold, Julia Hicks, Anna V. Kane, Dorothy May Lee, Corrine Dextroze Mahanna, Anne Marie McCormick, Mina Klein Morrison, Marie Burke Oetmann, Ann B. Shinnick, and Catherine Waters, all of New Jersey;

Sarah Russell Imhof, of New Mexico;

Mary Ducey Archer, Laura Dayton Ball, Esther Berkowitz, Rose Brancato Biagi, May Anne Blazina, Ruth Nethaway Bouck, Harriet Eldridge Robins Brandt, Josephine Mitchell Brosseau, Irene Malito Brown, Regina Burke, Frances Jedlicka Campbell, Rowena Margaret Campbell, May Flaherty Carroll, Veronica Marie Cherry, Mary L. Clark, May Cecilia Collins, Ada Howe-Webster Dailinger, Julia Flynn Dorner, Alice Leahy Everard, Dorothy Winifred Ferrier, Elinor Valentine Foley, Marie McElroy Forte, Anna Gallagher, Margaret Katherine Garland, Florence Wilson Goulden, Alice Miriam Govenor, Elizabeth Anna Gridley, Mildred Berryman Hall, Mary Mahoney Halwartz, S. Dorothy First Hayes, Alice Gieseking Johnson, Angela Lyons Johnson, Marie Elizabeth Kelly, Carrie Klinger, Leonore Lawson Koellsted, Lucile Alzamora Lacey, Mary Gray Langford, Esther Martins Law, Hortense Lersner, Gertrude Long, Isabel Margaret Lynch, Nellie Mahoney, Ruth Evelyn Manning, Matilda Foeth McDonald, Agnes Murphy McGovern, Mary McMahon, Lillian Forsberg Miller, Maud Amelia Mittern, Blanche Babbitt Moeller, Frances Donahue Molloy, Mina Walden Mullen, Lulu Muller, Mary Elizabeth Noel, Lillie May Nohowec, Mabel Dorothy O'Connell, Betty A. Peifer, Frances L. Phair, Anna Reisman, Julia White Robbins, Marion Flannery Savage, Gertrude Evelyn Sawyer, Margaret Faglon Schutt, Mae E. Shuttleworth, Ethel Lynwood Sickles, M. Grace Siegmann, Alice Clyde Stafford, Jeannette Gartland Sturla, May Agnes Sullivan, Lilian Browne Swanson, Dorothy Bradford Thomson, Irene M. Tynan, Rita Regan Wallis, Florence Kelley Walters, Irene Hallan Webb, Julia Woodroff Wheelock, Sally R. Wolf, Sarah Gibbon Yeoman, and Henrietta Yunker, all of New York;

Cooper Miller Correll, Willa Tritt Coward, Virginia Dockery Crow, Lassie Kelly Cunningham, Ethel Harwood Fuller, Estelle D. Gordon, Velma Moody Horne, Annie L. Londeree, Arabella Johnson Milligan, Rebecca Adams Nichols, Mary Allen Pearce, Kathleen Rogers Tate, and Edith Singer Weibel, all of North Carolina;

Neita Russell Christian, Evelyn Evans, Mary Pow Hartman, and Mae E. Hickey, all of Ohio;

Helen Jane Bringier and Bessie Hittle Groff, of Oklahoma;

Anna Lenz Seaton, and Evelyn B. Youngs, of Oregon;

Marie R. Ahern, Mary Kemp Anthony, Laura Anderson, Sue Rohland Arishoff, Lillian Young Armour, Minnetta Collies Bentz, Lillian LeVene Blackman, Maybelle M. Bond, Anna D. Boyle, Gertrude Margaret Bracken, Winifred Brooks, May McCormick Bullock, Emma Engel Bunte, Margaret Rebecca Burdell, Mary Gallagher Campbell, Margaret M. Collins, Mae McConnell Conlin, Mary E. Cross, Mrs. James Crumlish, Anna Maguire Culliton, Mary Cavanaugh Daly, Claire Dougherty Dever, Helen M. Devery, Anna Marie Devine, Elizabeth Gray Doran, Helen Dunne, Helen Coty Easterby, Anna Viola Ed-

monds, Dorothy Elma Evans, Florence Monberger Fedor, Sylvania Israel Garner, M. Cecilia Geiger, Gertrude White Gilkes, Fanny Goldscheider, Blanche Miller Grimes, Catherine Stanfield Gutenberger, Emily Hacker, Beatrice B. Hamer, Agnes E. Hamill, Marion Manahan Hammill, Claire V. Harkins, Bertha M. Harris, Mary English Harvey, Freda Forster Hawsey, Kathryn Johnston Hazzard, Charlotte King Hedden, Jane Orr Heilig, S. Elizabeth Holmes, Effie C. Innes, Sue Altemus Jones, Anna Elizabeth Jourdan, Marie A. Kelly, Marie V. Klase, Emma Edith Lapeus, Sophia Levin, Mary M. Long, Laura Harrison Love, Anna Elizabeth Magee, Helen Marshall, Esther Nichols Martin, Cecilia McHale, Elizabeth Marie McNamee, Anna J. Meara, Mary Burton Morris, Rosaline K. Moscony, Helen Hannigan Myers, Sara Myers, Florence Fischer Nicholson, Vesta Kaufman Niedt, Sylvania W. Oberholtzer, Anna Florence O'Connor, Constance O'Hara, Catherine G. O'Neill, Margaret Elizabeth Paul, Anne M. Perry, Cora Felter Phillips, Molly Dever Purcell, Mary A. Raith, Sara Ada Rice, Isabel E. Rosenfeldt, Anna M. Ross, Lillian White Schumacher, Prudence McCullin Sheperla, Rachel Emily Shultz, Aida Holz Skelly, Mabel Melville Slifer, Marjorie L. Slocum, Mary T. Smith, Caroline Steinbock, Mary M. Taylor, Agnes Finley Tieman, Ida Carver Townsend, Gertrude Martin Voigt, Katherine Frances Walsh, Mary Warren, Elsie E. Weaver, Amy Maria Weems, Annette Kirby Weirbach, Margaret Rowena Wellbank, Joanna Ferguson Wittman, and Elsie Richards Whitmore, all of Pennsylvania;

Jennie Carter Aldred, Elizabeth Louise Baxter, Lydia York Brown, Lylian Annette Callis, Lillie Reeves Campbell, Olive Mather Clark, Theresa Margaret Dunphy, Helen MacDonald Garnett, Matilda Eglinton Grady, Dora Bucklin Helwig, Catherine Freeman Hunt, Monica Monaghan Keenan, Margaret Ruane McCartin, Effie Crowther Meeker, Mary Littlefield O'Mara, Jennie Cavanaugh Peffer, and Agnes Wheeler Smith, all of Rhode Island;

Bertha Avaunt Frischkorn, Sara Quinn Harrington, Rosa Wade Holland, Florence Idella Larasey, Mary Sinkler de Saussure McQueen, Ida Marie Stoesen, and Mamie Elizabeth Verdier, all of South Carolina;

Antonio Shuster Bunger, Sue Lou Rutledge Corbin, and Louisa Daniell Shepard, all of Texas;

Esther Laubach, of Utah;

Nellie Leland Cutler and Minnie Bliss Sweetser, of Vermont;

Bertha Tyler Carwithen, Columbia Taylor Conway, Mary Anne Eike, Janet Rishell English, Dorothy Knight Fannon, Pauline Taylor Groves, Peggy Oakes Marable, Ethel Ward Montagne, Rose Nelson O'Hara, Anna Smith Reynolds, Josephine M. Senerchia, Maude Lois Smith, Mayme E. Smith, Mary Phillips Spiers, Margaret C. Thomas, and Ulla Rathbun Tracy, all of Virginia;

Sadie Conely Babcock, Margaret Powell Bidlake, Calla Layton Henly, Betty L. Reynolds, Emma Rogers Shriver, Lillian M. Squier, and Agnes Bell Williams, all of Washington;

Elsie Jane Beaty, Beulah Bess Carper, Ada Drown Childers, Mabelle W. Clinton, Alberta Herren Davis, Selma Price Deyo, Cora Byrnside Haynes, Mabel Claire Heslep, Hazel Hodge, Pauline Miller Howard, Tillie Haley Hull, Elizabeth Van Hoose Hurt, Helen Southworth Lanterman, Hope Parker Oesterle, Naoma Hawkes Parsons, Mary Louise Price, Kathaleen Dellinger Ridgley, and Wafie Calebaugh Robinson, all of West Virginia;

Mrs. Wallace A. Giffen, Laura V. Hall, Eleanore Walters Herdrich, Ada Hosford, and Sophia Keller Ormond, all of Wisconsin;

Susan Barnes Turney, of Wyoming;

Wilhelmina Mezger Farvin Woofter, of Alaska;

Katherine Patee MacMillian, of Canada;

Rose O'Connell Shaefer, of China;

Laura Finnegan Cheatham, Margaret MacEachern Edwards, Marie Murray Grant, Lillian Cooper Harrington, and Julia Weber, all of Hawaii;

and their associates and successors are created a body corporate and politic, in the District of Columbia, by the name of ''The National Yoemen[1] F'', for patriotic, historical, and educational purposes; to foster and perpetuate the memory of the service of Yoemen[1] (f) in the United States Naval Reserve Force of the United States Navy during the World War; to preserve the memories and incidents of their association in the World War by the encouragement of historical research concerning the service of Yoemen[1] (f); by the promotion of celebrations of all patriotic anniversaries to cherish, maintain, and extend the institutions of American freedom; to foster true patriotism and love of country, and to aid in securing for mankind all the blessings of liberty.

(June 15, 1936, ch. 546, § 1, 49 Stat. 1501.)

§ 139a. Right to hold property; constitution, bylaws and seal

Said organization is authorized to hold real and personal estate in the United States so far only as may be necessary to its lawful ends, to an amount not exceeding $50,000, and may adopt a constitution and bylaws not inconsistent with law, and may adopt a seal.

(June 15, 1936, ch. 546, § 2, 49 Stat. 1506.)

§ 139b. Deposit of historical material

The regents of the Smithsonian Institution are authorized to permit said national organization to deposit its collections, manuscripts, books, pamphlets, and other material for history in the Smithsonian Institution or in the National Museum, at their discretion, upon such conditions and under such rules as they shall prescribe.

(June 15, 1936, ch. 546, § 3, 49 Stat. 1506; June 29, 1960, Pub. L. 86–533, § 1(23), 74 Stat. 249.)

AMENDMENTS

1960—Pub. L. 86–533 struck out provisions which required organization to report annually to Secretary of Smithsonian Institution concerning its proceedings, and required Secretary to communicate to Congress such portions thereof as he may deem of national interest and importance.

[1] So in original. Probably should be ''Yeomen''.

CHAPTER 8B—NAVY CLUB OF THE UNITED STATES OF AMERICA

Sec.
140. Corporation created.
140a. Purposes of corporation.
140b. Powers of corporation.
140c. Annual report.

CROSS REFERENCES

Navy Wives Clubs of America, see section 2801 et seq. of this title.

§ 140. Corporation created

Sigfred A. Sandeen, national commandant; Ernest C. Fiedler, national senior executive officer; Thomas D. Hickey, national junior executive officer; Forest F. Bodiker, national paymaster; V. Homer Peabody, national chaplain; Mason C. Martin, national historian; and John F. McCullough, medical doctor, national medical officer, are created a body corporate of the name, ''Navy Club of the United States of America.''

(June 6, 1940, ch. 239, § 1, 54 Stat. 232.)

RESERVATION OF RIGHT TO ALTER CHAPTER

Section 5 of act June 6, 1940, provided: ''That the right to alter, amend, or repeal this Act [enacting this chapter] at any time is hereby expressly reserved.''

§ 140a. Purposes of corporation

The purposes of this corporation shall be (a) to further, encourage, promote, and maintain comradeship among those persons who are or have been in the active service of the United States Navy, the United States Marine Corps, or the United States Coast Guard; (b) to revere, honor, and perpetuate the memory of those persons who have been such members and have departed this life; (c) to promote and encourage further public interest in the United States Navy, the United States Marine Corps, and the United States Coast Guard and the history of said organizations; (d) to uphold the spirit and ideals of the United States Navy, the United States Marine Corps, and the United States Coast Guard; (e) to promote the ideals of American freedom and democracy and to fit its members for the duties of citizenship and to encourage them to serve as ably as citizen[1] as they have served the Nation under arms; and (f) to maintain true allegiance to American institutions.

(June 6, 1940, ch. 239, § 2, 54 Stat. 232.)

§ 140b. Powers of corporation

The corporation (a) shall have perpetual succession; (b) may charge and collect membership dues and receive contributions of money or property to be devoted to carrying out the purposes of the organization; (c) may sue or be sued; (d) may adopt a corporate seal and alter it at pleasure; (e) may adopt and alter bylaws not inconsistent with the Constitution and laws of the United States or of any State; (f) may establish and maintain offices for the conduct of its business; (g) may appoint or elect officers and agents; (h) may choose a board of trustees, consisting of not more than fifteen persons nor less than five persons, to conduct the business and exercise the powers of the corporation; (i) may acquire, by purchase, devise, bequest, gift, or otherwise, and hold, encumber, convey, or otherwise dispose of such real and personal property as may be necessary or appropriate for its corporate purposes; and (j) generally may do any and all lawful acts necessary or appropriate to carry out the purposes for which the corporation is created.

(June 6, 1940, ch. 239, § 3, 54 Stat. 233.)

§ 140c. Annual report

The corporation shall, on or before the 1st day of December in each year, transmit to Congress a report of its proceedings and activities for the preceding calendar year. Such reports shall not be printed as public documents.

(June 6, 1940, ch. 239, § 4, 54 Stat. 233; Aug. 30, 1964, Pub. L. 88–504, § 4(11), 78 Stat. 637.)

AMENDMENTS

1964—Pub. L. 88–504 struck out '', including the full and complete statement of its receipts and expenditures'' after ''calendar year''.

CHAPTER 9—NATIONAL OBSERVANCES

Sec.
141. Display of flag on buildings on second Sunday in May.
142. Second Sunday in May designated as Mother's Day.
142a. Third Sunday in June designated as Father's Day; display of flags on buildings; observance.
142b. National Grandparents Day; proclamation, designation; observance.
142c. Parents' Day; establishment.
142c–1. Recognition of Parents' Day.
143. First Monday in October designated as Child Health Day.
144. Transferred.
145. May twenty-second designated as National Maritime Day.
146. Second Monday in October as Columbus Day.
147. Display of flag on buildings on last Sunday in September.
148. Last Sunday in September designated as Gold Star Mother's Day.
149. April thirteenth for commemoration of Thomas Jefferson's birth.
150. April as Cancer Control Month.
151. August nineteenth as National Aviation Day.
151a. December seventeenth as Pan American Aviation Day.
152. Repealed.
153. Citizenship Day; designation; proclamation; observance.
154. Address to newly naturalized citizens.
155. National Disability Employment Awareness Month.
155a. President's Committee on Employment of People With Disabilities; authorization of appropriations.
155b. Acceptance of voluntary services, gifts, devises, bequests, etc., by President's Committee on Employment of People With Disabilities.
156. National Freedom Day.
157. Flag Day; designation; proclamation; observance.
157a. National Flag Week.
157b. Honor America Days.
158. Stephen Foster Memorial Day.

[1] So in original. Probably should be ''citizens''.

Sec.
159. Constitution Week; designation; proclamation; observance.
160. National Defense Transportation Day; proclamation; designation; observance.
161. National Safe Boating Week.
162. Loyalty Day.
163. National Forest Products Week.
164. Law Day, U.S.A.; designation; proclamation; observance.
165. National Poison Prevention Week.
166. National Transportation Week.
167. Peace Officers Memorial Day.
168. National School Lunch Week.
169. Wright Brothers Day.
169a. Save Your Vision Week.
169b. American Heart Month.
169c. Leif Erikson Day.
169d. White Cane Safety Day.
169e. Steelmark Month.
169f. National Hispanic Heritage Month.
169g. Memorial Day as day of prayer for permanent peace.
169h. National Day of Prayer.
169i. Federal Lands Cleanup Day; designation, observation, etc.
169i–1. Federal participation in Federal Lands Cleanup Day.
(a) Federal land management agencies; duties; definition.
(b) Objectives; cooperation with State, county, and local agencies.
(c) Report to Congress.
169j. Martin Luther King, Jr., Federal legal holiday.
169j–1. Martin Luther King, Jr. Federal Holiday Commission.
169j–2. Purposes of Martin Luther King, Jr. Federal Holiday Commission.
169j–3. Membership of Martin Luther King, Jr. Federal Holiday Commission.
(a) Composition.
(b) Political party.
(c) Appointments; vacancies.
(d) Compensation.
169j–4. Operations of Martin Luther King, Jr. Federal Holiday Commission.
(a) Meetings.
(b) Donations.
169j–5. Activities of Martin Luther King, Jr. Federal Holiday Commission.
(a) Director and staff.
(b) Assistance and cooperation of Federal agencies.
(c) Restrictions on Commission activities.
169j–6. Authorization of appropriations.
169j–7. Commission report.
(a) In general.
(b) Analysis required.
169j–8. Continuation of existence of Martin Luther King, Jr. Federal Holiday Commission.
169j–9. Limitations on spending.
169j–10. Accounting procedures.
169k. Asian/Pacific American Heritage Month.
(a) Designation.
(b) Federal proclamation.
(c) State proclamations.
(d) ''State'' defined.
169*l*. National Pearl Harbor Remembrance Day.

PROC. NO. 4411. THE BICENTENNIAL YEAR

Proc. No. 4411, Dec. 31, 1975, 41 F.R. 1035, provided:

In the year 1776, the people of our land dedicated themselves in word and deed to the principles of liberty, equality, individual dignity, and representative government. It was a hectic but heroic beginning of a process which led to the creation of a great Republic symbolizing then, as it does today, the hope of the future.

The year 1776 was a year of revolution, not merely in the rejection of colonial rule, but in the thoughtful, eloquent, and enduring expression of a government to foster and perpetuate the development of a free and independent people.

Now, two hundred years later, we have settled our continent and turned our vision to the limits of the universe. We are the richest nation in the world—rich in our resources, rich in our creativity, rich in our strength, and rich in our people—from our Native Americans to those who have come from every country on earth to share in the hope, the work, and the spirit of our Republic.

The challenges faced by our forebears were not only to their physical capabilities but also to their faith in the future. Their response to these challenges affirmed their deep belief that by their actions they could create a better world for themselves and those that would follow. As we enter America's third century, let us emulate in word and deed, their resolve and vision.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby proclaim the year of our Lord nineteen hundred seventy-six as The Bicentennial Year. Let 1976 be a year of reflection, a year of sharing, and foremost, a year of achievement.

I urge all Americans to reflect, from time to time during this Bicentennial Year, on the historic events of our past, on the heroic deeds of those whose legacy we now enjoy, and on the compelling visions of those who helped shape our constitutional government.

I call upon educators, clergy and labor, business and community leaders, as well as those in the communications media, to review our history and publicize the shaping events, people, and ideas of our historic beginnings.

I call upon every man, woman, and child to celebrate the diversity of tradition, culture and heritage that reflects our people and our patrimony. Let each of us resolve to cherish and protect what we have achieved in the United States of America and to build upon it in the years ahead, not by words alone, but by actions which bespeak a continuing commitment to a heritage of individual initiative, creativity, and liberty.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of December, in the year of our Lord nineteen hundred and seventy-five, and of the Independence of the United States of America the two hundredth.

GERALD R. FORD.

PROC. NO. 4934. ARMED FORCES DAY

Proc. No. 4934, Apr. 16, 1982, 47 F.R. 16767, provided:

Each year we Americans set aside one day to honor the brave and dedicated men and women of the Army, Navy, Air Force, Marine Corps and Coast Guard.

They serve our nation with dignity, courage, and pride in duty stations throughout the world. The peace we enjoy today reminds us of their important role.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America and Commander in Chief of the Armed Forces of the United States, continuing the precedent of my seven immediate predecessors in this Office, do hereby proclaim the third Saturday of each May as Armed Forces Day.

I direct the Secretary of Defense on behalf of the Army, the Navy, the Air Force, and the Marine Corps, and the Secretary of Transportation on behalf of the Coast Guard, to plan for appropriate observances each year, with the Secretary of Defense responsible for soliciting the participation and cooperation of civil authorities and private citizens.

I invite the Governors of the States, the Commonwealth of Puerto Rico, and other areas subject to the jurisdiction of the United States, to provide for the observance of Armed Forces Day within their jurisdiction each year in an appropriate manner designed to increase public understanding and appreciation of the Armed Forces of the United States.

I also invite national and local veterans, civic and other organizations to join in the observance of Armed Forces Day each year.

I call upon all Americans not only to display the flag of the United States at their homes on Armed Forces Day, but also to learn about our system of defense, and about the men and women who sustain it, by attending and participating in the local observances of the day.

Proclamation 4571 of May 15, 1978, is hereby superseded.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of April, in the year of our Lord nineteen hundred and eighty-two and of the Independence of the United States of America the two hundred and sixth.

RONALD REAGAN.

PRIOR PROCLAMATIONS

Proc. No. 3172, Mar. 6, 1957, 22 F.R. 1427, which proclaimed Armed Forces Day as third Saturday of May in each year, was superseded by Proc. No. 3655, May 7, 1965, 30 F.R. 6467.

Proc. No. 3399, Mar. 22, 1961, 26 F.R. 2501, which proclaimed Armed Forces Day, was superseded by Proc. No. 3655, May 7, 1965, 30 F.R. 6467.

Proc. No. 3655, May 7, 1965, 30 F.R. 6467, which proclaimed Armed Forces Day as third Saturday of May in each year, was superseded by Proc. No. 4276, Mar. 21, 1974, 39 F.R. 10877.

Proc. No. 4276, Mar. 21, 1974, 39 F.R. 10877, which proclaimed Armed Forces Day as third Saturday of May in each year, was superseded by Proc. No. 4357, Mar. 25, 1975, 40 F.R. 13293.

Proc. No. 4357, Mar. 25, 1975, 40 F.R. 13293, which proclaimed Armed Forces Day as third Saturday of May in each year was superseded by Proc. No. 4492, Mar. 22, 1977, 42 F.R. 15889.

Proc. No. 4492, Mar. 22, 1977, 42 F.R. 15889, which proclaimed Armed Forces Day as third Saturday of May in each year, was superseded by Proc. No. 4571, May 15, 1978, 43 F.R. 21313.

Proc. No. 4571, May 15, 1978, 43 F.R. 21313, which proclaimed Armed Forces Day as third Saturday of May in each year, was superseded by Proc. No. 4934, Apr. 16, 1982, 47 F.R. 16767.

CROSS REFERENCES

Legal holidays, see section 6103 of Title 5, Government Organization and Employees.

Occasions for display of flag, see section 174 of this title.

§ 141. Display of flag on buildings on second Sunday in May

The President of the United States is authorized and requested to issue a proclamation calling upon the Government officials to display the United States flag on all Government buildings, and the people of the United States to display the flag at their homes or other suitable places, on the second Sunday in May, as a public expression of our love and reverence for the mothers of our country.

(May 8, 1914, No. 13, § 1, 38 Stat. 771.)

CROSS REFERENCES

Legal holidays, see section 6103 of Title 5, Government Organization and Employees.

Occasions for display of flag, see section 174 of this title.

§ 142. Second Sunday in May designated as Mother's Day

The second Sunday in May shall hereafter be designated and known as Mother's Day, and it shall be the duty of the President to request its observance as provided for in this resolution.

(May 8, 1914, No. 13, § 2, 38 Stat. 771.)

§ 142a. Third Sunday in June designated as Father's Day; display of flags on buildings; observance

The third Sunday in June of each year is hereby designated as ''Father's Day''. The President is authorized and requested to issue a proclamation calling on the appropriate Government officials to display the flag of the United States on all Government buildings on such day, inviting the governments of the States and communities and the people of the United States to observe such day with appropriate ceremonies, and urging our people to offer public and private expressions of such day to the abiding love and gratitude which they bear for their fathers.

(Pub. L. 92–278, Apr. 24, 1972, 86 Stat. 124.)

§ 142b. National Grandparents Day; proclamation, designation; observance

The President is authorized and requested to issue a proclamation designating the first Sunday of September after Labor Day as ''National Grandparents Day'', and calling upon the people of the United States and interested groups and organizations to observe such day with appropriate ceremonies and activities.

(Pub. L. 96–62, Sept. 6, 1979, 93 Stat. 410.)

§ 142c. Parents' Day; establishment

The fourth Sunday of every July shall be established as ''Parents' Day'' to be recognized as a recurring, perennial day of commemoration.

(Pub. L. 103–362, § 1, Oct. 14, 1994, 108 Stat. 3465.)

§ 142c–1. Recognition of Parents' Day

All private citizens, organizations, and governmental and legislative bodies at the local, State, and Federal level are encouraged to recognize Parents' Day through proclamations, activities, and educational efforts in furtherance of recognizing, uplifting, and supporting the role of parents in the rearing of their children.

(Pub. L. 103–362, § 2, Oct. 14, 1994, 108 Stat. 3465.)

§ 143. First Monday in October designated as Child Health Day

The President of the United States is authorized and requested to issue annually a proclamation setting apart the first Monday in October of each year as Child Health Day and inviting all agencies and organizations interested in child welfare to unite upon that day in the observance of such exercises as will awaken the people of the Nation to the fundamental necessity of a year-round program for the protection and development of the health of the Nation's children.

(May 18, 1928, ch. 643, 45 Stat. 617; Sept. 22, 1959, Pub. L. 86–352, 73 Stat. 627.)

AMENDMENTS

1959—Pub. L. 86–352 substituted ''the first Monday in October'' for ''May 1''.

EFFECTIVE DATE OF 1959 AMENDMENT

Pub. L. 86–352 provided in part that amendment by Pub. L. 86–352 should be effective Jan. 1, 1960.

§ 144. Transferred

CODIFICATION

Section, act Mar. 3, 1931, ch. 436, 46 Stat. 1508, which designated ''The Star-Spangled Banner'' as the national anthem of the United States, was transferred to section 170 of this title.

§ 145. May twenty-second designated as National Maritime Day

May 22 of each year shall hereafter be designated and known as National Maritime Day, and the President is authorized and requested annually to issue a proclamation calling upon the people of the United States to observe such National Maritime Day by displaying the flag at their homes or other suitable places and Government officials to display the flag on all Government buildings on May 22 of each year.

(May 20, 1933, ch. 36, 48 Stat. 73.)

CROSS REFERENCES

Occasions for display of flag, see section 174 of this title.

§ 146. Second Monday in October as Columbus Day

The President of the United States is authorized and requested to issue a proclamation designating the second Monday in October of each year as Columbus Day and calling upon officials of the Government to display the flag of the United States on all Government buildings on said date and inviting the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies expressive of the public sentiment befitting the anniversary of the discovery of America.

(Apr. 30, 1934, ch. 184, 48 Stat. 657; June 28, 1968, Pub. L. 90–363, § 1(b), 82 Stat. 250.)

CODIFICATION

References to the second Monday in October were substituted for references to October 12, effective Jan. 1, 1971, pursuant to section 1(b) of Pub. L. 90–363 which is set out as a note captioned ''References in Laws of the United States to Observances of Legal Public Holidays'' under section 6103 of Title 5, Government Organization and Employees.

CHRISTOPHER COLUMBUS QUINCENTENARY JUBILEE ACT

Pub. L. 98–375, Aug. 7, 1984, 98 Stat. 1257, as amended by Pub. L. 100–94, Aug. 18, 1987, 101 Stat. 700, provided for creation of Christopher Columbus Quincentenary Jubilee Commission, a 30-member commission appointed by the President, which was to prepare a comprehensive program for commemorating the quincentennial of the voyages of discovery of Columbus and to plan, encourage, coordinate, and conduct observances and activities. The Commission would submit a final report to Congress no later than Dec. 31, 1993, and would terminate as of that date.

CROSS REFERENCES

Occasions for display of flag, see section 174 of this title.

§ 147. Display of flag on buildings on last Sunday in September

The President of the United States is authorized and requested to issue a proclamation calling upon the Government officials to display the United States flag on all Government buildings, and the people of the United States to display the flag and to hold appropriate meetings at their homes, churches, or other suitable places, on the last Sunday in September, as a public expression of the love, sorrow, and reverence of the people of the United States for the American Gold Star Mothers.

(June 23, 1936, ch. 736, § 1, 49 Stat. 1895.)

CROSS REFERENCES

Occasions for display of flag, see section 174 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 148 of this title.

§ 148. Last Sunday in September designated as Gold Star Mother's Day

The last Sunday in September shall be designated and known as ''Gold Star Mother's Day'', and it shall be the duty of the President to request its observance as provided for in section 147 of this title.

(June 23, 1936, ch. 736, § 2, 49 Stat. 1895.)

§ 149. April thirteenth for commemoration of Thomas Jefferson's birth

The President of the United States of America is authorized and directed to issue a proclamation calling upon officials of the Government to display the flag of the United States on all Government buildings on April 13 of each year, and inviting the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies in commemoration of the birth of Thomas Jefferson.

(Aug. 16, 1937, ch. 666, 50 Stat. 668.)

THOMAS JEFFERSON COMMEMORATION COMMISSION

Pub. L. 102–343, Aug. 17, 1992, 106 Stat. 915, as amended by Pub. L. 103–191, Dec. 14, 1993, 107 Stat. 2291, provided for establishment of Thomas Jefferson Commemoration Commission, a 21-member commission appointed by President, which was to plan, develop, and coordinate programs and activities to commemorate the 250th anniversary of birth of Thomas Jefferson, to honor historical locations associated with life of Thomas Jefferson, and to award medals and certificates to individuals and organizations that have significantly contributed to preservation of Jefferson's professional accomplishments. Commission to submit a final report to President and to Congress no later than Dec. 31, 1994, and to terminate not later than 60 days following that date.

BICENTENNIAL CELEBRATION OF BIRTH OF JEFFERSON

The Thomas Jefferson Bicentennial Commission was created by act Sept. 24, 1940, ch. 730, 54 Stat. 960, and vested with authority to make plans for the celebration in 1943 of the two-hundredth anniversary of the birth of Thomas Jefferson, and these powers were further extended by act July 30, 1942, ch. 537, 56 Stat. 728.

The National Agricultural Jefferson Bicentenary Committee was created and appointed to carry out appropriate exercises in recognition of Jefferson's contributions to the farmers and the agriculture of the Nation by act Dec. 3, 1943, ch. 333, 57 Stat. 595.

CROSS REFERENCES

Occasions for display of flag, see section 174 of this title.

§ 150. April as Cancer Control Month

The President of the United States is authorized and requested to issue annually a proclamation setting apart the month of April of each year as Cancer Control Month and to invite annually the Governors of the several States and Territories and possessions of the United States to issue proclamations for like purposes. It is requested that such proclamations invite the medical profession, the press, and all agencies and individuals interested in a national program for the control of the disease of cancer by education and other cooperative means to unite during the month in a public dedication to such a program and in a concerted effort to impress upon the people of the Nation the necessity of such a program.

(Mar. 28, 1938, ch. 56, 52 Stat. 148.)

§ 151. August nineteenth as National Aviation Day

The President of the United States is authorized to designate August 19 of each year as National Aviation Day, and to issue a proclamation calling upon officials of the Government to display the flag of the United States on all Government buildings on that day, and inviting the people of the United States to observe the day with appropriate exercises to further and stimulate interest in aviation in the United States.

(May 11, 1939, ch. 123, 53 Stat. 739.)

CROSS REFERENCES

Occasions for display of flag, see section 174 of this title.

§ 151a. December seventeenth as Pan American Aviation Day

The President of the United States is authorized to designate December 17 of each year as Pan American Aviation Day and to issue a proclamation calling upon all officials of the Government, Governors of the fifty States, our possessions, and all citizens to participate in the observance of this day to further and stimulate interest in aviation in the American countries as an important stimulus to the further development of more rapid communications and a cultural development between the nations of the Western Hemisphere.

(Oct. 10, 1940, ch. 840, 54 Stat. 1093.)

CODIFICATION

The term ''fifty States'' was in the original ''forty-eight States'' and has been editorially substituted to reflect the admission into statehood of Alaska and Hawaii.

§ 152. Repealed. Feb. 29, 1952, ch. 49, § 3, 66 Stat. 10

Section, act May 3, 1940, ch. 183, § 1, 54 Stat. 178, designated 3d Sunday in May as Citizenship Day. See sections 153 and 154 of this title.

§ 153. Citizenship Day; designation; proclamation; observance

The 17th day of September of each year is designated as ''Citizenship Day'' in commemoration of the formation and signing, on September 17, 1787, of the Constitution of the United States and in recognition of all who, by coming of age or by naturalization have attained the status of citizenship, and the President of the United States is authorized to issue annually a proclamation calling upon officials of the Government to display the flag of the United States on all Government buildings on such day, and inviting the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies.

The civil and educational authorities of States, counties, cities, and towns be, and they are, urged to make plans for the proper observance of this day and for the full instruction of citizens in their responsibilities and opportunities as citizens of the United States and of the States and localities in which they reside.

Nothing herein shall be construed as changing, or attempting to change, the time or mode of any of the many altogether commendable observances of similar nature now being held from time to time, or periodically, but, to the contrary, such practices are praised and encouraged.

(Feb. 29, 1952, ch. 49, § 1, 66 Stat. 9.)

CROSS REFERENCES

Citizenship clause, see Const. Amend. 14, § 1.

Occasions for display of flag, see section 174 of this title.

§ 154. Address to newly naturalized citizens

Either at the time of the rendition of the decree of naturalization or at such other time as the judge may fix, the judge or someone designated by him shall address the newly naturalized citizen upon the form and genius of our Government and the privileges and responsibilities of citizenship; it being the intent and purpose of this section to enlist the aid of the judiciary, in cooperation with civil and educational authorities, and patriotic organizations in a continuous effort to dignify and emphasize the significance of citizenship.

(Feb. 29, 1952, ch. 49, § 2, 66 Stat. 10.)

PRIOR PROVISIONS

Similar provisions were contained in act May 3, 1940, ch. 183, § 2, 54 Stat. 178, which was classified to section 727a of Title 8, Aliens and Nationality, prior to repeal by act Feb. 29, 1952.

CROSS REFERENCES

Citizenship clause, see Const. Amend. 14, § 1.

§ 155. National Disability Employment Awareness Month

Hereafter the month of October in each year shall be designated as National Disability Employment Awareness Month. During such month appropriate ceremonies shall be held throughout the Nation, the purposes of which will be to enlist public support for and interest in the employment of otherwise qualified but workers with disabilities.

The President is hereby requested to issue a suitable proclamation each year, and the Governors of States, mayors of cities, and heads of other instrumentalities of government, as well

as leaders of industry, educational and religious groups, labor, veterans, women, farm, scientific and professional, and all other organizations and individuals at interest are invited to participate.

(Aug. 11, 1945, ch. 363, 59 Stat. 530; Oct. 8, 1970, Pub. L. 91–442, 84 Stat. 914; Nov. 7, 1988, Pub. L. 100–630, title III, § 301(a), 102 Stat. 3315.)

AMENDMENTS

1988—Pub. L. 100–630 substituted ''the month of October in'' for ''the first week in October of'', ''National Disability Employment Awareness Month'' for ''National Employ the Handicapped Week'', ''such month'' for ''such week'', and ''workers with disabilities'' for ''handicapped workers''.

1970—Pub. L. 91–442 changed the designation ''National Employ the Physically Handicapped Week'' to ''National Employ the Handicapped Week'' and changed the purposes from enlisting public support for and interest in the employment of otherwise qualified but physically handicapped workers to enlisting public support for and interest in the employment of otherwise qualified but handicapped workers.

§ 155a. President's Committee on Employment of People With Disabilities; authorization of appropriations

In order to effectuate the purposes of National Disability Employment Awareness Month and in order to enable the President to provide the President's Committee on Employment of People With Disabilities with adequate personnel to assist in its activities, and otherwise to provide the committee with the means of carrying out a program to promote the employment of persons with disabilities, by creating Nationwide interest in the rehabilitation and employment of such persons and by obtaining and maintaining cooperation from all public and private groups in the field, there is hereby authorized to be appropriated for each of the fiscal years 1993, 1994, 1995, 1996, and 1997, such sums as may be necessary to be expended in such manner and by such agencies as the President may direct, for the work of the President's Committee on Employment of People With Disabilities.

(July 11, 1949, ch. 302, § 1, 63 Stat. 409; Aug. 3, 1954, ch. 655, § 5, 68 Stat. 665; Sept. 13, 1960, Pub. L. 86–772, 74 Stat. 913; June 24, 1964, Pub. L. 88–321, 78 Stat. 221; Nov. 8, 1965, Pub. L. 89–333, § 14, 79 Stat. 1294; July 7, 1968, Pub. L. 90–391, § 14, 82 Stat. 306; Oct. 21, 1986, Pub. L. 99–506, title IX, § 902, 100 Stat. 1841; Nov. 7, 1988, Pub. L. 100–630, title III, § 301(b)(1), (2), 102 Stat. 3316; June 6, 1991, Pub. L. 102–52, § 9(b), 105 Stat. 263; Oct. 29, 1992, Pub. L. 102–569, title IX, § 914, 106 Stat. 4488.)

AMENDMENTS

1992—Pub. L. 102–569, § 914(3), which directed the substitution of ''for each of the fiscal years 1993, 1994, 1995, 1996, and 1997,'' for ''for each of the fiscal years 1987, 1988, 1989, 1990, and 1991,'', was executed by making the substitution for ''for each of the fiscal years 1987, 1988, 1989, 1990, 1991, and 1992,'', to reflect the probable intent of Congress and the intervening amendment by Pub. L. 102–52. See 1991 amendment note below.

Pub. L. 102–569, § 914(1), (2), and (4), substituted ''persons with disabilities'' for ''handicapped persons'' and ''such persons'' for ''the handicapped'' and struck out at end ''The President's Committee on Employment of the Handicapped shall be guided by the general policies of the National Council on the Handicapped.''

1991—Pub. L. 102–52 substituted ''1990, 1991, and 1992,'' for ''1990, and 1991,''.

1988—Pub. L. 100–630 substituted ''National Disability Employment Awareness Month'' for ''National Employ the Physically Handicapped Week'' and substituted ''President's Committee on Employment of People With Disabilities'' for ''President's Committee on National Employ the Physically Handicapped Week'' in two places.

1986—Pub. L. 99–506 substituted ''for each of the fiscal years 1987, 1988, 1989, 1990, and 1991, such sums as may be necessary'' for ''annually, out of any money in the Treasury not otherwise appropriated, not to exceed the sum of $1,000,000'' and inserted at end ''The President's Committee on Employment of the Handicapped shall be guided by the general policies of the National Council on the Handicapped.''

1968—Pub. L. 90–391 substituted ''employment of handicapped persons'' for ''employment of physically handicapped persons'' and ''$1,000,000'' for ''$500,000''.

1965—Pub. L. 89–333 substituted ''$500,000'' for ''$400,000''.

1964—Pub. L. 88–321 substituted ''$400,000'' for ''$300,000''.

1960—Pub. L. 86–772 substituted ''$300,000'' for ''$225,000''.

1954—Act Aug. 3, 1954, substituted ''$225,000'' for ''$75,000''.

EFFECTIVE DATE OF 1954 AMENDMENT

Amendment by act Aug. 3, 1954, effective July 1, 1954, see section 8 of act Aug. 3, 1954, set out as a note under section 49b of Title 29, Labor.

§ 155b. Acceptance of voluntary services, gifts, devises, bequests, etc., by President's Committee on Employment of People With Disabilities

The President's Committee on Employment of People With Disabilities may—

(1) accept voluntary and uncompensated services, notwithstanding the provisions of section 1342 of title 31; and

(2) in the name of the Committee, accept, employ, and dispose of, in furtherance of this resolution, any money or property, real, personal, or mixed, tangible or nontangible, received by gift, devise, bequest, or otherwise.

(July 11, 1949, ch. 302, § 2, as added Nov. 7, 1988, Pub. L. 100–630, title III, § 301(b)(3), 102 Stat. 3316.)

§ 156. National Freedom Day

The President of the United States is authorized to issue a proclamation designating the 1st day of February of each year as National Freedom Day for the purpose of commemorating the signing by President Abraham Lincoln, on February 1, 1865, of the joint resolution adopted by the Senate and the House of Representatives of the United States, proposing the thirteenth amendment to the Constitution of the United States of America.

(June 30, 1948, ch. 755, 62 Stat. 1150.)

§ 157. Flag Day; designation; proclamation; observance

The 14th day of June of each year is hereby designated as ''Flag Day'', and the President of the United States is authorized and requested to issue annually a proclamation calling upon officials of the Government to display the flag of the United States on all Government buildings

on such day, and urging the people to observe the day as the anniversary of the adoption on June 14, 1777, by the Continental Congress of the Stars and Stripes as the official flag of the United States of America.

(Aug. 3, 1949, ch. 385, 63 Stat. 492.)

§ 157a. National Flag Week

The President is authorized and requested to issue annually a proclamation designating the week in which June 14 occurs as National Flag Week, and calling upon all citizens to display the flag of the United States on those days.

(Pub. L. 89–443, June 9, 1966, 80 Stat. 194.)

§ 157b. Honor America Days

Congress declares the twenty-one days from Flag Day through Independence Day as a period to honor America, and further declares that there be public gatherings and activities at which the people of the United States can celebrate and honor their country in an appropriate manner.

(Pub. L. 94–33, June 13, 1975, 89 Stat. 211.)

§ 158. Stephen Foster Memorial Day

The President of the United States is authorized to issue a proclamation designating January 13 of each year as Stephen Foster Memorial Day, and calling upon the people throughout the United States to observe such day with appropriate ceremonies, pilgrimages to his shrines, and musical programs featuring his compositions.

(Oct. 27, 1951, ch. 593, 65 Stat. 659.)

§ 159. Constitution Week; designation; proclamation; observance

The President of the United States is authorized and requested to designate the period beginning September 17 and ending September 23 of each year as Constitution Week, and to issue annually a proclamation inviting the people of the United States to observe such week in schools, churches, and other suitable places with appropriate ceremonies and activities.

(Aug. 2, 1956, ch. 875, 70 Stat. 932.)

§ 160. National Defense Transportation Day; proclamation; designation; observance

The President of the United States is authorized and requested annually to issue a proclamation designating the third Friday of May of each year as National Defense Transportation Day, and urging the people of the United States, including labor, management, users, and investors, in all communities served by any of the various forms of transportation by land, by sea, and by air, to observe this occasion by appropriate ceremonies which will give full recognition to the importance to each and every community and the people thereof of our transportation system and the maintenance of its facilities in the most modern state of adequacy to serve our needs in times of peace and in national defense.

(Pub. L. 85–32, May 16, 1957, 71 Stat. 30.)

§ 161. National Safe Boating Week

The President of the United States is authorized and requested to proclaim annually the the[1] seven day period ending on the last Friday before Memorial Day as ''National Safe Boating Week''.

(Pub. L. 85–445, June 4, 1958, 72 Stat. 179; Pub. L. 96–376, § 9, Oct. 3, 1980, 94 Stat. 1510; Pub. L. 103–206, title III, § 318(a), Dec. 20, 1993, 107 Stat. 2427.)

AMENDMENTS

1993—Pub. L. 103–206 substituted ''the seven day period ending on the last Friday before Memorial Day'' for ''week commencing on the first Sunday in June''.

1980—Pub. L. 96–376 substituted authorization for proclamation of a National Safe Boating Week commencing on the first Sunday in June for prior authorization of such Week during week including July 4.

EFFECTIVE DATE OF 1993 AMENDMENT

Section 318(b) of Pub. L. 103–206 provided that: ''This section [amending this section] is effective January 1, 1995.''

RECITAL CLAUSES

Pub. L. 85–445 upon which this section is based contained several ''Whereas'' clauses reading as follows:

''Whereas our people in increasing numbers are taking part in boating activities on the waters of our Nation, with more than twenty million expected to participate during 1958; and

''Whereas safety is essential for the full enjoyment of boating; and

''Whereas many lives can be spared and injuries and property damage avoided by safe boating practices; and

''Whereas it is proper and fitting that national attention should be focused on the need for safe boating practices * * *.''

§ 162. Loyalty Day

The 1st day of May of each year is designated as Loyalty Day and is to be set aside as a special day for the reaffirmation of loyalty to the United States of America and for the recognition of the heritage of American freedom; and the President of the United States is authorized and requested to issue a proclamation calling upon officials of the Government to display the flag of the United States on all Government buildings on such day and inviting the people of the United States to observe such day, in schools and other suitable places, with appropriate ceremonies.

(Pub. L. 85–529, July 18, 1958, 72 Stat. 369.)

§ 163. National Forest Products Week

The seven-day period beginning on the third Sunday of October in each year is designated as National Forest Products Week, and the President is requested to issue annually a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

(Pub. L. 86–753, Sept. 13, 1960, 74 Stat. 898.)

§ 164. Law Day, U.S.A.; designation; proclamation; observance

The first day of May of each year is hereby designated as Law Day, U.S.A. It is set aside as

[1] So in original.

a special day of celebration by the American people in appreciation of their liberties and the reaffirmation of their loyalty to the United States of America; of their rededication to the ideals of equality and justice under law in their relations with each other as well as with other nations; and for the cultivation of that respect for law that is so vital to the democratic way of life.

The President of the United States is authorized and requested to issue a proclamation calling upon all public officials to display the flag of the United States on all government buildings on such day and inviting the people of the United States to observe such day with suitable ceremonies and other appropriate ways, through public bodies and private organizations as well as in schools and other suitable places.

(Pub. L. 87–20, Apr. 7, 1961, 75 Stat. 43.)

§ 165. National Poison Prevention Week

The President is authorized and requested to issue annually a proclamation designating the third week in March as National Poison Prevention Week, to aid in encouraging the American people to learn of the dangers of accidental poisoning and to take such preventive measures as are warranted by the seriousness of the danger.

(Pub. L. 87–319, Sept. 26, 1961, 75 Stat. 681.)

§ 166. National Transportation Week

The President of the United States is requested and authorized to officially proclaim annually the week in May of each year in which falls the third Friday of that month as National Transportation Week, and to issue a proclamation inviting the people of the United States to observe such period with appropriate ceremonies and activities, as a tribute to the men and women who, night and day, move goods and people throughout our land.

(Pub. L. 87–449, May 14, 1962, 76 Stat. 69.)

§ 167. Peace Officers Memorial Day

The President is authorized and requested to issue proclamations (1) designating May 15 of each year as Peace Officers Memorial Day in honor of the Federal, State, and municipal officers who have been killed or disabled in the line of duty, (2) directing the officials of the Government to display at halfstaff the flag of the United States on all Government buildings on such day, as provided by section 175(m) of this title, (3) designating in each year the calendar week during which such May 15 occurs as Police Week, in recognition of the service given by the men and women who, night and day, stand guard in our midst to protect us through enforcement of our laws, and (4) inviting the governments of the States and communities and the people of the United States to observe such day and week with appropriate ceremonies and activities, including the display at halfstaff of the flag of the United States.

(Pub. L. 87–726, Oct. 1, 1962, 76 Stat. 676; Pub. L. 103–322, title XXXII, § 320922(a), Sept. 13, 1994, 108 Stat. 2131.)

AMENDMENTS

1994—Pub. L. 103–322 added cl. (2), redesignated former cls. (2) and (3) as (3) and (4), respectively, and in cl. (4), inserted ‘‘, including the display at halfstaff of the flag of the United States’’ after ‘‘activities’’.

§ 168. National School Lunch Week

The seven-day period beginning on the second Sunday of October in each year is designated as National School Lunch Week, and the President is requested to issue annually a proclamation calling on the people of the United States to observe such week with appropriate ceremonies and activities.

(Pub. L. 87–780, Oct. 9, 1962, 76 Stat. 779.)

§ 169. Wright Brothers Day

The 17th day of December of each year is hereby designated as ‘‘Wright Brothers Day’’, in commemoration of the first successful flights in a heavier than air, mechanically propelled airplane, which were made by Orville and Wilbur Wright on December 17, 1903, near Kitty Hawk, North Carolina. The President is authorized and requested to issue annually a proclamation inviting the people of the United States to observe such day with appropriate ceremonies and activities.

(Pub. L. 88–209, Dec. 17, 1963, 77 Stat. 402.)

§ 169a. Save Your Vision Week

The President of the United States is authorized and requested to issue annually a proclamation designating the first week in March of each year as ‘‘Save Your Vision Week’’, and inviting the Governors and mayors of State and local governments of the United States to issue similar proclamations. The President is further requested to consider including in such proclamation an invitation calling upon the press, radio, television, and other communications media, the health care professions and all other agencies and individuals concerned with programs for the improvement of vision to unite during such week in public activities to impress upon the people of the United States the importance of vision to their own welfare and that of our country, and to urge their support of programs to improve and protect the vision of Americans.

(Pub. L. 88–242, Dec. 30, 1963, 77 Stat. 629.)

§ 169b. American Heart Month

The President of the United States is authorized and requested to issue annually a proclamation (1) designating February as American Heart Month, (2) inviting the Governors of the States and territories of the United States to issue proclamations for like purposes, and (3) urging the people of the United States to give heed to the nationwide problem of the heart and blood vessel diseases, and to support all essential programs required to bring about its solution.

(Pub. L. 88–254, Dec. 30, 1963, 77 Stat. 843.)

§ 169c. Leif Erikson Day

The President of the United States is authorized to officially proclaim October 9 in each year as Leif Erikson Day.

(Pub. L. 88–566, Sept. 2, 1964, 78 Stat. 849.)

§ 169d. White Cane Safety Day

The President is hereby authorized to issue annually a proclamation designating October 15 as White Cane Safety Day and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

(Pub. L. 88–628, Oct. 6, 1964, 78 Stat. 1003.)

§ 169e. Steelmark Month

The month of May of each year is hereby designated as ''Steelmark Month'' in recognition of the tremendous contribution made by the steel industry in the United States to the national security and defense of our country. The President is requested to issue a proclamation calling upon all people of the United States for the observance of such month with appropriate proceedings and ceremonies.

(Pub. L. 89–703, Nov. 2, 1966, 80 Stat. 1099.)

§ 169f. National Hispanic Heritage Month

The President is hereby authorized and requested to issue annually a proclamation designating the 31-day period beginning September 15 and ending on October 15 as ''National Hispanic Heritage Month'' and calling upon the people of the United States, especially the educational community, to observe such month with appropriate ceremonies and activities.

(Pub. L. 90–498, Sept. 17, 1968, 82 Stat. 848; Pub. L. 100–402, § 1, Aug. 17, 1988, 102 Stat. 1012.)

AMENDMENTS

1988—Pub. L. 100–402 substituted ''31-day period beginning September 15 and ending on October 15'' for ''week including September 15 and 16'', ''Heritage Month'' for ''Heritage Week'', and ''such month'' for ''such week''.

EFFECTIVE DATE OF 1988 AMENDMENT

Section 2 of Pub. L. 100–402 provided that: ''The amendments made by section 1 [amending this section] shall take effect on January 1 of the first year beginning after the date of the enactment of this Act [Aug. 17, 1988].''

§ 169g. Memorial Day as day of prayer for permanent peace

The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe each May 30, Memorial Day, by praying, each in accordance with his religious faith, for permanent peace; designating a period during such day in which all the people of the United States may unite in prayer for a permanent peace; calling upon all the people of the United States to unite in prayer at such time; and calling upon the newspapers, radio stations, and all other mediums of information to join in observing such day and period of prayer.

(May 11, 1950, ch. 182, 64 Stat. 158.)

§ 169h. National Day of Prayer

The President shall set aside and proclaim the first Thursday in May in each year as a National Day of Prayer, on which the people of the United States may turn to God in prayer and meditation at churches, in groups, and as individuals.

(Apr. 17, 1952, ch. 216, 66 Stat. 64; May 5, 1988, Pub. L. 100–307, 102 Stat. 456.)

CODIFICATION

Section was formerly classified to section 185 of this title.

AMENDMENTS

1988—Pub. L. 100–307 substituted ''the first Thursday in May in each year'' for ''a suitable day each year, other than a Sunday,''.

§ 169i. Federal Lands Cleanup Day; designation, observation, etc.

The first Saturday after Labor Day of each year is designated as ''Federal Lands Cleanup Day''. The President shall issue a proclamation calling upon the people of the United States to observe Federal Lands Cleanup Day with appropriate ceremonies, programs, and activities: *Provided*, *however*, That the activities associated with Federal Lands Cleanup Day may be undertaken in individual States on a day other than the first Saturday after Labor Day if the affected Federal land managers determine that because of climatological or other factors, an alternative date is more appropriate.

(Pub. L. 99–402, § 3, Aug. 27, 1986, 100 Stat. 910.)

SHORT TITLE

Section 1 of Pub. L. 99–402 provided that: ''This Act [enacting this section and section 169i–1 of this title and provisions set out as a note below] may be cited as the 'Federal Lands Cleanup Act of 1985'.''

CONGRESSIONAL FINDINGS

Section 2 of Pub. L. 99–402 provided that: ''Congress finds that—

''(1) Federal lands, parks, recreation areas, and waterways provide recreational opportunities for millions of Americans each year;

''(2) the Federal lands administered by the several Federal land management agencies contain valuable wildlife, scenery, natural and historic features, and other resources which may be damaged by litter and misuse;

''(3) it is in the best interest of our country and its citizens to maintain and preserve the beauty, safety, and availability of these Federal lands;

''(4) these land management agencies have been designated as the caretakers of these Federal lands and have been given the responsibility for maintaining and preserving these areas and facilities;

''(5) there is great value in volunteer involvement in maintaining and preserving Federal lands for recreational use;

''(6) the Federal land management agencies should be concerned with promoting a sense of pride and ownership among citizens toward these lands;

''(7) the use of citizen volunteers in a national cleanup effort promotes these goals and encourages the thoughtful use of these Federal lands and facilities;

''(8) the positive impact of annual cleanup events held at various recreation sites has already been proven by steadily declining levels of litter at these sites; and

''(9) a national program for cleaning and maintaining Federal lands using volunteers will save millions of tax dollars.''

§ 169i–1. Federal participation in Federal Lands Cleanup Day

(a) Federal land management agencies; duties; definition

(1) In order to observe Federal Lands Cleanup Day at the Federal level, each Federal land

management agency shall organize, coordinate, and participate with citizen volunteers and State and local agencies in cleaning and providing for the maintenance of Federal public lands, recreation areas, and waterways within the jurisdiction of such agency.

(2) For purposes of this Act, the term ''Federal land management agency'' shall include—

(A) the Forest Service of the Department of Agriculture;

(B) the Bureau of Land Management of the Department of the Interior;

(C) the National Park Service of the Department of the Interior;

(D) the Fish and Wildlife Service of the Department of the Interior;

(E) the Bureau of Reclamation of the Department of the Interior; and

(F) the Army Corps of Engineers.

(b) Objectives; cooperation with State, county, and local agencies

Each Federal land management agency shall plan for and carry out activities on Federal Lands National Cleanup Day which—

(1) encourage continuing public and private sector cooperation in preserving the beauty and safety of areas within the jurisdiction of such agency;

(2) increase citizens' sense of ownership and community pride in such areas;

(3) reduce litter on Federal lands, along trails and waterways, and within such areas; and

(4) maintain and improve trails, recreation areas, waterways and facilities.

Such activities shall be held in cooperation with appropriate State, county, and local government agencies.

(c) Report to Congress

(1) Within ninety days following the first Federal Lands Cleanup Day occurring after August 27, 1986, each Federal land management agency shall provide a summary report to Congress briefly outlining the types of activities undertaken; the sites involved; the nature and extent of the volunteer involvement; the cost savings realized from the program and the overall success of such agency in observing Federal Lands Cleanup Day.

(2) Such reporting requirements shall remain in effect for two years after the submission of the first report.

(Pub. L. 99–402, § 4, Aug. 27, 1986, 100 Stat. 911.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a)(2), is Pub. L. 99–402, Aug. 27, 1986, 100 Stat. 910, known as the Federal Lands Cleanup Act of 1985, which enacted this section and section 169i of this title and provisions set out as notes under section 169i of this title. For complete classification of this Act to the Code, see Short Title note set out under section 169i of this title and Tables.

§ 169j. Martin Luther King, Jr., Federal legal holiday

The Congress finds that—

(1) January 20, 1986, marks the first observance of the Federal legal holiday, established by Public Law 98–144, honoring the birthday of Martin Luther King, Jr.;

(2) such holiday should serve as a time for Americans to reflect on the principles of racial equality and nonviolent social change espoused by Martin Luther King, Jr.; and

(3) it is appropriate for the Federal Government to coordinate efforts with Americans of diverse backgrounds and with private organizations in the observance of the Federal legal holiday honoring Martin Luther King, Jr.

(Pub. L. 98–399, § 1, Aug. 27, 1984, 98 Stat. 1473; Pub. L. 101–30, § 2(b)(1), May 17, 1989, 103 Stat. 60.)

REFERENCES IN TEXT

Public Law 98–144, referred to in par. (1), is Pub. L. 98–144, Nov. 2, 1983, 97 Stat. 917, which amended section 6103 of Title 5, Government Organization and Employees, and enacted provisions set out as a note under section 6103 of Title 5. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1989—Par. (3). Pub. L. 101–30 struck out ''first'' before ''observance''.

SHORT TITLE OF 1994 AMENDMENT

Pub. L. 103–304, § 1, Aug. 23, 1994, 108 Stat. 1565, provided that: ''This Act [enacting sections 169j–9 and 169j–10 of this title, amending sections 169j–2, 169j–3, and 169j–5 to 169j–8 of this title and sections 4953, 5024, 12591, 12602, 12615, 12619, 12622, 12651d, 12653, and 12655n of Title 42, The Public Health and Welfare, and enacting provisions set out as notes under section 169j–5 of this title and section 4953 of Title 42] may be cited as the 'King Holiday and Service Act of 1994'.''

SHORT TITLE OF 1989 AMENDMENT

Section 1 of Pub. L. 101–30 provided that: ''This Act [amending this section and sections 169j–2 to 169j–8 of this title and enacting provisions set out as notes under sections 169j–3 and 169j–8 of this title] may be cited as the 'Martin Luther King, Jr., Federal Holiday Commission Extension Act'.''

§ 169j–1. Martin Luther King, Jr. Federal Holiday Commission

There is established a commission to be known as the Martin Luther King, Jr. Federal Holiday Commission (hereinafter in this Act referred to as the ''Commission'').

(Pub. L. 98–399, § 2, Aug. 27, 1984, 98 Stat. 1473.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 98–399, Aug. 27, 1984, 98 Stat. 1473, as amended, which enacted sections 169j to 169j–10 of this title. For complete classification of this Act to the Code, see Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 42 section 12653.

§ 169j–2. Purposes of Martin Luther King, Jr. Federal Holiday Commission

The purposes of the Commission are—

(1) to encourage appropriate ceremonies and activities (including service opportunities) throughout the United States relating to the observance of the Federal legal holiday honoring Martin Luther King, Jr., which occurs on the third Monday in January each year; and

(2) to provide advice and assistance to Federal, State, and local governments and to private organizations with respect to the observance of such holiday.

(Pub. L. 98–399, § 3, Aug. 27, 1984, 98 Stat. 1473; Pub. L. 99–284, § 1(a), May 1, 1986, 100 Stat. 406; Pub. L. 101–30, § 2(b)(2), May 17, 1989, 103 Stat. 60; Pub. L. 103–304, § 2(1), Aug. 23, 1994, 108 Stat. 1565.)

AMENDMENTS

1994—Par. (1). Pub. L. 103–304 inserted ''(including service opportunities)'' after ''activities''.

1989—Par. (1). Pub. L. 101–30 substituted ''occurs on the third Monday in January each year'' for ''first occurs on January 20, 1986''.

1986—Par. (1). Pub. L. 99–284 substituted ''the observance'' and ''which first occurs'' for ''the first observance'' and ''which occurs'', respectively.

§ 169j–3. Membership of Martin Luther King, Jr. Federal Holiday Commission

(a) Composition

The Commission shall be composed of—

(1) four officers from the executive branch, appointed by the President;

(2) four Members of the House of Representatives, appointed by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives;

(3) four Senators, appointed by the President pro tempore of the Senate in consultation with the majority and minority leaders of the Senate;

(4) Coretta Scott King and two other members of the family surviving Martin Luther King, Jr., appointed by such family;

(5) two individuals representing the Martin Luther King, Jr. Center for Non-Violent Social Change (a not-for-profit organization incorporated in the State of Georgia), appointed by such organization;

(6) twenty-three individuals other than officers or employees of the United States or Members of Congress, appointed by the members of the Commission under paragraphs (1) through (5) of this subsection from among individuals representing diverse interest groups, including individuals representing labor, business, civil rights, and religious groups, and entertainers; and

(7) the Chief Executive Officer of the Corporation for National and Community Service, appointed under section 12651c of title 42.

(b) Political party

Not more than half of the members of the Commission appointed under each of paragraphs (2), (3), (5), and (6) of subsection (a) of this section shall be of the same political party.

(c) Appointments; vacancies

(1) Except as provided in paragraphs (2) and (3), members of the Commission shall be appointed not later than June 1 of each year for terms of 1 year, and any vacancy in the Commission shall be filled in the manner in which the original appointment was made. Any vacancy in the Commission shall not affect its powers.

(2) Coretta Scott King shall serve as a member for life. In the event of a vacancy, her position on the Commission shall be filled by a member of the family surviving Martin Luther King, Jr., not already a member of the Commission, who shall be appointed by the family and shall serve as a member of the Commission at the discretion of the family.

(3) The 2 members of the Commission appointed as members of the family surviving Martin Luther King, Jr., shall serve as members of the Commission at the discretion of the family.

(d) Compensation

Members of the Commission shall serve without pay, but may, subject to the availability of sufficient funds, be allowed travel expenses, including per diem in lieu of subsistence, while away from their homes or regular places of business in the performance of services for the Commission.

(Pub. L. 98–399, § 4, Aug. 27, 1984, 98 Stat. 1473; Pub. L. 99–284, § 2, May 1, 1986, 100 Stat. 406; Pub. L. 101–30, §§ 3(a), 6(b)(1), May 17, 1989, 103 Stat. 60, 61; Pub. L. 103–304, § 2(2), Aug. 23, 1994, 108 Stat. 1565.)

AMENDMENTS

1994—Subsec. (a)(7). Pub. L. 103–304 added par. (7).

1989—Subsec. (c). Pub. L. 101–30, § 3(a), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: ''Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.''

Subsec. (d). Pub. L. 101–30, § 6(b)(1), substituted ''subject to the availability of sufficient funds'' for ''subject to section 169j–6 of this title''.

1986—Subsec. (a)(6). Pub. L. 99–284 substituted ''twenty-three'' for ''fourteen''.

CONTINUATION OF TERMS OF EXISTING MEMBERS

Section 3(b) of Pub. L. 101–30 provided that: ''The individuals who are members of the Commission on the date of the enactment of this Act [May 17, 1989] shall be considered to have been appointed members for a term ending on the first June 1 that occurs after the date of the enactment of this Act (pursuant to section 4(a) of Public Law 98–399 (98 Stat. 1473) [36 U.S.C. 169j–3(a)] or section 2(c) of this Act [set out as a note under section 169j–8 of this title], as appropriate).''

§ 169j–4. Operations of Martin Luther King, Jr. Federal Holiday Commission

(a) Meetings

The Commission shall first meet within 30 days after August 27, 1984. At this first meeting the Commission shall elect a chairperson from among its members and shall meet thereafter at the call of the chairperson.

(b) Donations

The Commission may encourage the participation of, and accept, use, and dispose of donations of money, property, and personal services from, individuals and public and private organizations to assist the Commission in carrying out its responsibilities under this Act.

(Pub. L. 98–399, § 5, Aug. 27, 1984, 98 Stat. 1474; Pub. L. 101–30, § 7, May 17, 1989, 103 Stat. 61.)

REFERENCES IN TEXT

This Act, referred to in subsec. (b), is Pub. L. 98–399, Aug. 27, 1984, 98 Stat. 1473, as amended, which enacted sections 169j to 169j–10 of this title. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1989—Subsec. (c). Pub. L. 101–30 struck out subsec. (c) which provided that Federal Advisory Committee Act did not apply to Commission.

§ 169j–5. Activities of Martin Luther King, Jr. Federal Holiday Commission

(a) Director and staff

The Commission may appoint a director and a staff of not more than five persons, without regard to the provisions of title 5 governing appointments in the competitive service. Subject to the availability of sufficient funds, the Commission shall set the rates of pay for the director and staff, except that the director may not be paid at a rate in excess of the rate of pay for level IV of the Executive Schedule under section 5315 of title 5, and no staff member may be paid at a rate in excess of the maximum rate of pay payable for grade GS–13 of such General Schedule.

(b) Assistance and cooperation of Federal agencies

(1) Upon the request of the Commission, the head of any department or agency of the United States may detail, on a nonreimbursable basis, any of the personnel of such department or agency to the Commission to assist it in carrying out its responsibilities under this Act. A person who has been detailed under the preceding sentence for as many as 365 days (continuously or intermittently) may not subsequently be detailed to the Commission.

(2) Each head of such department or agency is authorized to cooperate with and assist the Commission in carrying out its responsibilities under this Act.

(c) Restrictions on Commission activities

In carrying out the responsibilities of the Commission under this Act, the Commission shall not make any expenditures, or receive or utilize any assistance in the form of the use of office space, personnel, or any other assistance authorized under subsection (b) of this section, for any of the following purposes—

(A)[1] training activities for the purpose of directing or encouraging—

(i) the organization or implementation of campaigns to protest social conditions, and

(ii) any form of civil disobedience.

(Pub. L. 98–399, § 6, Aug. 27, 1984, 98 Stat. 1474; Pub. L. 101–30, §§ 4, 6(b)(2), May 17, 1989, 103 Stat. 61; Pub. L. 103–304, § 2(3)(A), (B), Aug. 23, 1994, 108 Stat. 1565.)

REFERENCES IN TEXT

The provisions of title 5 governing appointments in the competitive service, referred to in subsec. (a), are classified generally to section 3301 et seq. of Title 5, Government Organization and Employees.

The General Schedule, referred to in subsec. (a), is set out under section 5332 of Title 5.

This Act, referred to in subsecs. (b) and (c), is Pub. L. 98–399, Aug. 27, 1984, 98 Stat. 1473, as amended, which enacted sections 169j to 169j–10 of this title. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103–304, § 2(3)(A), substituted ''rate of pay for level IV of the Executive Schedule under section 5315'' for ''maximum rate of pay payable for grade GS–18 of the General Schedule under section 5332''.

Subsec. (b)(1). Pub. L. 103–304, § 2(3)(B), inserted at end ''A person who has been detailed under the preceding sentence for as many as 365 days (continuously or intermittently) may not subsequently be detailed to the Commission.''

1989—Subsec. (a). Pub. L. 101–30, § 6(b)(2), substituted ''Subject to the availability of sufficient funds'' for ''Subject to section 169j–6 of this title''.

Subsec. (c). Pub. L. 101–30, § 4, added subsec. (c).

LIMITATION ON TERMS OF DETAIL

Section 2(3)(C) of Pub. L. 103–304 provided that: ''all Federal employees on loan to the King Commission on the day of enactment of this Act [Aug. 23, 1994] may remain detailed to the Martin Luther King Holiday Commission for not more than 365 days;''.

§ 169j–6. Authorization of appropriations

There are authorized to be appropriated to carry out this Act—

(1) $300,000 for fiscal year 1995;
(2) $350,000 for fiscal year 1996;
(3) $400,000 for fiscal year 1997;
(4) $450,000 for fiscal year 1998; and
(5) $500,000 for fiscal year 1999.

(Pub. L. 98–399, § 7, Aug. 27, 1984, 98 Stat. 1474; Pub. L. 101–30, § 6(a), May 17, 1989, 103 Stat. 61; Pub. L. 103–304, § 2(4), Aug. 23, 1994, 108 Stat. 1565.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 98–399, Aug. 27, 1984, 98 Stat. 1473, as amended, which enacted sections 169j to 169j–10 of this title. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1994—Pub. L. 103–304 amended section generally. Prior to amendment, section read as follows: ''There are authorized to be appropriated to carry out this Act $300,000 for fiscal year 1989 and each of the 4 succeeding fiscal years.''

1989—Pub. L. 101–30 amended section generally. Prior to amendment, section read as follows: ''All expenditures of the Commission shall be made from donated funds.''

§ 169j–7. Commission report

(a) In general

Not later than April 20 of each year, the Commission shall submit a report to the President and the Congress concerning its activities under this Act or under the National and Community Service Act of 1990 [42 U.S.C. 12501 et seq.].

(b) Analysis required

The Commission shall include in its annual report—

(1) a detailed description of all activities undertaken by the Commission;

(2) an analysis of the spending practices of the Commission indicating how much of the funds of the Commission are dedicated to salaries, travel expenses, and other overhead costs and how much are dedicated to the stated goals of the Commission; and

(3) a detailed description of any grants made by the Corporation for National and Community Service with the consultation of the Commission.

(Pub. L. 98–399, § 8, Aug. 27, 1984, 98 Stat. 1475; Pub. L. 99–284, § 1(b), May 1, 1986, 100 Stat. 406;

[1] So in original. No subpar. (B) has been enacted.

Pub. L. 101–30, § 5, May 17, 1989, 103 Stat. 61; Pub. L. 103–304, § 2(5), Aug. 23, 1994, 108 Stat. 1566.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 98–399, Aug. 27, 1984, 98 Stat. 1473, as amended, which enacted sections 169j to 169j–10 of this title. For complete classification of this Act to the Code, see Tables.

The National and Community Service Act of 1990, referred to in subsec. (a), is Pub. L. 101–610, Nov. 16, 1990, 104 Stat. 3127, as amended, which is classified principally to chapter 129 (§ 12501 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 12501 of Title 42 and Tables.

AMENDMENTS

1994—Pub. L. 103–304 inserted section catchline and amended text generally. Prior to amendment, text read as follows: ''Not later than April 20 of each year, the Commission shall submit a report to the President and the Congress concerning its activities under this Act with respect to the most recent observance of the Federal legal holiday honoring the birthday of Martin Luther King, Jr.''

1989—Pub. L. 101–30 substituted ''with respect to the most recent observance of the Federal legal holiday honoring the birthday of Martin Luther King, Jr.'' for period at end.

1986—Pub. L. 99–284 substituted ''April 20 of each year'' for ''April 20, 1986''.

§ 169j–8. Continuation of existence of Martin Luther King, Jr. Federal Holiday Commission

The Commission shall continue in existence until September 30, 1999.

(Pub. L. 98–399, § 9, Aug. 27, 1984, 98 Stat. 1475; Pub. L. 99–284, § 1(c), May 1, 1986, 100 Stat. 406; Pub. L. 101–30, § 2(a), May 17, 1989, 103 Stat. 60; Pub. L. 103–304, § 2(6), Aug. 23, 1994, 108 Stat. 1566.)

AMENDMENTS

1994—Pub. L. 103–304 substituted ''September 30, 1999'' for ''April 20, 1994''.

1989—Pub. L. 101–30 amended section generally, substituting ''continue in existence until April 20, 1994'' for ''cease to exist after April 20, 1989''.

1986—Pub. L. 99–284 substituted ''after April 20, 1989'' for ''after submitting its report under section 169j–7 of this title''.

REESTABLISHMENT AFTER TERMINATION

Section 2(c) of Pub. L. 101–30 provided that: ''If the date of the enactment of this Act [May 17, 1989] occurs on or after April 20, 1989, the Martin Luther King, Jr., Federal Holiday Commission shall be reestablished on the date of the enactment of this Act with the same members and powers that the Commission had, as provided in Public Law 98–399 (98 Stat. 1473) [enacting sections 169j to 169j–8 of this title], on April 19, 1989 (subject to this Act and the amendments made by this Act [see Short Title of 1989 Amendment note set out under section 169j of this title]).''

§ 169j–9. Limitations on spending

None of the funds appropriated or donated to the Commission may be used for the purpose of purchasing first class air travel or first class hotel accommodations.

(Pub. L. 98–399, § 10, as added Pub. L. 103–304, § 2(7), Aug. 23, 1994, 108 Stat. 1566.)

§ 169j–10. Accounting procedures

The Commission shall follow a comprehensive basis of accounting, as defined by the Comptroller General in B–255473. The Commission shall establish an accounting system for review by the Comptroller General under section 3512 of title 31. The Comptroller General is authorized to review and audit the Commission, its programs, activities, operations, and financial transactions. The Comptroller General, and his agents, shall have access to all records, files, documents, and papers of the Commission, as necessary, to accomplish such audits.

(Pub. L. 98–399, § 11, as added Pub. L. 103–304, § 2(8), Aug. 23, 1994, 108 Stat. 1566.)

§ 169k. Asian/Pacific American Heritage Month

(a) Designation

May of each year is designated as ''Asian/Pacific American Heritage Month''.

(b) Federal proclamation

The President is authorized and requested to issue annually a proclamation calling on the people of the United States to observe the month designated in subsection (a) of this section with appropriate programs, ceremonies and activities.

(c) State proclamations

The chief executive officer of each State is requested to issue annually a proclamation calling on the people of the State to observe the month designated in subsection (a) of this section with appropriate programs, ceremonies and activities.

(d) "State" defined

For purposes of subsection (c) of this section, the term ''State'' means any of the several States, the District of Columbia, the Virgin Islands of the United States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau.

(Pub. L. 102–450, § 2, Oct. 23, 1992, 106 Stat. 2251.)

CONGRESSIONAL FINDINGS

Section 1 of Pub. L. 102–450 provided that: ''The Congress finds that—

''(1) on May 7, 1843, the first Japanese immigrants came to the United States;

''(2) on May 10, 1869, Golden Spike Day, the first transcontinental railroad in the United States was completed with significant contributions from Chinese pioneers;

''(3) in 1979, at Congress' direction, the President proclaimed the week beginning on May 4, 1979, as Asian/Pacific American Heritage Week, providing an opportunity for the people of the United States to recognize the history, concerns, contributions, and achievements of Asian and Pacific Americans;

''(4) in 1990, 1991 and 1992, Congress designated and the President proclaimed the month of May as Asian/Pacific American Heritage Month;

''(5) nearly 8,000,000 people in the United States can trace their roots to Asia and the islands of the Pacific; and

''(6) Asian and Pacific Americans have contributed significantly to the development of the arts, sciences, government, military, commerce, and education in the United States.''

§ 169*l*. National Pearl Harbor Remembrance Day

December 7 of each year is designated as ''National Pearl Harbor Remembrance Day'' and the President is authorized and requested—

(1) to issue annually a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities; and

(2) to urge all Federal agencies, and interested organizations, groups, and individuals, to fly the flag of the United States at halfstaff each December 7 in honor of the individuals who died as a result of their service at Pearl Harbor.

(Pub. L. 103–308, Aug. 23, 1994, 108 Stat. 1669.)

RECITAL CLAUSES

Pub. L. 103–308 upon which this section is based contained several ''Whereas'' clauses reading as follows:

''Whereas, on December 7, 1941, the Imperial Japanese Navy and Air Force attacked units of the armed forces of the United States stationed at Pearl Harbor, Hawaii;

''Whereas more than 2,000 citizens of the United States were killed and more than 1,000 citizens of the United States were wounded in the attack on Pearl Harbor;

''Whereas the attack on Pearl Harbor marked the entry of the United States into World War II;

''Whereas the veterans of World War II and all other people of the United States commemorate December 7 in remembrance of the attack on Pearl Harbor; and

''Whereas commemoration of the attack on Pearl Harbor will instill in all people of the United States a greater understanding and appreciation of the selfless sacrifice of the individuals who served in the armed forces of the United States during World War II * * *.''

CHAPTER 10—PATRIOTIC CUSTOMS

Sec.
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§ 170. National anthem; Star-Spangled Banner

The composition consisting of the words and music known as The Star-Spangled Banner is designated the national anthem of the United States of America.

(Mar. 3, 1931, ch. 436, 46 Stat. 1508.)

CODIFICATION

Section was formerly classified to section 144 of this title.

§ 171. Conduct during playing

During rendition of the national anthem when the flag is displayed, all present except those in uniform should stand at attention facing the flag with the right hand over the heart. Men not in uniform should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Persons in uniform should render the military salute at the first note of the anthem and retain this position until the last note. When the flag is not displayed, those present should face toward the music and act in the same manner they would if the flag were displayed there.

(June 22, 1942, ch. 435, § 6, 56 Stat. 380; Dec. 22, 1942, ch. 806, § 6, 56 Stat. 1077; July 7, 1976, Pub. L. 94–344, § 1(18), 90 Stat. 812.)

AMENDMENTS

1976—Pub. L. 94–344 inserted requirement that during the rendition of the national anthem when the flag is displayed, all persons present except those in uniform should stand at attention, face the flag, and place the right hand over the heart and men with headdress should remove the headdress and hold it at the left shoulder, the hand being over the heart and when the flag is not displayed, those present should face the music and act in the same manner they would if the flag were displayed.

1942—Act Dec. 22, 1942, substituted ''all present should face the flag and salute'' for ''the salute to the flag should be given'' in last sentence.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 178 of this title.

§ 172. Pledge of allegiance to the flag; manner of delivery

The Pledge of Allegiance to the Flag, ''I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.'', should be rendered by standing at attention facing the flag with the right hand over the heart. When not in uniform men should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Persons in uniform should remain silent, face the flag, and render the military salute.

(June 22, 1942, ch. 435, § 7, 56 Stat. 380; Dec. 22, 1942, ch. 806, § 7, 56 Stat. 1077; Dec. 28, 1945, ch. 607, 59 Stat. 668; June 14, 1954, ch. 297, 68 Stat. 249; July 7, 1976, Pub. L. 94–344, § 1(19), 90 Stat. 813.)

AMENDMENTS

1976—Pub. L. 94–344 inserted requirement that during rendition of the Pledge of Allegiance to the Flag, all persons should face the flag and men with headdress except those in uniform should remove their headdress and hold it at the left shoulder, the hand being over the heart.

1954—Act June 14, 1954, inserted ''under God,'' in the pledge.

1945—Act Dec. 28, 1945, inserted ''The following is designated as'', inserted the period after ''justice for all.'',

and struck out ''is rendered by standing with the right hand over the heart.'' in first sentence, and inserted sentence ''Such pledge should be rendered by standing with the right hand over the heart.''

1942—Act Dec. 22, 1942, struck out ''extending the right hand, palm upward, toward the flag at the words 'to the flag' and holding this position until the end, when the hand drops to the side.'' at end of first sentence.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 178 of this title.

§173. Display and use of flag by civilians; codification of rules and customs; definition

The following codification of existing rules and customs pertaining to the display and use of the flag of the United States of America is established for the use of such civilians or civilian groups or organizations as may not be required to conform with regulations promulgated by one or more executive departments of the Government of the United States. The flag of the United States for the purpose of this chapter shall be defined according to sections 1 and 2 of title 4 and Executive Order 10834 issued pursuant thereto.

(June 22, 1942, ch. 435, §1, 56 Stat. 377; Dec. 22, 1942, ch. 806, §1, 56 Stat. 1074; July 7, 1976, Pub. L. 94–344, §1(1), 90 Stat. 810.)

REFERENCES IN TEXT

This chapter, referred to in text, probably means chapter 435 of act June 22, 1942, 56 Stat. 380, which is classified to sections 171 to 178 of this title.

Executive Order 10834, referred to in text, is Ex. Ord. No. 10834, Aug. 21, 1959, 24 F.R. 79, which is set out as a note under section 1 of Title 4, Flag and Seal, Seat of Government, and the States.

AMENDMENTS

1976—Pub. L. 94–344 inserted provisions defining ''flag of the United States'' for purposes of this chapter according to sections 1 and 2 of title 4 and Executive Order 10834.

1942—Act Dec. 22, 1942, reenacted section without change.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 178 of this title.

§174. Time and occasions for display

(a) Display on buildings and stationary flagstaffs in open; night display

It is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flagstaffs in the open. However, when a patriotic effect is desired, the flag may be displayed twenty-four hours a day if properly illuminated during the hours of darkness.

(b) Manner of hoisting

The flag should be hoisted briskly and lowered ceremoniously.

(c) Inclement weather

The flag should not be displayed on days when the weather is inclement, except when an all weather flag is displayed.

(d) Particular days of display

The flag should be displayed on all days, especially on New Year's Day, January 1; Inauguration Day, January 20; Lincoln's Birthday, February 12; Washington's Birthday, third Monday in February; Easter Sunday (variable); Mother's Day, second Sunday in May; Armed Forces Day, third Saturday in May; Memorial Day (half-staff until noon), the last Monday in May; Flag Day, June 14; Independence Day, July 4; Labor Day, first Monday in September; Constitution Day, September 17; Columbus Day, second Monday in October; Navy Day, October 27; Veterans Day, November 11; Thanksgiving Day, fourth Thursday in November; Christmas Day, December 25; and such other days as may be proclaimed by the President of the United States; the birthdays of States (date of admission); and on State holidays.

(e) Display on or near administration building of public institutions

The flag should be displayed daily on or near the main administration building of every public institution.

(f) Display in or near polling places

The flag should be displayed in or near every polling place on election days.

(g) Display in or near schoolhouses

The flag should be displayed during school days in or near every schoolhouse.

(June 22, 1942, ch. 435, §2, 56 Stat. 378; Dec. 22, 1942, ch. 806, §2, 56 Stat. 1074; July 7, 1976, Pub. L. 94–344, §1(2)–(5), 90 Stat. 810.)

CODIFICATION

''Veterans Day'' substituted for ''Armistice Day'' in subsec. (d) to conform to the provisions of act June 1, 1954, ch. 250, 68 Stat. 168. See section 6103 of Title 5, Government Organization and Employees.

AMENDMENTS

1976—Subsec. (a). Pub. L. 94–344, §1(2), substituted provision permitting display of the flag for 24 hours a day to produce a patriotic effect if flag is properly illuminated during the hours of darkness, for provision permitting night display of the flag upon special occasions when it is desired to produce a patriotic effect.

Subsec. (c). Pub. L. 94–344, §1(3), inserted provision excepting display of all weather flag.

Subsec. (d). Pub. L. 94–344, §1(4), struck out ''when the weather permits'' after ''displayed on all days'' and ''Army Day, April 6'' before ''Easter Sunday'', inserted ''Armed Forces Day, third Saturday in May'', and substituted ''third Monday in February'' for ''February 22'', ''the last Monday in May'' for ''May 30'', and ''second Monday in October'' for ''October 12''.

Subsec. (e). Pub. L. 94–344, §1(5), struck out '', weather permitting,'' after ''displayed daily''.

1942—Subsec. (d). Act Dec. 22, 1942, substituted ''fourth Thursday in November'' for ''last Thursday in November''.

VALLEY FORGE STATE PARK, PENNSYLVANIA; DISPLAY OF FLAG

Pub. L. 94–53, July 4, 1975, 89 Stat. 259, provided: ''That, notwithstanding the rule or custom pertaining to the display of the flag of the United States of America between sunrise and sunset, as set forth in section 2(a) of the joint resolution, entitled, ''Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America'', approved June 22, 1942 (36 U.S.C. 174(a)), the flag of the United States of America may be flown for twenty-four hours of each day on the grounds of the National Memorial Arch in Valley Forge State Park, Valley Forge, Pennsylvania. The flag may not be

flown pursuant to the authority contained in this Act during the hours from sunset to sunrise unless it is illuminated.''

LEXINGTON, MASSACHUSETTS; DISPLAY OF FLAG

Pub. L. 89–335, Nov. 8, 1965, 79 Stat. 1294, provided: ''That, notwithstanding any rule or custom pertaining to the display of the flag of the United States of America as set forth in the joint resolution entitled 'Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America', approved June 22, 1942 (36 U.S.C. 171–178), the flag of the United States of America may be flown for twenty-four hours of each day on the green of the town of Lexington, Massachusetts. The flag may not be flown pursuant to the authority contained in this Act during the hours from sunset to sunrise unless it is illuminated.''

FLAG HOUSE SQUARE, BALTIMORE, MARYLAND; DISPLAY OF FLAG; TIME

Act Mar. 26, 1954, ch. 109, 68 Stat. 35, provided: ''That notwithstanding any rule or custom pertaining to the display of the flag of the United States of America as set forth in the joint resolution entitled 'Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America', approved June 22, 1942, as amended [sections 171 to 178 of this title], authority is hereby conferred on the appropriate officer of the State of Maryland to permit the flying of the flag of the United States for twenty-four hours of each day in Flag House Square, Albemarle and Pratt Streets, Baltimore, Maryland.

''SEC. 2. Subject to the provisions of section 3 of the joint resolution of June 22, 1942, as amended [section 175 of this title], authority is also conferred on the appropriate officer of the State of Maryland to permit the flying of a replica of the flag of the United States which was in use during the War of 1812 for twenty-four hours of each day in Flag House Square, Albemarle and Pratt Streets, Baltimore, Maryland.''

PROC. NO. 4064. DISPLAY OF FLAGS AT THE WASHINGTON MONUMENT

Proc. No. 4064, July 6, 1971, 36 F.R. 12967, provided:

The Washington Monument stands day and night as America's tribute to our first President. The fifty American flags that encircle the base of the Monument represent our fifty States and, at the same time, symbolize our enduring Federal Union.

As this Nation's 200th year approaches, I believe that it would do all Americans well to remember the years of our first President and to recall the enduring ideals of our Nation.

As an expression of our rededication to the ideals of America and in accordance with the joint resolution of Congress of June 22, 1942 (56 Stat. 377), as amended by the joint resolution of December 22, 1942, (56 Stat. 1074) [this section], which permits the flag to be displayed at night ''upon special occasions when it is desired to produce a patriotic effect,'' it is appropriate that our national colors henceforth be displayed day and night at the Washington Monument.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim that, effective July 4, 1971, the fifty flags of the United States of America displayed at the Washington Monument in the District of Columbia be flown at all times during the day and night, except when the weather is inclement.

The rules and customs pertaining to the display of the flag as set forth in the joint resolution of June 22, 1942, as amended [section 173 et seq. of this title], are hereby modified accordingly.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of July, in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-sixth.

RICHARD NIXON.

PROC. NO. 4131. DISPLAY OF FLAG AT UNITED STATES CUSTOMS PORTS OF ENTRY

Proc. No. 4131, May 5, 1972, 37 F.R. 9311, provided:

The flag of the United States should be one of the first things seen at our Customs ports of entry, both by American citizens returning from abroad and by travelers from other countries.

As the symbol of our country and our freedoms, the national colors of the United States provide a welcome greeting of warm promise.

Many people, however, enter our country at night when the flag is not flown, because of the nearly universal custom of displaying it only from sunrise to sunset.

Authority exists to amend that custom. A Congressional joint resolution of June 22, 1942 (56 Stat. 377), as amended (36 U.S.C. 173–178), permits the flag to be displayed at night ''upon special occasions when it is desired to produce a patriotic effect.''

I believe it is appropriate that returning citizens and visitors from other countries be welcomed by our flag whether they arrive at their ports of entry by night or by day.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim that the flag of the United States of America shall hereafter be displayed at all times during the day and night, except when the weather is inclement, at United States Customs ports of entry which are continually open.

The rules and customs pertaining to the display of the flag, as set forth in the joint resolution of June 22, 1942, as amended, are hereby modified accordingly.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of May, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

RICHARD NIXON.

CROSS REFERENCES

National observances, display of flag on, see section 141 et seq. of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 178 of this title.

§ 175. Position and manner of display

The flag, when carried in a procession with another flag or flags, should be either on the marching right; that is, the flag's own right, or, if there is a line of other flags, in front of the center of that line.

(a) The flag should not be displayed on a float in a parade except from a staff, or as provided in subsection (i) of this section.

(b) The flag should not be draped over the hood, top, sides, or back of a vehicle or of a railroad train or a boat. When the flag is displayed on a motorcar, the staff shall be fixed firmly to the chassis or clamped to the right fender.

(c) No other flag or pennant should be placed above or, if on the same level, to the right of the flag of the United States of America, except during church services conducted by naval chaplains at sea, when the church pennant may be flown above the flag during church services for the personnel of the Navy. No person shall display the flag of the United Nations or any other national or international flag equal, above, or in a position of superior prominence or honor to, or in place of, the flag of the United States at any place within the United States or any Territory or possession thereof: *Provided*, That nothing in this section shall make unlawful the continu-

ance of the practice heretofore followed of displaying the flag of the United Nations in a position of superior prominence or honor, and other national flags in positions of equal prominence or honor, with that of the flag of the United States at the headquarters of the United Nations.

(d) The flag of the United States of America, when it is displayed with another flag against a wall from crossed staffs, should be on the right, the flag's own right, and its staff should be in front of the staff of the other flag.

(e) The flag of the United States of America should be at the center and at the highest point of the group when a number of flags of States or localities or pennants of societies are grouped and displayed from staffs.

(f) When flags of States, cities, or localities, or pennants of societies are flown on the same halyard with the flag of the United States, the latter should always be at the peak. When the flags are flown from adjacent staffs, the flag of the United States should be hoisted first and lowered last. No such flag or pennant may be placed above the flag of the United States or to the United States flag's right.

(g) When flags of two or more nations are displayed, they are to be flown from separate staffs of the same height. The flags should be of approximately equal size. International usage forbids the display of the flag of one nation above that of another nation in time of peace.

(h) When the flag of the United States is displayed from a staff projecting horizontally or at an angle from the window sill, balcony, or front of a building, the union of the flag should be placed at the peak of the staff unless the flag is at half staff. When the flag is suspended over a sidewalk from a rope extending from a house to a pole at the edge of the sidewalk, the flag should be hoisted out, union first, from the building.

(i) When displayed either horizontally or vertically against a wall, the union should be uppermost and to the flag's own right, that is, to the observer's left. When displayed in a window, the flag should be displayed in the same way, with the union or blue field to the left of the observer in the street.

(j) When the flag is displayed over the middle of the street, it should be suspended vertically with the union to the north in an east and west street or to the east in a north and south street.

(k) When used on a speaker's platform, the flag, if displayed flat, should be displayed above and behind the speaker. When displayed from a staff in a church or public auditorium, the flag of the United States of America should hold the position of superior prominence, in advance of the audience, and in the position of honor at the clergyman's or speaker's right as he faces the audience. Any other flag so displayed should be placed on the left of the clergyman or speaker or to the right of the audience.

(*l*) The flag should form a distinctive feature of the ceremony of unveiling a statue or monument, but it should never be used as the covering for the statue or monument.

(m) The flag, when flown at half-staff, should be first hoisted to the peak for an instant and then lowered to the half-staff position. The flag should be again raised to the peak before it is lowered for the day. On Memorial Day the flag should be displayed at half-staff until noon only, then raised to the top of the staff. By order of the President, the flag shall be flown at half-staff upon the death of principal figures of the United States Government and the Governor of a State, territory, or possession, as a mark of respect to their memory. In the event of the death of other officials or foreign dignitaries, the flag is to be displayed at half-staff according to Presidential instructions or orders, or in accordance with recognized customs or practices not inconsistent with law. In the event of the death of a present or former official of the government of any State, territory, or possession of the United States, the Governor of that State, territory, or possession may proclaim that the National flag shall be flown at half-staff. The flag shall be flown at half-staff thirty days from the death of the President or a former President; ten days from the day of death of the Vice President, the Chief Justice or a retired Chief Justice of the United States, or the Speaker of the House of Representatives; from the day of death until interment of an Associate Justice of the Supreme Court, a Secretary of an executive or military department, a former Vice President, or the Governor of a State, territory, or possession; and on the day of death and the following day for a Member of Congress. The flag shall be flown at halfstaff on Peace Officers Memorial Day, unless that day is also Armed Forces Day. As used in this subsection—

(1) the term ''half-staff'' means the position of the flag when it is one-half the distance between the top and bottom of the staff;

(2) the term ''executive or military department'' means any agency listed under sections 101 and 102 of title 5; and

(3) the term ''Member of Congress'' means a Senator, a Representative, a Delegate, or the Resident Commissioner from Puerto Rico.

(n) When the flag is used to cover a casket, it should be so placed that the union is at the head and over the left shoulder. The flag should not be lowered into the grave or allowed to touch the ground.

(*o*) When the flag is suspended across a corridor or lobby in a building with only one main entrance, it should be suspended vertically with the union of the flag to the observer's left upon entering. If the building has more than one main entrance, the flag should be suspended vertically near the center of the corridor or lobby with the union to the north, when entrances are to the east and west or to the east when entrances are to the north and south. If there are entrances in more than two directions, the union should be to the east.

(June 22, 1942, ch. 435, §3, 56 Stat. 378; Dec. 22, 1942, ch. 806, §3, 56 Stat. 1075; July 9, 1953, ch. 183, 67 Stat. 142; July 7, 1976, Pub. L. 94–344, §1(6)–(11), 90 Stat. 810, 811; Sept. 13, 1994, Pub. L. 103–322, title XXXII, §320922(b), 108 Stat. 2131.)

AMENDMENTS

1994—Subsec. (m). Pub. L. 103–322 inserted before last sentence ''The flag shall be flown at halfstaff on Peace Officers Memorial Day, unless that day is also Armed Forces Day.''

1976—Subsec. (b). Pub. L. 94–344, §1(6), substituted ''right fender'' for ''radiator cap''.

Subsec. (f). Pub. L. 94–344, §1(7), substituted ''to the United States flag's right'' for ''to the right of the flag of the United States''.

Subsec. (i). Pub. L. 94–344, §1(8), substituted requirement that when the flag is displayed horizontally or vertically against a wall or in a window, the union should be uppermost and to the flag's own right for requirement that when the flag is displayed otherwise than from a staff, it should be displayed flat, whether indoors or out, or so suspended that it falls as free as though it were staffed.

Subsec. (k). Pub. L. 94–344, §1(9), struck out provisions relating to flag position when displayed on a staff in the chancel of a church or speaker's platform of an auditorium.

Subsec. (m). Pub. L. 94–344, §1(10), inserted provisions relating to half-staff display of the flag on Memorial Day and upon the death of principal figures of the United States government and State governments and definitions of terms therein and struck out provisions relating to the affixing of crepe streamers to spearheads and flagstaffs in a parade only on the order of the President.

Subsec. (*o*). Pub. L. 94–344, §1(11), added subsec. (*o*).

1953—Subsec. (c). Act July 9, 1953, inserted second sentence.

1942—Subsecs. (i) and (m). Act Dec. 22, 1942, inserted ''or so suspended that its folds fall as free as though the flag were staffed'' to subsec. (i) and omitted therefrom provisions covering display against a wall or in a window, and substituted ''lowering'' for ''hauling'' in third sentence of subsec. (m).

FLAG HOUSE SQUARE, BALTIMORE, MARYLAND; DISPLAY OF REPLICA OF FLAG USED IN WAR OF 1812; TIME

Display of replica of flag used in War of 1812 for twenty-four hours each day in Flag House Square, Baltimore, Maryland, as subject to this section, see note set out under section 174 of this title.

PROC. NO. 3044. DISPLAY OF FLAG AT HALF-STAFF UPON DEATH OF CERTAIN OFFICIALS AND FORMER OFFICIALS

Proc. No. 3044, Mar. 1, 1954, 19 F.R. 1235, as amended by Proc. No. 3948, Dec. 12, 1969, 34 F.R. 19699, provided:

WHEREAS it is appropriate that the flag of the United States of America be flown at half-staff on Federal buildings, grounds, and facilities upon the death of principal officials and former officials of the Government of the United States and the Governors of the States, Territories, and possessions of the United States as a mark of respect to their memory; and

WHEREAS it is desirable that rules be prescribed for the uniform observance of this mark of respect by all executive departments and agencies of the Government, and as a guide to the people of the Nation generally on such occasions:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America and Commander in Chief of the armed forces of the United States, do hereby prescribe and proclaim the following rules with respect to the display of the flag of the United States of America at half-staff upon the death of the officials hereinafter designated:

1. The flag of the United States shall be flown at half-staff on all buildings, grounds, and naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions for the period indicated upon the death of any of the following-designated officials or former officials of the United States:

(a) The President or a former President: for thirty days from the day of death.

The flag shall also be flown at half-staff for such period at all United States embassies, legations, and other facilities abroad, including all military facilities and naval vessels and stations.

(b) The Vice President, the Chief Justice or a retired Chief Justice of the United States, or the Speaker of the House of Representatives: for ten days from the day of death.

(c) An Associate Justice of the Supreme Court, a member of the Cabinet, a former Vice President, the President pro tempore of the Senate, the Majority Leader of the Senate, the Minority Leader of the Senate, the Majority Leader of the House of Representatives, or the Minority Leader of the House of Representatives: from the day of death until interment.

2. The flag of the United States shall be flown at half-staff on all buildings, grounds, and naval vessels of the Federal Government in the metropolitan area of the District of Columbia on the day of death and on the following day upon the death of a United States Senator, Representative, Territorial Delegate, or the Resident Commissioner from the Commonwealth of Puerto Rico, and it shall also be flown at half-staff on all buildings, grounds, and naval vessels of the Federal Government in the State, Congressional District, Territory, or Commonwealth of such Senator, Representative, Delegate, or Commissioner, respectively, from the day of death until interment.

3. The flag of the United States shall be flown at half-staff on all buildings and grounds of the Federal Government in a State, Territory, or possession of the United States upon the death of the Governor of such State, Territory, or possession from the day of death until interment.

4. In the event of the death of other officials, former officials, or foreign dignitaries, the flag of the United States shall be displayed at half-staff in accordance with such orders or instructions as may be issued by or at the direction of the President, or in accordance with recognized customs or practices not inconsistent with law.

5. The heads of the several departments and agencies of the Government may direct that the flag of the United States be flown at half-staff on buildings, grounds, or naval vessels under their jurisdiction on occasions other than those specified herein which they consider proper, and that suitable military honors be rendered as appropriate.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 1st day of March in the year of our Lord nineteen hundred and fifty-four, and of the Independence of the United States of America the one hundred and seventy-eighth.

[SEAL]

DWIGHT D. EISENHOWER.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 167, 178 of this title.

§ 176. Respect for flag

No disrespect should be shown to the flag of the United States of America; the flag should not be dipped to any person or thing. Regimental colors, State flags, and organization or institutional flags are to be dipped as a mark of honor.

(a) The flag should never be displayed with the union down, except as a signal of dire distress in instances of extreme danger to life or property.

(b) The flag should never touch anything beneath it, such as the ground, the floor, water, or merchandise.

(c) The flag should never be carried flat or horizontally, but always aloft and free.

(d) The flag should never be used as wearing apparel, bedding, or drapery. It should never be festooned, drawn back, nor up, in folds, but always allowed to fall free. Bunting of blue, white,

and red, always arranged with the blue above, the white in the middle, and the red below, should be used for covering a speaker's desk, draping the front of the platform, and for decoration in general.

(e) The flag should never be fastened, displayed, used, or stored in such a manner as to permit it to be easily torn, soiled, or damaged in any way.

(f) The flag should never be used as a covering for a ceiling.

(g) The flag should never have placed upon it, nor on any part of it, nor attached to it any mark, insignia, letter, word, figure, design, picture, or drawing of any nature.

(h) The flag should never be used as a receptacle for receiving, holding, carrying, or delivering anything.

(i) The flag should never be used for advertising purposes in any manner whatsoever. It should not be embroidered on such articles as cushions or handkerchiefs and the like, printed or otherwise impressed on paper napkins or boxes or anything that is designed for temporary use and discard. Advertising signs should not be fastened to a staff or halyard from which the flag is flown.

(j) No part of the flag should ever be used as a costume or athletic uniform. However, a flag patch may be affixed to the uniform of military personnel, firemen, policemen, and members of patriotic organizations. The flag represents a living country and is itself considered a living thing. Therefore, the lapel flag pin being a replica, should be worn on the left lapel near the heart.

(k) The flag, when it is in such condition that it is no longer a fitting emblem for display, should be destroyed in a dignified way, preferably by burning.

(June 22, 1942, ch. 435, § 4, 56 Stat. 379; Dec. 22, 1942, ch. 806, § 4, 56 Stat. 1076; July 7, 1976, Pub. L. 94–344, § 1(12)–(16), 90 Stat. 812.)

AMENDMENTS

1976—Par. (a). Pub. L. 94–344, § 1(12), inserted reference to instances of extreme danger to life or property.

Par. (d). Pub. L. 94–344, § 1(13), inserted requirement that a flag should never be used as wearing apparel or bedding.

Par. (e). Pub. L. 94–344, § 1(14), substituted "to permit" for "will permit".

Par. (i). Pub. L. 94–344, § 1(15), struck out provision that the flag should not be used on a costume or athletic uniform.

Pars. (j), (k). Pub. L. 94–344, § 1(16), added par. (j) and redesignated former par. (j) as (k).

1942—Par. (g). Act Dec. 22, 1942, inserted "any" before "part".

CROSS REFERENCES

Police uniforms to display U.S. flag emblem or colors, see section 210a of Title 40, Public Buildings, Property, and Works.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 178 of this title.

§ 177. Conduct during hoisting, lowering or passing of flag

During the ceremony of hoisting or lowering the flag or when the flag is passing in a parade or in review, all persons present except those in uniform should face the flag and stand at attention with the right hand over the heart. Those present in uniform should render the military salute. When not in uniform, men should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Aliens should stand at attention. The salute to the flag in a moving column should be rendered at the moment the flag passes.

(June 22, 1942, ch. 435, § 5, 56 Stat. 380; Dec. 22, 1942, ch. 806, § 5, 56 Stat. 1077; July 7, 1976, Pub. L. 94–344, § 1(17), 90 Stat. 812.)

AMENDMENTS

1976—Pub. L. 94–344 substituted in first sentence "with right hand over the heart" for ", and salute" and struck out "Men without hats should salute in the same manner." before "Aliens should" and "Women should salute by placing right hand over the heart." before "The salute to the flag".

1942—Act Dec. 22, 1942, substituted "military salute," for "right-hand salute" in second sentence, "should salute in the same manner," for "merely stand at attention" in fourth sentence, and inserted fifth sentence.

CROSS REFERENCES

Alien as used in Immigration and Nationality Act defined, see section 1101 of Title 8, Aliens and Nationality.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 178 of this title.

§ 178. Modification of rules and customs by President

Any rule or custom pertaining to the display of the flag of the United States of America, set forth herein, may be altered, modified, or repealed, or additional rules with respect thereto may be prescribed, by the Commander in Chief of the Armed Forces of the United States, whenever he deems it to be appropriate or desirable; and any such alteration or additional rule shall be set forth in a proclamation.

(June 22, 1942, ch. 435, § 8, 56 Stat. 380; Dec. 22, 1942, ch. 806, § 8, 56 Stat. 1077; July 7, 1976, Pub. L. 94–344, § 1(20), 90 Stat. 813.)

REFERENCES IN TEXT

Herein, referred to in text, means act June 22, 1942, which is classified to sections 171 to 178 of this title.

AMENDMENTS

1976—Pub. L. 94–344 substituted "Armed Forces" for "Army and Navy".

1942—Act Dec. 22, 1942, reenacted section without change.

PROC. NO. 2605. THE FLAG OF THE UNITED STATES

Proc. No. 2605, Feb. 18, 1944, 9 F.R. 1957, 58 Stat. 1126, provided:

The flag of the United States of America is universally representative of the principles of the justice, liberty, and democracy enjoyed by the people of the United States; and

People all over the world recognize the flag of the United States as symbolic of the United States; and

The effective prosecution of the war requires a proper understanding by the people of other countries of the material assistance being given by the Government of the United States:

NOW, THEREFORE, by virtue of the power vested in me by the Constitution and laws of the United States,

particularly by the Joint Resolution approved June 22, 1942, as amended by the Joint Resolution approved December 22, 1942 [sections 171 to 178 of this title], as President and Commander in Chief, it is hereby proclaimed as follows:

1. The use of the flag of the United States or any representation thereof, if approved by the Foreign Economic Administration, on labels, packages, cartons, cases, or other containers for articles or products of the United States intended for export as lend-lease aid, as relief and rehabilitation aid, or as emergency supplies for the Territories and possessions of the United States, or similar purposes, shall be considered a proper use of the flag of the United States and consistent with the honor and respect due to the flag.

2. If any article or product so labelled, packaged or otherwise bearing the flag of the United States or any representation thereof, as provided for in section 1, should, by force of circumstances, be diverted to the ordinary channels of domestic trade, no person shall be considered as violating the rules and customs pertaining to the display of the flag of the United States, as set forth in the Joint Resolution approved June 22, 1942, as amended by the Joint Resolution approved December 22, 1942 (U.S.C., Supp. II, title 36, secs. 171–178) for possessing, transporting, displaying, selling or otherwise transferring any such article or product solely because the label, package, carton, case, or other container bears the flag of the United States or any representation thereof.

PROC. NO. 4000. DISPLAY OF FLAG AT WHITE HOUSE

Proc. No. 4000, Sept. 4, 1970, 35 F.R. 14187, provided:

WHEREAS the joint resolution of Congress of June 22, 1942, entitled ''Joint Resolution to Codify and Emphasize Existing Rules and Customs Pertaining to the Display and Use of the Flag of the United States of America,'' as amended by the joint resolution of December 22, 1942, 56 Stat. 1074 [sections 173 to 178 of this title], contains the following provisions:

''SEC. 2. (a) It is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flagstaffs in the open. However, the flag may be displayed at night upon special occasions when it is desired to produce a patriotic effect.

* * * * *

''SEC. 8. Any rule or custom pertaining to the display of the flag of the United States of America, set forth herein, may be altered, modified, or repealed, or additional rules with respect thereto may be prescribed, by the Commander in Chief of the Army and Navy of the United States, whenever he deems it to be appropriate or desirable; and any such alteration or additional rule shall be set forth in a proclamation.''; and

WHEREAS the White House is a house that belongs to all the people; and

WHEREAS the White House, as the home of the President and his family, symbolizes the love of home and family which has long characterized our people; and

WHEREAS it is customary for many of our own citizens and many persons from other countries who visit our Nation's Capital to view the White House at night; and

WHEREAS it is thus appropriate that the flag be flown over the White House by night as well as by day:

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim that the flag of the United States of America shall hereafter be displayed at the White House at all times during the day and night, except when the weather is inclement.

The rules and customs pertaining to the display of the flag as set forth in the joint resolution of June 22, 1942, as amended, are hereby modified accordingly.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of September, in the year of our Lord nineteen hundred and seventy, and of the Independence of the United States of America the one hundred and ninety-fifth.

RICHARD NIXON.

§ 179. Design for service flag; persons entitled to display flag

The Secretary of Defense is authorized and directed to approve a design for a service flag, which flag may be displayed in a window of the place of residence of persons who are members of the immediate family of a person serving in the armed forces of the United States during any period of war or hostilities in which the Armed Forces of the United States may be engaged.

(Oct. 17, 1942, ch. 615, § 1, 56 Stat. 796; May 27, 1953, ch. 70, 67 Stat. 35.)

AMENDMENTS

1953—Act May 27, 1953, substituted ''Secretary of Defense'' for ''Secretary of War'' and ''any period of war or hostilities in which the Armed Forces of the United States may be engaged'' for ''the current war''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 181, 182 of this title.

§ 180. Design for service lapel button; persons entitled to wear button

The Secretary of Defense is also authorized and directed to approve a design for a service lapel button, which button may be worn by members of the immediate family of a person serving in the armed forces of the United States during any period of war or hostilities in which the Armed Forces of the United States may be engaged.

(Oct. 17, 1942, ch. 615, § 2, 56 Stat. 796; May 27, 1953, ch. 70, 67 Stat. 35.)

AMENDMENTS

1953—Act May 27, 1953, substituted ''Secretary of Defense'' for ''Secretary of War'' and ''any period of war or hostilities in which the Armed Forces of the United States may be engaged'' for ''the current war''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 181, 182 of this title.

§ 181. Approval of designs by Secretary of Defense; license to manufacture and sell; penalties

Upon the approval by the Secretary of Defense of the design for such service flag and service lapel button, he shall cause notice thereof, together with a description of the approved flag and button, to be published in the Federal Register. Thereafter any person may apply to the Secretary of Defense for a license to manufacture and sell the approved service flag, or the approved service lapel button, or both. Any person, firm, or corporation who manufactures any such service flag or service lapel button without having first obtained such a license, or otherwise violates sections 179 to 182 of this title, shall, upon conviction thereof, be fined not more than $1,000.

(Oct. 17, 1942, ch. 615, § 3, 56 Stat. 796; May 27, 1953, ch. 70, 67 Stat. 35.)

AMENDMENTS

1953—Act May 27, 1953, substituted ''Secretary of Defense'' for ''Secretary of War''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 182 of this title.

§ 182. Rules and regulations

The Secretary of Defense is authorized to make such rules and regulations as may be necessary to carry out the provisions of sections 179 to 182 of this title.

(Oct. 17, 1942, ch. 615, § 4, 56 Stat. 796; May 27, 1953, ch. 70, 67 Stat. 35.)

AMENDMENTS

1953—Act May 27, 1953, substituted ''Secretary of Defense'' for ''Secretary of War''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 181 of this title.

§§ 182a to 182d. Repealed. Pub. L. 89–534, § 2, Aug. 11, 1966, 80 Stat. 345

Section 182a, acts Aug. 1, 1947, ch. 426, § 1, 61 Stat. 710; Aug. 21, 1951, ch. 339, 65 Stat. 195, related to creation of gold star lapel button. See section 1126 of Title 10, Armed Forces.

Section 182b, acts Aug. 1, 1947, ch. 426, § 2, 61 Stat. 710; Aug. 21, 1951, ch. 339, 65 Stat. 195, related to eligibility for gold star lapel button. See section 1126 of Title 10.

Section 182c, acts Aug. 1, 1947, ch. 426, § 3, 61 Stat. 710; Aug. 21, 1951, ch. 339, 65 Stat. 195, related to definitions with regard to gold star lapel button. See section 1126 of Title 10.

Section 182d, acts Aug. 1, 1947, ch. 426, § 4, 61 Stat. 710; Aug. 21, 1951, ch. 339, 65 Stat. 195, related to penalties applicable for misuse of gold star lapel button.

§§ 183, 184. Repealed. Pub. L. 85–857, § 14(84), Sept. 2, 1958, 72 Stat. 1272

Section 183, act Nov. 22, 1943, ch. 301, § 1, 57 Stat. 590, authorized a gift to relative of a person who died while in military or naval service of United States flag used at such member's funeral. See section 2301 of Title 38, Veterans' Benefits.

Section 184, act Nov. 22, 1943, ch. 301, § 2, 57 Stat. 591, authorized prescription of regulations and appropriations for purposes of section 183 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 1, 1959, see section 2 of Pub. L. 85–857, set out as an Effective Date note preceding Part I of Title 38, Veterans' Benefits.

§ 185. Transferred

CODIFICATION

Section, act Apr. 17, 1952, ch. 216, 66 Stat. 64, which related to National Day of Prayer, was transferred to section 169h of this title.

§ 186. National motto

The national motto of the United States is declared to be ''In God we trust.''

(July 30, 1956, ch. 795, 70 Stat. 732.)

§ 187. National floral emblem

The flower commonly known as the rose is designated and adopted as the national floral emblem of the United States of America, and the President of the United States is authorized and requested to declare such fact by proclamation.

(Pub. L. 99–449, Oct. 7, 1986, 100 Stat. 1128.)

PROC. NO. 5574. THE ROSE PROCLAIMED THE NATIONAL FORAL EMBLEM OF THE UNITED STATES OF AMERICA

Proc. No. 5574, Nov. 20, 1986, 51 F.R. 42197, provided:

Americans have always loved the flowers with which God decorates our land. More often than any other flower, we hold the rose dear as the symbol of life and love and devotion, of beauty and eternity. For the love of man and woman, for the love of mankind and God, for the love of country, Americans who would speak the language of the heart do so with a rose.

We see proofs of this everywhere. The study of fossils reveals that the rose has existed in America for age upon age. We have always cultivated roses in our gardens. Our first President, George Washington, bred roses, and a variety he named after his mother is still grown today. The White House itself boasts a beautiful Rose Garden. We grow roses in all our fifty States. We find roses throughout our art, music, and literature. We decorate our celebrations and parades with roses. Most of all, we present roses to those we love, and we lavish them on our altars, our civil shrines, and the final resting places of our honored dead.

The American people have long held a special place in their hearts for roses. Let us continue to cherish them, to honor the love and devotion they represent, and to bestow them on all we love just as God has bestowed them on us.

The Congress, by Senate Joint Resolution 159 [Pub. L. 99–449, 36 U.S.C. 187], has designated the rose as the National Floral Emblem of the United States and authorized and requested the President to issue a proclamation declaring this fact.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the rose as the National Floral Emblem of the United States of America.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of November, in the year of our Lord nineteen hundred and eighty-six, and of the Independence of the United States of America the two hundred and eleventh.

RONALD REAGAN.

§ 188. National march

The composition by John Philip Sousa entitled ''The Stars and Stripes Forever'' is hereby designated as the national march of the United States of America.

(Pub. L. 100–186, Dec. 11, 1987, 101 Stat. 1286.)

§ 189. Recognition of National League of Families POW/MIA flag

The National League of Families POW/MIA flag is hereby recognized officially and designated as the symbol of our Nation's concern and commitment to resolving as fully as possible the fates of Americans still prisoner, missing and unaccounted for in Southeast Asia, thus ending the uncertainty for their families and the Nation.

(Pub. L. 101–355, § 2, Aug. 10, 1990, 104 Stat. 416.)

DISPLAY OF POW/MIA FLAG

Pub. L. 102–190, div. A, title X, § 1084, Dec. 5, 1991, 105 Stat. 1482, provided that:

''(a) DISPLAY OF POW/MIA FLAG.—The POW/MIA flag, having been recognized and designated in section 2 of Public Law 101–355 (104 Stat. 416) [36 U.S.C. 189] as the symbol of the Nation's concern and commitment to resolving as fully as possible the fates of Americans still

prisoner, missing, and unaccounted for, thus ending the uncertainty for their families and the Nation, shall be displayed—

''(1) at each national cemetery and at the National Vietnam Veterans Memorial each year on Memorial Day and Veterans Day and on any day designated by law as National POW/MIA Recognition Day; and

''(2) on, or on the grounds of, the buildings specified in subsection (b) on any day designated by law as National POW/MIA Recognition Day.

''(b) SPECIFIED BUILDINGS FOR FLAG DISPLAY.—The buildings referred to in subsection (a)(2) are the buildings containing the primary offices of—

''(1) the Secretary of State;

''(2) the Secretary of Defense;

''(3) the Secretary of Veterans Affairs; and

''(4) the Director of the Selective Service System.

''(c) PROCUREMENT AND DISTRIBUTION OF FLAGS.—Within 30 days after the date of the enactment of this Act [Dec. 5, 1991], the Administrator of General Services shall procure POW/MIA flags and distribute them as necessary to carry out this section.

''(d) TERMINATION OF FLAG DISPLAY REQUIREMENT.—Subsection (a) shall cease to apply upon a determination by the President that the fullest possible accounting has been made of all members of the Armed Forces and civilian employees of the United States who have been identified as prisoner of war or missing in action in Southeast Asia.

''(e) POW/MIA FLAG DEFINED.—As used in this section, the term 'POW/MIA flag' means the National League of Families POW/MIA flag recognized officially and designated by section 2 of Public Law 101–355 (104 Stat. 416).''

CHAPTER 11—CIVIL AIR PATROL

Sec.
201. Corporation created.
202. Objects and purposes of corporation.
203. Membership.
204. Prohibition against issuance of stock or business activities; completion of organization.
205. Powers of corporation.
206. Exclusive right to name, insignia, copyrights, emblems and badges.
207. Annual report.
208. Reservation of right to amend or repeal chapter.

§ 201. Corporation created

The following-named persons, to wit: Harold F. Wood, of Alabama; J. M. Morris, of Arizona; Rex P. Hayes, of Arkansas; Bertrand Rhine, of California; J. A. Smethills, of Colorado; W. T. Gilbert, of Connecticut; William J. Simpson, of Delaware; Zack T. Mosley, of Florida; J. L. Dobbins, of Georgia; Leverett Davis, of Idaho; Gordon A. DaCosta, of Illinois; Walker W. Winslow, of Indiana; Don C. Johnston, of Iowa; J. Howard Wilcox, of Kansas; W. S. Rinehart, of Kentucky; Richard G. Jones, of Louisiana; Guy P. Gannett, of Maine; Edward R. Fenimore, of Maryland; John Shennett, of Massachusetts; Ray R. Baker, of Michigan; Clayton N. Wulff, of Minnesota; J. R. Dowd, of Mississippi; L. W. Greene, of Missouri; Roy W. Milligan, of Montana; Rudy C. Mueller, of Nebraska; Eugene H. Howell, of Nevada; John F. Brown, of New Hampshire; Frank D. Carvin, of New Jersey; Lewis W. Graham, of New Mexico; Stuart C. Welch, of New York; Frank E. Dawson, of North Carolina; Irven A. Myhra, of North Dakota; George A. Stone, of Ohio; W. H. Shockey, of Oklahoma; G. Robert Dodson, of Oregon; Phillip F. Neuweiler, of Pennsylvania; Norris W. Rakestraw, of Rhode Island; Dexter C. Martin, of South Carolina; James R. Barnett, of South Dakota; W. C. Whelen, of Tennessee; D. Harold Byrd, of Texas; Joseph D. Bergin, of Utah; William V. Mason, of Vermont; Allan C. Perkinson, of Virginia; E. R. Schiller, of Washington; Hubert H. Stark, of West Virginia; John F. Stratton, of Wisconsin; and Albert W. Dickinson, Junior, of Wyoming, and their associates and successors, are incorporated and declared to be a body corporate by the name of the Civil Air Patrol (hereinafter referred to as the ''corporation'').

(July 1, 1946, ch. 527, § 1, 60 Stat. 346.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 204, 206 of this title.

§ 202. Objects and purposes of corporation

The objects and purposes of the corporation shall be—

(a) To provide an organization to encourage and aid American citizens in the contribution of their efforts, services, and resources in the development of aviation and in the maintenance of air supremacy, and to encourage and develop by example the voluntary contribution of private citizens to the public welfare;

(b) To provide aviation education and training especially to its senior and cadet members; to encourage and foster civil aviation in local communities and to provide an organization of private citizens with adequate facilities to assist in meeting local and national emergencies.

(July 1, 1946, ch. 527, § 2, 60 Stat. 346.)

CROSS REFERENCES

Citizenship clause, see Const. Amend. 14, § 1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 201, 206 of this title; title 10 section 9441.

§ 203. Membership

Eligibility for membership in the corporation and the rights and privileges of members shall be determined according to the constitution and bylaws of the corporation: *Provided*, That the original members shall consist of the present Civil Air Patrol membership, numbering more than one hundred thousand senior and cadet members.

(July 1, 1946, ch. 527, § 3, 60 Stat. 346.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 201, 206 of this title.

§ 204. Prohibition against issuance of stock or business activities; completion of organization

(a) The corporation shall have no power to issue capital stock or engage in business for pecuniary profit or gain, its objects and purposes being solely of a benevolent character and not for the pecuniary profit or gain of its members.

(b) The persons named in section 201 of this title, their associates, and successors are authorized to complete the organization of the cor-

poration by the selection of officers, the adoption of a constitution and bylaws, the promulgation of rules or regulations that may be necessary for the accomplishment of the purposes of this corporation, and the doing of such other acts as may be necessary for such purposes.

(July 1, 1946, ch. 527, § 4, 60 Stat. 347.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 201, 206 of this title.

§ 205. Powers of corporation

The corporation shall have perpetual succession and power—

(a) To sue and be sued;

(b) To acquire, hold, mortgage, and dispose of such real and personal property as may be necessary for its corporate purposes;

(c) To accept gifts, legacies, and devises which will further the corporate purposes;

(d) To adopt and alter a corporate seal;

(e) To adopt and alter a constitution, bylaws, rules and regulations, not inconsistent with law;

(f) To establish and maintain offices for the conduct of the affairs of the corporation in the District of Columbia and in the several States and Territories of the United States;

(g) To do any and all acts and things necessary and proper to carry into effect the objects and purposes of the corporation.

(July 1, 1946, ch. 527, § 5, 60 Stat. 347.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 201, 206 of this title.

§ 206. Exclusive right to name, insignia, copyrights, emblems and badges

The corporation shall have the sole and exclusive right to the name ''Civil Air Patrol'' and to have and to use, in carrying out its purposes, all insignia, copyrights, emblems and badges, descriptive or designating marks, and words or phrases now or prior to July 1, 1946 used by the Civil Air Patrol in carrying out its program: *Provided, however*, That no powers or privileges herein granted shall interfere or conflict with established or vested rights.

(July 1, 1946, ch. 527, § 6, 60 Stat. 347.)

REFERENCES IN TEXT

Herein, referred to in text, means act July 1, 1946, which is classified to sections 201 to 208 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 201 of this title.

§ 207. Annual report

The corporation shall make and transmit to Congress each year a report of its proceedings and activities for the preceding calendar year.

(July 1, 1946, ch. 527, § 7, 60 Stat. 347.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 201, 206 of this title.

§ 208. Reservation of right to amend or repeal chapter

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

(July 1, 1946, ch. 527, § 8, 60 Stat. 347.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 201, 206 of this title.

CHAPTER 12—RESERVE OFFICERS ASSOCIATION

Sec.
221. Corporation created.
222. Completion of organization.
223. Object and purpose of corporation.
224. Powers of corporation.
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226. Officers.
227. National executive committee.
(a) Composition.
(b) Election of national officers; tenure; appointments.
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228. Acquisition of assets and liabilities of existing association.
229. Prohibition against issuance of stock or business activities.
230. Nonpolitical nature of corporation.
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233. Books and records; inspection.
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236. Headquarters; agent for service of process.
237. Agents for service of process.
238. Exclusive right to name, seals, emblems, and badges.
239. Reservation of right to amend or repeal chapter.

§ 221. Corporation created

The following-named persons, to wit, Colonel Clarence E. Barnes, Military Intelligence Reserve, Guthrie, Oklahoma; Colonel Henry G. Nulton, Infantry Reserve, 2 Broad Street, Elizabeth, New Jersey; Colonel Horace B. Hanson, Junior, Corps of Engineers Reserve, 700 Eighth Terrace, West Birmingham 4, Alabama; Brigadier General Donald B. Adams, Organized Reserve Corps, 391 Beachmont Drive, New Rochelle, New York; Commander John P. Bracken, United States Naval Reserve, 2107 Fidelity-Philadelphia Trust Building, Philadelphia 9, Pennsylvania; Captain Robert A. Hall, United States Marine Corps Reserve, 4229 Emerson Street, Dallas, Texas; Captain Jesse Draper, United States Naval Reserve, Grant Building, Atlanta, Georgia; Colonel Morris J. Brummer, United States Air Force Reserve, 2017 Mariposa Street, Fresno, California; Captain Milton Zacharias, United States Air Force Reserve, 241 North Broadview, Wichita, Kansas; Captain Richard L. Wynes, United States Air Force Reserve, 2360 Coates Street, Dubuque, Iowa; Lieutenant Colonel Thomas H. King, Judge Advocate Generals Corps, Reserve, 5024 Bradley Boulevard, Chevy Chase, Maryland; Major Guilford D. Cummings, Junior, Corps of Engineers Reserve, 2317 Stary Avenue, Schenectady, New York; Lieutenant Colonel Harry P. Abbott, Chaplain Reserve, 6510 Cautrell Road, Little Rock, Arkansas; Colonel Edward M. Silverberg, Dental Corps Reserve, 809 Republic Building, Denver 2, Colorado; Colonel Eugene P. Walters, Field Artillery

Reserve, First Military Government Battalion, A.P.O. 154, care of Postmaster, New York, New York; Lieutenant Commander L. R. Smith, United States Naval Reserve, E. S. S.-INDGHQ–SCAP, A. P. O. 500, San Francisco, California; Colonel William H. Neblett, United States Air Force Reserve, 815 Fifteenth Street Northwest, Washington, District of Columbia; Brigadier General E. A. Evans, Organized Reserve Corps, 6336 Thirty-first Place Northwest, Washington, District of Columbia; Colonel C. M. Boyer, Honorary Reserve, 3518 South Utah Street, Fairlington, Virginia; Colonel John P. Oliver, Judge Advocates General Corps, Reserve, 4524 Fulton Avenue, Van Nuys, California; Colonel John T. Carlton, Armored Cavalry Reserve, 1617 Crestwood Drive, Alexandria, Virginia, their successors, and persons admitted to membership pursuant to the provisions of this chapter, are created a body corporate by the name of Reserve Officers Association of the United States (hereinafter referred to as the ''corporation''), and by such name shall be known, and have perpetual succession and the powers, limitations, and restrictions contained in this chapter.

(June 30, 1950, ch. 431, § 1, 64 Stat. 312.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 222 of this title.

§ 222. Completion of organization

A majority of the persons named in section 221 of this title and other persons selected from the membership of the Reserve Officers Association of the United States, an unincorporated association with national headquarters in the District of Columbia, met in national convention in Denver, Colorado, on June 16, 17, 18, and 19, 1948, and then and there, by and through duly elected delegates, adopted a national constitution and bylaws, elected national officers for such association, and did other acts and things necessary to the organization and continuance of the association. Such meeting in national convention, and the doing of such acts and things, on such dates, shall be held and considered to be a completion of the corporate organization of the Reserve Officers Association of the United States, the corporation created by this chapter.

(June 30, 1950, ch. 431, § 2, 64 Stat. 313.)

§ 223. Object and purpose of corporation

The object and purpose of the corporation shall be to support a military policy for the United States that will provide adequate national security and to promote the development and execution thereof.

(June 30, 1950, ch. 431, § 3, 64 Stat. 313.)

§ 224. Powers of corporation

The corporation shall have perpetual succession and power—

(1) to sue and be sued;

(2) to acquire, hold, lease, and dispose of such real and personal property as may be necessary to carry out the corporate object and purpose;

(3) to accept gifts, legacies, and devises in furtherance of the corporate object and purpose;

(4) to adopt and alter a corporate seal;

(5) to adopt and alter a constitution and bylaws not inconsistent with the laws of the United States or of any State;

(6) to establish, regulate, and discontinue subordinate departmental subdivisions and local chapters;

(7) to adopt and alter emblems and badges;

(8) to publish a newspaper, magazine, or other publications; and

(9) to do any and all acts and things necessary and proper to carry out the object and purpose of the corporation.

(June 30, 1950, ch. 431, § 4, 64 Stat. 313.)

§ 225. Membership

Eligibility for membership in the corporation shall be determined according to the constitution and bylaws of the corporation.

(June 30, 1950, ch. 431, § 5, 64 Stat. 313.)

§ 226. Officers

Officers of the corporation shall be a president, three vice presidents, three junior vice presidents, three national executive committeemen, an executive director, a national treasurer, judge advocate, surgeon, chaplain, historian, public relations officer, and such other officers as may be determined in national convention by the corporation.

(June 30, 1950, ch. 431, § 6, 64 Stat. 313.)

§ 227. National executive committee

(a) Composition

The governing body of the corporation shall be a national executive committee consisting of the president, the last past president, three vice presidents, three junior vice presidents, three national executive committeemen, and the executive director. Each of such persons constituting the national executive committee, except the executive director, shall have one vote upon all matters determined by the committee.

(b) Election of national officers; tenure; appointments

The national officers of the corporation shall be elected at an annual national convention and shall hold office for one year or until their successors have been duly elected and qualified, except the executive director, the national treasurer, and the national public relations officer, who shall be appointed by the national executive committee. In the event of the death, inability to serve, or resignation of any member of the national executive committee, other than the last past president or the president, the vacancy shall be filled by the existing members of the national executive committee. Any person appointed by the committee to fill a vacancy shall serve until the next national convention when his successor shall be elected for the unexpired term, if any, caused by the vacancy. The national vice president of the same service as the president shall assume the duties and have the powers of the president in the event of his death, inability to serve, resignation, or absence.

(c) Composition of national convention

The national convention shall be composed of delegates elected by the various departments.

(d) Composition of initial national executive committee

The present national executive committee is composed of the following: Colonel Clarence E. Barnes, Military Intelligence Reserve, Guthrie, Oklahoma; Colonel William H. Neblett, United States Air Force Reserve, 815 Fifteenth Street Northwest, Washington, District of Columbia; Colonel Henry G. Nulton, Infantry Reserve, 2 Broad Street, Elizabeth, New Jersey; Commander John P. Bracken, United States Naval Reserve, 2107 Fidelity-Philadelphia Trust Building, Philadelphia 9, Pennsylvania; Colonel Morris J. Brummer, United States Air Force Reserve, 2017 Mariposa Street, Fresno, California; Colonel Horace B. Hanson, Junior, Corps of Engineers Reserve, 700 Eighth Terrace, West Birmingham 4, Alabama; Captain Robert A. Hall, United States Marine Corps Reserve, 4229 Emerson Street, Dallas, Texas; Captain Milton Zacharias, United States Air Force Reserve, 241 North Broadview, Wichita, Kansas; Brigadier General Donald B. Adams, Organized Reserve Corps, 391 Beachmont Drive, New Rochelle, New York; Captain Jesse Draper, United States Naval Reserve, Grant Building, Atlanta, Georgia; Captain Richard L. Wynes, United States Air Force Reserve, 2360 Coates Street, Dubuque, Iowa; and Brigadier General E. A. Evans, Organized Reserve Corps, 6336 Thirty-first Place Northwest, Washington, District of Columbia.

(e) Voting

In conducting the official business of any department or chapter each active member of such department or chapter shall have one vote.

(June 30, 1950, ch. 431, § 7, 64 Stat. 313.)

§ 228. Acquisition of assets and liabilities of existing association

The corporation may acquire any or all of the assets of the unincorporated association, known as the Reserve Officers Association of the United States, upon discharging or satisfactorily providing for the payment and discharge of all the liabilities of such unincorporated association.

(June 30, 1950, ch. 431, § 8, 64 Stat. 314.)

§ 229. Prohibition against issuance of stock or business activities

The corporation shall have no power to issue capital stock or to engage in business for pecuniary profit or gain.

(June 30, 1950, ch. 431, § 9, 64 Stat. 314.)

CROSS REFERENCES

Exemption from income tax of certain organizations, see section 501 of Title 26, Internal Revenue Code.

§ 230. Nonpolitical nature of corporation

The corporation, and its members and officers as such, shall not contribute to or otherwise support or assist any political party or candidate for elective public office.

(June 30, 1950, ch. 431, § 10, 64 Stat. 314.)

§ 231. Distribution of income or assets to members

No part of the income or assets of the corporation shall inure to any member or officer thereof, or be distributable to any such person except upon dissolution and final liquidation of the corporation when, after the discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation shall be divided equally among the then active members and officers.

(June 30, 1950, ch. 431, § 11, 64 Stat. 314.)

§ 232. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(June 30, 1950, ch. 431, § 12, 64 Stat. 314.)

§ 233. Books and records; inspection

The corporation shall keep current and complete books and records of account and shall also keep minutes of the proceedings of the national conventions, the national executive committee, and the national council. It shall keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member or his agent or attorney for any proper purpose at any reasonable time.

(June 30, 1950, ch. 431, § 13, 64 Stat. 314.)

§ 234. Loans to officers; liability

The corporation shall not make any loans to its officers or members of the national executive committee. Any member of the national executive committee who votes for or assents to the making of a loan or advance to an officer of the corporation, and any officer who participates in the making of such a loan or advance, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

(June 30, 1950, ch. 431, § 14, 64 Stat. 314.)

§ 235. Repealed. Pub. L. 88–504, § 4(12), Aug. 30, 1964, 78 Stat. 637

Section, act June 30, 1950, ch. 431, § 15, 64 Stat. 315, related to audit of financial transactions and report of such audit to Congress. See sections 1101 to 1103 of this title.

§ 236. Headquarters; agent for service of process

The national headquarters of the corporation shall be located in the District of Columbia. The corporation shall maintain at all times in the District a designated agent authorized to accept service of legal process for the corporation. Notice to or service upon such agent shall be deemed to be notice to or service upon the corporation.

(June 30, 1950, ch. 431, § 16, 64 Stat. 315.)

§ 237. Agents for service of process

As a condition precedent to the exercise of any power or privilege granted or conferred under

this chapter, the corporation shall file in the office of the secretary of state, or similar officer, in each State and in each Territory or possession of the United States, in which subordinate departments and local chapters are organized, the name and post office address of an authorized agent in such State upon whom legal process or demands against the corporation may be served.

(June 30, 1950, ch. 431, § 17, 64 Stat. 315.)

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

The corporation and its subordinate departmental subdivisions and local chapters shall have the sole and exclusive right to have, and to use in carrying out its object and purpose, the name of ''Reserve Officers Association of the United States'' and such seals, emblems, and badges as the corporation may lawfully adopt.

(June 30, 1950, ch. 431, § 18, 64 Stat. 315.)

§ 239. Reservation of right to amend or repeal chapter

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

(June 30, 1950, ch. 431, § 19, 64 Stat. 315.)

CHAPTER 13—NATIONAL ACADEMY OF SCIENCES

Sec.
251. Corporation created.
252. Powers of corporation.
253. Meeting; duties; expenses and compensation.
254. Acquisition of property by devise, bequest, donation, or otherwise; limitation of real estate.

§ 251. Corporation created

Louis Agassiz, Massachusetts; J. H. Alexander, Maryland; S. Alexander, New Jersey; A. D. Bache, at large; F. B. Barnard, at large; J. G. Barnard, United States army, Massachusetts; W. H. C. Bartlett, United States Military Academy, Missouri; U. A. Boyden, Massachusetts; Alexis Caswell, Rhode Island; William Chauvenet, Missouri; J. H. C. Coffin, United States Naval Academy, Maine; J. A. Dahlgren, United States navy, Pennsylvania; J. D. Dana, Connecticut; Charles H. Davis, United States navy, Massachusetts; George Engelmann, St. Louis, Missouri; J. F. Frazer, Pennsylvania; Wolcott Gibbs, New York; J. M. Gilless, United States navy, District of Columbia; A. A. Gould, Massachusetts; B. A. Gould, Massachusetts; Asa Gray, Massachusetts; A. Guyot, New Jersey; James Hall, New York; Joseph Henry, at large; J. E. Hilgard, at large, Illinois; Edward Hitchcock, Massachusetts; J. S. Hubbard, United States naval observatory, Connecticut; A. A. Humphreys, United States army, Pennsylvania; J. L. Le Conte, United States army, Pennsylvania; J. Leidy, Pennsylvania; J. P. Lesley, Pennsylvania; M. F. Longstreth, Pennsylvania; D. H. Mahan, United States Military Academy, Virginia; J. S. Newberry, Ohio; H. A. Newton, Connecticut; Benjamin Peirce, Massachusetts; John Rodgers, United States navy, Indiana; Fairman Rogers, Pennsylvania; R. E. Rogers, Pennsylvania; W. B. Rogers, Massachusetts; L. M. Rutherford, New York; Joseph Saxton, at large; Benjamin Silliman, Connecticut; Benjamin Silliman, junior, Connecticut; Theodore Strong, New Jersey; John Torrey, New York; J. G. Totten, United States army, Connecticut; Joseph Winlock, United States Nautical Almanac, Kentucky; Jeffries Wyman, Massachusetts; J. D. Whitney, California, their associates and successors duly chosen, are incorporated, constituted, and declared to be a body corporate, by the name of the National Academy of Sciences.

(Mar. 3, 1863, ch. 111, § 1, 12 Stat. 806.)

§ 252. Powers of corporation

The National Academy of Sciences shall have power to make its own organization, including its constitution, by-laws, and rules and regulations; to fill all vacancies created by death, resignation, or otherwise; to provide for the election of foreign and domestic members, the division into classes, and all other matters needful or usual in such institution, and to report the same to Congress.

(Mar. 3, 1863, ch. 111, § 2, 12 Stat. 806; July 14, 1870, ch. 264, 16 Stat. 277.)

CODIFICATION

Provisions of this section which limited the National Academy of Sciences to not more than fifty ordinary members were omitted by act July 14, 1870.

§ 253. Meeting; duties; expenses and compensation

The National Academy of Sciences shall hold an annual meeting at such place in the United States as may be designated, and the academy shall, whenever called upon by any department of the Government, investigate, examine, experiment, and report upon any subject of science or art, the actual expense of such investigations, examinations, experiments, and reports, to be paid from appropriations which may be made for the purpose, but the academy shall receive no compensation whatever for any services to the Government of the United States.

(Mar. 3, 1863, ch. 111, § 3, 12 Stat. 806.)

EX. ORD. NO. 2859. NATIONAL RESEARCH COUNCIL OF NATIONAL ACADEMY OF SCIENCES

Ex. Ord. No. 2859, May 11, 1918, as amended by Ex. Ord. No. 10668, May 10, 1956, 21 F.R. 3155; Ex. Ord. No. 12832, Jan. 19, 1993, 58 F.R. 5905, provided:

National Research Council of the National Academy of Sciences

WHEREAS (1) the congressional charter of the National Academy of Sciences (''Academy'') charges it, upon call from any U.S. Government Department, to investigate, examine, experiment, and report upon any subject of science or art and (2) the actual expenses of the Academy for such investigations, examinations, experiments, and reports shall be paid to the Academy through one or more of the following: private gifts and bequests; appropriations for the benefit of the Academy; grants-in-aid, contracts, and other forms of financial agreement with executive departments and agencies, provided that the Academy shall receive no compensation whatever for any services to the Government of the United States; and

WHEREAS the National Research Council (''Council'') was organized in 1916 at the request of the President by the National Academy of Sciences, under its

congressional charter, as a measure of national preparedness; and

WHEREAS the Council is the principal operating agency of the National Academy of Sciences and the National Academy of Engineering, the latter having been established in 1964 under the charter of the National Academy of Sciences; and

WHEREAS the Institute of Medicine of the National Academy of Sciences, established in 1970 under the Academy's charter, conducts its programs and activities under the approval, operating, and review procedures of the Council; and

WHEREAS in recognition of the work accomplished through the Council in organizing research, in furthering science, and in securing cooperation of government and nongovernment agencies in the solution of their problems, the Council has been perpetuated by the Academy as requested by the President in Executive Order No. 2859 of May 11, 1918; and

WHEREAS the effective prosecution of the Council's work may require the close cooperation of the scientific and technical branches of the Government, both military and civil, and makes participation by officers and employees of the Government in the work of the Council desirable; and

NOW, THEREFORE, by the authority vested in me as President by the Constitution and the laws of the United States of America, it is ordered as follows:

1. The functions of the Council shall be as follows:

(a) To stimulate research in the mathematical, physical, biological, environmental, and social sciences, and in the application of these sciences to engineering, agriculture, medicine, and other useful arts, with the object of increasing knowledge, of strengthening the national security including the contribution of science and engineering to economic growth, of ensuring the health of the American people, of aiding in the attainment of environmental goals, and of contributing in other ways to the public welfare.

(b) To survey the broad possibilities of science, to formulate comprehensive projects of research, and to develop effective means of utilizing the scientific and technical resources of the country for dealing with such projects.

(c) To promote cooperation in research, at home and abroad, in order to secure concentration of effort, minimize duplication, and stimulate progress; but in all cooperative undertakings to give encouragement to individual initiative, as fundamentally important to the advancement of science.

(d) To serve as a means of bringing American and foreign investigators into active cooperation with the scientific and technical services of the Federal Government.

(e) To direct the attention of scientific and technical investigators to the importance of military and industrial problems in connection with national security, to the importance of environmental problems in connection with public health and the economy, and to aid in the solution of these problems by organizing specific research.

(f) To gather and collate scientific and technical information, at home and abroad, in cooperation with governmental and other agencies, and to disseminate such information to duly accredited persons and the public.

2. Scientists, engineers, and other technically qualified professionals who are officers or employees of departments and agencies of the executive branch of the Government are encouraged to participate in the work of the Council as requested by the Council to the extent authorized by the head of the officer's or employee's agency or department and permitted by law.

3. To the extent permitted by law and regulation, and in accordance with the congressional charter of the Academy, the actual expense of investigations, examinations, experiments, and reports by the Academy for the executive branch of the Government shall be paid to the Academy through one or more of the following: private gifts and bequests; appropriations for the benefit of the Academy; grants-in-aid, contracts, and other forms of financial agreement with executive departments and agencies. The Academy shall receive no compensation whatever for any services to the Government of the United States. Further, the Academy shall be subject to all provisions of OMB Circular A–122, ''Cost Principles for Non-Profit Organizations,'' and to such other requirements regarding or limiting the Academy's recovery of costs as the Director of the Office of Management and Budget may specify from time to time in writing to the Academy and to agencies and departments of the Government.

4. When a department or agency of the executive branch of the Government determines that the Academy, because of its unique qualifications, is the only source that can provide the measure of expertise, independence, objectivity, and audience acceptance necessary to meet the department's or agency's program requirements, acquisition of services by the Academy may be obtained on a noncompetitive basis if otherwise in accordance with applicable law and regulations.

§254. Acquisition of property by devise, bequest, donation, or otherwise; limitation of real estate

The National Academy of Sciences, incorporated by this chapter, be, and the same is, authorized and empowered to receive, by devise, bequest, donation, or otherwise, either real or personal property, and to hold the same absolutely or in trust, and to invest, reinvest, and manage the same in accordance with the provisions of its constitution, and to apply said property and the income arising therefrom to the objects of its creation and according to the instructions of the donors: *Provided, however*, That the Congress may at any time limit the amount of real estate which may be acquired and the length of time the same may be held by said National Academy of Sciences.

(June 20, 1884, ch. 107, 23 Stat. 50; May 27, 1914, ch. 101, §1, 38 Stat. 383.)

CODIFICATION

Section was not enacted as part of act Mar. 3, 1863, which comprises this chapter.

Act May 27, 1914, extended the right to receive property.

RESERVATION OF RIGHT TO ALTER, AMEND, OR REPEAL

Section 2 of act May 27, 1914, provided: ''That the right to alter, amend, or repeal this Act [amending this section] is hereby expressly reserved.''

CHAPTER 14—FUTURE FARMERS OF AMERICA

Sec.
271. Corporation created.
272. Completion of organization.
273. Objects and purposes of corporation.
274. Powers of corporation.
275. Headquarters and principal office; territorial scope of activities; agent for service of process.
276. Membership; voting rights.
277. National officers.
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(b) Board of student officers.
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278. Board of directors.
(a) Composition.
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(c) Meetings.
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Sec.
(e) Transition board.
279. Restrictions.
(a) Distribution of income or assets to members.
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(c) Prizes, awards, grants, or loans to student officers and members meeting criteria.
280. Nonpolitical nature of corporation.
281. Liability for acts of officers and agents.
282. Prohibition against issuance of stock or payment of dividends.
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284. Repealed.
285. Use of assets on dissolution or liquidation.
286. Exclusive right to name, emblems, seals, and badges.
287. Agents for service of process.
288. Availability of personnel, services, and facilities of Department of Education.
289. Acquisition of assets and liabilities of existing corporation.
290. Effective date.
291. Reservation of right to amend or repeal chapter.

§ 271. Corporation created

The following persons: William T. Spanton, Washington, District of Columbia; Dudley M. Clements, College Park, Maryland; Herbert B. Swanson, Washington, District of Columbia; R. Edward Naugher, Arlington, Virginia; Elmer J. Johnson, Arlington, Virginia; Rodolph D. Anderson, Columbia, South Carolina; Earl H. Little, Concord, New Hampshire; Bert L. Brown, Olympia, Washington; and Ralph A. Howard, Columbus, Ohio, are created a body corporate by the name of Future Farmers of America (hereinafter referred to as the ''corporation'') and by such name shall be known and have perpetual succession and the powers and limitations contained in this chapter.

(Aug. 30, 1950, ch. 823, § 1, 64 Stat. 563.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 272, 278, 290 of this title.

§ 272. Completion of organization

The persons named in section 271 of this title are authorized to meet to complete the organization of the corporation by the selection of officers, the adoption of regulations and bylaws, and the doing of such other acts as may be necessary for such purpose.

(Aug. 30, 1950, ch. 823, § 2, 64 Stat. 563.)

§ 273. Objects and purposes of corporation

The objects and purposes of the corporation shall be—

(1) to create, foster, and assist subsidiary chapters composed of students and former students of vocational agriculture in public schools qualifying for Federal reimbursement under the Smith-Hughes Vocational Education Act [20 U.S.C. 11 et seq.] or the Vocational Education Act of 1946, and associations of such chapters in the several States and Territories of the United States;

(2) to develop character, train for useful citizenship, and foster patriotism, and thereby to develop competent, aggressive rural and agricultural leadership;

(3) to create and nurture a love of country life by encouraging members to improve the farm home and its surroundings, to develop organized rural recreational activities, and to create more interest in the intelligent choice of farming occupations;

(4) to encourage the practice of thrift;

(5) to procure for and distribute to State associations, local chapters, and members all official Future Farmers of America supplies and equipment;

(6) to publish an official magazine and other publications for the members of the corporation;

(7) to strengthen the confidence of farm boys and young men in themselves and their work, to encourage members in the development of individual farming programs, and to promote their permanent establishment in farming by (a) encouraging improvement in scholarship; (b) providing prizes and awards to deserving students who have achieved distinction in vocational agriculture, including farm mechanics activities on a local, State, or national basis; and (c) assisting financially, through loans or grants, deserving students in all-day vocational agriculture classes and young farmers under thirty years of age who were former students in all-day vocational agriculture classes in becoming satisfactorily established in a farming occupation; and

(8) to cooperate with others, including State boards for vocational education, in accomplishing the above purposes; and to engage in such other activities, consistent with the foregoing purposes, determined by the governing body to be for the best interests of the corporation.

(Aug. 30, 1950, ch. 823, § 3, 64 Stat. 563.)

REFERENCES IN TEXT

The Smith-Hughes Vocational Education Act, referred to in par. (1), is act Feb. 23, 1917, ch. 114, 39 Stat. 929, as amended, which is classified to sections 11 to 15 and 16 to 28 of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 11 of Title 20 and Tables.

The Vocational Education Act of 1946, referred to in par. (1), is act June 8, 1936, ch. 541, 49 Stat. 1488, as amended, which was classified to sections 15h to 15ggg of Title 20, and was repealed by Pub. L. 90–576, title I, § 103, Oct. 16, 1968, 82 Stat. 1091.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 274 of this title.

§ 274. Powers of corporation

The corporation shall have power—

(1) to sue and be sued, complain, and defend in any court of competent jurisdiction;

(2) to adopt, use, and alter a corporate seal;

(3) to choose such officers, managers, agents, and employees as the business of the corporation may require;

(4) to adopt and alter bylaws and regulations, not inconsistent with the laws of the United States or any State in which such corporation is to operate, for the management of its property and the regulation of its affairs, including the establishment and maintenance

of local chapters and State associations of chapters;

(5) to contract and be contracted with;

(6) to take and hold by lease, gift, purchase, grant, devise, or bequest any property, real or personal, necessary for attaining the objects and accomplishing the purposes of the corporation, subject to applicable provisions of law of any State (A) governing the amount or kind of real and personal property which may be held by, or (B) otherwise limiting or controlling the ownership of real and personal property by, a corporation operating in such State;

(7) to transfer and convey real or personal property;

(8) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, subject to all applicable provisions of Federal or State law;

(9) to use the corporate funds to give prizes, awards, loans, and grants to deserving students and young farmers for the purposes set forth in section 273 of this title;

(10) to publish a magazine and other publications;

(11) to procure for and distribute to State associations, local chapters, and members all official Future Farmers of America supplies and equipment;

(12) to adopt emblems and badges; and

(13) to do any and all acts and things necessary and proper to carry out the objects and purposes of the corporation.

(Aug. 30, 1950, ch. 823, § 4, 64 Stat. 564.)

§ 275. Headquarters and principal office; territorial scope of activities; agent for service of process

The headquarters and principal offices of the corporation shall be located in the District of Columbia, but the activities of the corporation shall not be confined to that place but may be conducted throughout the various States, Territories, and possessions of the United States. The corporation shall maintain at all times in the District of Columbia a designated agent authorized to accept service of process for the corporation, such designation to be filed in the office of the clerk of the United States District Court for the District of Columbia. Notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed sufficient notice or service upon the corporation.

(Aug. 30, 1950, ch. 823, § 5, 64 Stat. 565.)

§ 276. Membership; voting rights

Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this chapter, be determined according to the bylaws of the corporation. In the conduct of official business of any local chapter each member shall have one vote. In the conduct of the official business of any State association each qualified delegate of a local chapter shall have one vote.

(Aug. 30, 1950, ch. 823, § 6, 64 Stat. 565.)

§ 277. National officers

(a) Composition

The national officers of the corporation shall be a student president, four student vice presidents (one from each of four regions of the United States established in the bylaws for purposes of administration of the corporation), a student secretary, an executive secretary, a treasurer, and a national advisor.

(b) Board of student officers

The national student officers of the corporation shall comprise a board of student officers. It shall be the duty of such board to advise and make recommendations to the board of directors with respect to the conduct of the activities and business of the corporation.

(c) Election

The national officers of the corporation shall be elected annually by a majority vote of the delegates assembled in the annual national convention from among qualified members of the corporation, except that the national advisor shall be the Secretary of Education, the executive secretary shall be a member of the Department of Education, and the treasurer shall be an employee or member of a State agency that directs or supervises a State program of agricultural education under the provisions of the Smith-Hughes Vocational Education Act [20 U.S.C. 11 et seq.] or the Vocational Education Act of 1946.

(d) Vote at national convention

In the conduct of the business of the annual national convention each qualified delegate shall have one vote.

(Aug. 30, 1950, ch. 823, § 7, 64 Stat. 565; 1953 Reorg. Plan. No. 1, §§ 5, 8, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631; Oct. 17, 1979, Pub. L. 96–88, title III, § 301(a)(1), (b)(2), title V, § 507, 93 Stat. 677, 678, 692.)

REFERENCES IN TEXT

The Smith-Hughes Vocational Education Act, referred to in subsec. (c), is act Feb. 23, 1917, ch. 114, 39 Stat. 929, as amended, which is classified to sections 11 to 15 and 16 to 28 of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 11 of Title 20 and Tables.

The Vocational Education Act of 1946, referred to in subsec. (c), is act June 8, 1936, ch. 541, 49 Stat. 1488, as amended, which was classified to sections 15h to 15q, 15aa to 15jj, and 15aaa to 15ggg of Title 20, and was repealed by section 103 of Pub. L. 90–576, title I, Oct. 16, 1968, 82 Stat. 1091.

TRANSFER OF FUNCTIONS

"Secretary of Education" and "the Department of Education" substituted for "Chief of the Agricultural Education Service, Office of Education, Department of Health, Education, and Welfare" and "that service", respectively, in subsec. (c), pursuant to sections 301(a)(1), (b)(2) and 507 of Pub. L. 96–88, which are classified to sections 3441(a)(1), (b)(2) and 3507 of Title 20, Education, and which transferred all functions of Office of Education to Secretary of Education and transferred Office of Education to Department of Education.

Functions of Federal Security Administrator transferred to Secretary of Health, Education, and Welfare and all agencies of Federal Security Agency transferred to Department of Health, Education, and Welfare by section 5 of Reorg. Plan No. 1 of 1953, set out in the Ap-

pendix to Title 5, Government Organization and Employees. Federal Security Agency and office of Administrator abolished by section 8 of the Reorg. Plan No. 1 of 1953.

§ 278. Board of directors

(a) Composition

The governing body of the corporation, which shall exercise the powers herein granted to the corporation, shall be a board of directors composed of: (1) the Secretary of Education, who shall act as chairman; (2) four staff members in the Department of Education; and (3) four State supervisors of agricultural education.

(b) Tenure

The terms of office of members of the board and the method of selection of such members, other than ex officio members, shall be prescribed by the bylaws of the corporation.

(c) Meetings

The board shall meet at least once each year at such time and place as may be prescribed by the bylaws. The annual report of the board shall be presented at such meeting. Special meetings of the board may be called at any time by the chairman.

(d) Governing committee

The board may designate the chairman and two members of his staff as a governing committee which, when the board is not in session, shall have and exercise the powers of the board subject to its direction and have the power to authorize the seal of the corporation to be affixed to all papers which may require it.

(e) Transition board

The board of directors which shall serve until the first board is selected as provided in this chapter shall be composed of the nine persons named in section 271 of this title.

(Aug. 30, 1950, ch. 823, § 8, 64 Stat. 565; 1953 Reorg. Plan. No. 1, §§ 5, 8, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631; Oct. 17, 1979, Pub. L. 96–88, title III, § 301(a)(1), (b)(2), title V, § 507, 93 Stat. 677, 678, 692.)

TRANSFER OF FUNCTIONS

''Secretary of Education'' and ''Department of Education'' substituted for ''Chief of the Agricultural Education Service, Office of Education, Department of Health, Education, and Welfare'' and ''Agricultural Education Service, Office of Education, Department of Health, Education, and Welfare'', respectively, in subsec. (a), pursuant to sections 301(a)(1), (b)(2) and 507 of Pub. L. 96–88, which are classified to sections 3441(a)(1), (b)(2), and 3507 of Title 20, Education, and which transferred all functions of Office of Education to Secretary of Education and transferred Office of Education to Department of Education.

Functions of Federal Security Administrator transferred to Secretary of Health, Education, and Welfare and all agencies of Federal Security Agency transferred to Department of Health, Education, and Welfare by section 5 of Reorg. Plan No. 1 of 1953, set out in the Appendix to Title 5, Government Organization and Employees. Federal Security Agency and office of Administrator abolished by section 8 of Reorg. Plan No. 1 of 1953.

§ 279. Restrictions

(a) Distribution of income or assets to members

No part of the income or assets of the corporation shall inure to any member, officer, or director, or be distributable to any such person except upon dissolution and final liquidation of the corporation as provided in section 285 of this title.

(b) Loans

The corporation shall not make loans to its officers, directors, or employees. Any director who votes for or assents to the making of a loan to an officer, director, or employee of the corporation, and any officer who participates in the making of such a loan shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

(c) Prizes, awards, grants, or loans to student officers and members meeting criteria

This section shall not preclude prizes, awards, grants, or loans to student officers and members meeting the criteria established by the board of directors for selecting recipients of such benefits.

(Aug. 30, 1950, ch. 823, § 9, 64 Stat. 566.)

§ 280. Nonpolitical nature of corporation

The corporation, and its members, officers, and directors, as such, shall not contribute to or otherwise support or assist any political party or candidate for elective public office.

(Aug. 30, 1950, ch. 823, § 10, 64 Stat. 566.)

§ 281. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Aug. 30, 1950, ch. 823, § 11, 64 Stat. 566.)

§ 282. Prohibition against issuance of stock or payment of dividends

The corporation shall have no power to issue any shares or stock, or to declare or pay any dividends, its objects and purposes being solely educational.

(Aug. 30, 1950, ch. 823, § 12, 64 Stat. 566.)

§ 283. Books and records; inspection

The corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its members, the board of directors, and committees having any authority under the board of directors; and it shall also keep a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member or his agent or attorney at any reasonable time.

(Aug. 30, 1950, ch. 823, § 13, 64 Stat. 566.)

§ 284. Repealed. Pub. L. 88–504, § 4(13), Aug. 30, 1964, 78 Stat. 637

Section, act Aug. 30, 1950, ch. 823, § 14, 64 Stat. 566, related to audit of financial transactions and report of such audit to Congress. See sections 1101 to 1103 of this title.

§ 285. Use of assets on dissolution or liquidation

Upon final dissolution or liquidation of the corporation and after the discharge or satisfac-

tion of all outstanding obligations and liabilities, the remaining assets of the corporation shall be used by the board of directors for the benefit of students of vocational agriculture, or be transferred to some recognized educational foundation.

(Aug. 30, 1950, ch. 823, § 15, 64 Stat. 566.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 279 of this title.

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

The corporation, and its duly authorized chapters and associations of chapters, shall have the sole and exclusive right to use the name of Future Farmers of America and the initials FFA as representing an agricultural membership organization and such seals, emblems, and badges as the corporation may lawfully adopt.

(Aug. 30, 1950, ch. 823, § 16, 64 Stat. 566.)

§ 287. Agents for service of process

As a condition precedent to the exercise of any power or privilege granted to the corporation under this chapter, the corporation shall file in the Office of the Secretary of State, or similar officer, in each State and in each Territory or possession of the United States in which subordinate associations or chapters are organized the name, and post office address of an authorized agent in such State, Territory, or possession upon whom legal process or demands against the corporation may be served.

(Aug. 30, 1950, ch. 823, § 17, 64 Stat. 567.)

§ 288. Availability of personnel, services, and facilities of Department of Education

The Secretary of Education is authorized to make available personnel, services, and facilities of the Department of Education requested by the board of directors of the corporation to administer or assist in the administration of the business and activities of the corporation. The personnel of the Department of Education shall not receive any compensation from the corporation for their services, except that travel and other legitimate expenses as defined by the Secretary of Education and approved by the board of directors of the corporation may be paid. The Secretary of Education is also authorized to cooperate with the State boards for vocational education to assist in the promotion of the activities of the corporation.

(Aug. 30, 1950, ch. 823, § 18, 64 Stat. 567; 1953 Reorg. Plan No. 1, §§ 5, 8, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631; Oct. 17, 1979, Pub. L. 96–88, title III, § 301(a), (b)(2), title V, § 507, 93 Stat. 677, 678, 692.)

CODIFICATION

The words ‘‘, with the approval of the Secretary of Health, Education, and Welfare,’’ which followed ‘‘Secretary of Education’’ the first time it appears and ‘‘, with the approval of the Secretary,’’ which followed ‘‘The Secretary of Education’’ the third time it appears have been omitted in view of transfer of functions (relating to education) of Secretary of Health, Education, and Welfare to Secretary of Education pursuant to sections 301(a) and 507 of Pub. L. 96–88, which are classified to sections 3441(a) and 3507 of Title 20, Education. This transfer would result in these phrases being redundant in that they would provide for the Secretary to obtain his own approval.

TRANSFER OF FUNCTIONS

‘‘Secretary of Education’’ substituted for ‘‘United States Commissioner of Education’’, ‘‘Commissioner of Education’’, and ‘‘Commissioner’’ and ‘‘Department of Education’’ was substituted for ‘‘Office of Education’’ in text pursuant to sections 301(a)(1), (b)(2) and 507 of Pub. L. 96–88, which are classified to sections 3441(a)(1), (b)(2) and 3507 of Title 20, Education, and which transferred all functions of Commissioner of Education to Secretary of Education and transferred Office of Education to Department of Education.

Functions of Federal Security Administrator transferred to Secretary of Health, Education, and Welfare and all agencies of Federal Security Agency transferred to Department of Health, Education, and Welfare by section 5 of Reorg. Plan No. 1 of 1953, set out in the Appendix to Title 5, Government Organization and Employees. Federal Security Agency and Office of Administrator abolished by section 8 of Reorg. Plan No. 1 of 1953.

§ 289. Acquisition of assets and liabilities of existing corporation

The corporation may acquire the assets of the Future Farmers of America, a corporation organized under the laws of the State of Virginia, and of the Future Farmers of America Foundation, Incorporated, a corporation organized under the laws of the District of Columbia, upon discharging or satisfactorily providing for the payment and discharge of all of the liabilities of such corporations.

(Aug. 30, 1950, ch. 823, § 19, 64 Stat. 567.)

§ 290. Effective date

The provisions of this chapter shall take effect on the filing, in the office of the clerk of the United States District Court for the District of Columbia of affidavits signed by the incorporators named in section 271 of this title to the effect that the Virginia corporation known as the Future Farmers of America has been dissolved in accordance with law, but only if such affidavits are filed within one year from August 30, 1950.

(Aug. 30, 1950, ch. 823, § 20, 64 Stat. 567.)

§ 291. Reservation of right to amend or repeal chapter

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

(Aug. 30, 1950, ch. 823, § 21, 64 Stat. 567.)

CHAPTER 15—MILITARY CHAPLAINS ASSOCIATION OF THE UNITED STATES OF AMERICA

Sec.
311. Corporation created.
312. Completion of organization.
313. Purpose of corporation.
314. Powers of corporation.
315. Acquisition of assets and liabilities of existing association.
316. Exclusive right to name.
317. Annual report.

§ 311. Corporation created

Alva J. Brasted, of Virginia; Henry Darlington, of New York; Simpson B. Daugherty, of Pennsylvania; Monroe Drew, Junior, of California; Clifford M. Drury, of California; Harold G. Elsam, of Illinois; Edward L. R. Elson, of California; Ira S. Ernst, of the District of Columbia; Joshua L. Goldberg, of New York; Augustus S. Goodyear, of New York; Cecil H. Lang, of Texas; Daniel Lynch, of Massachusetts; Arlington A. McCallum, of the District of Columbia; John W. McQueen, of Alabama; Cyrus W. Perry, of New York; Frederick C. Reynolds, of Maryland; George F. Rixey, of Missouri; Patrick J. Ryan, of California; Harris E. Starr, of Connecticut; Gustav Stearns, of Wisconsin; Edward J. Smith, of Iowa; Francis V. Sullivan, of Massachusetts; John M. Thomas, of Vermont; Edmund W. Weber, of Minnesota; Robert J. White, of Maine; Julian E. Yates, of the District of Columbia; Nils M. Ylvisaker, of Minnesota; and their successors, who are, or who may become, members of The Military Chaplains Association of the United States of America, a national association of chaplains and former chaplains of the armed services, and such national associations are created and declared to be a body corporate by the name of ''The Military Chaplains Association of the United States of America''.

(Sept. 20, 1950, ch. 956, § 1, 64 Stat. 868.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 312 of this title.

§ 312. Completion of organization

Said persons named in section 311 of this title, and such other persons as may be selected from among the membership of The Military Chaplains Association of the United States of America, a national association of chaplains and former chaplains of the armed services, are hereby authorized to meet to complete the organization of said corporation by the selection of officers, the adoption of a constitution and bylaws, and to do all other things necessary to carry into effect the provisions of this chapter, at which meeting any person duly accredited as a delegate from any area, State, or local chapter of the organization of the existing national association known as The Military Chaplains Association of the United States of America, shall be permitted to participate in the proceedings thereof.

(Sept. 20, 1950, ch. 956, § 2, 64 Stat. 868.)

§ 313. Purpose of corporation

The purpose of this corporation shall be:

(a) To safeguard and to strengthen the forces of faith and morality of our Nation; (b) to perpetuate and to deepen the bonds of understanding and friendship of our military service; (c) to preserve our spiritual influence and interest in all members and veterans of the armed forces; (d) to uphold the Constitution of the United States; and (e) to promote justice, peace, and good will.

(Sept. 20, 1950, ch. 956, § 3, 64 Stat. 868.)

§ 314. Powers of corporation

The corporation (a) shall have perpetual succession; (b) shall have power to make its own organization, including its constitution, bylaws, rules, and regulations; (c) may adopt a corporate seal and alter it at pleasure; (d) may establish and maintain offices for the conduct and transaction of its business; (e) may appoint or elect officers and agents; (f) may authorize the executive committee to conduct the business and exercise the powers of the corporation; (g) may publish a magazine or other publications; (h) may charge and collect membership dues, subscription fees, and receive contributions of money or property to be devoted to the carrying out of the purposes of the organization; (i) may acquire by purchase, devise, bequest, gift, or otherwise, and hold, encumber, convey, or otherwise dispose of, such real and personal property as may be necessary or appropriate for its corporate purposes; (j) may sue and be sued; and (k) generally may do any and all lawful acts necessary or appropriate to carry out the purposes for which the corporation is created.

(Sept. 20, 1950, ch. 956, § 4, 64 Stat. 868.)

§ 315. Acquisition of assets and liabilities of existing association

Said corporation may acquire any or all assets of the existing national association known as The Military Chaplains Association of the United States of America upon discharging or satisfactorily providing for the payment and discharge of all liabilities.

(Sept. 20, 1950, ch. 956, § 5, 64 Stat. 869.)

§ 316. Exclusive right to name

Said corporation and its area, State, and local chapters shall have the sole and exclusive right to have and to use in carrying out its purpose the name ''The Military Chaplains Association of the United States of America''.

(Sept. 20, 1950, ch. 956, § 6, 64 Stat. 869.)

§ 317. Annual report

The corporation shall, on or before the 1st day of September in each year, transmit to Congress a report of its proceedings for the preceding calendar year. Such reports shall not be printed as public documents.

(Sept. 20, 1950, ch. 956, § 7, 64 Stat. 869; Aug. 30, 1964, Pub. L. 88–504, § 4(14), 78 Stat. 637.)

AMENDMENTS

1964—Pub. L. 88–504 struck out '', including the full and complete statement of its receipts and expenditures'' after ''calendar year''.

CHAPTER 16—AMERICAN SOCIETY OF INTERNATIONAL LAW

Sec.
341. Corporation created.
342. Purposes of corporation; restrictions.
343. Executive council; officers.
344. Principal office; territorial scope of activities.
345. Powers of corporation.
346. Liability for acts of officers and agents; agent for service of process.

Sec.
347. Prohibition against issuance of stock, payment of dividends, or loans.
348. Books and records; inspection.
349. Repealed.
350. Duration of corporation.
351. Acquisition of assets and liabilities of existing association.
352. Reservation of right to amend or repeal chapter.

§ 341. Corporation created

The following persons, citizens of the United States and members of the executive council of the unincorporated association known as the American Society of International law, to wit: Manley O. Hudson, of Cambridge, Massachusetts, president of the said society; Dean G. Acheson, of Washington, District of Columbia, honorary president of the same; George A. Finch, of Chevy Chase, Maryland; Edwin D. Dickinson, of Philadelphia, Pennsylvania; and Philip C. Jessup, of New York, New York; vice presidents of the same; Philip Marshall Brown, of Washington, District of Columbia; Frederic R. Coudert, of New York, New York; William C. Dennis, of Richmond, Indiana; Charles G. Fenwick, of Washington, District of Columbia; Cordell Hull, of Washington, District of Columbia; Charles Cheney Hyde, of New York, New York; Robert H. Jackson, of McLean, Virginia; Arthur K. Kuhn, of New York, New York; George C. Marshall, of Leesburg, Virginia; Henry L. Stimson, of New York, New York; Elbert D. Thomas, of Salt Lake City, Utah; Charles Warren, of Washington, District of Columbia; George Grafton Wilson, of Cambridge, Massachusetts; and Lester H. Woolsey, of Chevy Chase, Maryland; honorary vice presidents of the said society; Edward Dumbauld, of Uniontown, Pennsylvania, secretary; and Edgar Turlington, of Chevy Chase, Maryland, treasurer of the same; Edward W. Allen, of Seattle, Washington; Mary Agnes Brown, of Washington, District of Columbia; Florence Brush, of Bronxville, New York; Kenneth S. Carlston, of Urbana, Illinois; Ben M. Cherrington, of Denver, Colorado; Percy E. Corbett, of New Haven Connecticut; Willard B. Cowles, of Lincoln, Nebraska; William S. Culbertson, of Washington, District of Columbia; John S. Dickey, of Hanover, New Hampshire; Alwyn V. Freeman, of Los Angeles, California; Ernest A. Gross, of Manhasset, New York; Stanley K. Hornbeck, of Washington, District of Columbia! A. Brunson MacChesney, of Chicago, Illinois; William Manger, of Washington, District of Columbia; Charles E. Martin, of Seattle, Washington; John Brown Mason, of Oberlin, Ohio; Myres S. McDougal, of New Haven, Connecticut; Hans J. Morgenthau, of Chicago, Illinois; Durward V. Sandifer, of Chevy Chase, Maryland; Francis B. Sayre, of Washington, District of Columbia; Carl B. Spaeth, of Palo Alto, California; Robert B. Stewart, of Medford, Massachusetts! and Albert C. F. Westphal, of Albuquerque, New Mexico; and such other persons as are now members of the said society, and their successors, are created and declared to be a body corporate, by the name of The American Society of International Law.

(Sept. 20, 1950, ch. 958, § 1, 64 Stat. 869.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 343 of this title.

§ 342. Purposes of corporation; restrictions

The purposes of the corporation are and shall be to foster the study of international law and to promote the establishment and maintenance of international relations on the basis of law and justice. The corporation shall not be operated for profit, and no part of its income or assets shall inure to any of its members, or its officers or other members of its executive council, or be distributable thereto otherwise than upon dissolution or final liquidation of the corporation. The corporation, and its officers and other members of its executive council shall not, as such, contribute to or otherwise support or assist any political party or candidate for elective public office.

(Sept. 20, 1950, ch. 958, § 2, 64 Stat. 870.)

§ 343. Executive council; officers

The governing board of the corporation, subject to the directions of the corporation at its annual meetings and at such other meetings as may be called pursuant to the provisions of its constitution, bylaws, and regulations, hereinafter mentioned, shall be an executive council consisting of a president, an honorary president, a number of vice presidents and honorary vice presidents to be determined by the constitution of the corporation, a secretary, a treasurer, and not less than twenty-four additional persons. The officers of the corporation and one-third of the other members of the executive council shall be elected at each annual meeting of the corporation: *Provided, however*, That the executive council may be authorized by the constitution of the corporation to elect the secretary and the treasurer of the corporation for specified terms and to fill vacancies until the next annual meeting of the corporation. The number of members of the executive council shall initially be forty-four, and the members of the said council shall initially be the persons whose names and addresses are set forth in section 341 of this title.

(Sept. 20, 1950, ch. 958, § 3, 64 Stat. 870.)

§ 344. Principal office; territorial scope of activities

The corporation shall have its principal office in the District of Columbia and shall have the right to conduct its activities in the said District and at any other place or places in the United States.

(Sept. 20, 1950, ch. 958, § 4, 64 Stat. 871.)

NATIONAL HEADQUARTERS

Pub. L. 86–208, Aug. 25, 1959, 73 Stat. 431, provided: "That the American Society of International Law, incorporated by the Act entitled 'An Act to incorporate the American Society of International Law, and for other purposes', approved September 20, 1950 (Public Law 794, ch. 958, Eighty-first Congress, second session (64 Stat. 869)) [this chapter], is authorized to use the real estate described as lot 805 square 2512, situated in the city of Washington, District of Columbia, as the national headquarters of such society."

§ 345. Powers of corporation

The corporation shall have succession by its corporate name and shall have power to sue and be sued, complain and defend in any court of competent jurisdiction; to adopt, use, and alter a corporate seal; to choose such officers, managers, and agents as its business may require; to adopt, amend, apply, and administer a constitution, bylaws, and regulations, not inconsistent with the laws of the United States of America or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs; to contract and be contracted with; to take and hold by lease, gift, purchase, grant, devise, or bequest, in full title, in trust, or otherwise, any property, real or personal, necessary for attaining the objects and carrying into effect the purposes of the corporation, subject however, to applicable provisions of law of any State (A) governing the amount or kind of real and personal property which may be held by, or (B) otherwise limiting or controlling the ownership of real and personal property by a corporation operating in such State; to transfer and convey real or personal property; to borrow money for the purposes of the corporation, and issue bonds therefor, and secure the same by mortgage subject in every case to all applicable provisions of Federal or State laws; to publish a journal and other publications, and generally to do any and all such acts and things as may be necessary and proper in carrying into effect the purposes of the corporation.

(Sept. 20, 1950, ch. 958, § 5, 64 Stat. 871.)

§ 346. Liability for acts of officers and agents; agent for service of process

The corporation shall be liable for the acts of its officers and agents. It shall have in the District of Columbia at all times a designated agent authorized to accept service of process for the corporation; and notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to or service upon the corporation.

(Sept. 20, 1950, ch. 958, § 6, 64 Stat. 871.)

§ 347. Prohibition against issuance of stock, payment of dividends, or loans

The corporation shall not issue shares of stock, nor declare or pay dividends, nor make loans or advances to its officers or members of its executive council or any of them. Any member of its executive council who votes for or assents to the making of a loan or advance to an officer of the corporation or to a member of its executive council, and any officer or officers participating in the making of any such loan or advance, shall be jointly and severally liable to the corporation for the amount of such loan or advance until the repayment thereof.

(Sept. 20, 1950, ch. 958, § 7, 64 Stat. 871.)

§ 348. Books and records; inspection

The corporation shall keep correct and complete books and records of account. It shall also keep minutes of the proceedings of its members, executive council, and committees having any of the authority of the said council. It shall also keep at its principal office a record giving the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member or his agent or attorney, for any proper purpose, at any reasonable time.

(Sept. 20, 1950, ch. 958, § 8, 64 Stat. 872.)

§ 349. Repealed. Pub. L. 88–504, § 4(15), Aug. 30, 1964, 78 Stat. 637

Section, act Sept. 20, 1950, ch. 958, § 9, 64 Stat. 872, related to audit of financial transactions and report of such audit to Congress. See sections 1101 to 1103 of this title.

§ 350. Duration of corporation

The duration of the corporation shall be perpetual.

(Sept. 20, 1950, ch. 958, § 10, 64 Stat. 872.)

§ 351. Acquisition of assets and liabilities of existing association

The corporation may and shall acquire all of the assets of the existing unincorporated association known as the American Society of International Law, subject to any liabilities and obligations of the said association.

(Sept. 20, 1950, ch. 958, § 11, 64 Stat. 872.)

§ 352. Reservation of right to amend or repeal chapter

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

(Sept. 20, 1950, ch. 958, § 12, 64 Stat. 872.)

CHAPTER 17—UNITED STATES OLYMPIC COMMITTEE

SUBCHAPTER I—CORPORATION

Sec.
371. Corporation created; principal offices; meetings.
372. Completion of organization.
373. Definitions.
374. Objects and purposes of Corporation.
375. Powers of Corporation.
376. Membership.
377. Nonpolitical nature of Corporation.
378. Prohibition against issuance of stock or business activities.
379. Acquisition of assets and liabilities of existing association.
380. Use of Olympic symbols, emblems, trademarks and names.
(a) Unauthorized use; civil action; lawful use prior to September 21, 1950.
(b) Contributors and suppliers.
(c) Exclusive right of Corporation.
381. Agents for service of process.
382. Reservation of right to amend or repeal chapter.
382a. Annual report to President and Congress on operations; report to Speaker of House and President of Senate on authorized grants.
382b. Resolution of disputes.
383. Change in name of United States Olympic Association.
384. Grants to Corporation.
(a) Authorization; development of amateur athletics in United States.
(b) Annual report.

Sec.
(c) Application for funds; access to books, documents, etc.
(d) Authorization of appropriations.

SUBCHAPTER II—NATIONAL GOVERNING BODIES

391. Recognition of amateur sports organizations.
(a) National governing body; application; notice and hearing.
(b) Eligibility requirements.
(c) Period within which to comply with eligibility requirements; suspension or revocation of recognition.
(d) Recommendation of national governing body as United States representative to appropriate international sports federation.
392. Duties of national governing bodies.
393. Authority of national governing bodies.
394. Review.
395. Compelling compliance with eligibility requirements and performance of duties by national governing bodies.
(a) Written complaint; exhaustion of remedies requirement; hearing; determination by Corporation; probation; revocation of recognition.
(b) Replacement of incumbent national governing body.
(c) Arbitration of Corporation determinations.
396. Jurisdiction of restricted amateur athletic competitions; national governing body sanction for international amateur athletic competitions.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 384 of this title; title 18 section 2320.

SUBCHAPTER I—CORPORATION

§371. Corporation created; principal offices; meetings

The following persons, to wit:

Avery Brundage, New York City, New York; Kenneth L. Wilson, Chicago, Illinois; Asa S. Bushnell, Princeton, New Jersey; Owen V. Van Camp, Chicago, Illinois; Gustavus T. Kirby, Bedford Hills, New York; John T. McGovern, New York City, New York; J. Lyman Bingham, Chicago, Illinois; Daniel J. Ferris, New York City, New York; Thomas J. Hamilton, Pittsburgh, Pennsylvania; Thomas W. Herren, Washington, District of Columbia; Willis O. Hunter, Los Angeles, California; Jeremiah T. Mahoney, New York City, New York; T. Nelson Metcalf, Chicago, Illinois; Charles L. Ornstein, New York City, New York; James A. Rhodes, Columbus, Ohio; Albert Sigal, Atherton, California; H. Jamison Swarts, Philadelphia, Pennsylvania; Albert F. Wheltle, Baltimore, Maryland; Robert A. Fetzer, Chapel Hill, North Carolina; Karl E. Leib, Iowa City, Iowa; Frank G. McCormick, Minneapolis, Minnesota; Alfred R. Masters, Stanford University, California; E. L. Romney, Salt Lake City, Utah; E. Joseph Aronoff, Washington, District of Columbia; Richard E. Cross, Detroit, Michigan; Charles L. Diehm, New York City, New York; Ralph Furey, New York City, New York; Harry D. Henshel, New York City, New York; John B. Kelly, Senior, Philadelphia, Pennsylvania; Richard C. Larkins, Columbus, Ohio; Fred C. Matthaei, Detroit, Michigan; Colonel Frederick R. Weber, West Point, New York; Hugh C. Willett, Los Angeles, California; Lawrence J. Johnson, Boston, Massachusetts; Patrick J. Kelly, New York City, New York; R. Max Ritter, Jenkintown, Pennsylvania; Fred L. Steers, Chicago, Illinois; Williard N. Greim, Denver, Colorado; General Douglas MacArthur, Tokyo, Japan; Joseph E. Raycroft, Princeton, New Jersey; Frederick W. Rubien, Manhasset, New York; John J. Raskob, New York City, New York; Frank P. Callahan, Schenectady, New York; William S. Haddock, Pittsburgh, Pennsylvania; J. W. Mitchell, Little Rock, Arkansas; William F. Bailey, High Point, North Carolina; Herman J. Fischer, Chicago, Illinois; R. J. H. Kiphuth, New Haven, Connecticut; Edward Rosenblum, Washington, District of Columbia; Ben York, West Palm Beach, Florida; Seymour Leiberman, Houston, Texas; Paul Jordan, Indianapolis, Indiana; Mrs. Lillian Y. Whiting, Des Moines, Iowa; A. Wood Hardin, New Albany, Indiana; Douglas F. Roby, Detroit, Michigan; Marion H. Miller, Kansas City, Missouri; Edwin F. Schaefer, Buffalo, New York; James A. Lee, Cleveland, Ohio; Robert C. Greenwade, Blackwell, Oklahoma; Charles Gevecker, St. Louis, Missouri; Roscoe C. Torrance, Seattle, Washington; Louis G. Wilke, Denver, Colorado; Doctor Barry J. Barrodale, Houma, Louisiana; Larry Houston, Los Angeles, California; C. W. Striet, Junior, Birmingham, Alabama; Norton G. Pritchett, Charlottesville, Virginia; Dernell Every, New York City, New York; Vaughn S. Blanchard, Detroit, Michigan; Major General Guy V. Henry, Chevy Chase, Maryland; George Edwards, Columbia, Missouri; John J. Fox, Larchmont, New York; Harold R. Gilbert, State College, Pennsylvania; Frank Small, Bayside, Long Island, New York; Colonel John T. Cole, Bell Haven, Alexandria, Virginia; Miguel de Capriles, Pleasantville, New York; Alexis Thompson, New York City, New York; Henry M. Beatty, Cleveland, Ohio; Roy E. Moore, New York City, New York; Mrs. Roberta Bonniwell, Philadelphia, Pennsylvania; Harry Hainsworth, Buffalo, New York; Major General William C. Rose, Washington, District of Columbia; Major General M. A. Edson, Montpelier, Vermont; Clifford Goes, New York City, New York; Joseph J. Barriskill, New York City, New York; Senator Peter J. Miller, Chicago, Illinois; Charles O. Roeser, Lansdowne, Pennsylvania; Mrs. Elsie Veits Jennings, New York City, New York; William C. Ackerman, Los Angeles, California; Robert J. Kane, Ithaca, New York; Mrs. Irvin Van Blarcom, Wichita, Kansas; Jay Ehret Mahoney, New York City, New York; John Terpak, York, Pennsylvania; Eric F. Pohl, San Antonio, Texas; Thomas F. Lennon, New York City, New York; Dietrich Wortmann, New York City, New York; Reaves E. Peters, Kansas City, Missouri; John M. Harmon, Boston, Massachusetts; George E. Little, New Brunswick, New Jersey; Arthur E. Eilers, St. Louis, Missouri; James H. Stewart, Dallas, Texas; Harry N. Keighley, Evanston, Illinois; Doctor G. Randolph Manning, New York City, New York; Harold T. Friermood, New York City, New York; Earl R. Yeomans, Philadelphia, Pennsylvania; and their associates and successors, are created a body corporate by the name of ''United States Olympic Committee'' (hereinafter referred to as the ''Corporation''). The Cor-

poration shall maintain its principal offices and national headquarters in such place in the United States as is determined by the Corporation, and may hold its annual and special meetings in such places as the Corporation shall determine.

(Sept. 21, 1950, ch. 975, title I, § 101, formerly § 1, 64 Stat. 899; Aug. 10, 1964, Pub. L. 88–407, 78 Stat. 383; renumbered title I, § 101, and amended Nov. 8, 1978, Pub. L. 95–606, § 1(a), 92 Stat. 3045.)

AMENDMENTS

1978—Pub. L. 95–606 substituted ''Corporation'' for ''corporation'', ''such place in the United States as is determined by the Corporation'' for ''the city of Washington, District of Columbia'' and ''the Corporation'' for ''the said incorporators''.

CHANGE OF NAME

''United States Olympic Committee'' substituted in text for ''United States Olympic Association'' on authority of Pub. L. 88–407, which is set out as section 383 of this title.

SHORT TITLE OF 1978 AMENDMENT

Provision preceding section 1 of Pub. L. 95–606 provided: ''That this Act [enacting sections 372 to 382b and 391 to 396 of this title, amending this section, and repealing former sections 372 to 382 of this title] may be cited as the 'Amateur Sports Act of 1978'.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 372 of this title.

§ 372. Completion of organization

A majority of the persons named in section 371 of this title, or their successors, are hereby authorized to meet to complete the organization of the Corporation by the adoption of a constitution and bylaws, the election of officers, and by doing all things necessary to carry into effect the provisions of this chapter.

(Sept. 21, 1950, ch. 975, title I, § 102, as added Nov. 8, 1978, Pub. L. 95–606, § 1(b), 92 Stat. 3045.)

PRIOR PROVISIONS

A prior section 372, act Sept. 21, 1950, ch. 975, § 2, 64 Stat. 900, related to the procedure for the completion of the organization of the corporation, prior to repeal by Pub. L. 95–606, § 1(b).

§ 373. Definitions

As used in this chapter, the term—

(1) ''amateur athlete'' means any athlete who meets the eligibility standards established by the national governing body for the sport in which the athlete competes;

(2) ''amateur athletic competition'' means a contest, game, meet, match, tournament, regatta, or other event in which amateur athletes compete;

(3) ''amateur sports organization'' means a not-for-profit corporation, club, federation, union, association, or other group organized in the United States which sponsors or arranges any amateur athletic competition;

(4) ''Corporation'' means the United States Olympic Committee;

(5) ''international amateur athletic competition'' means any amateur athletic competition between any athlete or athletes representing the United States, either individually or as part of a team, and any athletic or athletes representing any foreign country;

(6) ''national governing body'' means an amateur sports organization which is recognized by the Corporation in accordance with section 391 of this title; and

(7) ''sanction'' means a certificate of approval issued by a national governing body.

(Sept. 21, 1950, ch. 975, title I, § 103, as added Nov. 8, 1978, Pub. L. 95–606, § 1(b), 92 Stat. 3045.)

PRIOR PROVISIONS

A prior section 373, act Sept. 21, 1950, ch. 975, § 3, 64 Stat. 900, related to objects and purposes of corporation, prior to repeal by Pub. L. 95–606, § 1(b). See section 374 of this title.

§ 374. Objects and purposes of Corporation

The objects and purposes of the Corporation shall be to—

(1) establish national goals for amateur athletic activities and encourage the attainment of those goals;

(2) coordinate and develop amateur athletic activity in the United States directly relating to international amateur athletic competition, so as to foster productive working relationships among sports-related organizations;

(3) exercise exclusive jurisdiction, either directly or through its constituent members of committees, over all matters pertaining to the participation of the United States in the Olympic Games and in the Pan-American Games, including the representation of the United States in such games, and over the organization of the Olympic Games and the Pan-American Games when held in the United States;

(4) obtain for the United States, either directly or by delegation to the appropriate national governing body, the most competent amateur representation possible in each competition and event of the Olympic Games and of the Pan-American Games;

(5) promote and support amateur athletic activities involving the United States and foreign nations;

(6) promote and encourage physical fitness and public participation in amateur athletic activities;

(7) assist organizations and persons concerned with sports in the development of amateur athletic programs for amateur athletes;

(8) provide for the swift resolution of conflicts and disputes involving amateur athletes, national governing bodies, and amateur sports organizations, and protect the opportunity of any amateur athlete, coach, trainer, manager, administrator, or official to participate in amateur athletic competition;

(9) foster the development of amateur athletic facilities for use by amateur athletes and assist in making existing amateur athletic facilities available for use by amateur athletes;

(10) provide and coordinate technical information on physical training, equipment design, coaching, and performance analysis;

(11) encourage and support research, development, and dissemination of information in the areas of sports medicine and sports safety;

(12) encourage and provide assistance to amateur athletic activities for women;

(13) encourage and provide assistance to amateur athletic programs and competition for handicapped individuals, including, where feasible, the expansion of opportunities for meaningful participation by handicapped individuals in programs of athletic competition for able-bodied individuals; and

(14) encourage and provide assistance to amateur athletes of racial and ethnic minorities for the purpose of eliciting the participation of such minorities in amateur athletic activities in which they are underrepresented.

(Sept. 21, 1950, ch. 975, title I, § 104, as added Nov. 8, 1978, Pub. L. 95–606, § 1(b), 92 Stat. 3046.)

PRIOR PROVISIONS

A prior section 374, act Sept. 21, 1950, ch. 975, § 4, 64 Stat. 900, related to powers of corporation, prior to repeal by Pub. L. 95–606, § 1(b). See section 375 of this title.

Provisions similar to those comprising this section were contained in former section 373 of this title prior to repeal by Pub. L. 95–606.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 384 of this title.

§ 375. Powers of Corporation

(a) The Corporation shall have perpetual succession and power to—

(1) serve as the coordinating body for amateur athletic activity in the United States directly relating to international amateur athletic competition;

(2) represent the United States as its national Olympic committee in relations with the International Olympic Committee and the Pan-American Sports Organization;

(3) organize, finance, and control the representation of the United States in the competitions and events of the Olympic Games and of the Pan-American Games, and obtain, either directly or by delegation to the appropriate national governing body, amateur representation for such games;

(4) recognize eligible amateur sports organizations as national governing bodies for any sport which is included on the program of the Olympic Games or the Pan-American Games;

(5) facilitate, through orderly and effective administrative procedures, the resolution of conflicts or disputes which involve any of its members and any amateur athlete, coach, trainer, manager, administrator, official, national governing body, or amateur sports organization and which arise in connection with their eligibility for and participation in the Olympic Games, the Pan-American world championship competition, or other protected competition as defined in the constitution and bylaws of the Corporation;

(6) sue and be sued;

(7) make contracts;

(8) acquire, hold, and dispose of real and personal property as may be necessary for its corporate purposes;

(9) accept gifts, legacies, and devices in furtherance of its corporate purposes;

(10) borrow money to carry out its corporate purposes, issue notes, bonds, or other evidences of indebtedness therefor, and secure the same by mortgage, subject in each case to the laws of the United States or of any State;

(11) provide financial assistance to any organization or association, other than a corporation organized for profit, in furtherance of the purposes of the Corporation;

(12) approve and revoke membership in the Corporation;

(13) adopt and alter a corporate seal;

(14) establish and maintain offices for the conduct of the affairs of the Corporation;

(15) publish a newspaper, magazine, or other publication consistent with its corporate purposes; and

(16) do any and all acts and things necessary and proper to carry out the purposes of the Corporation.

(b) The Corporation shall adopt and may amend a constitution and bylaws not inconsistent with the laws of the United States or of any State, except that the Corporation may amend its constitution only if it—

(1) publishes in its principal publication a general notice of the proposed alteration of the constitution, including the substantive terms of the alteration, the time and place of the Corporation's regular meeting at which the alteration is to be decided, and a provision informing interested persons that they may submit materials as authorized in paragraph (2); and

(2) gives to all interested persons, prior to the adoption of any amendment, an opportunity to submit written data, views, or arguments concerning the proposed amendment for a period of at least 60 days after the date of publication of the notice.

(Sept. 21, 1950, ch. 975, title I, § 105, as added Nov. 8, 1978, Pub. L. 95–606, § 1(b), 92 Stat. 3047.)

PRIOR PROVISIONS

A prior section 375, act Sept. 21, 1950, ch. 975, § 5, 64 Stat. 901, related to membership in the corporation, prior to repeal by Pub. L. 95–606, § 1(b). See section 376 of this title.

Provisions similar to those comprising this section were contained in former section 374 of this title prior to repeal by Pub. L. 95–606.

§ 376. Membership

(a) Eligibility for membership in the Corporation shall be determined in accordance with the constitution and bylaws of the Corporation.

(b) In its constitution and bylaws, the Corporation shall establish and maintain provisions with respect to its governance and the conduct of its affairs for reasonable representation of—

(1) amateur sports organizations recognized as national governing bodies in accordance with section 391 of this title;

(2) amateur athletes who are actively engaged in amateur athletic competition or who have represented the United States in international amateur athletic competition within the preceding 10 years;

(3) amateur sports organizations which conduct a national program or regular national amateur athletic competition in two or more sports which are included on the program of the Olympic Games or the Pan-American Games on a level of proficiency appropriate for

the selection of amateur athletes to represent the United States in international amateur athletic competition; and

(4) individuals not affiliated or associated with any amateur sports organization who in the Corporation's judgment represent the interests of the American public in the activities of the Corporation.

(Sept. 21, 1950, ch. 975, title I, § 106, as added Nov. 8, 1978, Pub. L. 95–606, § 1(b), 92 Stat. 3048.)

PRIOR PROVISIONS

A prior section 376, act Sept. 21, 1950, ch. 975, § 6, 64 Stat. 901, related to nonpolitical nature of Corporation, prior to repeal by Pub. L. 95–606, § 1(b). See section 377 of this title.

Provisions similar to those comprising this section were contained in former section 375 of this title prior to repeal by Pub. L. 95–606.

§ 377. Nonpolitical nature of Corporation

The Corporation shall be nonpolitical and, as an organization, shall not promote the candidacy of any person seeking public office.

(Sept. 21, 1950, ch. 975, title I, § 107, as added Nov. 8, 1978, Pub. L. 95–606, § 1(b), 92 Stat. 3048.)

PRIOR PROVISIONS

A prior section 377, act Sept. 21, 1950, ch. 975, § 7, 64 Stat. 901, related to prohibition against issuance of stock or business activities, prior to repeal by Pub. L. 95–606, § 1(b). See section 378 of this title.

Provisions similar to those comprising this section were contained in former section 376 of this title prior to repeal by Pub. L. 95–606.

§ 378. Prohibition against issuance of stock or business activities

The Corporation shall have no power to issue capital stock or to engage in business for pecuniary profit or gain.

(Sept. 21, 1950, ch. 975, title I, § 108, as added Nov. 8, 1978, Pub. L. 95–606, § 1(b), 92 Stat. 3048.)

PRIOR PROVISIONS

A prior section 378, act Sept. 21, 1950, ch. 975, § 8, 64 Stat. 901, authorized Corporation to acquire assets and liabilities of unincorporated association known as the United States Olympic Association, prior to repeal by Pub. L. 95–606, § 1(b). See section 379 of this title.

Provisions similar to those comprising this section were contained in former section 377 of this title prior to repeal by Pub. L. 95–606.

§ 379. Acquisition of assets and liabilities of existing association

The Corporation may acquire any or all of the assets of the existing unincorporated association, known as ''The United States Olympic Association'', upon discharging or satisfactorily providing for the payment and discharge of all the liabilities of such unincorporated association.

(Sept. 21, 1950, ch. 975, title I, § 109, as added Nov. 8, 1978, Pub. L. 95–606, § 1(b), 92 Stat. 3048.)

PRIOR PROVISIONS

A prior section 379, acts Sept. 21, 1950, ch. 975, § 9, 64 Stat. 901; Aug. 10, 1964, Pub. L. 88–407, 78 Stat. 383, related to penalty for fraudulent pretense of membership or use of insignia, prior to repeal by Pub. L. 95–606, § 1(b). See section 380 of this title.

Provisions similar to those comprising this section were contained in former section 378 of this title prior to repeal by Pub. L. 95–606.

§ 380. Use of Olympic symbols, emblems, trademarks and names

(a) Unauthorized use; civil action; lawful use prior to September 21, 1950

Without the consent of the Corporation, any person who uses for the purpose of trade, to induce the sale of any goods or services, or to promote any theatrical exhibition, athletic performance, or competition—

(1) the symbol of the International Olympic Committee, consisting of 5 interlocking rings;

(2) the emblem of the Corporation, consisting of an escutcheon having a blue chief and vertically extending red and white bars on the base with 5 interlocking rings displayed on the chief;

(3) any trademark, trade name, sign, symbol, or insignia falsely representing association with, or authorization by, the International Olympic Committee or the Corporation; or

(4) the words ''Olympic'', ''Olympiad'', ''Citius Altius Fortius'', or any combination or simulation thereof tending to cause confusion, to cause mistake, to deceive, or to falsely suggest a connection with the Corporation or any Olympic activity;

shall be subject to suit in a civil action by the Corporation for the remedies provided in the Act of July 5, 1946 (60 Stat. 427; popularly known as the Trademark Act of 1946) [15 U.S.C. 1051 et seq.]. However, any person who actually used the emblem in subsection (a)(2) of this section, or the words, or any combination thereof, in subsection (a)(4) of this section for any lawful purpose prior to September 21, 1950, shall not be prohibited by this section from continuing such lawful use for the same purpose and for the same goods or services. In addition, any person who actually used, or whose assignor actually used, any other trademark, trade name, sign, symbol, or insignia described in subsections (a)(3) and (4) of this section for any lawful purpose prior to September 21, 1950 shall not be prohibited by this section from continuing such lawful use for the same purpose and for the same goods or services.

(b) Contributors and suppliers

The Corporation may authorize contributors and suppliers of goods or services to use the trade name of the Corporation as well as any trademark, symbol, insignia, or emblem of the International Olympic Committee or of the Corporation in advertising that the contributions, goods, or services were donated, supplied, or furnished to or for the use of, approved, selected, or used by the Corporation or United States Olympic or Pan-American team or team members.

(c) Exclusive right of Corporation

The Corporation shall have exclusive right to use the name ''United States Olympic Committee''; the symbol described in subsection (a)(1) of this section; the emblem described in subsection (a)(2) of this section; and the words ''Olympic'', ''Olympiad'', ''Citius Altius Fortius'' or any combination thereof subject to the preexisting rights described in subsection (a) of this section.

(Sept. 21, 1950, ch. 975, title I, § 110, as added Nov. 8, 1978, Pub. L. 95–606, § 1(b), 92 Stat. 3048.)

REFERENCES IN TEXT

Act of July 5, 1946 (60 Stat. 427; popularly known as the Trademark Act of 1946), referred to in subsec. (a), is act July 5, 1946, ch. 540, 60 Stat. 427, as amended, also popularly known as the Lanham Act, which is classified generally to chapter 22 (§ 1051 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 1051 of Title 15 and Tables.

PRIOR PROVISIONS

A prior section 380, act Sept. 21, 1950, ch. 975, § 10, 64 Stat. 902, related to agents for service of process, prior to repeal by Pub. L. 95–606, § 1(b). See section 381 of this title.

Provisions similar to those comprising this section were contained in former section 379 of this title prior to repeal by Pub. L. 95–606.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 15 sections 1116, 1117; title 18 section 2320.

§ 381. Agents for service of process

As a condition precedent to the exercise of any power or privilege granted or conferred under this chapter, the Corporation shall file in the office of the secretary of state, or similar office, in each State the name and post-office address of an authorized agent of the Corporation in such State upon whom local process or demands against the Corporation may be served.

(Sept. 21, 1950, ch. 975, title I, § 111, as added Nov. 8, 1978, Pub. L. 95–606, § 1(b), 92 Stat. 3049.)

PRIOR PROVISIONS

A prior section 381, act Sept. 21, 1950, ch. 975, § 11, 64 Stat. 902, related to reservation of right to amend or repeal act Sept. 21, 1950, ch. 975, 64 Stat. 899, which comprises this chapter, prior to repeal by Pub. L. 95–606, § 1(b). See section 382 of this title.

Provisions similar to those comprising this section were contained in former section 380 of this title prior to repeal by Pub. L. 95–606.

§ 382. Reservation of right to amend or repeal chapter

The right to alter, amend, or repeal this chapter at any time is hereby expressly reserved.

(Sept. 21, 1950, ch. 975, title I, § 112, as added Nov. 8, 1978, Pub. L. 95–606, § 1(b), 92 Stat. 3049.)

PRIOR PROVISIONS

A prior section 382, act Sept. 21, 1950, ch. 975, § 12, 64 Stat. 902; Aug. 30, 1964, Pub. L. 88–504, § 4(16), 78 Stat. 637, related to transmission of reports to Congress, prior to repeal by Pub. L. 95–606, § 1(b). See section 382a of this title.

Provisions similar to those comprising this section were contained in former section 381 of this title prior to repeal by Pub. L. 95–606.

§ 382a. Annual report to President and Congress on operations; report to Speaker of House and President of Senate on authorized grants

(a) The Corporation shall, on or before the first day of June in each year, transmit simultaneously to the President and to each House of Congress a detailed report of its operations for the preceding calendar year, including a full and complete statement of its receipts and expenditures and a comprehensive description of the activities and accomplishments of the Corporation during the preceding year. Copies of the report shall be made available by the Corporation to interested persons at a reasonable cost.

(b) The Corporation shall, on or before the first day of June in each year, transmit simultaneously to the Speaker of the House of Representatives and to the President of the Senate a detailed report of those grants authorized to the Corporation pursuant to the provisions of section 211 of the Act and a full and complete statement of the expenditures of such funds made available. The report shall be referred to the Committee on Appropriations of each House and shall include a detailed and comprehensive description of those programs which the Corporation anticipate[1] it will finance during the next fiscal year out of such funds made available pursuant to the provisions of section 211 of the Act. The Corporation shall continue to transmit the report required under this subsection (b) until the total sums made available under section 211 of the Act have been expended.

(Sept. 21, 1950, ch. 975, title I, § 113, as added Nov. 8, 1978, Pub. L. 95–606, § 1(b), 92 Stat. 3049.)

REFERENCES IN TEXT

Section 211 of the Act, referred to in subsec. (b), probably means section 210 of Senate Bill S. 2727, redesignated section 211 in Senate Report No. 95–770, which was originally proposed by the Senate as part of the legislation that was enacted as Pub. L. 95–606 but was omitted in the final version as enacted by Congress. Similar statutory provisions were enacted in Pub. L. 95–482, § 113, Oct. 18, 1978, 92 Stat. 1605, which is classified to section 384 of this title.

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in former section 382 of this title prior to repeal by Pub. L. 95–606.

§ 382b. Resolution of disputes

In its constitution and bylaws, the Corporation shall establish and maintain provisions for the swift and equitable resolution of disputes involving any of its members and relating to the opportunity of an amateur athlete, coach, trainer, manager, administrator, or official to participate in the Olympic Games, the Pan-American Games, world championship competition, or other such protected competition as defined in such constitution and bylaws.

(Sept. 21, 1950, ch. 975, title I, § 114, as added Nov. 8, 1978, Pub. L. 95–606, § 1(b), 92 Stat. 3049.)

§ 383. Change in name of United States Olympic Association

The corporation known as the United States Olympic Association, which was incorporated by this chapter, shall be known and designated on and after August 10, 1964, as the United States Olympic Committee and any reference to such corporation under the name of the United States Olympic Association shall be held to refer to such corporation under and by the name of the United States Olympic Committee.

[1] So in original. Probably should be "anticipates".

(Pub. L. 88–407, Aug. 10, 1964, 78 Stat. 383.)

CODIFICATION

Section was not enacted as part of act Sept. 21, 1950, ch. 975, which comprises this chapter.

§ 384. Grants to Corporation

(a) Authorization; development of amateur athletics in United States

The Secretary of Commerce (hereinafter in this section referred to as the ''Secretary'') is authorized to award grants to the United States Olympic Committee (hereinafter in this section referred to as ''the Corporation'') to assist in the development of amateur athletics in the United States. The Corporation may apply to the Secretary for funds available under this section, and shall use such funds consistent with the provisions of the Amateur Sports Act of 1978. The Secretary may approve any application which meets the requirements of this section, and award grants to the Corporation in a total sum not exceeding $16,000,000 to finance the construction, improvement, and maintenance of facilities for programs of amateur athletic activity and to defray direct operating costs of programs of amateur athletic activity, consistent with section 374 of this title.

(b) Annual report

The Corporation shall, on or before the first day of June of each year, transmit to the Congress a report which shall include a detailed accounting of the funds made available to the Corporation by the Secretary pursuant to subsection (a) of this section and a comprehensive description of those projects which the Corporation anticipates it will finance during the next fiscal year with funds authorized by this section.

(c) Application for funds; access to books, documents, etc.

Each application for funds available under this section shall be in such form as the Secretary shall provide and shall contain provisions to assure that such funds are disbursed in accordance with the provisions of this section. For the purpose of review or audit, the Secretary shall have access to any books, documents, papers, and records which are relevant to any grant received under this section.

(d) Authorization of appropriations

There are authorized to be appropriated to the Secretary not to exceed $16,000,000 in fiscal year 1980, such sums to remain available until expended.

(Pub. L. 95–482, § 113, Oct. 18, 1978, 92 Stat. 1605.)

REFERENCES IN TEXT

The Amateur Sports Act of 1978, referred to in subsec. (a), is Pub. L. 95–606, Nov. 8, 1978, 92 Stat. 3045, which enacted sections 372 to 382b and 391 to 396 of this title, amended section 371 of this title, repealed former sections 372 to 382 of this title, and enacted a provision set out as a note under section 371 of this title. For complete classification of this Act to the Code, see Short Title of 1978 Amendment note set out under section 371 of this title and Tables.

CODIFICATION

Section was not enacted as part of act Sept. 21, 1950, ch. 975, which comprises this chapter.

SUBCHAPTER II—NATIONAL GOVERNING BODIES

§ 391. Recognition of amateur sports organizations

(a) National governing body; application; notice and hearing

For any sport which is included on the program of the Olympic Games or the Pan-American Games, the Corporation is authorized to recognize as a national governing body an amateur sports organization which files an application and is eligible for such recognition, in accordance with the provisions of subsection (b) of this section. The Corporation shall recognize only one national governing body for each sport for which an application is made and approved. Prior to the recognition of a national governing body under the authority granted under this subchapter and in accordance with the procedures and requirements of this section, the Corporation shall hold a hearing open to the public on the application for such recognition. The Corporation shall publish notice of the time, place, and nature of the hearing. Publication shall be made in a regular issue of the Corporation's principal publication at least 30 days, but not more than 60 days, prior to the date of the hearing.

(b) Eligibility requirements

No amateur sports organization is eligible to be recognized or is eligible to continue to be recognized as a national governing body unless it—

(1) is incorporated under the laws of any of the several States of the United States or the District of Columbia as a not-for-profit corporation having as its purpose the advancement of amateur athletic competition, and has the managerial and financial capability to plan and execute its obligations;

(2) submits an application for recognition, in such form as the Corporation shall require, as a national governing body and, upon application, submits a copy of its corporate charter and bylaws and any additional information as is considered necessary or appropriate by the Corporation;

(3) agrees to submit, upon demand of the Corporation, to binding arbitration conducted in accordance with the commercial rules of the American Arbitration Association in any controversy involving its recognition as a national governing body, as provided for in section 395 of this title, or involving the opportunity of any amateur athlete, coach, trainer, manager, administrator or official to participate in amateur athletic competition, as provided for in the Corporation's constitution and bylaws;

(4) demonstrates that it is autonomous in the governance of its sport, in that it independently determines and controls all matters central to such governance, does not delegate such determination and control, and is free from outside restraint, and demonstrates that it is a member of no more than one international sports federation which governs a sport included on the program of the Olympic Games or the Pan-American Games;

(5) demonstrates that its membership is open to any individual who is an amateur ath-

lete, coach, trainer, manager, administrator, or official active in the sport for which recognition is sought, or to any amateur sports organization which conducts programs in the sport for which recognition is sought, or to both;

(6) provides an equal opportunity to amateur athletes, coaches, trainers, managers, administrators, and officials to participate in amateur athletic competition, without discrimination on the basis of race, color, religion, age, sex, or national origin, and with fair notice and opportunity for a hearing to any amateur athlete, coach, trainer, manager, administrator, or official before declaring such individual ineligible to participate;

(7) is governed by a board of directors or other such governing board whose members are selected without regard to race, color, religion, national origin or sex, except that, in sports where there are separate male and female programs, it provides for reasonable representation of both males and females on such board of directors or other such governing board;

(8) demonstrates that its board of directors or other such governing board includes among its voting members individuals who are actively engaged in amateur athletic competition in the sport for which recognition is sought or who have represented the United States in international amateur athletic competition in the sport for which recognition is sought within the preceding 10 years, and that the membership and voting power held by such individuals is not less than 20 percent of such membership and voting power held in that board of directors or other such governing board;

(9) provides for reasonable direct representation on its board of directors or other such governing board for any amateur sports organization which, in the sport for which recognition is sought, conducts, on a level of proficiency appropriate for the selection of amateur athletes to represent the United States in international amateur athletic competition, a national program or regular national amateur athletic competition, and ensures that such representation shall reflect the nature, scope, quality, and strength of the programs and competitions of such amateur sports organization in relation to all other such programs and competitions in such sport in the United States;

(10) demonstrates that none of its officers are also officers of any other amateur sports organization which is recognized as a national governing body;

(11) provides procedures for the prompt and equitable resolution of grievances of its members;

(12) does not have eligibility criteria relating to amateur status which are more restrictive than those of the appropriate international sports federation; and

(13) demonstrates, if it is an amateur sports organization seeking recognition as a national governing body, that it is prepared to meet the obligations imposed on a national governing body under section 392 of this title.

(c) Period within which to comply with eligibility requirements; suspension or revocation of recognition

(1) Except as provided in paragraph (2), any amateur sports organization which on November 8, 1978, is recognized by the Corporation to represent a particular sport shall be considered to be the national governing body for that sport. Such an organization is exempt for a period of 2 years from November 8, 1978, from meeting the requirements of subsection (b) of this section, and during the 2-year period shall take the necessary actions to meet such requirements if it desires to retain its recognition. After the expiration of the 2-year period, such an organization shall continue as the national governing body for that sport unless the Corporation determines that such organization is not in compliance with the requirements of subsection (b) of this section, in which event the Corporation shall—

(A) suspend the recognition of such national governing body;

(B) revoke the recognition of such national governing body; or

(C) extend the 2-year period for not longer than 1 year, if the national governing body has proven by clear and convincing evidence that, through no fault of its own, it needs additional time to comply with such requirements.

If, at the end of the extension period referred to in subparagraph (C) of this paragraph, the national governing body has not complied with such requirements, the Corporation shall revoke the recognition of such national governing body. Any such national governing body aggrieved by the Corporation's determination under this subsection may submit a demand for arbitration in accordance with section 395(c) of this title.

(2) Notwithstanding the provisions of paragraph (1), the Corporation may suspend or revoke the recognition of a national governing body during the 2-year period if such suspension or revocation is for the same reason as the Corporation could have revoked or suspended such national governing body prior to November 8, 1978.

(d) Recommendation of national governing body as United States representative to appropriate international sports federation

Within 61 days after recognizing an amateur sports organization as a national governing body, in accordance with subsection (a) of this section, the Corporation shall recommend and support in any appropriate manner such national governing body to the appropriate international sports federation as the representative of the United States for that sport.

(Sept. 21, 1950, ch. 975, title II, § 201, as added Nov. 8, 1978, Pub. L. 95–606, § 2, 92 Stat. 3050.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 373, 376, 395 of this title.

§ 392. Duties of national governing bodies

(a) For the sport which it governs, a national governing body is under duty to—

(1) develop interest and participation throughout the United States and be respon-

sible to the persons and amateur sports organizations it represents;

(2) minimize, through coordination with other amateur sports organizations, conflicts in the scheduling of all practices and competitions;

(3) keep amateur athletes informed of policy matters and reasonably reflect the views of such athletes in its policy decisions;

(4) promptly review every request submitted by an amateur sports organization or person for a sanction (A) to hold an international amateur athletic competition in the United States; or (B) to sponsor United States amateur athletes to compete in international amateur athletic competition held outside the United States, and determine whether to grant such sanction, in accordance with the provisions of subsection (b) of this section;

(5) allow an amateur athlete to compete in any international amateur athletic competition conducted under its auspices or that of any other amateur sports organization or person, unless it establishes that its denial was based on evidence that the organization or person conducting the competition did not meet the requirements stated in subsection (b) of this section;

(6) provide equitable support and encouragement for participation by women where separate programs for male and female athletes are conducted on a national basis;

(7) encourage and support amateur athletic sports programs for handicapped individuals and the participation of handicapped individuals in amateur athletic activity, including, where feasible, the expansion of opportunities for meaningful participation by handicapped individuals in programs of athletic competition for able-bodied individuals;

(8) provide and coordinate technical information on physical training, equipment design, coaching, and performance analysis; and

(9) encourage and support research, development, and dissemination of information in the areas of sports medicine and sports safety.

(b) As a result of its review under subsection (a)(4) of this section, if a national governing body does not determine by clear and convincing evidence that holding or sponsoring an international amateur athletic competition would be detrimental to the best interest of the sport, the national governing body shall promptly grant to an amateur sports organization or person a sanction to—

(1) hold an international amateur athletic competition in the United States, if such amateur sports organization or person—

(A) pays to the national governing body any required sanctioning fee, if such fee is reasonable and nondiscriminatory;

(B) demonstrates that—

(i) appropriate measures have been taken to protect the amateur status of athletes who will take part in the competition and to protect their eligibility to compete in amateur athletic competition,

(ii) appropriate provision has been made for validation of records which may be established during the competition,

(iii) due regard has been given to any international amateur athletic requirements specifically applicable to the competition,

(iv) the competition will be conducted by qualified officials,

(v) proper medical supervision will be provided for athletes who will participate in the competition, and

(vi) proper safety precautions have been taken to protect the personal welfare of the athletes and spectators at the competition, and

(C) submits to the national governing body an audited or notarized financial report of similar events, if any, conducted by the amateur sports organization or person; or

(2) sponsor United States amateur athletes to compete in international amateur athletic competition held outside the United States, if such amateur sports organization or person—

(A) pays to the national governing body any required sanctioning fee, if such fee is reasonable and nondiscriminatory;

(B) submits a letter from the appropriate entity which will hold the international amateur athletic competition certifying that—

(i) appropriate measures have been taken to protect the amateur status of athletes who will take part in the competition and to protect their eligibility to compete in amateur athletic competition,

(ii) appropriate provision has been made for validation of records which may be established during the competition,

(iii) due regard has been given to any international amateur athletic requirements specifically applicable to the competition,

(iv) the competition will be conducted by qualified officials,

(v) proper medical supervision will be provided for athletes who will participate in the competition, and

(vi) proper safety precautions have been taken to protect the personal welfare of the athletes and spectators at the competition; and

(C) submits a report of the most recent trip, if any, to a foreign country which the amateur sports organization or person sponsored for the purpose of having United States amateur athletes compete in international amateur athletic competition.

(Sept. 21, 1950, ch. 975, title II, § 202, as added Nov. 8, 1978, Pub. L. 95–606, § 2, 92 Stat. 3052.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 391, 395 of this title.

§ 393. Authority of national governing bodies

For the sport which it governs, a national governing body is authorized to—

(1) represent the United States in the appropriate international sports federation;

(2) establish national goals and encourage the attainment of those goals;

(3) serve as the coordinating body for amateur athletic activity in the United States;

(4) exercise jurisdiction over international amateur athletic activities and sanction international amateur athletic competition held in the United States and sanction the sponsorship of international amateur athletic competition held outside the United States;

(5) conduct amateur athletic competition, including national championships, and international amateur athletic competition in the United States, and establish procedures for the determination of eligibility standards for participation in such competitions, except for that amateur athletic competition specified in section 396 of this title;

(6) recommend to the Corporation individuals and teams to represent the United States in the Olympic Games and the Pan-American Games; and

(7) designate individuals and teams to represent the United States in international amateur athletic competition (other than the Olympic Games and the Pan-American Games) and certify, in accordance with applicable international rules, the amateur eligibility of such individuals and teams.

(Sept. 21, 1950, ch. 975, title II, § 203, as added Nov. 8, 1978, Pub. L. 95–606, § 2, 92 Stat. 3054.)

REPLACEMENT OF NATIONAL GOVERNING BODY PURSUANT TO ARBITRATION

Pub. L. 96–304, title I, § 100, July 8, 1980, 94 Stat. 898, provided in part that: "none of the national governing body authority specified in section 203 of Public Law 95–606 [36 U.S.C. 393] as hereby amended shall be exercised by, a national governing body member of the Committee for a particular sport, when another amateur sports organization has been declared (pursuant to binding arbitration proceedings prescribed by the organic documents of the Committee) entitled to replace such national governing body as the member of the Committee for that sport."

§ 394. Review

The Corporation may review all matters relating to the continued recognition of a national governing body and may take such action as it considers appropriate, including, but not limited to, placing conditions upon the continued recognition of the national governing body.

(Sept. 21, 1950, ch. 975, title II, § 204, as added Nov. 8, 1978, Pub. L. 95–606, § 2, 92 Stat. 3055.)

§ 395. Compelling compliance with eligibility requirements and performance of duties by national governing bodies

(a) Written complaint; exhaustion of remedies requirement; hearing; determination by Corporation; probation; revocation of recognition

(1) Any amateur sports organization or person which belongs to or is eligible to belong to a national governing body may seek to compel such national governing body to comply with the requirements of sections 391(b) and 392 of this title by filing a written complaint with the Corporation. Such organization or person may take such action only after having exhausted all available remedies within such national governing body for correcting deficiencies, unless it can be shown by clear and convincing evidence that those remedies would have resulted in unnecessary delay. The Corporation shall establish procedures for the filing and disposition of complaints received under this subsection. A copy of the complaint shall also be served on the applicable national governing body.

(2) Within 30 days after the filing of the complaint, the Corporation shall determine whether the organization has exhausted its remedies within the applicable national governing body, as provided in paragraph (1) of this subsection. If the Corporation determines that any such remedies have not been exhausted, it may direct that such remedies be pursued before the Corporation will further consider the complaint.

(3)(A) Within 90 days after the filing of a complaint under paragraph (1) of this subsection, if the Corporation determines that all such remedies have been exhausted, it shall hold a hearing to receive testimony for the purpose of determining if such national governing body is in compliance with the requirements of sections 391(b) and 392 of this title.

(B) If the Corporation determines, as a result of the hearings conducted pursuant to this subsection, that such national governing body is in compliance with the requirements of sections 391(b) and 392 of this title, it shall so notify the complainant and such national governing body.

(C) If the Corporation determines, as a result of hearings conducted pursuant to this subsection, that such national governing body is not in compliance with the requirements of sections 391(b) and 392 of this title, it shall—

(i) place such national governing body on probation for a specified period of time, not to exceed 180 days, which it considers necessary to enable such national governing body to comply with such requirements, or

(ii) revoke the recognition of such national governing body.

(D) If the Corporation places a national governing body on probation pursuant to this paragraph, it may extend the probationary period if the national governing body has proven by clear and convincing evidence that, through no fault of its own, it needs additional time to comply with such requirements. If, at the end of the period allowed by the Corporation, the national governing body has not complied with such requirements, the Corporation shall revoke the recognition of such national governing body.

(b) Replacement of incumbent national governing body

(b)(1) Any amateur sports organization may seek to replace an incumbent as the national governing body for a particular sport by filing with the Corporation a written application for such recognition. Such application shall be filed (A) within the 1-year period after the final day of any Olympic Games, in the case of a sport for which competition is held in the Olympic Games or in both the Olympic and Pan-American Games; or (B) within the 1-year period after the final day of any Pan-American Games, in the case of a sport for which competition is held in the Pan-American Games and not in the Olympic Games. If two or more organizations file applications for the same sport, such applications shall be considered in a single proceeding.

(2) Any application filed under this subsection shall be filed with the Corporation by registered mail. The Corporation shall establish procedures for the filing and disposition of applications received under this subsection. A copy of any such application for recognition shall also be served on the applicable national governing body. The Corporation shall inform the applicant for recognition that its application has been received.

(3) Within 180 days after receipt of an application filed under this subsection, the Corporation shall conduct a formal hearing to determine the merits of the application. The Corporation shall publish notice of the time and place of such hearing in a regular issue of its principal publication at least 30 days, but not more than 60 days, prior to the date of the hearing. In the course of such hearing, the applicant and the national governing body shall be given a reasonable opportunity to present evidence supporting their respective positions. During such hearing, the applicant amateur sports organization must establish by a preponderance of the evidence that it meets the criteria for recognition as a national governing body under section 391(b) of this title, and that—

(A) the national governing body does not meet the criteria of section 391(b) or 392 of this title; or

(B) it more adequately meets the criteria of section 391(b) of this title, is capable of more adequately meeting the criteria of section 392 of this title, and provides or is capable of providing a more effective national program of competition, than the national governing body in the sport for which it seeks recognition.

(4) Within 30 days of the close of the hearing required under this subsection, the Corporation shall—

(A) uphold the right of the national governing body to continue as the national governing body for its sport;

(B) revoke the recognition of the national governing body and declare a vacancy in the national governing body for that sport;

(C) revoke the recognition of the national governing body and recognize the applicant as the national governing body; or

(D) decide to place the national governing body on probation of not to exceed 180 days, pending the compliance of the national governing body, if such national governing body would have retained recognition except for a minor deficiency in one of the requirements of section 391(b) or 392 of this title.

If the national governing body does not comply within the prescribed time period, the Corporation shall revoke the recognition of the national governing body and either recognize the applicant as the national governing body, or declare a vacancy in the national governing body for that sport.

(5) Within 61 days after recognizing an amateur sports organization as a national governing body, in accordance with this subsection, the Corporation shall recommend and support in any appropriate manner such national governing body to the appropriate international sports federation as the representative of the United States for that sport.

(c) Arbitration of Corporation determinations

(c)(1) The right to review by any party aggrieved by a determination of the Corporation under the requirements of this section or section 391(c) of this title shall be to any regional office of the American Arbitration Association. Such demand for arbitration shall be submitted within 30 days of the determination of the Corporation. Upon receipt of such a demand for arbitration, the Association shall serve notice on the parties to the arbitration and on the Corporation, and shall immediately proceed with arbitration according to the commercial rules of the Association in effect at the time of the filing of the demand, except that—

(A) the arbitration panel shall consist of not less than three arbitrators, unless the parties to the proceeding mutually agree to a lesser number;

(B) the arbitration hearing shall take place at a site selected by the Association, unless the parties to the proceeding mutually agree to the use of another site; and

(C) the arbitration hearing shall be open to the public.

(2) The arbitrators in any arbitration are empowered to settle any dispute arising under the provisions of this chapter prior to making a final award, if mutually agreed to by the parties to the proceeding and achieved in a manner not inconsistent with the constitution and bylaws of the Corporation.

(3) Each contesting party may be represented by counsel or by any other duly authorized representative at the arbitration proceeding. The parties may offer any evidence which they desire and shall produce any additional evidence as the arbitrators believe necessary to an understanding and determination of the dispute. The arbitrators shall be the sole judges of the relevancy and materiality of the evidence offered. Conformity to legal rules of evidence shall not be necessary.

(4) All decisions by the arbitrators shall be by majority vote unless the concurrence of all is expressly required by the contesting parties.

(5) Final decision of the arbitrators shall be binding upon the involved parties, if such award is not inconsistent with the constitution and bylaws of the Corporation.

(6) The hearings may be reopened, by the arbitrators upon their own motion or upon the motion of any contesting party, at any time before a final decision is made, except that, if any contesting party makes such a motion, all parties to the decision must agree to reopen the hearings if such reopening would result in the arbitrators' decision being delayed beyond the specific period agreed upon at the beginning of the arbitration proceedings.

(Sept. 21, 1950, ch. 975, title II, § 205, as added Nov. 8, 1978, Pub. L. 95–606, § 2, 92 Stat. 3055.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 391 of this title.

§396. Jurisdiction of restricted amateur athletic competitions; national governing body sanction for international amateur athletic competitions

Any amateur sports organization which conducts amateur athletic competition, participation in which is restricted to a specific class of amateur athletes (such as high school students, college students, members of the Armed Forces, or similar groups or categories), shall have exclusive jurisdiction over such competition. If such an amateur sports organization wishes to conduct international amateur athletic competition to be held in the United States, or sponsor international amateur athletic competition to be held outside the United States, it shall obtain a sanction from the appropriate national governing body.

(Sept. 21, 1950, ch. 975, title II, §206, as added Nov. 8, 1978, Pub. L. 95–606, §2, 92 Stat. 3058.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 393 of this title.

CHAPTER 18—NATIONAL CONFERENCE OF STATE SOCIETIES, WASHINGTON, DISTRICT OF COLUMBIA

Sec.
401. Corporation created.
402. Purposes of corporation.
403. Powers of corporation.
404. Headquarters and principal office; territorial scope of activities; agent for service of process.
405. Membership.
406. Officers.
407. Board of representatives.
(a) Composition; powers.
(b) Election of officers; tenure.
(c) Composition of initial board.
408. Acquisition of assets and liabilities of existing organization.
409. Distribution of income or assets to members.
410. Propaganda activities prohibited.
411. Nonpolitical nature of corporation.
412. Liability for acts of officers and agents.
413. Books and records; inspection.
414. Prohibition against issuance of stock or payment of dividends.
415. Loans to officers; liability.
416. Repealed.
417. Use of assets on dissolution or liquidation.
418. Exclusive right to name, seals, emblems, and badges.
419. Agents for service of process.
420. ''State'' defined.
421. Reservation of right to amend or repeal chapter.

§401. Corporation created

The following named persons:

Honorable Albert Rains, Gadsden, Alabama; Miss Ruth James, Gadsden, Alabama; Hoyt G. Irving, 512 Hoatson Street, Warren, Arizona; Miss Mary Capps, Nogales, Arizona; Claude M. Hirst, Prescott, Arkansas; Mrs. Gertrude Scott, 1123 Stratford Avenue, South Pasadena, California; Howard W. Scott, Box 122, Palisade, Colorado; Benjamin Sherman, Hartford, Connecticut; Miss Catherine Flynn, Meriden, Connecticut; Honorable J. Caleb Boggs, 1250 Kynlyn Drive, Wilmington, Delaware; Mrs. Ruth F. Henderson, Seaford, Delaware; Charles A. Henderson, Seaford, Delaware; Charles G. Lavin, Jacksonville, Florida; Miss Utha Gray Smith, Orange Court Hotel, Orlando, Florida; Colonel K. N. Parkinson, Blackfoot, Idaho; Honorable Addison T. Smith, Twin Falls, Idaho;

Arnold M. Lederer, 5222 North Christiana Avenue, Chicago, Illinois; Miss Charlotte A. Marr, 6327 North Okato Avenue, Chicago, Illinois; Honorable Ralph Harvey, Rural Route 4, Newcastle, Indiana; Honorable Charles A. Halleck, 604 Jefferson Street, Rensselaer, Indiana; Mrs. Esther Costa, Indianapolis, Indiana; Honorable Bourke Blakemore Hickenlooper, Cedar Rapids, Iowa; Honorable Ben Franklin Jensen, Exira, Iowa; Honorable Andrew F. Schoeppel, 115 South Rutan Avenue, Wichita, Kansas; Charles H. Helsper, 1199 West Street, Topeka, Kansas; Robert W. Salyers, 1801 South Third Street, Louisville, Kentucky; F. M. Broussard, Lafayette, Louisiana; Paul Jones, Winfield, Louisiana; Honorable Homer E. Capehart, Capehart Farms, Washington, Indiana; Miss Pauline Pino, 2507 Boulevard, Las Vegas, New Mexico;

Honorable Charles P. Nelson, Waterville, Maine; Charles LeRoy Haines, 21 Pine Street, Ellsworth, Maine; Miss Dorothy Bigelow, Easton, Maine; Donald Larabee, Gorham, Maine; Mrs. Winifred H. Grant, Wayside, Maryland; William R. Clay, 3 Pooks Hill Lane, Bethesda, Maryland; Charles F. Sharkey, 31 Thurston Street, Somerville, Massachusetts; Mrs. Leona K. Knight, Bloomfield Hill, Michigan; Miss Hazel Ireman, 922 South State Street, Ann Arbor, Michigan; Honorable Ruth Thompson, 816 Division Street, White Hall, Michigan; James A. Davis, 2027 Twenty-ninth Avenue, Meridian, Mississippi; Mrs. Donald Osborne Hays, Flora, Mississippi; Paul D. Best, Tunica, Mississippi;

Eric G. Jannson, 5738 Walsh Street, Saint Louis, Missouri; Clarence McCune, 6425 McGee Boulevard, Kansas City, Missouri; Lawrence Scheewe, 540 Hillsdale Avenue, Helena, Montana; Miss Molly Clasby, Missoula, Montana; Miss Jessie Stearns, Lincoln, Nebraska; Walter R. Johnson, Omaha, Nebraska; William F. McMenamin, 1131 Ralston Street, Reno, Nevada; Miss Mildred Latham, 29 East First Street, Reno, Nevada; William J. Fleming, 45 North Stenton Street, Atlantic City, New Jersey; Ralph G. Denn, Rio Grande, New Jersey; Arthur Angel, 926 South Pacific, Las Vegas, New Mexico;

Wilfred S. Dowling, 330 West Seventy-sixth Street, New York, New York; Miss Marie T. Dowling, 1882 DeKalb Avenue, Ridgewood, Brooklyn, New York; John K. Slear, 511 North Church Street, Charlotte, North Carolina; Mrs. W. Ney Evans, High Point, North Carolina; Peter Valiar, Winston-Salem, North Carolina; John S. Bartlett, 458 Moreley Avenue, Akron, Ohio; Carl M. Walker, Pierre, South Dakota; Miss Iva Van Horn, Kennebec, South Dakota; William L. Covington, 1510 Gale Avenue, Nashville, Tennessee; D. C. Scott Daniel, Paris, Tennessee; W. M. Burkhalter, McKenzie, Tennessee; Miss Bessie D. Thrasher, 2308 Highland Avenue, Nashville, Tennessee; Maurice R. Barnes, Kaysville, Utah; Don Cassidy, Tooele, Utah; Robert W. Barker, 1217 Washington Boulevard, Ogden, Utah; John Y. Merrell, Brigham City, Utah; Miss Dorothy Hurley, Saint Albans, Vermont;

Captain George P. Grove, 3608 North Albemarle Street, Arlington, Virginia; Mrs. Grace Montgomery, 301 Bellview Boulevard, Alexandria, Virginia; Colonel Heber H. Rice, 206 West Eleventh Avenue, Huntington, West Virginia; Willis G. Kemper, 45 Maple Avenue, Morgantown, West Virginia; Honorable Harley M. Kilgore, Beckley, West Virginia; Honorable J. R. Farrington, 3180 Pacific Heights Road, Honolulu, Hawaii; Mrs. Margaret C. Turner, 607 Stangenwald Building, Honolulu, Hawaii; Ray E. Davis, Melbourne, Arkansas; George A. Herman, 11 Crocker Road, Medford, Massachusetts; Kenneth W. Ingwalson, Little Falls, Minnesota; J. F. Caprenter, Crookston, Minnesota; Earl Cox, 17 Alfaretta Avenue, Akron, Ohio; John M. King, 1318 Northwest Ninety-first Street, Oklahoma City, Oklahoma;

Kenneth N. Hardy, Edmond, Oklahoma; Keith Hall, 808 North Holman Street, Portland, Oregon; Miss Pherne Miller, Eugene, Oregon; Honorable O. E. Teague, Bryan, Texas; L. Tex Easley, 1106 Wesleyan Avenue, Fort Worth, Texas; Honorable William K. Van Pelt, 47 Oak Lawn Avenue, Fond du Lac, Wisconsin; Walter Haefs, Oshkosh, Wisconsin; H. Mills Astin, 815 East Fifth Street, Casper, Wyoming; Miss Marian Jones, Lingle, Wyoming; Honorable John J. Allen, Junior, Oakland, California; Milo Palmer, Concord, New Hampshire; Miss Victoria E. Dobroska, 78 Temple Street, Nashua, New Hampshire; Major General Floyd L. Parks, Greenville, South Carolina; Reverend J. Warren Hastings, Seattle, Washington;

and other persons who are members of the Conference of State Societies, Washington. District of Columbia, their successors, and persons admitted to membership pursuant to the provisions of this chapter, are created and declared to be a body corporate by the name of the ''National Conference of State Societies, Washington, District of Columbia'', and by such name shall be known and have perpetual succession and the powers, limitations, and restrictions contained in this chapter.

(Apr. 3, 1952, ch. 131, § 1, 66 Stat. 37; July 5, 1968, Pub. L. 90–382, § 1(1), 82 Stat. 292.)

AMENDMENTS

1968—Pub. L. 90–382 redesignated the Conference of State Societies as the National Conference of State Societies.

§ 402. Purposes of corporation

The purposes of this corporation shall be to promote friendly and cooperative relations between the various State and Territorial societies in the District of Columbia, and to foster, participate in, and encourage educational, cultural, charitable, civic, and patriotic programs, and activities in the District of Columbia and surrounding communities, to act as contact agent with States for carrying out State and National programs.

(Apr. 3, 1952, ch. 131, § 2, 66 Stat. 38.)

§ 403. Powers of corporation

The corporation shall have the following powers:

(a) To sue and be sued, complain and defend in any court of competent jurisdiction;

(b) To adopt, alter, and use a corporate seal;

(c) To choose such officers, managers, and agents as the business of the corporation may require;

(d) To ordain and establish bylaws and regulations, not inconsistent with the laws of the United States of America or of any State in which the corporation operates, for the management of its property and the regulation of its affairs;

(e) To contract and be contracted with;

(f) To take and hold by lease, gift, purchase, grant, devise, or bequest any property, real or personal, necessary for carrying into effect the purposes of the corporation, subject to applicable provisions of law of any State (1) governing the amount or kind of real and personal property which may be held by, or (2) otherwise limiting or controlling the ownership of real and personal property by, a corporation operating in such State;

(g) To transfer or convey real or personal property;

(h) To borrow money for the purposes of the corporation, issue notes, bonds, or other evidences of indebtedness therefor, and secure the same by mortgage, subject in every case to all applicable provisions of Federal or State law;

(i) To use and display such emblems and badges as it may adopt;

(j) To publish a newspaper, magazine, or other publication consistent with its corporate purposes;

(k) To do any and all acts necessary and proper to carry out the purposes of the corporation.

(Apr. 3, 1952, ch. 131, § 3, 66 Stat. 38.)

§ 404. Headquarters and principal office; territorial scope of activities; agent for service of process

(a) The headquarters and principal offices of the corporation shall be located in Washington, District of Columbia, but the activities of the corporation shall not be confined to that place, but may be conducted throughout the various States and Territories of the United States.

(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, such designation to be filed in the office of the clerk of the United States District Court for the District of Columbia. Notice to, or service upon, such agent, or mailed to the address of such agent, shall be deemed sufficient notice or service upon the corporation.

(Apr. 3, 1952, ch. 131, § 4, 66 Stat. 39.)

§ 405. Membership

The membership of the corporation shall be made up of the members of the various State and Territorial societies in the District of Columbia. Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this chapter, be determined according to the regulations and bylaws of the corporation.

(Apr. 3, 1952, ch. 131, § 5, 66 Stat. 39.)

§406. Officers

The officers of the corporation shall be a president, first vice president, second vice president, secretary, assistant secretary, treasurer, assistant treasurer, historian, and such other officers as may be designated by the governing body.

(Apr. 3, 1952, ch. 131, §6, 66 Stat. 39.)

§407. Board of representatives

(a) Composition; powers

The governing body of the corporation shall be a board of representatives which shall consist of one representative from each State society and Territorial society in the District of Columbia. Such board of representatives shall exercise the powers herein granted to the corporation, and each member of such board shall have one vote upon all matters determined.

(b) Election of officers; tenure

The officers shall be elected by such board of representatives at an annual meeting and shall serve for a term of one year.

(c) Composition of initial board

The first board of representatives shall be composed of the following:

Chairman, Charles LeRoy Haines; first vice chairman, Lawrence Scheewe; second vice chairman, Mrs. Esther Costa; secretary, Miss Bessie D. Thrasher; assistant secretary, Miss Dorothy Bigelow; treasurer, Mrs. Charles Henderson; regional directors, William J. Fleming, chairman; region I, Miss Catherine Flynn; region II, William Clay; region III, John Slear; region IV, James A. Davis; region V, Arnold M. Lederer; region VI, Miss Carlotta Reedy; region VII, Claude M. Hirst; region VIII, Major Robert Joy; region IX, Colonel K. N. Parkinson.

Ray E. Davis, Hoyt G. Irving, Mrs. Gertrude J. Scott, John J. Shaforth, Miss Utha Gray Smith, Ernest W. Ellis, Gertrude L. Groman, Mrs. Edna Rose Pearson, Mrs. Donald O. Hays, James H. Pearson, William McMenamin, Wilfred S. Dowling, John S. Bartlett, Mrs. Maurine Howard Abernathy, Carl M. Walker, Don Cassidy, William Garnett Lee, Walter Haefs, Heber H. Rice, Miss Marion Jones, Miss Dorothy Hurley, Charles F. Sharkey, Arthur Angel, Ralph A. Patterson, Miss Hazel Ireman.

(Apr. 3, 1952, ch. 131, §7, 66 Stat. 39.)

§408. Acquisition of assets and liabilities of existing organization

The corporation may acquire any or all of the assets of the existing organization known as the Conference of State Societies, Washington, District of Columbia, upon discharging or providing for the payment and discharge of all its liabilities; and shall promptly file with the Congress full information with respect to such discharge provisions.

(Apr. 3, 1952, ch. 131, §8, 66 Stat. 40.)

§409. Distribution of income or assets to members

No part of the income or assets of the corporation shall inure or be distributable to any member or officer thereof except upon dissolution and final liquidation of the corporation as provided in section 417 of this title.

(Apr. 3, 1952, ch. 131, §9, 66 Stat. 40.)

§410. Propaganda activities prohibited

No part of the activities of the corporation shall consist of carrying on propaganda.

(Apr. 3, 1952, ch. 131, §10, 66 Stat. 40.)

§411. Nonpolitical nature of corporation

The corporation, and its members and officers as such, shall not contribute to or otherwise support or assist any political party or candidate for elective public office.

(Apr. 3, 1952, ch. 131, §11, 66 Stat. 40.)

§412. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Apr. 3, 1952, ch. 131, §12, 66 Stat. 40.)

§413. Books and records; inspection

The corporation shall keep current and complete books and records of account and shall also keep minutes of the proceedings of its members and of the board of representatives or committees having any authority of the board of representatives. It shall keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member or his agent or attorney for any proper purpose at any reasonable time.

(Apr. 3, 1952, ch. 131, §13, 66 Stat. 40.)

§414. Prohibition against issuance of stock or payment of dividends

The corporation shall not have or issue any shares of stock, nor declare or pay any dividends.

(Apr. 3, 1952, ch. 131, §14, 66 Stat. 40.)

§415. Loans to officers; liability

The corporation shall not make any loans to its officers or members of the board of representatives. Any officer or board of representatives member who votes for or assents to the making of a loan or advance to an officer or board of representatives member, and any officer or board of representatives member who participates in the making of such a loan or advance, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

(Apr. 3, 1952, ch. 131, §15, 66 Stat. 40.)

§416. Repealed. Pub. L. 88–504, §4(17), Aug. 30, 1964, 78 Stat. 637

Section, act Apr. 3, 1952, ch. 131, §16, 66 Stat. 40, related to audit of financial transactions and report of such audit to Congress. See sections 1101 to 1103 of this title.

§417. Use of assets on dissolution or liquidation

Upon final dissolution or liquidation of the corporation, and after the discharge or satisfac-

tion of all outstanding obligations and liabilities, the remaining assets of the corporation shall be divided equally among the State and Territorial societies in the District of Columbia.

(Apr. 3, 1952, ch. 131, § 17, 66 Stat. 41.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 409 of this title.

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

The Corporation shall have the exclusive right to use, in carrying out its purposes, the name, ''National Conference of State Societies, Washington, District of Columbia,'' and such seals, emblems, and badges as it may adopt.

(Apr. 3, 1952, ch. 131, § 18, 66 Stat. 41; July 5, 1968, Pub. L. 90–382, § 1(2), 82 Stat. 292.)

AMENDMENTS

1968—Pub. L. 90–382 substituted ''National Conference of State Societies, Washington, District of Columbia'' for ''Conference of State Societies, Washington, D.C.''

§ 419. Agents for service of process

As a condition precedent to the exercise in any State of any power or privilege granted or conferred by this chapter, the corporation shall serve notice upon the secretary of state, or similar officer, of any such State of the name and address of an authorized agent in such State upon whom legal process or demands against the corporation may be served.

(Apr. 3, 1952, ch. 131, § 19, 66 Stat. 41.)

§ 420. "State" defined

As used in this chapter the word State includes the District of Columbia.

(Apr. 3, 1952, ch. 131, § 20, 66 Stat. 41.)

§ 421. Reservation of right to amend or repeal chapter

The right to repeal, alter, or amend this chapter at any time is expressly reserved.

(Apr. 3, 1952, ch. 131, § 21, 66 Stat. 41.)

CHAPTER 19—CORREGIDOR BATAAN MEMORIAL COMMISSION

§ 426. Omitted

CODIFICATION

Section, acts Aug. 5, 1953, ch. 326, 67 Stat. 366; Aug. 9, 1955, ch. 658, 69 Stat. 589; Aug. 28, 1957, Pub. L. 85–179, 71 Stat. 457; July 25, 1958, Pub. L. 85–556, §§ 1, 2, 72 Stat. 416, 417; Dec. 23, 1963, Pub. L. 88–240, § 1, 77 Stat. 477; Aug. 19, 1964, Pub. L. 88–448, title IV, § 402(a)(31), 78 Stat. 495, authorized the President to appoint a Commission to be known as the Corregidor Bataan Memorial Commission, which Commission terminated pursuant to section 2 of Pub. L. 88–240, set out below.

TERMINATION OF COMMISSION

Pub. L. 88–240, § 2, Dec. 23, 1963, 77 Stat. 477, provided that the Corregidor Bataan Memorial Commission would cease to exist upon completion of the construction authorized by Pub. L. 88–240, or on May 6, 1967, at the latest.

CHAPTER 20—NATIONAL CONFERENCE ON CITIZENSHIP

Sec.
431. Corporation created.
432. Completion of organization.
433. Objects and purposes of corporation.
434. Powers of corporation.
435. Headquarters and principal office; territorial scope of activities; agent for service of process.
436. Membership; voting rights.
437. National officers.
438. Board of Directors.
(a) Composition.
(b) Election.
(c) Meetings.
(d) Executive committee.
(e) Executive director; professional staff members.
439. Distribution of income or assets to members; loans.
440. Nonpolitical nature of corporation.
441. Liability for acts of officers and agents.
442. Prohibition against issuance of stock or payment of dividends.
443. Books and records; inspection.
444. Repealed.
445. Use of assets on dissolution or liquidation.
446. Exclusive right to name, emblems, seals, and badges.
447. Reservation of right to amend or repeal chapter.

§ 431. Corporation created

The following persons: Robert N. Anderson, Arlington, Virginia; Emma Mae Brotze, Marshall, Texas; Leo M. Cadison, Asheville, North Carolina; Thomas F. Clear, Stamford, Connecticut; Earle T. Hawkins, Towson, Maryland; Carl B. Hyatt, Rockville, Maryland; Richard B. Kennan, Chevy Chase, Maryland; and Justin Miller, Pacific Palisades, California, are created a body corporate by the name of the National Conference on Citizenship (hereinafter referred to as the ''corporation'') and by such name shall be known and have perpetual succession and the powers and limitations contained in this chapter.

(Aug. 13, 1953, ch. 427, § 1, 67 Stat. 562.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 432, 437 of this title.

§ 432. Completion of organization

The persons named in section 431 of this title are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of regulations and bylaws and the doing of such other acts as may be necessary for such purpose.

(Aug. 13, 1953, ch. 427, § 2, 67 Stat. 562.)

§ 433. Objects and purposes of corporation

The objects and purposes of the corporation shall be—

(1) to hold annually a national conference on citizenship on or about ''Citizenship Day'', September 17;

(2) to assist in the development of more dynamic procedures for making citizenship more effective, including the promotion and encouragement of local, State, and regional citizenship conferences; and

(3) to indicate the ways and means by which various organizations may contribute con-

cretely to the development of a more active, alert, enlightened, conscientious, and progressive citizenry in our country.

(Aug. 13, 1953, ch. 427, § 3, 67 Stat. 562.)

§ 434. Powers of corporation

The corporation shall have power—

(1) to sue and be sued, complain, and defend in any court of competent jurisdiction;

(2) to adopt, alter, and use a corporate seal;

(3) to choose such officers, managers, agents, and employees as the business of the corporation may require;

(4) to adopt, amend, and alter bylaws and regulations, not inconsistent with the laws of the United States or any State in which such corporation is to operate, for the management of its property and the regulation of its affairs, including the establishment and maintenance of local and State conferences on citizenship;

(5) to contract and be contracted with;

(6) to take and hold by lease, gift, purchase, grant, devise, or bequest any property, real or personal, necessary for attaining the objects and accomplishing the purposes of the corporation, subject to applicable provisions of law of any State (a) governing the amount or kind of real and personal property which may be held by, or (b) otherwise limiting or controlling the ownership of real and personal property by a corporation operating in such State;

(7) to transfer and convey real or personal property;

(8) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, subject to all applicable provisions of Federal or State law;

(9) to use the corporate funds to give prizes, or awards, to citizens for outstanding contributions toward the achievement of the purposes of the corporation;

(10) to publish a magazine or other publication consistent with its corporate purposes;

(11) to use and display such emblems and badges as it may adopt; and

(12) to do any and all acts and things necessary and proper to carry out the objects and purposes of the corporation.

(Aug. 13, 1953, ch. 427, § 4, 67 Stat. 562.)

§ 435. Headquarters and principal office; territorial scope of activities; agent for service of process

(a) The headquarters and principal offices of the corporation shall be located in the District of Columbia, or in the States of Maryland or Virginia, but the activities of the corporation shall not be confined to these places but may be conducted throughout the various States, Territories, and possessions of the United States.

(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, such designation to be filed in the office of the clerk of the United States District Court for the District of Columbia. Notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed sufficient notice or service upon the corporation.

(Aug. 13, 1953, ch. 427, § 5, 67 Stat. 563.)

§ 436. Membership; voting rights

Membership in the corporation shall be confined to agencies and organizations and the rights and privileges of membership shall, except as otherwise provided in this chapter, be prescribed by the bylaws of the corporation. In the conduct of the business of the annual national conference on citizenship each agency or organization sending delegates to, and participating in such conference shall have one vote.

(Aug. 13, 1953, ch. 427, § 6, 67 Stat. 563.)

§ 437. National officers

(a) The national officers shall be a president, who shall serve as chairman of the board of directors and of the executive committee, a first vice president, a second vice president, a third vice president, a secretary, and a treasurer, to be selected from the officers and members of the member agencies or organizations participating in the conference.

(b) For the purposes of initiating the corporation, the national officers shall be elected within ten days of August 13, 1953, by the persons named in section 431 of this title, to serve until the final session of the next following annual conference. Thereafter, the national officers of the corporation shall be elected biennially by a majority vote of the agencies and organizations sending delegates to, and participating in the annual conference, one vote to each such agency and to each such organization.

(Aug. 13, 1953, ch. 427, § 7, 67 Stat. 563.)

§ 438. Board of Directors

(a) Composition

From August 13, 1953, until the final session of the next following annual conference, the governing body of the corporation, which shall exercise the powers herein granted to the corporation, shall be the persons named in section 431 of this title and such additional persons as shall be named by them. Thereafter, the governing body of the corporation shall be a board of directors consisting of such number (not less than ten including ex officio members) as the bylaws may prescribe. The Board of Directors shall be selected from the officers or members of the member agencies or organizations participating in the conference.

(b) Election

The members of the board of directors shall be elected for such term as the bylaws shall prescribe by a majority vote of the agencies and organizations sending delegates to, and participating in the annual conference, one vote to each such agency and to each such organization.

(c) Meetings

The board shall meet at least once each year at such time and place as may be prescribed by the bylaws. The annual report of the board shall be presented at such meeting. Special meetings of the board may be called as prescribed by the bylaws.

(d) Executive committee

The board shall designate three of its own members, who together with the president and the three vice presidents shall constitute the executive committee which, when the board is not in session, shall have and exercise the powers of the board subject to its direction and have the power to authorize the seal of the corporation to be affixed to all papers which may require it.

(e) Executive director; professional staff members

An executive director for the corporation shall be selected by the executive committee in keeping with qualifications and terms of employment adopted by such committee. Other professional staff members shall be nominated by the executive director and approved by the executive committee.

(Aug. 13, 1953, ch. 427, § 8, 67 Stat. 564.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 439 of this title.

§ 439. Distribution of income or assets to members; loans

(a) No part of the income or assets of the corporation shall inure to any member, officer, or director, or be distributable to any such person, agency, or organization except upon dissolution or final liquidation of the corporation as provided in section 445 of this title. Nothing in this subsection, however, shall be construed to prevent the executive committee from adopting terms of employment of the executive director as prescribed by section 438(e) of this title.

(b) The corporation shall not make loans to its officers, directors, or employees. Any director who votes for or assents to the making of a loan to an officer, director, or employee of the corporation, and any officer who participates in the making of such loan shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

(Aug. 13, 1953, ch. 427, § 9, 67 Stat. 564.)

§ 440. Nonpolitical nature of corporation

The corporation, and its members, officers, and directors, as such, shall not contribute to or otherwise support or assist any political party or candidate for elective public office, nor advocate, sponsor, or promote legislation in the Congress of the United States or in the legislatures of the several States.

(Aug. 13, 1953, ch. 427, § 10, 67 Stat. 564.)

§ 441. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Aug. 13, 1953, ch. 427, § 11, 67 Stat. 565.)

§ 442. Prohibition against issuance of stock or payment of dividends

The corporation shall have no power to issue any shares of stock, nor to declare or pay any dividends, its objects and purposes being solely patriotic and educational.

(Aug. 13, 1953, ch. 427, § 12, 67 Stat. 565.)

§ 443. Books and records; inspection

The corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of the annual conference, the board of directors, and committees having any authority under the board of directors; and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote or his agent or attorney at any reasonable time.

(Aug. 13, 1953, ch. 427, § 13, 67 Stat. 565.)

§ 444. Repealed. Pub. L. 88–504, § 4(18), Aug. 30, 1964, 78 Stat. 637

Section, act Aug. 13, 1953, ch. 427, § 14, 67 Stat. 565, related to audit of financial transactions and report of such audit to the Comptroller General. See sections 1101 to 1103 of this title.

§ 445. Use of assets on dissolution or liquidation

Upon final dissolution or liquidation of the corporation, and after the discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation shall be transferred by the board of directors to some recognized agency or agencies engaged in the furtherance and advancement of citizenship.

(Aug. 13, 1953, ch. 427, § 15, 67 Stat. 565.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 439 of this title.

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

The corporation shall have the sole and exclusive right to use the name, the National Conference on Citizenship, and such emblems, seals, and badges as the corporation may lawfully adopt.

(Aug. 13, 1953, ch. 427, § 16, 67 Stat. 565.)

§ 447. Reservation of right to amend or repeal chapter

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

(Aug. 13, 1953, ch. 427, § 17, 67 Stat. 565.)

CHAPTER 21—NATIONAL SAFETY COUNCIL

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461. Corporation created.
462. Completion of organization.
463. Objects and purposes of corporation.
464. Powers of corporation.
465. Principal office; territorial scope of activities; agent for service of process.
466. Membership; voting rights.
467. Board of directors.
(a) Composition of initial board.
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468. Officers.
469. Trustees; powers.
470. Distribution of income or assets to members; loans.

Sec.
471. Nonpolitical nature of corporation.
472. Liability for acts of officers and agents.
473. Prohibition against issuance of stock or payment of dividends.
474. Books and records; inspection.
475. Repealed.
476. Use of assets on dissolution or liquidation.
477. Exclusive right to name, emblems, seals, and badges.
478. Acquisition of assets and liabilities of existing corporation.
479. Reservation of right to amend or repeal chapter.

§ 461. Corporation created

Melvin H. Baker, Lawrence D. Bell, James B. Black, S. Bruce Black, Morgan B. Brainard, John W. Carpenter, Ray Carr, William G. Chandler, Kenneth B. Colman, Frederick C. Crawford, Walter J. Cummings, Richard R. Deupree, Benjamin F. Fairless, Wallace Falvey, Francis J. Gavin, George A. Jacoby, George E. Leighty, Horace P. Liversidge, Henry E. North, Thomas I. Parkinson, A. V. Rohweder, William A. Simpson, Lee E. Skeel, W. A. Stewart, John Stilwell, J. E. Trainer, and Juan T. Trippe are created and declared to be a body corporate by the name of National Safety Council, hereinafter called the corporation, and by such name shall be known and have perpetual succession and the powers and limitations contained in this chapter.

(Aug. 13, 1953, ch. 429, § 1, 67 Stat. 569.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 462 of this title.

§ 462. Completion of organization

The persons named in section 461 of this title are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of a constitution and bylaws, not inconsistent with this chapter, and the doing of such other acts as may be necessary for such purpose.

(Aug. 13, 1953, ch. 429, § 2, 67 Stat. 569.)

§ 463. Objects and purposes of corporation

The objects and purposes of the corporation shall be—

(1) to further, encourage, and promote methods and procedures leading to increased safety, protection, and health among employees and employers and among children, in industries, on farms, in schools and colleges, in homes, on streets and highways, in recreation, and in other public and private places;

(2) to collect, correlate, publish, distribute, and disseminate educational and informative data, reports, and all other data relative to safety methods and procedures;

(3) to arouse and maintain the interest of the people of the United States, its Territories and possessions in safety and in accident prevention, and to encourage the adoption and institution of safety methods by all persons, corporations, and other organizations;

(4) to organize, establish, and conduct programs, lectures, conferences, and other activities for the education of all persons, corporations, and other organizations in safety methods and procedures;

(5) to organize, and to aid in the organization of, local safety chapters throughout the United States, its Territories and possessions, and to provide organizational guidance and materials to promote the national safety;

(6) to cooperate with, enlist, and develop the cooperation of and between all persons, corporations, and other organizations and agencies, both public and private, engaged or interested in, or in any manner connected with, any or all of the foregoing purposes; and

(7) to do any and all lawful acts which may be necessary, useful, suitable, desirable, and proper for the furtherance, accomplishment, and attainment of any or all of the foregoing purposes.

(Aug. 13, 1953, ch. 429, § 3, 67 Stat. 569.)

§ 464. Powers of corporation

The corporation shall have power—

(1) to sue and be sued, complain, and defend in any court of competent jurisdiction;

(2) to adopt, alter, and use a corporate seal;

(3) to choose such officers, directors, trustees, managers, agents, and employees as the business of the corporation may require;

(4) to adopt, amend, and alter a constitution and bylaws, not inconsistent with the laws of the United States or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;

(5) to contract and be contracted with;

(6) to charge and collect membership dues, subscription fees, and receive contributions or grants of money or property to be devoted to the carrying out of its purposes;

(7) to take and hold by lease, gift, purchase, grant, devise, or bequest any property, real or personal, necessary for attaining the objects and carrying into effect the purposes of the corporation, subject to applicable provisions of law in any State (a) governing the amount or kind of real and personal property which may be held by, or (b) otherwise limiting or controlling the ownership of real or personal property by a corporation operating in such State;

(8) to transfer, encumber, and convey real or personal property;

(9) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, subject to all applicable provisions of Federal or State law;

(10) to use the corporate funds to give prizes, awards, or other evidences of merit or recognition to persons, organizations, associations, or corporations, public or private, for outstanding contributions toward the achievement of the purposes of the corporation;

(11) to publish magazines and other publications and materials, whether periodic or occasional, consistent with its corporate purposes;

(12) to organize, establish, and conduct conferences on safety and accident prevention;

(13) to adopt, alter, use, and display such emblems, seals, and badges as it may adopt;

(14) to establish and maintain offices for the conduct of its business, and to charter local,

State, and regional safety organizations, and to establish, regulate, and discontinue departmental subdivisions and local, State, and regional chapters in appropriate places throughout the United States, its Territories and possessions; and

(15) to do any and all acts and things necessary and proper to carry out the objects and purposes of the corporation and, for such purpose, the corporation shall also have, in addition to the foregoing in this section and subsection, the rights, powers, duties, and liabilities of the existing corporation referred to in section 478 of this title as far as they are not modified or superseded by this chapter.

(Aug. 13, 1953, ch. 429, § 4, 67 Stat. 570.)

§ 465. Principal office; territorial scope of activities; agent for service of process

(a) The principal office of the corporation shall be located in Chicago, Illinois, or in such other place as may later be determined by the board of directors, but the activities of the corporation shall not be confined to that place and may be conducted throughout the various States, Territories, and possessions of the United States.

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

(Aug. 13, 1953, ch. 429, § 5, 67 Stat. 570.)

§ 466. Membership; voting rights

(a) Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this chapter, be determined as the constitution and bylaws of the corporation may provide.

(b) Each member of the corporation, other than honorary and sustaining members, shall have the right to one vote on each matter submitted to a vote at all meetings of the members of the corporation. The corporation may, by its constitution and bylaws, provide for additional voting rights in accordance with dues paid.

(Aug. 13, 1953, ch. 429, § 6, 67 Stat. 571.)

§ 467. Board of directors

(a) Composition of initial board

Upon enactment of this chapter the membership of the initial board of directors of the corporation shall consist of the present members of the board of directors of the National Safety Council, Inc., referred to in section 478 of this title, or such of them as may then be living and are qualified directors of that corporation, to wit—E. F. du Pont, Wilmington, Delaware; Franklin M. Kreml, Evanston, Illinois; A. F. Allen, Dallas, Texas; J. I. Banash, West Los Angeles, California; William B. Barton, Washington, District of Columbia; C. W. Bergquist, Indianapolis, Indiana; R. A. L. Bogan, Chicago, Illinois; Norman E. Borgerson, Lansing, Michigan; Harry H. Brainerd, Pittsburgh, Pennsylvania; Fred W. Braun, Wausau, Wisconsin; Theo Brown, Moline, Illinois; E. J. Buhner, Louisville, Kentucky; Alfred W. Cantwell, Washington, District of Columbia; Ray Carr, Portland, Oregon; Jesse Clark, Chicago, Illinois; Reginald M. Cleveland, New York, New York; William L. Connolly, Washington, District of Columbia; Doctor B. L. Corbett, Milwaukee, Wisconsin; Charles R. Cos, New York, New York; Ernest G. Cox, Washington, District of Columbia; R. S. Damon, Kansas City, Missouri; Ned H. Dearborn, Chicago, Illinois; J. Dewey Dorsett, New York, New York; E. F. du Pont, Wilmington, Delaware; Martin P. Durkin, Washington, District of Columbia; Wallace Falvey, Boston, Massachusetts; Kirk Fox, Des Moines, Iowa; C. H. Gallaway, Southbridge, Massachusetts; George F. Getz, Junior, Chicago, Illinois; Gordon C. Graham, Detroit, Michigan; Howard Gramlich, Chicago, Illinois; W. Earl Hall, Mason City, Iowa; R. A. Harschnek, Chicago, Illinois; O. R. Hartwig, Portland, Oregon; Doctor Herold C. Hunt, Chicago, Illinois; Harold P. Jackson, Newark, New Jersey; George A. Jacoby, Detroit, Michigan; Mrs. George W. Jaqua, Winchester, Indiana; Joseph M. Kaplan, Los Angeles, California; E. W. Kempton, Pittsburgh, Pennsylvania; Mrs. Fred W. Knight, Cartersville, Georgia; Franklin M. Kreml, Evanston, Illinois; Walter G. Legge, New York, New York; Boyd Lewis, New York, New York; Thomas H. MacDonald, College Station, Texas; Miss Marion E. Martin, Augusta, Maine; I. W. Millard, Danville, Illinois; Harry M. Moses, Washington, District of Columbia; D. E. Mumford, New York, New York; Hallie L. Myers, Indianapolis, Indiana; Guy L. Noble, Chicago, Illinois; Henry E. North, San Francisco, California; Clifton W. Phalen, Detroit, Michigan; Harry L. Powell, Milwaukee, Wisconsin; Harry Read, Washington, District of Columbia; A. V. Rohweder, Duluth, Minnesota; Robert T. Ross, Dearborn, Michigan; Doctor K. Frances Scott, Northampton, Massachusetts; Honorable Lee E. Skeel, Cleveland, Ohio; Robert R. Snodgrass, Atlanta, Georgia; Leslie J. Sorenson, Chicago, Illinois; Doctor H. J. Stack, New York, New York; J. C. Stennett, Chicago, Illinois; W. A. Stewart, Southbridge, Massachusetts; Miss Judith Waller, Chicago, Illinois; Mrs. George Welles, Junior, Duluth, Minnesota; Doctor George M. Wheatley, New York, New York; E. C. Woodward, Milwaukee, Wisconsin; and Doctor William P. Yant, Pittsburgh, Pennsylvania.

(b) Composition of subsequent boards; tenure

Thereafter, the board of directors of the corporation shall consist of such number (not less than fifteen), shall be selected in such manner (including the filling of vacancies), and shall serve for such term as may be prescribed in the constitution and bylaws of the corporation.

(c) Duties

The board of directors shall be the governing board of the corporation and shall, during the intervals between corporation meetings, be responsible for the general policies and program of the corporation. The board shall be responsible for all finance except as provided for in section 469 of this title.

(Aug. 13, 1953, ch. 429, § 7, 67 Stat. 571.)

§ 468. Officers

(a) The officers of the corporation shall be a chairman of the board of directors, a president, three or more vice presidents (as may be prescribed in the constitution and bylaws of the corporation), a secretary, a treasurer, and an executive vice president. The duties of the officers shall be as prescribed in the constitution and bylaws of the corporation.

(b) Officers, except the executive vice president, shall be elected annually at the annual meeting of the corporation. The executive vice president shall be elected by the board of directors in such manner as may be prescribed by the constitution and bylaws of the corporation.

(Aug. 13, 1953, ch. 429, § 8, 67 Stat. 572.)

§ 469. Trustees; powers

There shall be trustees, whose number (not less than fifteen), method of selection, and term of office shall be as the constitution and bylaws of the corporation may prescribe. The trustees shall have full power and control over such contributed funds as may be raised by them.

(Aug. 13, 1953, ch. 429, § 9, 67 Stat. 572.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 467 of this title.

§ 470. Distribution of income or assets to members; loans

(a) No part of the income or assets of the corporation shall inure to any member, officer, or director, or be distributable to any such person otherwise than upon dissolution or final liquidation of the corporation as provided in section 476 of this title. Nothing in this subsection, however, shall be construed to prevent the payment of compensation to officers of the corporation in amounts approved by the executive committee of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any director who votes for or assents to the making of a loan to an officer, director, or employee of the corporation, and any officer who participates in the making of such loan, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

(Aug. 13, 1953, ch. 429, § 10, 67 Stat. 572.)

§ 471. Nonpolitical nature of corporation

The corporation, and its officers, directors, and duly appointed agents as such, shall not contribute to or otherwise support or assist any political party or candidate for office.

(Aug. 13, 1953, ch. 429, § 11, 67 Stat. 573.)

§ 472. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Aug. 13, 1953, ch. 429, § 12, 67 Stat. 573.)

§ 473. Prohibition against issuance of stock or payment of dividends

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

(Aug. 13, 1953, ch. 429, § 13, 67 Stat. 573.)

§ 474. Books and records; inspection

The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having any of the authority of the board of directors; and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

(Aug. 13, 1953, ch. 429, § 14, 67 Stat. 573.)

§ 475. Repealed. Pub. L. 88–504, § 4(19), Aug. 30, 1964, 78 Stat. 637

Section, act Aug. 13, 1953, ch. 429, § 15, 67 Stat. 573, related to audit of financial transactions and report of such audit to Congress. See sections 1101 to 1103 of this title.

§ 476. Use of assets on dissolution or liquidation

Upon final dissolution or liquidation of the corporation, and after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation may be distributed in accordance with the determination of the board of directors of the corporation and in compliance with the constitution and bylaws of the corporation and all Federal and State laws applicable thereto.

(Aug. 13, 1953, ch. 429, § 16, 67 Stat. 573.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 470 of this title.

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

The corporation, and its subordinate divisions and regional, State, and local chapters, shall have the sole and exclusive right to use the name, National Safety Council. The corporation shall have the exclusive and sole right to use, or to allow or refuse the use of, such emblems, seals, and badges as it may legally adopt, and such emblems, seals, and badges as have heretofore been used by the Illinois corporation referred to in section 478 of this title in carrying out its program, it being distinctly understood, however, that nothing in this chapter shall interfere or conflict with established or vested rights.

(Aug. 13, 1953, ch. 429, § 17, 67 Stat. 574.)

§ 478. Acquisition of assets and liabilities of existing corporation

The corporation may acquire the assets of the National Safety Council, Incorporated, a corporation organized under the laws of the State of Illinois, upon discharging or satisfactorily providing for the payment and discharge of all of the liability of such corporation and upon complying with all laws of the State of Illinois applicable thereto.

(Aug. 13, 1953, ch. 429, § 18, 67 Stat. 574.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 464, 467, 477 of this title.

§ 479. Reservation of right to amend or repeal chapter

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

(Aug. 13, 1953, ch. 429, § 19, 67 Stat. 574.)

CHAPTER 22—PERSHING HALL MEMORIAL FUND

Sec.
491. Creation of fund; investments; payments to American Legion.
492. Repealed.
493. Transfer of Pershing Hall to jurisdiction, custody, and control of Department of Veterans Affairs.
(a) In general.
(b) Administration.
(c) Leases.
(d) Fund.
(e) Waiver.

§ 491. Creation of fund; investments; payments to American Legion

Any balance remaining from the sum of $482,032.92 authorized to be appropriated, by the Secretary of the Treasury, by section 1 of the Act approved June 28, 1935, chapter 323, 49 Stat. 426, for effecting a settlement of any indebtedness connected with Pershing Hall, a memorial already erected in Paris, France, under the auspices of the American Legion, Inc., to the commander in chief, officers, men and auxiliary services of the American Expeditionary Forces, to the end that such memorial as so freed from debt may be perpetuated, shall, after settlement of such indebtedness, be retained by the Secretary of the Treasury as a special fund to be known as the ''Pershing Hall Memorial Fund.'' The Secretary of the Treasury is authorized (a) to invest and reinvest any part or all of the corpus of this fund so remaining in interest-bearing United States Government bonds and retain custody thereof; and (b) upon request of the American Legion, Inc., the Secretary of the Treasury shall pay to the National Treasurer of the American Legion, Inc., from time to time any part of the earnings upon the fund for use in the maintenance and/or perpetuation of Pershing Hall.

(June 28, 1935, ch. 323, § 2, 49 Stat. 426.)

REFERENCES IN TEXT

Section 1 of act June 28, 1935, ch. 323, 49 Stat. 426, referred to in text, provided: ''That $482,032.92 of the fund entitled 'Recreation fund—Army', created by the War Department Appropriation Act, approved March 4, 1933 [see 47 Stat. 1573], is hereby authorized to be appropriated by the Secretary of the Treasury for effecting a settlement of any indebtedness connected with Pershing Hall, a memorial already erected in Paris, France, under the auspices of the American Legion, Inc., to the commander in chief, officers, men and auxiliary services of the American Expeditionary Forces, to the end that such memorial as so freed from debt may be perpetuated: *Provided*, That the amount herein provided shall not be used for the purposes indicated herein, until the legal title to said property shall have been vested in the Government of the United States for the use and benefit of all American officers and enlisted men of the World War [World War I].''

CODIFICATION

In the original, section 2 of act June 28, 1935, read ''Any balance remaining after settlement of such indebtedness shall be retained'', etc. The descriptive language substituted largely therefor, at the beginning of this section, was taken from section 1 of that act, referred to in that descriptive language and set out above.

APPROPRIATIONS

Act Aug. 12, 1935, ch. 508, title I, § 1 (part), 49 Stat. 594, appropriated the sum of $482,032.92 for the purposes of this section and of section 1 of act June 28, 1935, set out above, subject to the conditions set out in the proviso in section 1 of act June 28, 1935.

ABOLITION OF PERSHING HALL MEMORIAL FUND

The Pershing Hall Memorial Fund, established pursuant to this section, was abolished and the corpus and accrued interest was transferred to the Pershing Hall Revolving Fund. See section 493(d)(3) of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 493 of this title.

§ 492. Repealed. Pub. L. 86–533, § 1(2), June 29, 1960, 74 Stat. 245

Section, act June 28, 1935, ch. 323, § 3, 49 Stat. 426, required an itemized report of expenditures to be made to Congress on first day of each regular session.

§ 493. Transfer of Pershing Hall to jurisdiction, custody, and control of Department of Veterans Affairs

(a) In general

Pershing Hall, an existing memorial in Paris, France, owned by the United States, together with the personal property of such memorial, is hereby placed under the jurisdiction, custody, and control of the Department of Veterans Affairs so that the memorial to the commander-in-chief, officers, men, and auxiliary services of the American Expeditionary Forces in France during World War I may be continued in an appropriate manner and financial support be provided therefor.

(b) Administration

(1)(A) The Secretary of Veterans Affairs shall administer, operate, develop, and improve Pershing Hall and its site in such manner as the Secretary determines is in the best interests of the United States, which may include use of Pershing Hall to meet the needs of veterans. To meet such needs, the Secretary may establish and operate a regional or other office to disseminate information, respond to inquiries, and otherwise assist veterans and their families in obtaining veterans' benefits.

(B) To carry out the purposes of this section, the Secretary may enter into agreements authorized by subsection (c) of this section to fund the operation of the memorial and projects authorized by subsection (d)(6) of this section.

(2)(A) The Secretary shall, after consultation with the American Battle Monuments Commission, provide for a portion of Pershing Hall to be specifically dedicated, with appropriate exhibitions and monuments, to the memory of the commander-in-chief, officers, men, and auxiliary services of the American Expeditionary Forces in France during World War I.

(B) The establishment and continuing supervision of the memorial that is dedicated pursuant to subparagraph (A) shall be carried out by the American Battle Monuments Commission.

(3) To the extent that funds are available in the Pershing Hall Revolving Fund established by subsection (d) of this section, the Secretary may incur such expenses with respect to Pershing Hall as the Secretary determines necessary or appropriate.

(4) The Secretary of Veterans Affairs may provide the allowances and benefits described in section 707 of title 38 to personnel of the Department of Veterans Affairs who are United States citizens and are assigned by the Secretary to Pershing Hall.

(c) Leases

(1) The Secretary may enter into agreements as the Secretary determines necessary or appropriate for the operation, development, and improvement of Pershing Hall and its site, including the leasing of portions of the Hall for terms not to exceed 99 years in areas that are newly constructed or substantially rehabilitated and for not to exceed 20 years in other areas of the Hall.

(2) Leases entered into by the Secretary under this subsection shall be for consideration in the form of cash or in-kind, or a combination of the two, as determined by the Secretary, which shall include the value of space leased back to the Secretary by the lessee, net of rent paid by the Secretary, and the present value of the residual interest of the Secretary at the end of the lease term.

(d) Fund

(1) There is hereby established the Pershing Hall Revolving Fund to be administered by the Secretary of Veterans Affairs.

(2) There shall be transferred to the Pershing Hall Revolving Fund, at such time or times as the Secretary may determine without limitation as to year, amounts as determined by the Secretary, not to exceed $1,000,000 in total, from funds appropriated to the Department of Veterans Affairs for the construction of major projects. The account from which any such amount is transferred shall be reimbursed promptly from other funds as they become part of the Pershing Hall Revolving Fund.

(3) The Pershing Hall Memorial Fund, established in the Treasury of the United States pursuant to section 491 of this title, is hereby abolished and the corpus of the fund, including accrued interest, is transferred to the Pershing Hall Revolving Fund.

(4) Funds received by the Secretary from operation of Pershing Hall or from any lease or other agreement with respect to Pershing Hall shall be deposited in the Pershing Hall Revolving Fund.

(5) The Secretary of the Treasury shall invest any portion of the Revolving Fund that, as determined by the Secretary of Veterans Affairs, is not required to meet current expenses of the Fund. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Secretary of Veterans Affairs, has a maturity suitable for the Revolving Fund. The Secretary of the Treasury shall credit to the Revolving Fund the interest on, and the proceeds from the sale or redemption of, such obligations.

(6)(A) Subject to subparagraphs (B) and (C), the Secretary of Veterans Affairs may expend not more than $100,000 from the Fund in any fiscal year upon projects, activities, and facilities determined by the Secretary to be in keeping with the mission of the Department.

(B) An expenditure under subparagraph (A) may be made only from funds that will remain in the Fund in any fiscal year after payment of expenses incurred with respect to Pershing Hall for such fiscal year and only after the reimbursement of all amounts transferred to the Fund under subsection (d)(2) of this section has been completed.

(C) An expenditure authorized by subparagraph (A) shall be reported by the Secretary to the Congress no later than November 1 of each year for the fiscal year ending on the previous September 30.

(e) Waiver

The Secretary may carry out the provisions of this section without regard to section 8122 of title 38, section 303b of title 40, sections 483 and 484 of title 40, or any other provision of law inconsistent with this section.

(Pub. L. 102–86, title IV, § 403, Aug. 14, 1991, 105 Stat. 422; Pub. L. 103–79, § 4, Aug. 13, 1993, 107 Stat. 772; Pub. L. 103–446, title XII, § 1202(c), Nov. 2, 1994, 108 Stat. 4689.)

AMENDMENTS

1994—Subsec. (b)(4). Pub. L. 103–446 substituted ''section 707 of title 38'' for ''section 235 of title 38''.

1993—Subsec. (c)(1). Pub. L. 103–79 substituted ''99 years'' for ''35 years''.

CHAPTER 23—BOARD FOR FUNDAMENTAL EDUCATION

Sec.
501. Corporation created.
502. Completion of organization.
503. Objects and purposes of corporation.
504. Powers of corporation.
505. Principal office; territorial scope of activities; agent for service of process.
506. Membership; voting rights.
507. Board of directors.
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509. Distribution of income or assets to members; loans.
510. Nonpolitical nature of corporation.
511. Liability for acts of officers and agents.
512. Prohibition against issuance of stock, payment of dividends, or business activities.
513. Books and records; inspection.
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515. Use of assets on dissolution or liquidation.
516. Exclusive right to name, seals, emblems, and badges.
517. Agents for service of process.
518. Reservation of right to amend or repeal chapter.

§ 501. Corporation created

The following persons: Ernest R. Alexander, of Dallas, Texas; John R. Alford, of Henderson, Texas; William H. Book, of Indianapolis, Indiana; E. M. Dealey, of Dallas, Texas; A. Dale Fiers, of Indianapolis, Indiana; Fred F. Florence, of Dallas, Texas; E. B. Germany, of Dallas, Texas; Sam Gladney, of Dallas, Texas; Theodore B. Griffith, of Indianapolis, Indiana; O. H.

Grissom, of Longview, Texas; Harry T. Ice, of Indianapolis, Indiana; J. C. Judge, of Mineola, Texas; George Kuhn, of Indianapolis, Indiana; Charles J. Lynn, of Indianapolis, Indiana; Eugene S. Pulliam, of Indianapolis, Indiana; C. B. Roberts, of Dallas, Texas; William L. Schloss, of Indianapolis, Indiana; Ben H. Wooten, of Dallas, Texas; and Joseph Zeppa, of Tyler, Texas; and their associates and successors are created a body corporate by the name of Board for Fundamental Education (hereinafter referred to as the ''corporation'') and by such name shall be known and have perpetual succession and the powers and limitations contained in this chapter.

(July 19, 1954, ch. 536, § 1, 68 Stat. 489.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 502 of this title.

§ 502. Completion of organization

A majority of the persons named in section 501 of this title, or their successors, are hereby authorized to meet to complete the organization of the corporation by the adoption of a constitution and bylaws, the election of officers, and by doing all things necessary to carry into effect the provisions of this chapter.

(July 19, 1954, ch. 536, § 2, 68 Stat. 490.)

§ 503. Objects and purposes of corporation

The objects and purposes of the corporation shall be to foster the development of fundamental education through programs and projects such as—

(1) giving citizens (children, youth, and adults) opportunity to acquire the understandings and skills necessary to relate the resources of the community to the needs and interests of the community.

(2) demonstrating programs of fundamental education and measuring results.

(3) training men and women as leaders in fundamental education by providing internships and other experiences.

(July 19, 1954, ch. 536, § 3, 68 Stat. 490.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 504, 515 of this title.

§ 504. Powers of corporation

The corporation shall have power—

(1) to sue and be sued, complain and defend in any court of competent jurisdiction;

(2) to adopt, use, and alter a corporate seal;

(3) to choose such officers, managers, agents, and employees as the business of the corporation may require;

(4) to adopt and alter a constitution and bylaws, not inconsistent with the laws of the United States or any State in which such corporation is to operate, for the management of its property and the regulation of its affairs;

(5) to contract and be contracted with;

(6) to take and hold by lease, gift, purchase, grant, devise, or bequest any property, real or personal, necessary for attaining the objects of accomplishing the purposes of the corporation, subject to applicable provisions of law of any State (A) governing the amount or kind of real and personal property which may be held by, or (B) otherwise limiting or controlling the ownership of real and personal property by, a corporation operating in such State;

(7) to transfer and convey real or personal property;

(8) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, subject to all applicable provisions of Federal or State law;

(9) to use the corporate funds to give prizes, awards, loans, scholarships and grants to deserving students for the purposes set forth in section 503 of this title;

(10) to publish a magazine and other publications; and

(11) to do any and all acts and things necessary and proper to carry out the objects and purposes of the corporation.

(July 19, 1954, ch. 536, § 4, 68 Stat. 490.)

§ 505. Principal office; territorial scope of activities; agent for service of process

The activities of the corporation may be conducted throughout the various States, Territories, and possessions of the United States. The corporation shall maintain at all times in the District of Columbia a designated agent authorized to accept service of process for the corporation, such designation to be filed in the office of the clerk of the United States District Court for the District of Columbia. Notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed sufficient notice or service upon the corporation. The principal office of the corporation shall be established at such place as the board of directors deems appropriate.

(July 19, 1954, ch. 536, § 5, 68 Stat. 490.)

§ 506. Membership; voting rights

Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this chapter, be determined according to the constitution and bylaws of the corporation. In the conduct of the official business of the corporation each member shall have one vote.

(July 19, 1954, ch. 536, § 6, 68 Stat. 491.)

§ 507. Board of directors

The corporation shall be governed by a board of directors composed of not less than fifteen members of the corporation who shall be elected annually to serve on such board by the members of the corporation.

(July 19, 1954, ch. 536, § 7, 68 Stat. 491.)

§ 508. Officers

The officers of the corporation shall consist of a chairman of the board, a president, one or more vice presidents, a secretary, a treasurer, and such assistant officers as the board of directors shall designate. The officers shall perform such duties and have such powers as the bylaws and the board of directors may from time to time prescribe.

(July 19, 1954, ch. 536, § 8, 68 Stat. 491.)

§ 509. Distribution of income or assets to members; loans

(a) No part of the income or assets of the corporation shall inure to any member, officer, or director, or be distributable to any such person except upon dissolution and final liquidation of the corporation as provided in section 515 of this title.

(b) The corporation shall not make loans to its officers, directors, or employees. Any director who votes for or assents to the making of a loan to any officer, director, or employee of the corporation, and any officer who participates in the making of such a loan shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

(July 19, 1954, ch. 536, § 9, 68 Stat. 491.)

CROSS REFERENCES

Exemption from income tax of certain organizations, see section 501 of Title 26, Internal Revenue Code.

§ 510. Nonpolitical nature of corporation

The corporation and its members, officers, and directors, as such, shall not contribute to or otherwise support or assist any political party or candidate for elective public office.

(July 19, 1954, ch. 536, § 10, 68 Stat. 491.)

§ 511. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(July 19, 1954, ch. 536, § 11, 68 Stat. 491.)

§ 512. Prohibition against issuance of stock, payment of dividends, or business activities

The corporation shall have no power to issue any shares of stock or to declare or pay any dividends, or to engage in business for pecuniary profit.

(July 19, 1954, ch. 536, § 12, 68 Stat. 491.)

§ 513. Books and records; inspection

The corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its members, the board of directors, and committees having any authority under the board of directors; and it shall also keep a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member or his agent or attorney, at any reasonable time.

(July 19, 1954, ch. 536, § 13, 68 Stat. 491.)

§ 514. Repealed. Pub. L. 88–504, § 4(20), Aug. 30, 1964, 78 Stat. 637

Section, act July 19, 1954, ch. 536, § 14, 68 Stat. 491, related to audit of financial transactions and report of such audit to Congress. See sections 1101 to 1103 of this title.

§ 515. Use of assets on dissolution or liquidation

Upon final dissolution or liquidation of the corporation and after the discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation shall be used by the board of directors for the purposes stated in section 503 of this title or be transferred to some recognized educational foundation.

(July 19, 1954, ch. 536, § 15, 68 Stat. 492.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 509 of this title.

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

The corporation shall have the sole and exclusive right to use the name of Board for Fundamental Education as representing such corporation and such seals, emblems, and badges as the corporation may lawfully adopt.

(July 19, 1954, ch. 536, § 16, 68 Stat. 492.)

§ 517. Agents for service of process

As a condition precedent to the exercise of any power or privilege granted to the corporation under this chapter, the corporation shall file in the office of the Secretary of State, or similar office, in each State and in each Territory or possession of the United States in which the corporation is doing business, the name and post office address of an authorized agent in such State, Territory, or possession upon whom legal process or demand against the corporation may be served.

(July 19, 1954, ch. 536, § 17, 68 Stat. 492.)

§ 518. Reservation of right to amend or repeal chapter

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

(July 19, 1954, ch. 536, § 18, 68 Stat. 492.)

CHAPTER 24—SONS OF UNION VETERANS OF THE CIVIL WAR

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§ 531. Corporation created

The following named persons to wit: General of the Army Douglas MacArthur, New York; Major General Amos A. Fries, retired, and Major General Ulysses S. Grant, 3d, retired, Washington, District of Columbia; Charles Boynton, Long Beach, California; Frank Worner, Inglewood, California; Wilbur Coursey, Fresno, California; Roy A. Davis, Colorado Springs, Colorado; Angus Ogborn, Richmond, Indiana; Thomas M. Horn, Lafayette, Indiana; Alonzo R. Stanfield, Indianapolis, Indiana; Roy J. Bennett, Des Moines, Iowa; Homer L. Young, Waterloo, Iowa; Dr. L. L. Shoppe, Des Moines, Iowa; E. S. Spangler, Newton, Kansas; A. P. Phillips, Newton, Kansas; William Dix, Newton, Kansas; F. Harold Dubord, Waterville, Maine; Hon. Burleigh Martin, Augusta, Maine; General William E. Southard, Bangor, Maine; George W. Kimball, Chelsea, Massachusetts; Brigadier General Otis M. Whitney, Concord, Massachusetts; Charles H. E. Moran, Holyoke, Massachusetts; Governor Alvan Tufts Fuller, Boston, Massachusetts; Charles R. Cowdin, Detroit, Michigan; Birt Hammong, Jackson, Michigan; Charles F. Dexter, Detroit, Michigan; Donald F. Peacock, Detroit, Michigan; Dewey B. Mead, Minneapolis, Minnesota; Donald C. Bennyhof, Hennepin County, Minnesota; William A. Anderson, Minneapolis, Minnesota; Laurence J. Parker, Bennington, New Hampshire; Wallace L. Mason, Keene, New Hampshire; Cleon E. Heald, Keene, New Hampshire; Colonel Edward Black, retired, Bennington, New Hampshire; Albert C. Lambert, Trenton, New Jersey; Colonel Frederic G. Bauer, Ridgewood, New Jersey; Charles A. Otto, Elizabeth, New Jersey; C. Wesley Armstrong, Trenton, New Jersey; Doctor Karl Rothschild, New Brunswick, New Jersey; Rev. Hermon L. Brockway, Ithica, New York; William M. Coffin, Cincinnati, Ohio; Homer A. Ramey, Toledo, Ohio; Miles S. Kuhn, Dayton, Ohio; S. Anselm Skelton, Portsmouth, Ohio; Frederick K. Davis, Eugene, Oregon; Doctor W. E. Buchanan, Eugene, Oregon; Austin D. McReynolds, Eugene, Oregon; Glenn L. Adams, Salem, Oregon; John H. Runkle, Harrisburg, Pennsylvania; C. Leroy Stoudt, Reading, Pennsylvania; Walter C. Mabie, Philadelphia, Pennsylvania; Edgar L. Gale, Seattle, Washington; Edward T. Fairchild, Madison, Wisconsin; Roland J. Steinle, Milwaukee, Wisconsin; Lyall T. Beggs, Madison, Wisconsin; and Doctor William Martin Lamers, Wauwatosa, Wisconsin; and their successors, are created and declared to be a body corporate of the District of Columbia, where its legal domicile shall be, by the name of the Sons of Union Veterans of the Civil War (hereinafter referred to as the corporation), and by such name shall be known and have perpetual succession and the powers, limitations, and restrictions herein contained.

(Aug. 20, 1954, ch. 774, § 1, 68 Stat. 748.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 532 of this title.

§ 532. Completion of organization

A majority of the persons named in section 531 of this title, acting in person or by written proxy, are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of a constitution and bylaws not inconsistent with this chapter, and the doing of such other acts as may be necessary for such purpose.

(Aug. 20, 1954, ch. 774, § 2, 68 Stat. 749.)

§ 533. Purposes of corporation

The purposes of the corporation shall be: To perpetuate the memory of the Grand Army of the Republic and of the men who saved the Union in 1861 to 1865; to assist in every practicable way in the preservation and making available for research of documents and records pertaining to the Grand Army of the Republic and its members; to cooperate in doing honor to all those who have patriotically served our country in any war; to teach patriotism and the duties of citizenship, the true history of our country, and the love and honor of our flag; to oppose every tendency or movement that would weaken loyalty to, or make for the destruction or impairment of, our constitutional Union; and to inculcate and broadly sustain the American principles of representative government, of equal rights, and of impartial justice for all.

(Aug. 20, 1954, ch. 774, § 3, 68 Stat. 749.)

§ 534. Powers of corporation

The corporation shall have power—

(1) to have succession by its corporate name;

(2) to sue and be sued, complain and defend in any court of competent jurisdiction;

(3) to adopt, use, and alter a corporate seal;

(4) to choose such officers, managers, agents, and employees as the activities of the corporation may require;

(5) to adopt, amend, and alter a constitution and bylaws; not inconsistent with the laws of the United States or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;

(6) to contract and be contracted with;

(7) to take by lease, gift, purchase, grant, devise, or bequest from any public body or agency or any private corporation, association, partnership, firm, or individual and to hold absolutely or in trust for any of the purposes of the corporation any property, real, personal, or mixed, necessary or convenient for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of law of any State (A) governing the amount or kind of property which may be held by, or (B) otherwise limiting or controlling the ownership of property by, a corporation operating in such State;

(8) to transfer, convey, lease, sublease, encumber and otherwise alienate real, personal or mixed property; and

(9) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, deed of trust, pledge or otherwise, subject in every case to all applicable provisions of Federal and State laws; and

(10) to do any and all acts and things necessary and proper to carry out the objects and purposes of the corporation.

(Aug. 20, 1954, ch. 774, § 4, 68 Stat. 749.)

§ 535. Membership

Eligibility for membership in the corporation and the rights, privileges, and designation of classes of members shall, except as provided in this chapter, be determined as the constitution and bylaws of the corporation may provide. Eligibility for membership in the corporation shall be limited to male blood relatives of persons who served between April 12, 1861, and April 9, 1865, as soldiers or sailors of the United States Army, Navy, Marine Corps or Revenue-Cutter Service, and of such State regiments as were called into active service and were subject to orders of United States general officers between the dates above mentioned and were honorably discharged therefrom at the close of such service or who died in such service.

(Aug. 20, 1954, ch. 774, § 5, 68 Stat. 750.)

REVENUE-CUTTER SERVICE

Coast Guard established in lieu of Revenue-Cutter Service and Life-Saving Service by act Jan. 28, 1915, ch. 20, § 1, 38 Stat. 800. That act was repealed by act Aug. 4, 1949, ch. 393, § 20, 63 Stat. 561, section 1 of which reestablished the Coast Guard by enacting Title 14, Coast Guard.

§ 536. Government; composition; form; meeting plan

The supreme governing authority of the corporation shall be the national encampment thereof, composed of such officers and elected representatives from the several States and other local subdivisions of the corporate organization as shall be provided by the constitution and bylaws: *Provided*, That the form of the government of the corporation shall always be representative of the membership at large and shall not permit the concentration of the control thereof in the hands of a limited number of members or in a self-perpetuating group not so representative. The meetings of the national encampment may be held in any State or Territory or in the District of Columbia.

(Aug. 20, 1954, ch. 774, § 6, 68 Stat. 750.)

§ 537. Council of administration

(a) Duration of authority; responsibilities

During the intervals between the national encampments, the council of administration shall be the governing board of the corporation and shall be responsible for the general policies, program, and activities of the corporation.

(b) Composition of initial council

Upon the enactment of this chapter the membership of the initial council of administration of the corporation shall consist of the present members of the council of administration of the Sons of Union Veterans of the Civil War, the corporation described in section 548 of this title, or such of them as may then be living and are qualified members of said council of administration, to wit: Major General Ulysses S. Grant, 3d, retired; Dewey B. Mead; Reverend Hermon L. Brockway; Laurence J. Parker; George W. Kimball, Frederick K. Davis; and Albert C. Lambert.

(c) Composition of subsequent councils

Thereafter, the council of administration of the corporation shall consist of not less than seven members elected in the manner and for the term prescribed in the constitution and bylaws of the corporation.

(Aug. 20, 1954, ch. 774, § 7, 68 Stat. 750.)

§ 538. Officers

The officers of the corporation shall be a commander in chief, a senior vice commander in chief, a junior vice commander in chief, a secretary and a treasurer (which latter two offices may be held by one person), and such other officers as may be prescribed in the constitution and bylaws. The officers of the corporation shall be selected in such manner and for such terms and with such duties and titles as may be prescribed in the constitution and bylaws of the corporation.

(Aug. 20, 1954, ch. 774, § 8, 68 Stat. 751.)

§ 539. Principal office; territorial scope of activities; agent for service of process

(a) The principal office of the corporation shall be located in Trenton, New Jersey, or in such other place as may be determined by the council of administration; but the activities of the corporation shall not be confined to that place, but may be conducted throughout the various States and District of Columbia, and Territories and possessions of the United States.

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

(Aug. 20, 1954, ch. 774, § 9, 68 Stat. 751.)

§ 540. Distribution of income or assets to members; loans

(a) No part of the income or assets of the corporation shall inure to any of its members or officers as such, or be distributable to any of them during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of compensation to officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the council of administration of the corporation.

(b) The corporation shall not make loans to its officers or employees. Any member of the council of administration who votes for or assents to the making of a loan or advance to an officer or employee of the corporation, and any officer who participates in the making of such a loan or advance, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

(Aug. 20, 1954, ch. 774, § 10, 68 Stat. 751.)

§ 541. Nonpolitical nature of corporation

The corporation and its officers and agents as such shall not contribute to or otherwise support or assist any political party or candidate for public office.

(Aug. 20, 1954, ch. 774, § 11, 68 Stat. 751.)

§ 542. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Aug. 20, 1954, ch. 774, § 12, 68 Stat. 751.)

§ 543. Prohibition against issuance of stock or payment of dividends

The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

(Aug. 20, 1954, ch. 774, § 13, 68 Stat. 751.)

§ 544. Books and records; inspection

The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its national encampments and council of administration. All books and records of the corporation may be inspected by any member, or his agent or attorney, for any proper purpose, at any reasonable time.

(Aug. 20, 1954, ch. 774, § 14, 68 Stat. 751.)

§ 545. Repealed. Pub. L. 88–504, § 4(21), Aug. 30, 1964, 78 Stat. 637

Section, act Aug. 20, 1954, ch. 774, § 15, 68 Stat. 751, related to audit of financial transactions and report of such audit to Congress. See sections 1101 to 1103 of this title.

§ 546. Annual report

On or before March 1 of each year the corporation shall report to the Congress on its activities during the preceding fiscal year. Such report may consist of a report on the proceedings of the National Encampment covering such fiscal year. Such report shall not be printed as a public document.

(Aug. 20, 1954, ch. 774, § 16, 68 Stat. 752.)

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

The corporation and its subordinate divisions shall have the sole and exclusive right to use the name, the Sons of Union Veterans of the Civil War. The corporation shall have the exclusive and sole right to use, or to allow or refuse the use of, such emblems, seals, and badges as it may legally adopt, and such emblems, seals, and badges as have heretofore been used by the Illinois corporation described in section 548 of this title and the right to which may be lawfully transferred to the corporation.

(Aug. 20, 1954, ch. 774, § 17, 68 Stat. 752.)

§ 548. Acquisition of assets and liabilities of existing corporation

The corporation may acquire the assets of the Sons of Union Veterans of the Civil War, a corporation organized under the laws of the State of Illinois, upon discharging or satisfactorily providing for the payment and discharge of all of the liability of such corporation and upon complying with all laws of the State of Illinois applicable thereto.

(Aug. 20, 1954, ch. 774, § 18, 68 Stat. 752.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 537, 547 of this title.

§ 549. Use of assets on dissolution or liquidation

Upon dissolution or final liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets, if any, of the corporation shall be distributed in accordance with the determination of the council of administration and in compliance with the constitution and bylaws of the corporation and all Federal and State laws applicable thereto.

(Aug. 20, 1954, ch. 774, § 19, 68 Stat. 752.)

§ 550. Reservation of right to amend or repeal chapter

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

(Aug. 20, 1954, ch. 774, § 20, 68 Stat. 752.)

CHAPTER 25—THE FOUNDATION OF THE FEDERAL BAR ASSOCIATION

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§ 571. Corporation created

The following-named persons, Justin Miller, California; William L. Ellis, Michigan; Bettin Stalling, Illinois; William S. Tyson, North Carolina; Kennedy C. Watkins, District of Columbia; Martin C. Epstein, New York; Laurence H. Axman, District of Columbia; Julian R. Eagle, Pennsylvania; William F. Farrell, Texas; Barratt O'Hara, Junior, Illinois; Joseph F. Brodie, California; Spurgeon E. Paul, Colorado; J. Edward Hauk, Maryland; Ida I. Kloze, Mary-

land; William R. Vallance, New York; Clyde Baggarly, Virginia; Charles W. Freeman, California; William A. Roberts, District of Columbia; Ralph G. Cornell, Maryland; Horace Russell, Illinois;

Robert E. Freer, Ohio; Frank J. Delany, Illinois; William N. Morell, Minnesota; Heber H. Rice, Maryland; William E. Reese, Virginia; Robert N. Anderson, Virginia; Marguerite Rawalt, Texas; Robert H. Shields, Maryland; Harold Lee, New York; James E. Palmer, Junior, Virginia; John A. McIntire; Maryland; Major General E. M. Brannon, District of Columbia; Maxwell H. Elliott, New York; Edwin L. Fisher, Maryland; Edward E. Odom, California; Rear Admiral Ira H. Nunn, Arkansas; Herman Phleger, California; Arthur J. Klayman, Illinois; F. Joseph Donohue, District of Columbia; Frank J. Parker, New York; Ernest Votaw, Pennsylvania; T. Wade Harrison, Florida; Admiral O. S. Colclough, Pennsylvania; J. Lee Rankin, Nebraska; Stanley N. Barnes, California; Newell Blair, Virginia;

Clarence A. Davis, Nebraska; Ralph E. Becker, New York; George J. Bott, Maryland; John C. Doerfer, Wisconsin; Richard S. Doyle, Maryland; Whitney Gilliland, Iowa; Abe McGregor Goff, Idaho; Earl W. Kintner, Indiana; J. Hervey Macomber, Vermont; William P. McCracken, District of Columbia; Andrew P. Murphy, Junior, Massachusetts; Lambert McAllister, Ohio; Joe E. Moody, Missouri; Lawrence C. Moore, District of Columbia; Perry Morton, Nebraska; Emory T. Nunneley, Pennsylvania; William Simon, District of Columbia; Conrad Snow, New Hampshire; William H. Timbers, Connecticut; F. Trowbridge vomBaur, District of Columbia; Frank H. Weitzel, District of Columbia; Curtis C. Williams, Ohio; Emory J. Woodall, Virginia; Wendell Barnes, Oklahoma; Roger S. Foster, District of Columbia; Calvert Magruder, Massachusetts;

George C. Sweeney, Massachusetts; John C. Knox, New York; Edward J. Dimock, New York; David N. Edelstein, New York; Clarence G. Galston, New York; John Knight, New York; John J. Parker, North Carolina; Armistead M. Dobie, Virginia; Harry E. Watkins, West Virginia; Joseph C. Hutcheson, Virginia; Thomas F. McAllister, Michigan; F. Ryan Duffy, Wisconsin; John Caskie Collet, Missouri; John Sanborn, Minnesota; Robert C. Bell, Minnesota; William Denman, California; Albert Lee Stephens, California; Alfred P. Murrah, Oklahoma; George Thomas Washington, District of Columbia; Charles Fahy, District of Columbia; Bolitha J. Laws, District of Columbia; F. Dickinson Letts, District of Columbia; Luther W. Youngdahl, District of Columbia; William P. Cole, Junior, District of Columbia; Paul D. Shriver, Guam; Dennis F. Donovan, Minnesota;

Alfred C. Clapp, New Jersey; L. Dale Coffman, California; John T. Fey, District of Columbia; Jefferson B. Fordham, Pennsylvania; Erwin N. Griswold, Massachusetts; Albert J. Harno, Illinois; L. A. Haslup, Florida; Harold C. Havighurst, Illinois; Paul M. Hebert, Louisiana; Elwood H. Hettrick, Massachusetts; Jacob D. Hyman, New York; Schuyler W. Jackson, Kansas; George M. Johnson, District of Columbia; Gordon Johnston, Colorado; Charles H. King, Michigan; Robert Kingsley, California; Arthur Larson, Pennsylvania; J. A. McClain, Junior, North Carolina; Glenn A. McCleary, Missouri; F. J. Moreau, Kansas; William T. Muse, Virginia; Russell D. Niles, New York; Maynard E. Pirsig, Minnesota; F. D. G. Ribble, Virginia; John Ritchie, Wisconsin; David E. Snodgrass, California;

Carl Spaeth, California; Elvis J. Stahr, Junior, Kentucky; Robert S. Stevens, New York; Wesley Sturges, Connecticut; Harry D. Taft, Illinois; Reverend Joseph T. Tinnelly, New York; Martin Tollefson, Iowa; Leon H. Wallace, Indiana; Clayton E. Williams, Virginia; Roscoe L. Barrow, Ohio; Henry P. Brandis, Junior, Colorado; A. L. Gausewitz, New Mexico; Spencer L. Kimball, Utah; C. W. Leaphart, Montana; Daniel J. McKenna, Michigan; Joseph O'Meara, Indiana; R. A. Rasco, Florida; Seward Reese, Oregon; Earl Sneed, Junior, Oklahoma; Brendan F. Brown, District of Columbia; O. H. Thormodsgard, North Dakota; Ray Forrester, Louisiana; are created a body corporate, of the District of Columbia and there domiciled, by the name of "The Foundation of the Federal Bar Association" (hereafter referred to as the "corporation") and by such name shall be known and have perpetual succession and the powers and limitations contained in this chapter.

(Aug. 24, 1954, ch. 911, § 1, 68 Stat. 795.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 572, 576 of this title.

§ 572. Completion of organization

A majority of the persons named in section 571 of this title are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of a constitution and bylaws, not inconsistent with this chapter, and the doing of such other acts as may be necessary for such purpose.

(Aug. 24, 1954, ch. 911, § 2, 68 Stat. 796.)

§ 573. Objects and purposes of corporation

The objects and purposes of the corporation are as follows:

(1) To receive and hold by bequest, devise, gift, grant, purchase, lease, or otherwise, either absolutely or jointly with any other person or persons or corporation, for any of the purposes hereinafter set forth, any property, real, personal, or mixed, or any undivided interest therein; to convey, sell, or otherwise dispose of such property, and to invest, reinvest, administer, and deal with the same in such manner as in the judgment of the directors of the corporation will best promote the purposes of the corporation, but without and free from restrictions applicable to trustees or trust funds,

(2) To apply its income, and if the corporation so decides, all or any part of its principal, exclusively to the following educational, charitable, scientific, or literary purposes, or any of them:

(a) To advance the science of jurisprudence;

(b) To uphold high standards for the Federal judiciary and for attorneys representing the Government of the United States;

(c) To promote and improve the administration of justice, including the study of means for the improved handling of the legal business of the several Federal departments and establishments;

(d) To facilitate the cultivation and diffusion of knowledge and understanding of the law and the promotion of the study of the law and the science of jurisprudence and research therein, through the maintenance of a law library, the establishment of seminars, lectures, and studies devoted to the law, and the publication of addresses, essays, treatises, reports and other literary works by students, practitioners, and teachers of the law; and

(e) To provide for the acquisition, preservation and exhibition of rare books and documents, sculptures, paintings and other objects of art and historical interest relating to the law, the courts and the legal profession,

(3) To do any and all things necessary or incident to the accomplishment of the foregoing purposes.

(Aug. 24, 1954, ch. 911, § 3, 68 Stat. 797.)

§ 574. Powers of corporation

The corporation shall have the following powers:

(a) To sue and be sued, complain and defend in any court of competent jurisdiction.

(b) To adopt, alter, and use a corporate seal.

(c) To choose such officers, managers, and agents as the business of the corporation may require.

(d) To adopt, amend, apply, and administer bylaws, not inconsistent with the laws of the United States of America or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs.

(e) To contract and be contracted with.

(f) To take and hold by lease, gift, purchase, grant, devise, bequest, or otherwise, any property, real or personal, or mixed, necessary for carrying into effect the purposes of the corporation, subject to applicable provisions of law of any State (1) governing the amount or kind of real and personal property which may be held by, or (2) otherwise limiting or controlling the ownership of real and personal property by, a corporation operating in such State.

(g) To transfer, lease, or convey real or personal property.

(h) To borrow money for the purposes of the corporation, and issue bonds or other evidences of indebtedness therefor, and secure the same by mortgage or pledge subject to applicable Federal or State laws.

(i) To do any and all acts necessary and proper to carry out the purposes of the corporation.

(Aug. 24, 1954, ch. 911, § 4, 68 Stat. 797.)

§ 575. Principal office; territorial scope of activities; agent for service of process

(a) The corporation shall have its principal office in the District of Columbia and may conduct its activities at any place or places in the United States, or elsewhere.

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

(Aug. 24, 1954, ch. 911, § 5, 68 Stat. 798.)

§ 576. Membership; voting rights

(a) The membership of the corporation consists of the persons listed in section 571 of this title, the persons who hereafter become members of the National Council of the Federal Bar Association, a non-profit corporation of the District of Columbia (for the duration of their membership as such), and such others as the corporation may provide for by bylaw or otherwise.

(b) Each member of the corporation may cast one vote on each matter submitted to a vote of the members.

(Aug. 24, 1954, ch. 911, § 6, 68 Stat. 798.)

§ 577. Board of directors

(a) Composition of initial board

The governing body of the corporation is its board of directors, which during 1954, will comprise the following:

Bettin Stalling, of Illinois;
Stanley N. Barnes, of California;
Clarence A. Davis, of Nebraska;
Earl W. Kintner, of Indiana;
Lawrence H. Axman, District of Columbia;
Wendell Barnes, of Oklahoma;
William L. Ellis, of Michigan; and
Arthur J. Klayman, of Illinois,

who are currently members of the executive committee of the Federal Bar Association.

(b) Composition of subsequent boards; tenure

Thereafter the board of directors will consist of twelve persons elected, and subject to removal at any time, by majority vote of the members of the corporation. The term of office of the elected members of the board is for six years, except that, for the first elected board, four shall be elected for a term of two years, four for a term of four years, and four for a term of six years. Vacancies in the board of directors, caused by expiration of the members' terms or otherwise, shall be filled by a majority vote of the members of the corporation.

(c) Powers; voting rights; meetings

The board of directors may exercise, or provide for the exercise of, the powers herein granted to the corporation, and each member of the board shall have one vote upon all matters determined. The board shall meet at least annually. The board may delegate its powers to a prudential committee subject to the direction of, and reporting to, the board. The president of the corporation shall act as chairman of the board and of the committee.

(Aug. 24, 1954, ch. 911, § 7, 68 Stat. 798.)

§ 578. Officers

(a) The officers of the corporation shall consist of a president, vice president, secretary,

treasurer, historian, and such other officers as may be determined by bylaw.

The officers shall have such powers, consistent with this charter, as may be provided by bylaw.

(b) The officers shall be elected by the board of directors at its initial meeting and thereafter at its annual designated meeting and shall serve for a term of one year.

(Aug. 24, 1954, ch. 911, § 8, 68 Stat. 799.)

§ 579. Distribution of income or assets to members; loans

(a) No part of the net earnings of the corporation shall inure to the benefit of any member, officer, director, or private individual, nor shall any member or private individual be liable for the obligations of the corporation.

(b) The corporation shall not make any loans to its officers or members of the board of directors. Any officer or director who votes for, assents to, or participates in the making of a loan or advance to an officer or director shall be jointly and severally liable to the corporation for the amount of such loan until its repayment.

(Aug. 24, 1954, ch. 911, § 9, 68 Stat. 799.)

CROSS REFERENCES

Exemption from income tax of certain organizations, see section 501 of Title 26, Internal Revenue Code.

§ 580. Nonpolitical nature of corporation

(a) None of the activities, funds, property, or income of the corporation shall be used in carrying on any political activity, directly or indirectly, or in attempting to influence legislation.

(b) Neither the corporation nor its officers or directors shall, as such, contribute to or otherwise support or assist any political party or candidate for elective public office.

(Aug. 24, 1954, ch. 911, § 10, 68 Stat. 799.)

§ 581. Liability for acts of officers and agents

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

(Aug. 24, 1954, ch. 911, § 11, 68 Stat. 799.)

§ 582. Prohibition against issuance of stock or payment of dividends

The corporation shall not issue any shares of stock, nor declare or pay dividends.

(Aug. 24, 1954, ch. 911, § 12, 68 Stat. 799.)

§ 583. Books and records; inspection

The corporation shall keep correct and complete books and records of account. It shall also keep minutes of the proceedings of its membership and of the board of directors or committees having any of the authority of the board of directors. It shall also keep at its principal office a record giving the names and addresses of its members, directors, and officers. All books and records of the corporation may be inspected by any member or his agent or attorney, for any proper purpose, at any reasonable time.

(Aug. 24, 1954, ch. 911, § 13, 68 Stat. 799.)

§ 584. Repealed. Pub. L. 88–504, § 4(22), Aug. 30, 1964, 78 Stat. 637

Section, act Aug. 24, 1954, ch. 911, § 14, 68 Stat. 799, related to audit of financial transactions and report of such audit to Congress. See sections 1101 to 1103 of this title.

§ 585. Use of assets on dissolution or liquidation

Upon final dissolution or liquidation of the corporation, and after the discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation shall be deposited in the Treasury of the United States as a miscellaneous receipt.

(Aug. 24, 1954, ch. 911, § 15, 68 Stat. 800.)

§ 586. Qualifications for membership

No person who is a member of, or who advocates the principles of, any organization believing in, or working for, the overthrow of the United States Government by force or violence, and no person who refuses to uphold and defend the Constitution of the United States, shall be privileged to become, or continue to be, a member, director, or officer of the corporation.

(Aug. 24, 1954, ch. 911, § 16, 68 Stat. 800.)

§ 587. Exclusive right to name

The corporation shall have the sole and exclusive right to use the name, ''The Foundation of the Federal Bar Association''.

(Aug. 24, 1954, ch. 911, § 17, 68 Stat. 800.)

§ 588. "State" defined

As used in this chapter the word ''State'' includes the District of Columbia.

(Aug. 24, 1954, ch. 911, § 18, 68 Stat. 800.)

§ 589. Reservation of right to amend or repeal chapter

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

(Aug. 24, 1954, ch. 911, § 19, 68 Stat. 800.)

CHAPTER 26—NATIONAL FUND FOR MEDICAL EDUCATION

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606. Membership; voting rights.
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609. Distribution of income or assets to members; loans.
610. Nonpolitical nature of corporation.
611. Liability for acts of officers and agents.
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614. Repealed.

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615. Use of assets on dissolution or liquidation.
616. Acquisition of assets and liabilities of existing corporation.
617. Reservation of right to amend or repeal chapter.

§ 601. Corporation created

The following persons: Donald C. Balfour, M.D., Rochester, Minnesota; Louis H. Bauer, M.D., Hempstead, New York; Margaret Culkin Banning, Duluth, Minnesota; E. N. Beesley, Indianapolis, Indiana; James F. Bell, Minneapolis, Minnesota; Elmer H. Bobst, New York, New York; Earl Bunting, Washington, District of Columbia; Carl Byoir, New York, New York; James L. Camp, Junior, Franklin, Virginia; Champ Carry, Chicago, Illinois; Robert S. Cheek, Nashville, Tennessee; Colby M. Chester, New York, New York; Frank A. Christensen, New York, New York; Paul F. Clark, Boston, Massachusetts; Lucius D. Clay, New York, New York; S. Sloan Colt, Westhampton Beach, New York; George H. Coppers, New York, New York; William E. Cotter, Scarsdale, New York; C. R. Cox, New York, New York; Howard S. Cullman, New York, New York; Walter J. Cummings, Chicago, Illinois; Willard K. Denton, New York, New York; Raoul E. Desvernine, Washington, District of Columbia; Michael Francis Doyle, Philadelphia, Pennsylvania;

Victor Emanuel, New York, New York; Peter M. Fraser, Hartford, Connecticut; Bernard F. Gimbel, Greenwich, Connecticut; William B. Given, Junior, New York, New York; Robert M. Hanes, Winston-Salem, North Carolina; David M. Heyman, New York, New York; Oveta Culp Hobby, Houston, Texas; Herbert Hoover, New York, New York; B. Brewster Jennings, Glen Head, New York; Eric A. Johnston, Washington, District of Columbia; Devereux C. Josephs, New York, New York; Meyer Kestnbaum, Chicago, Illinois; Edgar Kobak, New York, New York; Allan B. Kline, Chicago, Illinois; Robert Lehman, New York, New York; Samuel D. Leidesdorf, New York, New York; Leroy A. Lincoln, New York, New York; Ralph Lowell, Boston, Massachusetts; Benjamin E. Mays, Atlanta, Georgia; Neil McElroy, Cincinnati, Ohio; George W. Merck, West Orange, New Jersey; Don G. Mitchell, New York, New York; George G. Montgomery, San Francisco, California; Seeley G. Mudd, M.D., Los Angeles, California;

Charles S. Munson, New York, New York; Herschel D. Newsom, Washington, District of Columbia; Edward J. Noble, New York, New York; William S. Paley, New York, New York; Thomas I. Parkinson, New York, New York; F. D. Patterson, Tuskegee, Alabama; Joseph M. Proskauer, New York, New York; B. Earl Puckett, New York, New York; Victor F. Ridder, New York, New York; Owen J. Roberts, Philadelphia, Pennsylvania; Winthrop Rockefeller, Little Rock, Arkansas; Anna M. Rosenberg, New York, New York; T. J. Ross, New York, New York; Howard A. Rusk, M.D., New York, New York; Frank P. Samford, Birmingham, Alabama; Lester N. Selig, Chicago, Illinois; Eustace Seligman, New York, New York; Spyros P. Skouras, New York, New York; Alfred P. Sloan, Junior, New York, New York; George F. Smith, New Brunswick, New Jersey; Harold V. Smith, New York, New York; Harold E. Stassen, Washington, District of Columbia; John P. Stevens, Junior, New York, New York; William C. Stolk, New York, New York; Harvey B. Stone, M.D., Baltimore, Maryland;

Reese H. Taylor, Los Angeles, California; Juan T. Trippe, Greenwich, Connecticut; Thomas J. Watson, New York, New York; Ernest T. Weir, Pittsburgh, Pennsylvania; George Whitney, New York, New York; Robert E. Wilson, Chicago, Illinois; R. W. Woodruff, Atlanta, Georgia; Wilson W. Wyatt, Louisville, Kentucky; J. D. Zellerbach, San Francisco, California; and John S. Zinsser, Philadelphia, Pennsylvania; and their successors, are created and declared to be a body corporate of the District of Columbia, where its legal domicile shall be, by the name of the National Fund for Medical Education (hereinafter referred to as the corporation) and by such name shall be known and have perpetual succession and the powers, limitations, and restrictions herein contained.

(Aug. 28, 1954, ch. 1036, § 1, 68 Stat. 891.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 602 of this title.

§ 602. Completion of organization

A majority of the persons named in section 601 of this title are authorized to complete the organization of the corporation by the adoption, amendment, and revision of bylaws, not inconsistent with this chapter, and the doing of such other acts as may be necessary for such purpose.

(Aug. 28, 1954, ch. 1036, § 2, 68 Stat. 892.)

§ 603. Purposes of corporation

The purposes of the corporation shall be to raise from private sources, disperse and administer funds for medical education and in connection therewith to take other appropriate action to promote and foster the following objectives:

(1) The interpretation of the needs of medical education to the American public;

(2) The encouragement of the growth, development and advancement of constantly improving standards and methods in the education and training of all medical manpower in the Nation; and

(3) The preservation of academic freedom in the institutions of medical education.

(Aug. 28, 1954, ch. 1036, § 3, 68 Stat. 892.)

§ 604. Powers of corporation

The corporation shall have power—

(1) to have succession by its corporate name;

(2) to sue and be sued, complain and defend in any court of competent jurisdiction;

(3) to adopt, use, and alter a corporate seal;

(4) to choose such officers, managers, agents, and employees as the business of the corporation may require;

(5) to adopt, amend, and alter a constitution and bylaws, not inconsistent with the laws of the United States or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;

(6) to contract and be contracted with;

(7) to take by lease, gift, purchase, grant, devise, or bequest from any private corporation, association, partnership, firm or individual and to hold any property, real, personal or mixed, necessary or convenient for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of law of any State (A) governing the amount or kind of property which may be held by, or (B) otherwise limiting or controlling the ownership of property by, a corporation operating in such State;

(8) to transfer, convey, lease, sublease, encumber and otherwise alienate real, personal or mixed property; and

(9) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, deed of trust, pledge or otherwise, subject in every case to all applicable provisions of Federal and State laws.

(Aug. 28, 1954, ch. 1036, § 4, 68 Stat. 892.)

§ 605. Principal office; territorial scope of activities; agent for service of process

(a) The principal office of the corporation shall be located in New York City, New York, or in such other place as may be later determined by the board of directors, but the activities of the corporation shall not be confined to that place, but may be conducted throughout the various States, Territories, and possessions of the United States.

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

(Aug. 28, 1954, ch. 1036, § 5, 68 Stat. 893.)

§ 606. Membership; voting rights

(a) Eligibility for membership in the corporation and the rights, privileges, and designation of classes of members shall, except as provided in this chapter, be determined as the constitution and bylaws of the corporation may provide.

(b) Each member of the corporation, other than honorary, sustaining or associate members, shall have the right to one vote on each matter submitted to a vote at all meetings of the members of the corporation.

(Aug. 28, 1954, ch. 1036, § 6, 68 Stat. 893.)

§ 607. Board of directors

(a) Composition of initial board

Upon the enactment of this chapter the membership of the initial board of directors of the corporation shall consist of the present members of the executive committee of the National Fund for Medical Education, Incorporated, the corporation described in section 616 of this title, or such of them as may then be living and are qualified members of said executive committee, to wit: Earl Bunting, Washington, District of Columbia; Colby M. Chester, New York, New York; S. Sloan Colt, Westhampton Beach, New York; William E. Cotter, Scarsdale, New York; Victor Emanuel, New York, New York; William B. Given, Junior, New York, New York; Herbert Hoover, New York, New York; Devereux C. Josephs, New York, New York; Samuel D. Leidesdorf, New York, New York; Leroy A. Lincoln, New York, New York; Eustace Seligman, New York, New York; Juan T. Trippe, Greenwich, Connecticut; and John S. Zinsser, Philadelphia, Pennsylvania; together with the following members of the medical profession, namely, Donald C. Balfour, M.D., Rochester, Minnesota; Louis H. Bauer, M.D., Hempstead, New York; Howard A. Rusk, M.D., New York, New York; and Harvey B. Stone, M.D., Baltimore, Maryland.

(b) Composition of subsequent boards; tenure

Thereafter, the board of directors of the corporation shall consist of such number (not less than fifteen and not more than twenty-five, four of whom shall at all times be members of the medical profession), shall be selected in such manner (including the filling of vacancies), and shall serve for such term as may be prescribed in the constitution and bylaws of the corporation.

(c) Duties

The board of directors shall be the governing board of the corporation and, during the intervals between the meetings of members, shall be responsible for the general policies and program of the corporation and for the control of all contributed funds as may be raised by the corporation.

(Aug. 28, 1954, ch. 1036, § 7, 68 Stat. 893.)

§ 608. Officers

(a) The officers of the corporation shall be a chairman of the board of directors, a president, one or more vice presidents (as may be prescribed in the constitution and bylaws of the corporation), a secretary, and a treasurer, and one or more assistant secretaries and assistant treasurers as may be provided in the constitution and bylaws.

(b) The officers of the corporation shall be elected in such manner and for such terms and with such duties as may be prescribed in the constitution and bylaws of the corporation.

(Aug. 28, 1954, ch. 1036, § 8, 68 Stat. 894.)

§ 609. Distribution of income or assets to members; loans

(a) No part of the income or assets of the corporation shall inure to any of its members, directors, or officers as such, or be distributable to any of them during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of compensation to officers of the corporation in amounts approved by the board of directors of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any director who votes for or assents to the making of a loan or advance to an officer, director or employee of the corporation, and any officer who participates in the making of such a loan or advance,

shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

(Aug. 28, 1954, ch. 1036, § 9, 68 Stat. 894.)

§ 610. Nonpolitical nature of corporation

The corporation, and its officers and directors as such, shall not contribute to or otherwise support or assist any political party or candidate for public office.

(Aug. 28, 1954, ch. 1036, § 10, 68 Stat. 894.)

§ 611. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Aug. 28, 1954, ch. 1036, § 11, 68 Stat. 894.)

§ 612. Prohibition against issuance of stock or payment of dividends

The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

(Aug. 28, 1954, ch. 1036, § 12, 68 Stat. 894.)

CROSS REFERENCES

Exemption from income tax of certain organizations, see section 501 of Title 26, Internal Revenue Code.

§ 613. Books and records; inspection

The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having any authority under the board of directors; and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

(Aug. 28, 1954, ch. 1036, § 13, 68 Stat. 894.)

§ 614. Repealed. Pub. L. 88–504, § 4(23), Aug. 30, 1964, 78 Stat. 637

Section, act Aug. 28, 1954, ch. 1036, § 14, 68 Stat. 894, related to audit of financial transactions and report of such audit to Congress. See sections 1101 to 1103 of this title.

§ 615. Use of assets on dissolution or liquidation

Upon dissolution or final liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets, if any, of the corporation shall be distributed in accordance with the determination of the board of directors of the corporation and in compliance with the constitution and bylaws of the corporation and all Federal and State laws applicable thereto.

(Aug. 28, 1954, ch. 1036, § 15, 68 Stat. 895.)

§ 616. Acquisition of assets and liabilities of existing corporation

The corporation may acquire the assets of the National Fund for Medical Education, Incorporated, a corporation organized under the laws of the State of New York, upon discharging or satisfactorily providing for the payment and discharge of all of the liability of such corporation and upon complying with all laws of the State of New York applicable thereto.

(Aug. 28, 1954, ch. 1036, § 16, 68 Stat. 895.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 607 of this title.

§ 617. Reservation of right to amend or repeal chapter

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

(Aug. 28, 1954, ch. 1036, § 17, 68 Stat. 895.)

CHAPTER 27—LEGION OF VALOR OF THE UNITED STATES OF AMERICA, INC.

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631. Corporation created.
632. Completion of organization.
633. Principles and objects of corporation.
634. Powers of corporation.
635. Principal office; territorial scope of activities; agent for service of process.
636. Membership.
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637. Governing body.
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645. Use of assets on dissolution or liquidation.
646. Acquisition of assets and liabilities of existing corporation.
647. Reservation of right to amend or repeal chapter.
648. Change of name to Legion of Valor of the United States of America, Incorporated.

CHANGE OF NAME

The name of the corporation was changed from the Army and Navy Legion of Valor of the United States of America, Incorporated, to the Legion of Valor of the United States of America, Incorporated, by Pub. L. 87–56, § 1, June 21, 1961, 75 Stat. 95. See section 648 of this title.

§ 631. Corporation created

The following persons, to wit: James G. Walsh, Distinguished Service Cross, 50 Patten Street, Jamaica Plain, Massachusetts; Robert G. Woodside, Distinguished Service Cross, 3858 First Avenue, South, Saint Petersburg, Florida; Deming Bronson, Congressional Medal of Honor, route 2, box 322, Roseburg, Oregon; George E. Parker, Junior, Distinguished Service Cross, Lutherville, Maryland; Leo L. Zingale, Distinguished Service Cross, 3612 East One Hundred and Seventeenth Street, Cleveland, Ohio; John Davis, Congressional Medal of Honor, 800 North

Shore Drive, Saint Petersburg, Florida; Glen O. McEwen, Distinguished Service Cross, box 737, Spokane 3, Washington; Ben. Prager, Distinguished Service Cross, 316 Court House, Pittsburgh, Pennsylvania; Earle D. Norton, Distinguished Service Cross, 29 Broadway, New York, New York; Ray Eastman, Navy Cross, 396 LaSalle Avenue, Buffalo 15, New York; Ben Neff, Distinguished Service Cross, 208 Evanston Building, Minneapolis, Minnesota; Warren L. Granger, Navy Cross, 703 Sixteenth Street, Alexandria, Virginia; William Oliver Smith, Distinguished Service Cross, 917 Holt Drive, Raleigh, North Carolina; Robert M. Gaynor, Distinguished Service Cross, 621 South Taylor Street, Arlington, Virginia; Leon M. Hanna, Distinguished Service Cross, box 217, McHenry, Illinois; Bruno O. Forsterer, Congressional Medal of Honor, Walker Street, Oakland, California; Elmer R. Hangartner, Distinguished Service Cross, 2103 Lynn Avenue, Altoona, Wisconsin; Thomas Eadie, Congressional Medal of Honor, 120 Gibbs Avenue, Newport, Rhode Island; John D. Hawk, Congressional Medal of Honor, 3243 Solie, Bremerton, Washington; Leon A. Dombrowski, Distinguished Service Cross, 137 Highland Drive, Williamsville, New York; William C. Hardie, Distinguished Service Cross, post-office box 1396, Billings, Montana; E. Lee Henderson, Navy Cross, 10948 Fruitland Drive, North Hollywood, California; Othel J. Gee, Distinguished Service Cross, 416 Medical Arts Building, Oklahoma City, Oklahoma; Leslie Hardy, Distinguished Service Cross, 1021 East Sierra Vista, Phoenix, Arizona; A. Allen Johnson, Distinguished Service Cross, 953 Dixwell Avenue, New Haven, Connecticut; Dennis C. Turner, Distinguished Service Cross, 1008 Missouri Avenue, Houston, Texas; Columbus Whipple, Distinguished Service Cross, 2704 Brinker Avenue, Ogden, Utah; John D. Licklider, Distinguished Service Cross, 229 Woodrow Avenue, Martinsburg, West Virginia; Murry Wolffe, Navy Cross, 240 Gregory Avenue, Passaic, New Jersey; Willard H. Marshall, Distinguished Service Cross, 31 West Whitney Street, Sheridan, Wyoming; Peter Paul Martinek, Navy Cross, 1731 South Brand Boulevard, Glendale, California; Lucian Adams, Congressional Medal of Honor, 213 Santa Clara Street, San Antonio, Texas; and Edgar H. Bain, post-office box 2, Goldsboro, North Carolina, and their successors, are created and declared to be a body corporate of the District of Columbia, where its legal domicile shall be, by the name of the Legion of Valor of the United States of America, Incorporated (hereinafter referred to as the ''corporation''), and by such name shall be known and have perpetual succession and the powers, limitations, and restrictions herein contained.

(Aug. 4, 1955, ch. 546, § 1, 69 Stat. 486; June 21, 1961, Pub. L. 87–56, § 1, 75 Stat. 95.)

CHANGE OF NAME

''Legion of Valor of the United States of America, Incorporated'' substituted in text for ''Army and Navy Legion of Valor of the United States of America, Incorporated'' on authority of section 1 of Pub. L. 87–56. See section 648 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 632 of this title.

§ 632. Completion of organization

The persons named in section 631 of this title are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of a constitution and bylaws, not inconsistent with the provisions of this chapter, and the doing of such other acts as may be necessary for such purpose. Five of such persons shall constitute a quorum for the purposes enumerated in this section.

(Aug. 4, 1955, ch. 546, § 2, 69 Stat. 487.)

§ 633. Principles and objects of corporation

(a) The principles underlying the corporation are patriotic allegiance to the United States of America, fidelity to its Constitution and law, the security of civil liberty, and the permanence of free institutions.

(b) The objects of the corporation are to cherish the memories of the valiant deeds in arms for which the Congressional Medal of Honor, the Distinguished Service Cross, Air Force Cross, and the Navy Cross are the insignia; to promote true fellowship among its members; to advance the best interests of members of the Armed Forces of the United States of America; to extend all possible relief to needy members of the corporation, their widows, and children; and to stimulate patriotism in the minds of our youth by encouraging the study of the patriotic, military, and naval history of our Nation.

(Aug. 4, 1955, ch. 546, § 3, 69 Stat. 487; June 21, 1961, Pub. L. 87–56, § 2, 75 Stat. 95.)

AMENDMENTS

1961—Subsec. (b). Pub. L. 87–56 inserted ''Air Force Cross'' after ''Distinguished Service Cross,''.

§ 634. Powers of corporation

The corporation shall have power—

(1) to have succession by its corporate name;

(2) to sue and be sued, complain and defend in any court of competent jurisdiction;

(3) to adopt, use, and alter a corporate seal;

(4) to charge and collect membership dues;

(5) to adopt, amend, and alter a constitution and bylaws, not inconsistent with the laws of the United States or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;

(6) to contract and be contracted with;

(7) to take by lease, gift, purchase, grant, devise, or bequest from any private corporation, association, partnership, firm, or individual and to hold any property, real, personal, or mixed, necessary or convenient for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of law of any State (A) governing the amount or kind of property which may be held by, or (B) otherwise limiting or controlling the ownership of property by, a corporation operating in such State;

(8) to transfer, convey, lease, sublease, encumber, and otherwise alienate real, personal or mixed property; and

(9) to borrow money for the purposes of the corporation, issue bonds therefor, and secure

the same by mortgage, deed of trust, pledge, or otherwise, subject in every case to all applicable provisions of Federal and State laws.

(Aug. 4, 1955, ch. 546, § 4, 69 Stat. 487.)

§ 635. Principal office; territorial scope of activities; agent for service of process

(a) The principal office of the corporation shall be located in Pittsburgh, Pennsylvania, or in such other place as may later be determined by the board of directors, but the activities of the corporation shall not be confined to that place and may be conducted throughout the various States, Territories, and possessions of the United States.

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

(Aug. 4, 1955, ch. 546, § 5, 69 Stat. 487.)

§ 636. Membership

(a) Eligibility

All persons of good moral character who are, have been, or may become members of the Armed Forces of the United States or any foreign country of whatever rank, who have received or who may hereafter receive a Congressional Medal of Honor, a Distinguished Service Cross, Air Force Cross or a Navy Cross awarded for acts of extraordinary heroism in connection with military or naval operations against an armed enemy, or for heroism of a specially distinguished character, shall be eligible for active membership in the corporation.

(b) Extension of eligibility to parents and descendants

The corporation shall have the power, moreover, to extend eligibility for membership, either active or associate, to parents and lineal descendants of the persons described in subsection (a) of this section under such conditions and upon such terms as the corporation may specify in its constitution and bylaws.

(c) Voting rights

Each member of the corporation, other than associate members, shall have the right to one vote on each matter submitted to a vote at all meetings of the members of the corporation.

(d) Exception

Notwithstanding the limitations set out in subsections (a) and (b) of this section, any member in good standing of the corporate body referred to in section 646 of this title shall be admitted on request to comparable membership in the corporation created by this chapter.

(Aug. 4, 1955, ch. 546, § 6, 69 Stat. 488; June 21, 1961, Pub. L. 87–56, § 2, 75 Stat. 95.)

AMENDMENTS

1961—Subsec. (a). Pub. L. 87–56 inserted ''Air Force Cross'' after ''Distinguished Service Cross,''.

§ 637. Governing body

(a) Composition

Upon the enactment of this chapter the membership of the initial board of directors of the corporation shall consist of the present officers of the Army and Navy Legion of Valor, referred to in section 646 of this title, or such of them as may then be living and are qualified officers of that corporation, to wit: William Oliver Smith, of Raleigh, North Carolina; Peter Paul Martinek, of Glendale, California; Lucian Adams, of San Antonio, Texas; Edgar H. Bain, of Goldsboro, North Carolina; and Ben Prager, of Pittsburgh, Pennsylvania, who are respectively, the commander, the senior vice commander, the junior vice commander, the chaplain, and the adjutant and quartermaster.

(b) Tenure

Thereafter, the board of directors of the corporation shall consist of such number (not less than ten), shall be selected in such manner (including the filling of vacancies), and shall serve for such terms as may be prescribed in the constitution and bylaws of the corporation.

(c) Duties

The board of directors shall be the governing board of the corporation and shall, during the intervals between corporation meetings, be responsible for the general policies and program of the corporation. The board shall be responsible for all finances of the corporation.

(Aug. 4, 1955, ch. 546, § 7, 69 Stat. 488.)

§ 638. Officers

(a) The officers of the corporation shall be a commander, a senior vice commander, a junior vice commander, a chaplain, an adjutant and quartermaster, a judge advocate, an inspector, a surgeon, a historian, and such aides-de-camp as may be provided in the constitution and bylaws.

(b) The officers of the corporation shall be elected in such manner and for such terms and with such duties as may be prescribed in the constitution and bylaws of the corporation.

(Aug. 4, 1955, ch. 546, § 8, 69 Stat. 489.)

§ 639. Distribution of income or assets to members; loans

(a) No part of the income or assets of the corporation shall inure to any member, officer, or director, or be distributable to any such person otherwise than upon dissolution or final liquidation of the corporation as provided in section 645 of this title. Nothing in this subsection, however, shall be construed to prevent the payment of compensation to officers of the corporation in amounts approved by the executive committee of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any director who votes for or assents to the making of a loan to an officer, director, or employee of the corporation, and any officer who participates in the making of such loan, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

(Aug. 4, 1955, ch. 546, § 9, 69 Stat. 489.)

§ 640. Nonpolitical nature of corporation

The corporation, and its officers and directors as such, shall not contribute to or otherwise support or assist any political party or candidate for public office.

(Aug. 4, 1955, ch. 546, § 10, 69 Stat. 489.)

§ 641. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Aug. 4, 1955, ch. 546, § 11, 69 Stat. 489.)

§ 642. Prohibition against issuance of stock or payment of dividends

The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

(Aug. 4, 1955, ch. 546, § 12, 69 Stat. 489.)

§ 643. Books and records; inspection

The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having any authority under the board of directors; and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

(Aug. 4, 1955, ch. 546, § 13, 69 Stat. 489.)

§ 644. Repealed. Pub. L. 88–504, § 4(24), Aug. 30, 1964, 78 Stat. 637

Section, act Aug. 4, 1955, ch. 546, § 14, 69 Stat. 489, related to audit of financial transactions and report of such audit to Congress. See sections 1101 to 1103 of this title.

§ 645. Use of assets on dissolution or liquidation

Upon final dissolution or liquidation of the corporation, and after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation may be distributed in accordance with the determination of the board of directors of the corporation and in compliance with the constitution and bylaws of the corporation and all Federal and State laws applicable thereto.

(Aug. 4, 1955, ch. 546, § 15, 69 Stat. 490.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 639 of this title.

§ 646. Acquisition of assets and liabilities of existing corporation

The corporation may acquire the assets of the Army and Navy Legion of Valor of the United States of America, Incorporated, a body corporate organized under the laws of the State of New York, upon discharging or satisfactorily providing for the payment and discharge of all of the liabilities of such State corporation and upon complying with all the laws of the State of New York applicable thereto.

(Aug. 4, 1955, ch. 546, § 16, 69 Stat. 490.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 636, 637 of this title.

§ 647. Reservation of right to amend or repeal chapter

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

(Aug. 4, 1955, ch. 546, § 17, 69 Stat. 490.)

§ 648. Change of name to Legion of Valor of the United States of America, Incorporated

The corporation known as the Army and Navy Legion of Valor of the United States of America, Incorporated, which was incorporated by the Act entitled ''An Act to incorporate the Army and Navy Legion of Valor of the United States of America'', approved August 4, 1955 (69 Stat. 486), shall be known and designated on and after June 21, 1961 as the Legion of Valor of the United States of America, Incorporated, and any reference to such corporation under the name of the Army and Navy Legion of Valor of the United States of America, Incorporated, shall be held to refer to such corporation under and by the name of the Legion of Valor of the United States of America, Incorporated.

(Pub. L. 87–56, § 1, June 21, 1961, 75 Stat. 95.)

REFERENCES IN TEXT

The Act entitled ''An Act to incorporate the Army and Navy Legion of Valor of the United States of America'', approved August 4, 1955, referred to in text, is act Aug. 4, 1955, ch. 546, 69 Stat. 486, as amended, which is classified generally to this chapter (§ 631 et seq.). For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was not enacted as a part of act Aug. 4, 1955, ch. 546, 69 Stat. 486, which comprises this chapter.

CHAPTER 28—NATIONAL MUSIC COUNCIL

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661. Corporation created.
662. Completion of organization.
663. Objects and purposes of Corporation.
664. Powers of Corporation.
665. Principal office; territorial scope of activities; agent for service of process.
666. Membership; voting rights.
667. Governing body; composition; tenure.
668. Officers.
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670. Nonpolitical nature of Corporation.
671. Liability for acts of officers and agents.
672. Prohibition against issuance of stock or payment of dividends.
673. Books and records; inspection.
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675. Use of assets on dissolution or liquidation.
676. Exclusive right to name, seals, emblems, and badges.
677. Agents for service of process.
678. Acquisition of assets and liabilities of existing corporation.
679. Effective date.
680. Reservation of right to amend or repeal chapter.

§ 661. Corporation created

The following persons: Stanley Adams, New York, New York; Irl Allison, Austin, Texas;

Leon Barzin, New York, New York; Marion Bauer, New York, New York; Edwine Behre, New York, New York; Thomas H. Belviso, Pelham Manor, New York; Robert Russell Bennett, New York, New York; Duane Branigan, Champaign, Illinois; Howard C. Bronson, Hague, Virginia; John Brownlee, New York, New York; L. Perkins Bull, Glencoe, Illinois; Earl Campbell, Washington, District of Columbia; Leon Carson, New York, New York; Robert A. Choate, Boston, Massachusetts; James Francis Cooke, Philadelphia, Pennsylvania; Paul Creston, Yonkers, New York; Kathleen Davison, Des Moines, Iowa; Norman Dello Joio, New York, New York; Vera Wardner Dougan, Beloit, Wisconsin; Walter G. Douglas, New York, New York; Deane Edwards, Rye, New York; S. Lewis Elmer, New York, New York; Herman Finkelstein, New York, New York; Charles Warren Fox, Rochester, New York; Arthur Flagler Fultz, Boston, Massachusetts;

Percy Walter Gatz, White Plains, New York; Karl Geiringer, Boston, Massachusetts; Ira Gershwin, Beverly Hills, California; Ray Green, New York, New York; Vernon Hammond, Philadelphia, Pennsylvania; Howard Hanson, Rochester, New York; Otto A. Harbach, New York, New York; Ernest E. Harris, New York, New York; Arthur A. Hauser, Berwyn, Pennsylvania; Carl Haverlin, New York, New York; Patrick Hayes, Washington, District of Columbia; Frank W. Hill, Cedar Falls, Iowa; Mark M. Horblit, Boston, Massachusetts; Edwin Hughes, New York, New York; Edna Wallace Johnston, Winter Park, Florida; Archie N. Jones, Austin, Texas; S. Turner Jones, Baldwin, New York; Arthur Judson, New York, New York; Harrison Keller, Boston, Massachusetts; Ruth Kemper, New York, New York; Raymond Kendall, Los Angeles, California; Richard Korn, New York, New York; Olga Koussevitzky, Lenox, Massachusetts; Otto Luening, New York, New York; Mae MacKenzie, Pittsburgh, Pennsylvania;

Joseph E. Maddy, Ann Arbor, Michigan; Donald F. Malin, Boston, Massachusetts; Marie Marti, Detroit, Michigan; Jane R. Mayer, New York, New York; Charles Mayer, New York, New York; Peter Mennin, New York, New York; Ada Holding Miller, Providence, Rhode Island; Howard Mitchell, Washington, District of Columbia; Dmitri Mitropoulos, New York, New York; Douglas Moore, New York, New York; Harold C. Morris, New York, New York; Carol Morse, New York, New York; Walter W. Naumburg, New York, New York; Herman Neuman, New York, New York; Geoffrey O'Hara, Pawling, New York; Ralph Sylvester Peer, New York, New York; Gustave Reese, New York, New York; Claire R. Reis, New York, New York; Cornelia B. Rogers, New York, New York; Willard Rhodes, New York, New York; James Sample, Erie, Pennsylvania; William A. Schroeder, New York, New York; Elie Siegmeister, Great Neck, New York; Izler Soloman, Peekskill, New York; Sigmund Spaeth, New York, New York;

Harold Spivacke, Washington, District of Columbia; Marshall Stearns, New York, New York; William Richard Steinway, New York, New York; Paul Swarm, Decatur, Illinois; Bernard U. Taylor, New York, New York; Anthony Ralph Teta, New Haven, Connecticut; Charles A. Wall, New York, New York; Sidney William Wattenberg, New York, New York; Eleanor Hale Wilson, Seattle, Washington; Philip Wyman, Cincinnati, Ohio; and their associates and successors, are created a body corporate by the name of National Music Council (hereinafter referred to as the ''Corporation'') and by such name shall be known and have perpetual succession and the powers and limitations contained in this chapter.

(Aug. 1, 1956, ch. 824, § 1, 70 Stat. 794.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 662, 679 of this title.

§ 662. Completion of organization

A majority of the persons named in section 661 of this title, or their successors, are hereby authorized to meet to complete the organization of the Corporation by the adoption of a constitution and bylaws, by the election of officers, and by doing all things necessary to carry into effect the provisions of this chapter.

(Aug. 1, 1956, ch. 824, § 2, 70 Stat. 795.)

§ 663. Objects and purposes of Corporation

The objects and purposes of the Corporation shall be—

(1) to provide the member organizations with a forum for the free discussion of problems affecting national musical life in this country;

(2) to speak with one voice for music whenever an authoritative expression of opinion is desirable;

(3) to provide for the interchange of information between the various member organizations;

(4) to encourage the coordination of efforts of the member organizations, thereby avoiding duplication or conflict;

(5) to organize exploratory surveys or fact-finding commissions whenever the Corporation shall deem them necessary for the solution of important problems; and

(6) to encourage the development and appreciation of the art of music and to foster the highest ethical standards in the musical professions and industries.

(Aug. 1, 1956, ch. 824, § 3, 70 Stat. 795.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 664, 675 of this title.

§ 664. Powers of Corporation

The Corporation shall have power—

(1) to sue and be sued, complain and defend in any court of competent jurisdiction;

(2) to adopt, use, and alter a corporate seal;

(3) to choose such officers, managers, agents, and employees as the business of the Corporation may require;

(4) to adopt and alter a constitution and bylaws, not inconsistent with the laws of the United States or any State in which the Corporation is to operate, for the management of its property and the regulation of its affairs;

(5) to contract and be contracted with;

(6) to take and hold by lease, gift, purchase, grant, devise, or bequest any property, real or personal, necessary for attaining the objects or accomplishing the purposes of the Corporation, subject to applicable provisions of law of any State (A) governing the amount or kind of real and personal property which may be held by, or (B) otherwise limiting or controlling the ownership of real and personal property by a corporation operating in such State;

(7) to transfer and convey real or personal property;

(8) to borrow money for the purposes of the Corporation, issue bonds therefor, and secure the same by mortgage, subject to all applicable provisions of Federal or State law;

(9) to use the corporate funds to give prizes, awards, loans, scholarships, and grants to deserving composers, conductors, and others for the purposes set forth in section 663 of this title, and for such other purpose as may be determined to be proper by the board of directors;

(10) to publish a bulletin, magazine, and other publications; and

(11) to do any and all acts and things necessary and proper to carry out the objects and purposes of the Corporation.

(Aug. 1, 1956, ch. 824, § 4, 70 Stat. 795.)

§ 665. Principal office; territorial scope of activities; agent for service of process

The activities of the Corporation may be conducted throughout the various States, Territories, and possessions of the United States. The Corporation shall maintain at all times in the District of Columbia a designated agent authorized to accept service of process for the Corporation, such designation to be filed in the office of the clerk of the United States District Court for the District of Columbia. Notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed sufficient notice of service upon the Corporation. The principal office of the Corporation shall be established at such place as the board of directors deems appropriate.

(Aug. 1, 1956, ch. 824, § 5, 70 Stat. 796.)

§ 666. Membership; voting rights

Eligibility for membership in the Corporation and the rights and privileges of members, shall, except as provided in this chapter, be determined according to the constitution and by-laws of the Corporation. In the conduct of the official business of the Corporation each member shall have one vote.

(Aug. 1, 1956, ch. 824, § 6, 70 Stat. 796.)

§ 667. Governing body; composition; tenure

The Corporation shall be governed by a board of directors, which may be known and referred to as an Executive Committee, composed of not less than ten persons who shall be representative of members of the Corporation or such other persons as shall be selected by the members of the Corporation, and such persons shall be elected by the members of the Corporation annually or at such other regular intervals as may be specified in the by-laws of the Corporation.

(Aug. 1, 1956, ch. 824, § 7, 70 Stat. 796.)

§ 668. Officers

The officers of the Corporation shall consist of a chairman of the board, a president, one or more vice presidents, a secretary, a treasurer, and such assistant officers as the board of directors shall designate. The officers shall perform such duties and have such powers as the by-laws and the board of directors may from time to time prescribe.

(Aug. 1, 1956, ch. 824, § 8, 70 Stat. 796.)

§ 669. Distribution of income or assets to members; loans

(a) No part of the income or assets of the Corporation shall inure to any member, officer, or director, or be distributable to any such person except upon dissolution and final liquidation of the Corporation as provided in section 675 of this title.

(b) The Corporation shall not make loans to its officers, directors, or employees. Any director who votes for or assents to the making of a loan to any officer, director, or employee of the Corporation, and any officer who participates in the making of such a loan shall be jointly and severally liable to the Corporation for the amount of such loan until the repayment thereof.

(Aug. 1, 1956, ch. 824, § 9, 70 Stat. 796.)

§ 670. Nonpolitical nature of Corporation

The Corporation and its members, officers, and directors as such, shall not contribute to or otherwise support or assist any political party or candidate for elective public office.

(Aug. 1, 1956, ch. 824, § 10, 70 Stat. 796.)

§ 671. Liability for acts of officers and agents

The Corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Aug. 1, 1956, ch. 824, § 11, 70 Stat. 796.)

§ 672. Prohibition against issuance of stock or payment of dividends

The Corporation shall have no power to issue any shares of stock or to declare or pay any dividends, or to engage in business for pecuniary profit.

(Aug. 1, 1956, ch. 824, § 12, 70 Stat. 796.)

§ 673. Books and records; inspection

The Corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its members, the board of directors, and committees having any authority under the board of directors; and it shall also keep a record of the names and addresses of its members entitled to vote. All books and records of the Corporation may be inspected by any member, or by his agent or attorney, at any reasonable time.

(Aug. 1, 1956, ch. 824, § 13, 70 Stat. 796.)

§ 674. Repealed. Pub. L. 88–504, § 4(25), Aug. 30, 1964, 78 Stat. 637

Section, act Aug. 1, 1956, ch. 824, § 14, 70 Stat. 796, related to audit of financial transactions and report of such audit to Congress. See sections 1101 to 1103 of this title.

§ 675. Use of assets on dissolution or liquidation

Upon final dissolution or liquidation of the Corporation and after the discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the Corporation shall be used by the board of directors for the purposes stated in section 663 of this title or be be[1] transferred to some recognized educational foundation.

(Aug. 1, 1956, ch. 824, § 15, 70 Stat. 797.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 669 of this title.

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

The Corporation shall have the sole and exclusive right to use the name of National Music Council as representing such Corporation and such seals, emblems, and badges as the Corporation may lawfully adopt.

(Aug. 1, 1956, ch. 824, § 16, 70 Stat. 797.)

§ 677. Agents for service of process

As a condition precedent to the exercise of any power or privilege granted to the Corporation under this chapter, the Corporation shall file in the office of the Secretary of State, or in the office of another appropriate officer, in each State and in each Territory or possession of the United States in which the Corporation is doing business, the name and post office address of an authorized agent in such State, Territory, or possession upon whom legal process or demand against the Corporation may be served.

(Aug. 1, 1956, ch. 824, § 17, 70 Stat. 797.)

§ 678. Acquisition of assets and liabilities of existing corporation

The Corporation may acquire the assets of National Music Council, Incorporated, a corporation organized under the laws of the State of New York, upon discharging or satisfactorily providing for the payment and discharge of all the liabilities of such corporation, and upon complying with all laws of the State of New York applicable thereto.

(Aug. 1, 1956, ch. 824, § 18, 70 Stat. 797.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 679 of this title.

§ 679. Effective date

The provisions of this chapter shall take effect on the filing in the office of the Clerk of the United States District Court in and for the Southern District of New York of affidavits signed by five of the incorporators named in section 661 of this title to the effect that National Music Council, Incorporated, referred to in section 678 of this title, has been dissolved in accordance with the laws of the State of New York, but only if such affidavits are filed within three years after August 1, 1956.

(Aug. 1, 1956, ch. 824, § 19, 70 Stat. 797.)

§ 680. Reservation of right to amend or repeal chapter

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

(Aug. 1, 1956, ch. 824, § 20, 70 Stat. 797.)

CHAPTER 29—BOYS & GIRLS CLUBS OF AMERICA

Sec.
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702. Prohibition against issuance of stock or payment of dividends.
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704. Repealed.
705. Use of assets on dissolution or liquidation.
706. Acquisition of assets and liabilities of existing corporation.
707. Reservation of right to amend or repeal chapter.

§ 691. Corporation created

The following persons: Herbert Hoover, New York, New York; William E. Hall, New York, New York; Albert L. Cole, Pleasantville, New York; James A. Farley, New York, New York; Albert C. Wedemeyer, New York, New York; Matthew Woll, New York, New York; Jeremiah Milbank, New York, New York; Stanley Resor, New York, New York; James B. Carey, Washington, District of Columbia; J. Edgar Hoover, Washington, District of Columbia; Lewis L. Strauss, Washington, District of Columbia; General Robert E. Wood, Chicago, Illinois; Frederic Cameron Church, Boston, Massachusetts; H. Bruce Palmer, Newark, New Jersey; Edgar A. Guest, Detroit, Michigan; Nicholas H. Noyes, Indianapolis, Indiana; George A. Scott, San Diego, California; E. E. Fogelson, Dallas, Texas; Ernest Ingold, San Francisco, California; Jesse Draper, Atlanta, Georgia; Julius Epstein, Chicago, Illinois, and their successors; and Gerald W. Blakeley, Jr., Boston, Massachusetts; Roscoe C. Brown, Jr., Bronx, New York; Cees Bruynes, Stamford, Connecticut; Honorable Arnold I. Burns, New York, New York; John L. Burns, Greenwich, Connecticut; Hays Clark, Hobe Sound, Florida; Mrs. Albert L. Cole, Hobe

[1] So in original.

Sound, Florida; Honorable Michael Curb, Burbank, California; Robert W. Fowler, Atlantic Beach, Florida; Thomas G. Garth, New York, New York; Moore Gates, Jr., Princeton, New Jersey; Ronald J. Gidwitz, Chicago, Illinois; John S. Griswold, Greenwich, Connecticut; Claude H. Grizzard, Atlanta, Georgia; George V. Grune, Pleasantville, New York; Peter L. Haynes, New York, New York; James S. Kemper, Northbrook, Illinois; Plato Malozemoff, New York, New York; Edmund O. Martin, Oklahoma City, Oklahoma; Donald E. McNicol, Esq., New York, New York; Carolyn P. Millbank, Greenwich, Connecticut; Jeremiah Milbank, New York, New York; C. W. Murchison III, Dallas, Texas; W. Clement Stone, Lake Forest, Illinois, and their successors, are created and declared to be a body corporate of the District of Columbia, where its legal domicile shall be, by the name of the Boys & Girls Clubs of America (hereinafter referred to as the corporation) and by such name shall be known and have perpetual succession and the powers, limitations, and restrictions herein contained.

(Aug. 6, 1956, ch. 976, § 1, 70 Stat. 1052; Dec. 10, 1991, Pub. L. 102–199, § 1(2), 105 Stat. 1628.)

AMENDMENTS

1991—Pub. L. 102–199, § 1(2)(A), substituted ''successors; and Gerald W. Blakeley, Jr., Boston, Massachusetts; Roscoe C. Brown, Jr., Bronx, New York; Cees Bruynes, Stamford, Connecticut; Honorable Arnold I. Burns, New York, New York; John L. Burns, Greenwich, Connecticut; Hays Clark, Hobe Sound, Florida; Mrs. Albert L. Cole, Hobe Sound, Florida; Honorable Michael Curb, Burbank, California; Robert W. Fowler, Atlantic Beach, Florida; Thomas G. Garth, New York, New York; Moore Gates, Jr., Princeton, New Jersey; Ronald J. Gidwitz, Chicago, Illinois; John S. Griswold, Greenwich, Connecticut; Claude H. Grizzard, Atlanta, Georgia; George V. Grune, Pleasantville, New York; Peter L. Haynes, New York, New York; James S. Kemper, Northbrook, Illinois; Plato Malozemoff, New York, New York; Edmund O. Martin, Oklahoma City, Oklahoma; Donald E. McNicol, Esq., New York, New York; Carolyn P. Millbank, Greenwich, Connecticut; Jeremiah Milbank, New York, New York; C. W. Murchison III, Dallas, Texas; W. Clement Stone, Lake Forest, Illinois, and their successors,'' for ''successors,''.

Pub. L. 102–199, § 1(2)(B), which directed the substitution of ''Boys & Girls'' for ''Boys'', was executed by substituting ''Boys & Girls'' for ''Boys'' to reflect the probable intent of Congress.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 692 of this title.

§ 692. Completion of organization

A majority of the persons named in section 691 of this title are authorized to complete the organization of the corporation by the adoption of a constitution and bylaws, not inconsistent with this chapter, and the doing of such other acts (including the selection of officers and employees in accordance with such constitution and bylaws) as may be necessary for such purpose.

(Aug. 6, 1956, ch. 976, § 2, 70 Stat. 1052.)

§ 693. Purpose of corporation

The purpose of the corporation shall be to promote the health, social, educational, vocational, and character development of youth throughout the United States of America; to receive, invest, and disburse funds and to hold property for the purposes of the corporation.

(Aug. 6, 1956, ch. 976, § 3, 70 Stat. 1052; Dec. 10, 1991, Pub. L. 102–199, § 1(3), 105 Stat. 1628.)

AMENDMENTS

1991—Pub. L. 102–199 substituted ''youth'' for ''boys''.

§ 694. Powers of corporation

The corporation shall have power—

(1) to have succession by its corporate name;

(2) to sue and be sued, complain and defend in any court of competent jurisdiction;

(3) to adopt, use, and alter a corporate seal;

(4) to choose such officers, managers, agents, and employees as the business of the corporation may require;

(5) to adopt, amend, and alter a constitution and bylaws, not inconsistent with the laws of the United States or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;

(6) to contract and be contracted with;

(7) to take by lease, gift, purchase, grant, devise, or bequest from any private corporation, association, partnership, firm or individual and to hold any property, real, personal, or mixed, necessary or convenient for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of law of any State (A) governing the amount or kind of property which may be held by, or (B) otherwise limiting or controlling the ownership of property by, a corporation operating in such State;

(8) to transfer, convey, lease, sublease, encumber and otherwise alienate real, personal or mixed property; and

(9) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, deed of trust, pledge, or otherwise, subject in every case to all applicable provisions of Federal and State laws.

(Aug. 6, 1956, ch. 976, § 4, 70 Stat. 1052.)

§ 695. Principal office; territorial scope of activities; agent for service of process

(a) The principal office of the corporation shall be located in New York City, New York, or in such other place as may be later determined by the board of directors, but the activities of the corporation shall not be confined to that place, but may be conducted throughout the various States, Territories, and possessions of the United States.

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

(Aug. 6, 1956, ch. 976, § 5, 70 Stat. 1053.)

§ 696. Membership; voting rights; benefits of member organizations

(a) Eligibility for membership in the corporation and the rights, privileges, and designation

of classes of members shall, except as provided in this chapter, be determined as the constitution and bylaws of the corporation may provide. Each member of the corporation shall have the right to one vote on each matter submitted to a vote at all meetings of the members of the corporation.

(b) Each organization which is a member of the corporation as provided in the constitution thereof shall be entitled to all the benefits of incorporation under this chapter, but such benefits shall cease immediately either upon its resignation from the corporation, or in the event that its membership in the corporation is canceled or otherwise terminated by the board of directors, as provided in the constitution of the corporation.

(Aug. 6, 1956, ch. 976, § 6, 70 Stat. 1053.)

§ 697. Governing body

(a) Composition

Upon the enactment of this chapter the membership of the initial board of directors of the corporation shall consist of the present members of the board of directors of the Boys' Clubs of America, the corporation described in section 706 of this title, or such of them as may then be living and are qualified members of said board of directors, to wit: Hoyt Ammidon, New York, New York; Wendell W. Anderson, Detroit, Michigan; Sewell L. Avery, Chicago, Illinois; Richard E. Berlin, New York, New York; Arthur T. Burger, Boston, Massachusetts; Hendry S. M. Burns, New York, New York; John L. Burns, New York, New York; Peter Capra, New York, New York; James B. Carey, Washington, District of Columbia; Colby M. Chester, New York, New York; Frederic C. Church, Boston, Massachusetts; Albert L. Cole, Pleasantville, New York; Carle C. Conway, New York, New York; Donald K. David, New York, New York; Morse G. Dial, New York, New York; Robert W. Dowling, New York, New York; Kempton Dunn, New York, New York; Gilbert D. Eaton, Oakland, California; Julius Epstein, Chicago, Illinois; James A. Farley, New York, New York; Horace C. Flanigan, New York, New York; E. E. Fogelson, Dallas, Texas; Philip G. Geiger, Pawtucket, Rhode Island; M. Preston Goodfellow, Washington, District of Columbia; J. Peter Grace, Junior, New York, New York; John S. Griswold, New York, New York; Powell C. Groner, Kansas City, Missouri; Edgar A. Guest, Detroit, Michigan;

William Edwin Hall, New York, New York; Robert B. Heppenstall, Pittsburgh, Pennsylvania; William Edwin Hill, New York, New York; Allan Hoover, New York, New York; Herbert Hoover, New York, New York; J. Edgar Hoover, Washington, District of Columbia; Arthur Huck, New York, New York; Austin S. Iglehart, New York, New York; Ernest Ingold, San Francisco, California; Edward Ingraham, Bristol, Connecticut; Gordon Jeffery, Toledo, Ohio; Frank R. Jelleff, Washington, District of Columbia; Grant Keehn, New York, New York; James S. Kemper, Chicago, Illinois; Major William G. Kiefer, Louisville, Kentucky; Philip Le Boutillier, New York, New York; Philip Le Boutillier, Junior, Toledo, Ohio; James A. Linen, New York, New York; John D. Lockton, New York, New York; Fred Loock, Milwaukee, Wisconsin; David I. McCahill, Pittsburgh, Pennsylvania; Charles P. McCormick, Baltimore, Maryland; Everett McCullough, Wichita Falls, Texas; Ira McGuire, Muncie, Indiana; Charles R. Messier, Newark, New Jersey; Jeremiah Milbank, New York, New York; Theodore G. Montague, New York, New York; W. R. Nicholson, Junior, Philadelphia, Pennsylvania; Nicholas H. Noyes, Indianapolis, Indiana; Harry L. Olden, Cincinnati, Ohio; Frank Pace, Junior, New York, New York; August K. Paeschke, Milwaukee, Wisconsin; H. Bruce Palmer, Newark, New Jersey; Richard S. Perkins, New York, New York; Samuel F. Pryor, New York, New York; Stanley Resor, New York, New York; Captain E. V. Rickenbacker, New York, New York; Victor F. Ridder, New York, New York; Fredric E. Schluter, Trenton, New Jersey; George A. Scott, San Diego, California;

Irving J. Scher, Milwaukee, Wisconsin; Grant G. Simmons, New York, New York; P. C. Spencer, New York, New York; Clifford L. Strang, Tonawanda, New York; Edward K. Straus, New York, New York; Lewis L. Strauss, Washington, District of Columbia; Kenneth C. Towe, New York, New York; Maxwell M. Upson, New York, New York; Virgil P. Warren, Atlanta, Georgia; Albert C. Wedemeyer, New York, New York; Morgan W. Wheelock, New York, New York; J. Dugald White, New York, New York; Myron A. Wick, Junior, Stamford, Connecticut; Alfred G. Wilson, Detroit, Michigan; William S. Wilson, New York, New York; Matthew Woll, New York, New York; General Robert E. Wood, Chicago, Illinois; Gordon J. Wormal, Santa Barbara, California; E. A. Wright, Detroit, Michigan; Paul S. Young, Schenectady, New York; William Zeigler, Junior, New York, New York.

(b) Tenure

Thereafter the board of directors of the corporation shall consist of such number as may be prescribed in the constitution of the corporation, and the members of such board shall be selected in such manner (including the filling of vacancies), and shall serve for such terms, as may be prescribed in the constitution and bylaws of the corporation.

(c) Duties

The board of directors shall be the managing body of the corporation and shall have such powers, duties, and responsibilities as may be prescribed in the constitution and bylaws of the corporation.

(Aug. 6, 1956, ch. 976, § 7, 70 Stat. 1053.)

§ 698. Officers

(a) The officers of the corporation shall be a chairman of the board of directors, a president, one or more vice presidents (as may be prescribed in the constitution and bylaws of the corporation), a secretary, and a treasurer, and one or more assistant secretaries and assistant treasurers as may be provided in the constitution and bylaws.

(b) The officers of the corporation shall be elected in such manner and for such terms and with such duties as may be prescribed in the constitution and bylaws of the corporation.

(Aug. 6, 1956, ch. 976, § 8, 70 Stat. 1055.)

§ 699. Distribution of income or assets to members; loans

(a) No part of the income or assets of the corporation shall inure to any of its members, directors, or officers as such, or be distributable to any of them during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of compensation to officers of the corporation in amounts approved by the board of directors of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any director who votes for or assents to the making of a loan or advance to an officer, director, or employee of the corporation, and any officer who participates in the making of such a loan or advance, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

(Aug. 6, 1956, ch. 976, § 9, 70 Stat. 1055.)

§ 700. Nonpolitical nature of corporation

The corporation, and its officers and directors as such, shall not contribute to or otherwise support or assist any political party or candidate for public office.

(Aug. 6, 1956, ch. 976, § 10, 70 Stat. 1055.)

§ 701. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Aug. 6, 1956, ch. 976, § 11, 70 Stat. 1055.)

§ 702. Prohibition against issuance of stock or payment of dividends

The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

(Aug. 6, 1956, ch. 976, § 12, 70 Stat. 1055.)

§ 703. Books and records; inspection

The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having any authority under the board of directors; and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

(Aug. 6, 1956, ch. 976, § 13, 70 Stat. 1055.)

§ 704. Repealed. Pub. L. 88–504, § 4(26), Aug. 30, 1964, 78 Stat. 637

Section, act Aug. 6, 1956, ch. 976, § 14, 70 Stat. 1055, related to audit of financial transactions and report of such audit to Congress. See sections 1101 to 1103 of this title.

§ 705. Use of assets on dissolution or liquidation

Upon dissolution or final liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets, if any, of the corporation shall be distributed in accordance with the determination of the board of directors of the corporation and in compliance with the constitution and bylaws of the corporation and all Federal and State laws applicable thereto.

(Aug. 6, 1956, ch. 976, § 15, 70 Stat. 1056.)

§ 706. Acquisition of assets and liabilities of existing corporation

The corporation may acquire the assets of the Boys' Clubs of America, a corporation organized under the laws of the Commonwealth of Massachusetts, upon discharging or satisfactorily providing for the payment and discharge of all of the liability of such corporation and upon complying with all laws of the Commonwealth of Massachusetts applicable thereto.

(Aug. 6, 1956, ch. 976, § 16, 70 Stat. 1056.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 697 of this title.

§ 707. Reservation of right to amend or repeal chapter

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

(Aug. 6, 1956, ch. 976, § 17, 70 Stat. 1056.)

CHAPTER 30—PRESIDENTIAL INAUGURAL CEREMONIES

Sec.
721. Short title; definitions.
722. Regulations; licenses; fees; registration tags.
723. Authorization of appropriations.
724. Permits for use of reservations or grounds; restoration to previous condition; liability.
725. Installation and removal of electrical facilities; enforcement; public protection; restoration to previous condition; liability.
726. Repealed.
727. Communication facilities; removal.
728. Duration of regulations and licenses; publication of regulations; violations and penalties.
729. Application to other properties; Congressional joint committee request or approval.
730. ''Commissioners'' defined.

CODIFICATION

Presidential inaugural ceremonies provisions are also set out in D.C. Code, § 1–1801 et seq.

§ 721. Short title; definitions

(a) This chapter may be cited as the ''Presidential Inaugural Ceremonies Act''.

(b) For the purposes of this chapter—

(1) The term ''inaugural period'' means the period which includes the day on which the ceremony of inaugurating the President is held, the five calendar days immediately preceding such day, and the four calendar days immediately subsequent to such day;

(2) The term ''Inaugural Committee'' means the committee in charge of the Presidential inaugural ceremony and functions and activities connected therewith, to be appointed by the President-elect;

(3) The term ''Mayor'' means the Mayor of the District of Columbia or the Mayor's designated agent or agents;

(4) The term ''Secretary of Defense'' means the Secretary of Defense or his designated agent or agents; and

(5) The term ''Secretary of the Interior'' means the Secretary of the Interior or his designated agent or agents.

(Aug. 6, 1956, ch. 974, § 1, 70 Stat. 1049; 1967 Reorg. Plan No. 3, § 401, eff. Aug. 11, 1967, 32 F.R. 11669, 81 Stat. 951; Dec. 24, 1973, Pub. L. 93–198, title IV, § 421, 87 Stat. 789.)

CODIFICATION

Section is also set out in D.C. Code, § 1–1801.

PARTIAL REPEAL

Pub. L. 85–861, § 36A, Sept. 2, 1958, 72 Stat. 1570, repealed subsec. (b)(1) of this section insofar as it was applicable to section 726 of this title. See section 2543 of Title 10, Armed Forces.

TRANSFER OF FUNCTIONS

Except as otherwise provided in Reorg. Plan No. 3 of 1967, eff. Aug. 11, 1967 (in part), 32 F.R. 11669, 81 Stat. 948, all functions of the Board of Commissioners of the District of Columbia were transferred to the Commissioner of the District of Columbia by section 401 of Reorg. Plan No. 3 of 1967. References to ''Commissioners'' in this chapter are deemed to refer to the Commissioner of the District of Columbia pursuant to section 730 of this title. The office of Commissioner of the District of Columbia, as established by Reorg. Plan No. 3 of 1967, was abolished as of noon Jan. 2, 1975, by Pub. L. 93–198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, and replaced by the office of Mayor of the District of Columbia by section 421 of Pub. L. 93–198, classified to section 1–241 of the District of Columbia Code. Accordingly, references to Mayor were substituted for Commissioners.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 section 2543; title 40 section 490.

§ 722. Regulations; licenses; fees; registration tags

(a) For each inaugural period the Council of the District of Columbia is authorized and directed to make all reasonable regulations necessary to secure the preservation of public order and protection of life, health, and property; to make special regulations respecting the standing, movement, and operation of vehicles of whatever character or kind during such period; and to grant, under such conditions as it may impose, special licenses to peddlers and vendors for the privilege of selling goods, wares, and merchandise in such places in the District of Columbia, and to charge such fees for such privilege, as it may deem proper.

(b) The Mayor of the District of Columbia is authorized to issue, for both duly registered motor vehicles and unregistered motor vehicles made available for the use of the Inaugural Committee, special registration tags, valid for a period not exceeding ninety days, designed to celebrate the occasion of the inauguration of the President and Vice President.

(Aug. 6, 1956, ch. 974, § 2, 70 Stat. 1049; Jan. 30, 1968, Pub. L. 90–251, § 1, 82 Stat. 4; 1967 Reorg. Plan No. 3, § 402(33), eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 953; Dec. 24, 1973, Pub. L. 93–198, title IV, §§ 401, 421, 87 Stat. 785, 789.)

CODIFICATION

Section is also set out in D.C. Code, § 1–1802.

AMENDMENTS

1968—Pub. L. 90–251 designated existing provisions as subsec. (a), substituted ''District of Columbia Council is authorized'' for ''Commissioners are authorized'' and ''it'' for ''they'' in two places, and added subsec. (b).

TRANSFER OF FUNCTIONS

The District of Columbia Council was abolished as of noon Jan. 2, 1975, by Pub. L. 93–198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, classified to section 1–211 of the District of Columbia Code, and replaced by the Council of the District of Columbia as provided by Pub. L. 93–198, title IV, § 401, Dec. 24, 1973, 87 Stat. 785, classified to section 1–221 of the District of Columbia Code.

The office of Commissioner of the District of Columbia, as established by Reorg. Plan No. 3 of 1967, eff. Aug. 11, 1967, 32 F.R. 11669, 81 Stat. 948, was abolished as of noon Jan. 2, 1975, by Pub. L. 93–198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, and replaced by the office of Mayor of the District of Columbia by section 421 of Pub. L. 93–198, classified to section 1–241 of the District of Columbia Code. Accordingly, ''Mayor'' was substituted for ''Commissioner''.

Section 402(33) of Reorg. Plan No. 3 of 1967, effective Nov. 3, 1967, 32 F.R. 11669, set out in the Appendix to Title 5, Government Organization and Employees, transferred the regulatory and other functions of the Board of Commissioners (with respect to each inaugural period: (i) making regulations necessary to secure the preservation of public order and protection of life, health, and property, (ii) making regulations respecting the standing, movement, and operation of vehicles, (iii) fixing conditions with respect to licenses to peddlers and vendors, and (iv) fixing fees for the privilege of selling goods, wares, and merchandise), under this section, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorganization Plan No. 3 of 1967.

§ 723. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary, payable in like manner as other appropriations for the expenses of the District of Columbia, to enable the Mayor to provide additional municipal services in said District during the inaugural period, including employment of personal services without regard to the civil-service and classification laws; travel expenses of enforcement personnel, including sanitarians, from other jurisdictions; hire of means of transportation; meals for policemen, firemen, and other municipal employees, cost of removing and relocating streetcar loading platforms, construction, rent, maintenance, and expenses incident to the operation of temporary public comfort stations, first-aid stations, and information booths; and other incidental expenses in the discretion of the Mayor; and such sums as may be necessary, payable in like manner as other appropriations for the expenses of the Department of the Interior, to enable the Secretary of the Interior to provide meals for the members of the United States Park Police during the inaugural period.

(Aug. 6, 1956, ch. 974, § 3, 70 Stat. 1049; 1967 Reorg. Plan No. 3, § 401, eff. Aug. 11, 1967, 32 F.R. 11669, 81 Stat. 951; Jan. 30, 1968, Pub. L. 90–251, § 2, 82 Stat. 4; Dec. 24, 1973, Pub. L. 93–198, title IV, § 421, 87 Stat. 789.)

REFERENCES IN TEXT

The civil-service laws, referred to in text, are set forth in Title 5, Government Organization and Employees. See particularly section 3301 et seq. of Title 5.

The classification laws, referred to in text, are classified generally to chapter 51 (§ 5101 et seq.) and to subchapter III (§ 5331 et seq.) of chapter 53 of Title 5.

CODIFICATION

Section is also set out in D.C. Code, § 1–1803.

AMENDMENTS

1968—Pub. L. 90–251 authorized appropriations for travel expenses of sanitarians, meals of municipal employees other than policemen and firemen, and meals of members of the United States Park Police during the inaugural period.

TRANSFER OF FUNCTIONS

Except as otherwise provided in Reorg. Plan No. 3 of 1967, eff. Aug. 11, 1967 (in part), 32 F.R. 11669, 81 Stat. 948, all functions of the Board of Commissioners of the District of Columbia were transferred to the Commissioner of the District of Columbia by section 401 of Reorg. Plan No. 3 of 1967. References to ''Commissioners'' in this chapter are deemed to refer to the Commissioner of the District of Columbia pursuant to section 730 of this title. The office of Commissioner of the District of Columbia, as established by Reorg. Plan No. 3 of 1967, was abolished as of noon Jan. 2, 1975, by Pub. L. 93–198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, and replaced by the office of Mayor of the District of Columbia by section 421 of Pub. L. 93–198, classified to section 1–241 of the District of Columbia Code. Accordingly, ''Mayor'' was substituted for ''Commissioners''.

§ 724. Permits for use of reservations or grounds; restoration to previous condition; liability

The Secretary of the Interior, with the approval of such officer as may exercise jurisdiction over any of the Federal reservations or grounds in the District of Columbia, is authorized to grant to the Inaugural Committee permits for the use of such reservations or grounds during the inaugural period, including a reasonable time prior and subsequent thereto; and the Mayor is authorized to grant like permits for the use of public space under the Mayor's jurisdiction. Each such permit shall be subject to such restrictions, terms, and conditions as may be imposed by the grantor of such permit. With respect to public space, no reviewing stand or any stand or structure for the sale of goods, wares, merchandise, food, or drink shall be built on any sidewalk, street, park, reservation, or other public grounds in the District of Columbia, except with the approval of the Inaugural Committee, and with the approval of the Secretary of the Interior or the Mayor, as the case may be, depending on the location of such stand or structure. The reservation, ground, or public space occupied by any such stand or structure shall, after the inaugural period, be promptly restored to its previous condition. The Inaugural Committee shall indemnify and save harmless the District of Columbia and the appropriate agency or agencies of the Federal Government against any loss or damage to such property and against any liability arising from the use of such property, either by the Inaugural Committee or a licensee of the Inaugural Committee.

(Aug. 6, 1956, ch. 974, § 4, 70 Stat. 1049; 1967 Reorg. Plan. No. 3, § 401, eff. Aug. 11, 1967, 32 F.R. 11669, 81 Stat. 951; Dec. 24, 1973, Pub. L. 93–198, title IV, § 421, 87 Stat. 789.)

CODIFICATION

Section is also set out in D.C. Code, § 1–1804.

TRANSFER OF FUNCTIONS

Except as otherwise provided in Reorg. Plan No. 3 of 1967, eff. Aug. 11, 1967 (in part), 32 F.R. 11669, 81 Stat. 948, all functions of the Board of Commissioners of the District of Columbia were transferred to the Commissioner of the District of Columbia by section 401 of Reorg. Plan No. 3 of 1967. References to ''Commissioners'' in this chapter are deemed to refer to the Commissioner of the District of Columbia pursuant to section 730 of this title. The office of Commissioner of the District of Columbia, as established by Reorg. Plan No. 3 of 1967, was abolished as of noon Jan. 2, 1975, by Pub. L. 93–198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, and replaced by the office of Mayor of the District of Columbia by section 421 of Pub. L. 93–198, classified to section 1–241 of the District of Columbia Code. Accordingly, references to Mayor were substituted for Commissioners.

§ 725. Installation and removal of electrical facilities; enforcement; public protection; restoration to previous condition; liability

The Mayor is authorized to permit the Inaugural Committee to install suitable overhead conductors and install suitable lighting or other electrical facilities, with adequate supports, for illumination or other purposes. If it should be necessary to place wires for illuminating or other purposes over any park or reservation in the District of Columbia, such placing of wires and their removal shall be under the supervision of the official in charge of said park or reservation. Such conductors with their supports shall be removed within five days after the end of the inaugural period. The Mayor, or such other officials as may have jurisdiction in the premises, shall enforce the provisions of this chapter, take needful precautions for the protection of the public, and insure that the pavement of any street, sidewalk, avenue, or alley which is disturbed or damaged is restored to its previous condition. No expense or damage from the installation, operation, or removal of said temporary overhead conductors or said illumination or other electrical facilities shall be incurred by the United States or the District of Columbia, and the Inaugural Committee shall indemnify and save harmless the District of Columbia and the appropriate agency or agencies of the Federal Government against any loss or damage and against any liability whatsoever arising from any act of the Inaugural Committee or any agent, licensee, servant, or employee of the Inaugural Committee.

(Aug. 6, 1956, ch. 974, § 5, 70 Stat. 1050; 1967 Reorg. Plan No. 3, § 401, eff. Aug. 11, 1967, 32 F.R. 11669, 81 Stat. 951; Dec. 24, 1973, Pub. L. 93–198, title IV, § 421, 87 Stat. 789.)

CODIFICATION

Section is also set out in D.C. Code, § 1–1805.

TRANSFER OF FUNCTIONS

Except as otherwise provided in Reorg. Plan No. 3 of 1967, eff. Aug. 11, 1967 (in part), 32 F.R. 11669, 81 Stat. 948, all functions of the Board of Commissioners of the District of Columbia were transferred to the Commis-

sioner of the District of Columbia by section 401 of Reorg. Plan No. 3 of 1967. References to ''Commissioners'' in this chapter are deemed to refer to the Commissioner of the District of Columbia pursuant to section 730 of this title. The office of Commissioner of the District of Columbia, as established by Reorg. Plan No. 3 of 1967, was abolished as of noon Jan. 2, 1975, by Pub. L. 93–198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, and replaced by the office of Mayor of the District of Columbia by section 421 of Pub. L. 93–198, classified to section 1–241 of the District of Columbia Code. Accordingly, references to Mayor were substituted for Commissioners.

§ 726. Repealed. Pub. L. 85–861, § 36A, Sept. 2, 1958, 72 Stat. 1570

Section, act Aug. 6, 1956, ch. 974, § 6, 70 Stat. 1050, related to loans to Inaugural Committee by Defense Department. See section 2543 of Title 10, Armed Forces.

§ 727. Communication facilities; removal

The Mayor, the Secretary of the Interior, and the Inaugural Committee are authorized to permit telegraph, telephone, radio-broadcasting, and television companies to extend overhead wires to such points along the line of any parade as shall be deemed convenient for use in connection with such parade and other inaugural purposes. Such wires shall be removed within ten days after the conclusion of the inaugural period.

(Aug. 6, 1956, ch. 974, § 7, 70 Stat. 1050; 1967 Reorg. Plan No. 3, § 401, eff. Aug. 11, 1967, 32 F.R. 11669, 81 Stat. 951; Dec. 24, 1973, Pub. L. 93–198, title IV, § 421, 87 Stat. 789.)

CODIFICATION

Section is also set out in D.C. Code, § 1–1806.

TRANSFER OF FUNCTIONS

Except as otherwise provided in Reorg. Plan No. 3 of 1967, eff. Aug. 11, 1967 (in part), 32 F.R. 11669, 81 Stat. 948, all functions of the Board of Commissioners of the District of Columbia were transferred to the Commissioner of the District of Columbia by section 401 of Reorg. Plan No. 3 of 1967. References to ''Commissioners'' in this chapter are deemed to refer to the Commissioner of the District of Columbia pursuant to section 730 of this title. The office of Commissioner of the District of Columbia, as established by Reorg. Plan No. 3 of 1967, was abolished as of noon Jan. 2, 1975, by Pub. L. 93–198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, and replaced by the office of Mayor of the District of Columbia by section 421 of Pub. L. 93–198, classified to section 1–241 of the District of Columbia Code. Accordingly, ''Mayor'' was substituted for ''Commissioners''.

§ 728. Duration of regulations and licenses; publication of regulations; violations and penalties

The regulations and licenses authorized by this chapter shall be in full force and effect only during the inaugural period. Such regulations shall be published in one or more of the daily newspapers published in the District of Columbia and no penalty prescribed for the violation of any such regulation shall be enforced until five days after such publication. Any person violating any regulation promulgated by the Council of the District of Columbia under the authority of this chapter shall be fined not more than $100 or imprisoned for not more than thirty days. Each and every day a violation of any such regulation exists shall constitute a separate offense, and the penalty prescribed shall be applicable to each such separate offense.

(Aug. 6, 1956, ch. 974, § 8, 70 Stat. 1051; Jan. 30, 1968, Pub. L. 90–251, § 3, 82 Stat. 4; Dec. 24, 1973, Pub. L. 93–198, title IV, § 401, 87 Stat. 785.)

CODIFICATION

Section is also set out in D.C. Code, § 1–1807.

AMENDMENTS

1968—Pub. L. 90–251 substituted ''District of Columbia Council'' for ''Commissioners''.

TRANSFER OF FUNCTIONS

The District of Columbia Council was abolished as of noon Jan. 2, 1975, by Pub. L. 93–198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, classified to section 1–211 of the District of Columbia Code, and replaced by the Council of the District of Columbia, as provided by Pub. L. 93–198, title IV, § 401, Dec. 24, 1973, 87 Stat. 785, classified to section 1–221 of the District of Columbia Code.

§ 729. Application to other properties; Congressional joint committee request or approval

Nothing contained in this chapter shall be applicable to the United States Capitol Buildings or Grounds or other properties under the jurisdiction of the Congress or any committee, commission or officer thereof: *Provided*, *however*, That any of the services or facilities authorized by or under this chapter shall be made available with respect to any such properties upon request or approval of the joint committee of the Senate and House of Representatives appointed by the President of the Senate and the Speaker of the House of Representatives to make the necessary arrangements for the Inauguration of the President-elect and the Vice President-elect.

(Aug. 6, 1956, ch. 974, § 9, 70 Stat. 1051.)

CODIFICATION

Section is also set out in D.C. Code, § 1–1809.

§ 730. "Commissioners" defined

Wherever the term ''Commissioners'' is used in this chapter, such term shall be deemed to refer to the Commissioner of the District of Columbia.

(Aug. 6, 1956, ch. 974, § 10, as added Jan. 30, 1968, Pub. L. 90–251, § 4, 82 Stat. 4.)

CODIFICATION

Section is also set out in D.C. Code, § 1–1809.

TRANSFER OF FUNCTIONS

Except as otherwise provided in Reorg. Plan No. 3 of 1967, eff. Aug. 11, 1967 (in part), 32 F.R. 11669, 81 Stat. 948, all functions of the Board of Commissioners of the District of Columbia were transferred to the Commissioner of the District of Columbia by section 401 of Reorg. Plan No. 3 of 1967. The office of Commissioner of the District of Columbia, as established by Reorg. Plan No. 3 of 1967, was abolished as of noon Jan. 2, 1975, by Pub. L. 93–198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, and replaced by the office of Mayor of the District of Columbia by section 421 of Pub. L. 93–198, classified to section 1–241 of the District of Columbia Code.

CHAPTER 31—CIVIL WAR CENTENNIAL COMMISSION

§§ 741 to 747. Omitted

CODIFICATION

Sections 741 to 747 related to the Civil War Centennial Commission, which terminated pursuant to former section 746 of this title.

Section 741, Pub. L. 85–305, § 1, Sept. 7, 1957, 71 Stat. 626, provided for establishment and membership of Civil War Centennial Commission.

Section 742, Pub. L. 85–305, § 2, Sept. 7, 1957, 71 Stat. 626, authorized Commission to prepare an overall program including specific plans commemorating the one hundredth anniversary of Civil War.

Section 743, Pub. L. 85–305, § 3, Sept. 7, 1957, 71 Stat. 627, authorized Commission to preserve and develop the historic battlefield sites of Civil War to insure a fitting observance as their centennial occurs.

Section 744, Pub. L. 85–305, § 4, Sept. 7, 1957, 71 Stat. 627, authorized a Presidential proclamation inviting people of the United States to participate in observance of centennial celebration.

Section 745, Pub. L. 85–305, § 5, Sept. 7, 1957, 71 Stat. 627, authorized Commission to accept donations of money, property or personal services and to contract for materials and supplies, and designated National Park Service as agency to provide all general administrative services.

Section 746, Pub. L. 85–305, § 6, Sept. 7, 1957, 71 Stat. 627, provided for hiring of employees, accounting of funds, a national assembly, a report submitted to Congress not later than Mar. 1, 1958, on preliminary plans of Commission, annual reports thereafter, and a final report submitted no later than May 1, 1966 (upon which date the Commission terminated), and disposal of property and funds of Commission upon its termination.

Section 747, Pub. L. 85–305, § 7, Sept. 7, 1957, 71 Stat. 628, provided for transportation and reimbursement to members of Commission.

§ 748. Repealed. Pub. L. 88–448, title IV, § 402(a)(33), Aug. 19, 1964, 78 Stat. 495

Section, Pub. L. 85–305, § 8, Sept. 7, 1957, 71 Stat. 628, related to employment of retired officers. See section 8301 et seq. of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF REPEAL

Repeal effective on first day of first month which begins later than ninetieth day following Aug. 19, 1964, see section 403 of Pub. L. 88–448.

§ 749. Omitted

CODIFICATION

Section, Pub. L. 85–305, § 9, Sept. 7, 1957, 71 Stat. 628; Pub. L. 85–918, Sept. 2, 1958, 72 Stat. 1769, authorized appropriations of not to exceed $100,000 in any one fiscal year. See note for former section 746 of this title.

CHAPTER 32—VETERANS OF WORLD WAR I OF THE UNITED STATES OF AMERICA

Sec.
761. Corporation created.
762. Completion of organization.
763. Objects and purposes of corporation.
764. Powers of corporation.
765. Eligibility for membership.
766. Governing authority; composition; form; meeting places.
767. Board of administration.
(a) Governing period.
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§ 761. Corporation created

The following-named persons provided that they meet the eligibility requirements set forth in section 765 of this title: Harlan W. Barnes, Portland, Oregon; Lewis Brake, Mount Vernon, Illinois; Fred J. Hollenbeck, Cape Vincent, New York; Reginald H. Murphy, Junior, Washington, District of Columbia; Stanton L. Smiley, Gary, Indiana; Emerson R. J. Follett, Dover, New Hampshire; M. George Deutch, Buffalo, New York; Patrick F. O'Connor, Braddock, Pennsylvania; Charles L. Gore, Baltimore, Maryland; Arch MacIntyre, Tampa, Florida;

G. Edwin Slater, Detroit, Michigan; John E. Erickson, Minneapolis, Minnesota; Al. H. Ohlsen, San Francisco, California; Arthur G. Estes, Albuquerque, New Mexico; M. C. Hermann, San Francisco, California; Merle E. Hopper, Roscommon, Michigan; Harry J. Millen, Watertown, New York; John C. Van Etten, Olympia, Washington; Emanuel Levy, Fort Wayne, Indiana; A. T. G. Novak, Seattle, Washington; Doctor Harry E. Mort, Saint Louis, Missouri; Martin F. Iverson, Washington, District of Columbia; Monte C. Walton, Portland, Oregon; Bert Mansfield, Portland, Oregon; W. N. Knight, Salisbury, North Carolina; Reverend George G. Shurtz, Newcomerstown, Ohio;

David G. Bollinger, Lakewood, Ohio; Catherine Sawyer, Napa County, California; Joseph Bergrath, Madison, Illinois; Arthur Means, Mena, Arkansas; James Butler, Long Beach, California; Joseph P. Crider, Westerly, Rhode Island; Frank Heise, Washington, District of Columbia; Joseph W. Padderatz, New Smyrna Beach, Florida; George Burdick, Twin Falls, Idaho; Dean V. Thompson, Boise, Idaho; M. H. Bond, Centralia, Illinois; Denton Opp, Aurora, Indiana; Paul Hadley, Rehoboth Beach, Delaware; George M. Leary, Quincy, Massachusetts; Charles Cooper, Clare, Michigan; Jack Greenwood, Minneapolis, Minnesota; Howard E. White, Kansas City, Missouri; C. P. Biffle, Polson, Montana;

John Twardus, Stratham, New Hampshire; Gustave G. W. Laegeler, Newark, New Jersey; George F. Patton, Portales, New Mexico; William F. Schwab, Buffalo, New York; E. G. Kittles, Charlotte, North Carolina; Victor E. Morgan, Bridgeport, Ohio; Ray Snider, La Grande, Oregon; Leslie E. Barnhart, Uniontown, Pennsylvania; J. L. FitzGibbon, Columbia,

South Carolina; C. W. Nevins, Fort Worth, Texas; Howard Houck, San Pedro, California; Charles Wetter, Santa Ana, California; A. Thomas Wheaton, Dearborn, Michigan; T. D. Ladd, Amarillo, Texas; Cornelius B. Prins, Fort Pierce, Florida;

Charles Ulmer, Wellington, Kansas; Louis Alterici, Charleroi, Pennsylvania; Robert Brown, Minneapolis, Minnesota; Joseph J. Strobel, Molalla, Oregon; James R. McClain, Springfield, Illinois; Henry H. Hitchings, Johnson City, New York; Albert J. Graf, Lake View, New York; William E. Kilgore, Ludlow, Kentucky; Leo Thornton, Hammond, Indiana; Daniel A. Chester, Spencer, North Carolina; Frank B. Pace, Oklahoma City, Oklahoma; O. B. Pritchett, Jefferson City, Missouri; Dayton H. Montgomery, Hot Springs, Arkansas; Melvin D. Eddy, Belmont, Massachusetts; James L. Culbert, Haverhill, Massachusetts;

Joseph Perrone, New London, Connecticut; George H. Hoak, Houton Lake Heights, Michigan; and William A. McVeigh, Victorville, California, and their associates and successors, are created and declared to be a body corporate of the District of Columbia, where its legal domicile shall be, the name of which shall be Veterans of World War I of the United States of America, Incorporated (hereinafter referred to as the ''corporation''), and by such name the said corporation shall be known and have perpetual succession, the powers, limitations, and restrictions herein contained.

(Pub. L. 85–530, § 1, July 18, 1958, 72 Stat. 370.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 762 of this title.

§ 762. Completion of organization

The persons named in section 761 of this title are authorized, a majority concurring, to complete the organization of the corporation by the selection of officers and employees, the adoption of regulations and bylaws, not inconsistent with this chapter, and the doing of such other acts as may be necessary for such purpose.

(Pub. L. 85–530, § 2, July 18, 1958, 72 Stat. 371.)

§ 763. Objects and purposes of corporation

The purposes of the corporation shall be patriotic, fraternal, historical, and educational, in the service and for the benefit of veterans of World War I and are as follows:

(1) To provide for the veterans of World War I an organization for their mutual benefit, pleasure, and amusement, which will afford them the opportunities and means for personal contact with each other in order to keep alive friendships and memories of World War I and to venerate the memory of their honored dead;

(2) To cooperate to the fullest extent and in a harmonious manner with all veterans' organizations to the end that the best interests of all veterans of all wars in which the United States of America has participated, and the widows and orphans of deceased veterans of such wars, may be best served;

(3) To stimulate communities and political subdivisions into taking more interest in veterans of World War I, the widows and orphans of such deceased veterans, and the problems of such veterans and their widows and orphans;

(4) To collate, preserve, and encourage the study of historical episodes, chronicles, mementos, and events pertaining to World War I;

(5) To fight vigorously to uphold the Constitution and laws of the United States, as well as the individual States of the Union and to foster the spirit and practice of true Americanism;

(6) To fight unceasingly for our national security in order to protect Americans from enemies within our borders, as well as those from without, to the end that our American way of life be preserved;

(7) To fight to the utmost all those alien forces, particularly forces such as communism, whose objectives are to deny our very existence as a free people; and

(8) To do any and all acts and things necessary and proper to carry out the objects and purposes of the corporation.

(Pub. L. 85–530, § 3, July 18, 1958, 72 Stat. 371.)

§ 764. Powers of corporation

The corporation shall have power—

(1) to have succession by its corporate name;

(2) to sue and be sued, complain and defend in any court of competent jurisdiction;

(3) to adopt, use, alter a corporate seal;

(4) to choose such officers, managers, agents, and employees as the activities of the corporation may require;

(5) to adopt, amend, and alter a constitution and bylaws not inconsistent with the laws of the United States or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;

(6) to contract and be contracted with;

(7) to take by lease, gift, purchase, grant, devise, or bequest from any public body or agency or any private corporation, association, partnership, firm, or individual and to hold absolutely or in trust for any of the purposes of the corporation any property, real, personal, or mixed, necessary or convenient for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of law of any State (A) governing the amount or kind of property which may be held by, or (B) otherwise limiting or controlling the ownership of property by, a corporation operating in such State;

(8) to transfer, convey, lease, sublease, encumber, and otherwise alienate real, personal, or mixed property;

(9) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, deed of trust, pledge, or otherwise, subject in every case to all applicable provisions of Federal and State laws; and

(10) to do any and all acts and things necessary and proper to carry out the objects and purposes of the corporation.

(Pub. L. 85–530, § 4, July 18, 1958, 72 Stat. 371.)

§ 765. Membership

Eligibility for membership in the corporation and the rights, privileges, and designation of

classes of members shall be determined as the constitution and bylaws of the corporation may provide but in no case shall eligibility for all classes of membership include persons who did not serve honorably in the armed forces of the United States during the period beginning April 6, 1917 and ending November 11, 1918.

(Pub. L. 85–530, § 5, July 18, 1958, 72 Stat. 372.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 761, 767 of this title.

§ 766. Governing authority; composition; form; meeting places

(a) The supreme governing authority of the corporation shall be the national convention thereof, composed of such officers and elected representatives from the several States and other local subdivisions of the corporate organization as shall be provided by the constitution and bylaws, each of such duly elected representatives to be entitled to one vote at such national convention. The form of the government of the corporation shall always be representative of the membership at large and shall not permit the concentration of the control thereof in the hands of a limited number of members or in a self-perpetuating group not so representative. The meetings of the national convention may be held in any State or Territory or in the District of Columbia.

(b) Each member of the corporation, other than associate or honorary members, shall have the right to one vote on each matter submitted to a vote at all other meetings of the members of the corporation.

(Pub. L. 85–530, § 6, July 18, 1958, 72 Stat. 372.)

§ 767. Board of administration

(a) Governing period

During the intervals between the national convention, the board of administration shall be the governing board of the corporation and shall be responsible for the general policies, programs, and activities of the corporation.

(b) Initial board

Upon the enactment of this chapter the membership of the initial board of administration of the corporation shall consist of such of the following present members of the board of administration of the Veterans of World War I of the United States of America, Incorporated (the corporation described in section 778 of this title) as qualify for membership under section 765 of this title and who are qualified members of said board of administration, to wit: Harlan W. Barnes, Lewis Brake, Fred J. Hollenbeck, Reginald H. Murphy, Junior, Stanton L. Smiley, Catherine Sawyer, Emerson R. J. Follett, M. George Deutsch, Patrick F. O'Connor, Charles L. Gore, Arch MacIntyre, G. Edwin Slater, John E. Erickson, A. H. Ohlsen, and Arthur G. Estes.

(c) Election

Thereafter, the board of administration of the corporation shall consist of not less than seven members elected in the manner and for the term prescribed in the constitution and bylaws of the corporation.

(Pub. L. 85–530, § 7, July 18, 1958, 72 Stat. 372.)

REFERENCES IN TEXT

Enactment of this chapter, referred to in subsec. (b), means enactment of Pub. L. 85–530, which was enacted July 18, 1958.

§ 768. Officers

The officers of the corporation shall be a national commander, a national senior vice commander, a national junior vice commander, a national quartermaster, a national adjutant (which latter two offices may be held by one person), a national judge advocate, nine regional vice commanders, and such other officers as may be prescribed in the constitution and bylaws. The officers of the corporation shall be selected in such manner and for such terms and with such duties and titles as may be prescribed in the constitution and bylaws of the corporation.

(Pub. L. 85–530, § 8, July 18, 1958, 72 Stat. 373.)

§ 769. Principal office; territorial scope of activities; agent for service of process

(a) The principal office of the corporation shall be located in Washington, District of Columbia, or in such other place as may be determined by the board of administration; but the activities of the corporation shall not be confined to that place, but may be conducted throughout the various States, the District of Columbia, and Territories and possessions of the United States.

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

(Pub. L. 85–530, § 9, July 18, 1958, 72 Stat. 373.)

§ 770. Distribution of income or assets to members; loans

(a) No part of the income or assets of the corporation shall inure to any of its members or officers as such, or be distributed to any of them during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of compensation to officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of administration of the corporation.

(b) The corporation shall not make loans to its officers or employees. Any member of the board of administration who votes for or assents to the making of a loan or advance to an officer or employee of the corporation, and any officer who participates in the making of such a loan or advance, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

(Pub. L. 85–530, § 10, July 18, 1958, 72 Stat. 373.)

§ 771. Nonpolitical nature of corporation

The corporation and its officers and agents as such shall not contribute to or otherwise sup-

port or assist any political party or candidate for public office.

(Pub. L. 85–530, § 11, July 18, 1958, 72 Stat. 373.)

§ 772. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Pub. L. 85–530, § 12, July 18, 1958, 72 Stat. 374.)

§ 773. Prohibition against issuance of stock or payment of dividends

The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

(Pub. L. 85–530, § 13, July 18, 1958, 72 Stat. 374.)

§ 774. Books and records; inspection

The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its national convention and board of administration. All books and records of the corporation may be inspected by any member, or his agent or attorney, for any proper purpose, at any reasonable time.

(Pub. L. 85–530, § 14, July 18, 1958, 72 Stat. 374.)

§ 775. Repealed. Pub. L. 88–504, § 4(27), Aug. 30, 1964, 78 Stat. 637

Section, Pub. L. 85–530, § 15, July 18, 1958, 72 Stat. 374, related to audit of financial transactions and report of such audit to Congress. See sections 1101 to 1103 of this title.

§ 776. Annual report

On or before March 1 of each year the corporation shall report to the Congress on its activities during the preceding fiscal year. Such report may consist of a report on the proceedings of the national convention covering such fiscal year.

(Pub. L. 85–530, § 16, July 18, 1958, 72 Stat. 374; Pub. L. 88–105, § 2, Aug. 27, 1963, 77 Stat. 130.)

AMENDMENTS

1963—Pub. L. 88–105 struck out provisions which prohibited the report from being printed as a public document.

CROSS REFERENCES

Printing of proceedings of national encampments as House documents, see section 1332 of Title 44, Public Printing and Documents.

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

The corporation and its subordinate divisions shall have the sole and exclusive right to use the name ''Veterans of World War I of the United States of America, Incorporated''. The corporation shall have the exclusive and sole right to use, or to allow or refuse the use of, such emblems, seals, and badges as it may legally adopt, and such emblems, seals, and badges as have heretofore been used by the Ohio corporation described in section 778 of this title and the right to which may be lawfully transferred to the corporation.

(Pub. L. 85–530, § 17, July 18, 1958, 72 Stat. 374.)

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.

§ 778. Acquisition of assets and liabilities of existing corporation

The corporation may acquire the assets of the Veterans of World War I of the United States of America, Incorporated, a corporation organized under the laws of the State of Ohio, upon discharging or satisfactorily providing for the payment and discharge of all of the liability of such corporation and upon complying with all laws of the State of Ohio applicable thereto.

(Pub. L. 85–530, § 18, July 18, 1958, 72 Stat. 375.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 767, 777 of this title.

§ 779. Dissolution or liquidation; disposition of property

The national convention may, by resolution, declare the event upon which the corporate existence of the organization is to terminate and provide for the disposition of any property remaining to the corporation after the discharge or satisfaction of all outstanding obligations and liabilities. A duly authenticated copy of such resolution shall be filed in the office of the United States District Court for the District of Columbia. Upon the happening of the event thus declared, and upon the filing of a petition in said United States District Court reciting said facts, said court shall take jurisdiction thereof, and upon due proof being made the court shall enter a decree which shall be effectual to vest title and ownership in accordance with the provisions of such resolution.

(Pub. L. 85–530, § 19, July 18, 1958, 72 Stat. 375.)

§ 780. Reservation of right to amend or repeal chapter

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

(Pub. L. 85–530, § 20, July 18, 1958, 72 Stat. 375.)

CHAPTER 33—THE CONGRESSIONAL MEDAL OF HONOR SOCIETY OF THE UNITED STATES OF AMERICA

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§ 791. Corporation created

The following named persons: Major General David M. Shoup, United States Marine Corps, Virginia; Joel T. Boone, Washington, District of Columbia; Samuel I. Parker, New Jersey; Nicholas Oresko, New Jersey; Luther Skaggs, Maryland; Rufus G. Herring, North Carolina; Nathan Gordon, Arkansas; Joseph J. McCarthy, Illinois; Pierpont M. Hamilton, California; Daniel W. Lee, Alabama; Walter D. Ehlers, California; David E. Hayden, California; William R. Huber, California; Robert S. Kennemore, California; Jackson C. Pharris, California; William J. Crawford, Colorado; Hugh C. Frazer, Washington, District of Columbia; Robert E. Galer, Washington, District of Columbia; Edouard V. M. Izac, Washington, District of Columbia; Leon W. Johnson, Washington, District of Columbia; Keith L. Ware, Washington, District of Columbia; John C. Latham, Connecticut; Homer L. Wise, Connecticut; Charles P. Murray, Georgia; Robert E. Gerstung, Illinois; Jake Allex Mandusich, Illinois; John L. Barkley, Kansas; Charles E. Kelly, Kentucky; John D. Bulkeley, Maryland; Justice M. Chambers, Maryland; Lawson P. Ramage, Washington, District of Columbia; Charles A. MacGillivary, Massachusetts; Everett P. Pope, Massachusetts; Russell E. Dunham, Missouri; Arthur J. Forrest, Missouri; M. Waldo Hatler, Missouri; Carl L. Sitter, North Carolina; Max Thompson, North Carolina; Francis X. Burke, New Jersey; Thomas J. Hudner, New Jersey; Samuel M. Sampler, New Jersey; Charles Henry Willey, New Hampshire; Frank L. Anders, North Dakota; Ernest Childers, Oklahoma; John R. Crews, Oklahoma; Jack C. Montgomery, Oklahoma; Robert D. Maxwell, Oregon; Gino J. Merli, Pennsylvania; Oscar Schmidt, Pennsylvania; Thomas Eadie, Rhode Island; Charles H. Coolidge, Tennessee; Carlton W. Barrett, Virginia; Raymond G. Davis, Virginia; Paul F. Foster, Virginia; James R. Hendrix, Virginia; John Mihalowski, Virginia; Louis H. Wilson, Virginia; Orville E. Bloch, Washington; Robert E. Bonney, Washington; Einar H. Ingman, Wisconsin; Herschel W. Williams, West Virginia; and their successors are created and declared to be a body corporate of the District of Columbia, where its legal domicile shall be by the name of the Congressional Medal of Honor Society of the United States of America (hereafter referred to as the ''corporation'') and by such name shall be known and have perpetual succession and the powers, limitations, and restrictions herein contained.

(Pub. L. 85–642, § 1, Aug. 14, 1958, 72 Stat. 597.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 792 of this title.

§ 792. Completion of organization

A majority of the persons named in section 791 of this title are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption, amendment, and revision of a constitution and bylaws not inconsistent with the provisions of this chapter and the doing of such other acts as may be necessary for such purpose.

(Pub. L. 85–642, § 2, Aug. 14, 1958, 72 Stat. 597.)

§ 793. Objects and purposes of corporation

The objects and purposes of the corporation are as follows:

(1) To form a bond of friendship and comradeship among all holders of the Congressional Medal of Honor.

(2) To protect, uphold, and preserve the dignity and honor of the medal at all times and on all occasions.

(3) To protect the name of the medal, and individual holders of the medal from exploitation.

(4) To provide appropriate aid to all persons to whom the medal has been awarded, their widows or their children.

(5) To serve our country in peace as we did in war.

(6) To inspire and stimulate our youth to become worthy citizens of our country.

(7) To foster and perpetuate Americanism.

(Pub. L. 85–642, § 3, Aug. 14, 1958, 72 Stat. 598.)

§ 794. Powers of corporation

The corporation shall have power—

(1) to sue and be sued, complain and defend in any court of competent jurisdiction;

(2) to adopt, alter, and use a corporate seal;

(3) to choose officers, managers, and agents as the business of the corporation may require;

(4) to charge and collect membership dues;

(5) to adopt, amend, apply, and alter a constitution and bylaws not inconsistent with the laws of the United States of America or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;

(6) to contract and be contracted with;

(7) to take and hold by lease, gift, purchase, grant, devise, bequest or otherwise any property real, personal, or mixed, necessary or convenient for attaining the objects of the corporation, subject, however, to applicable provisions of law of any State, (a) governing the amount or kind of real and personal property which may be held by, or, (b) otherwise limiting or controlling the ownership of real and personal property by, a corporation operating in such State;

(8) to transfer, lease, or convey real or personal property;

(9) to borrow money for the purposes of the corporation and issue bonds or other evidences

of indebtedness therefor and secure the same by mortgage or pledge subject to applicable Federal or State laws; and

(10) to do any and all acts necessary and proper to carry out the purposes of the corporation.

(Pub. L. 85–642, § 4, Aug. 14, 1958, 72 Stat. 598.)

§ 795. Principal office; territorial scope of activities; agent for service of process

(a) The principal office of the corporation shall be located in Washington, District of Columbia, or in such other place as may later be determined by the board of directors but the activities of the corporation shall not be confined to that place and may be conducted throughout the various Territories and possessions of the United States.

(b) The corporation shall have in the District of Columbia at all times a designated agent authorized to accept service and process for the corporation; and notice to or service upon such agent or mailed to the business address of such agent shall be deemed as service to or notice on the corporation.

(Pub. L. 85–642, § 5, Aug. 14, 1958, 72 Stat. 598.)

§ 796. Membership

(a) Eligibility

Any person who has been awarded the Medal of Honor is eligible for membership in the society.

(b) Honorary memberships

Honorary memberships shall not be granted.

(c) Voting rights

Each member of the corporation shall have the right to one vote either in person or by proxy on each matter submitted to a vote at all meetings of the members of the corporation.

(Pub. L. 85–642, § 6, Aug. 14, 1958, 72 Stat. 599.)

§ 797. Board of directors

(a) Composition of initial board

The governing body of the corporation is its board of directors which during the year 1958 will comprise the following: President, David M. Shoup; executive vice president, Joel T. Boone; secretary-treasurer, Samuel I. Parker; first regional vice president, Nicholas Oresko; second regional vice president, Luther Skaggs; third regional vice president, Rufus G. Herring; fourth regional vice president, Nathan Gordon; fifth regional vice president, Joseph J. McCarthy; sixth regional vice president, Pierpont M. Hamilton; who currently hold such offices in the Congressional Medal of Honor Society of the United States of America.

(b) Composition of subsequent boards; tenure

Thereafter the board of directors of the corporation shall consist of such number (not less than nine), shall be elected in such manner (including the filling of vacancies) and shall serve their terms as may be prescribed in the bylaws of the corporation.

(c) Powers; voting rights; meetings; chairman

The board of directors may exercise, or provide for the exercise of, the powers herein granted to the corporation, and each member of the board shall have one vote upon all matters determined, except that if the offices of secretary and treasurer are combined and are held by one person, he shall have only one vote as a member of the board of directors. The board shall meet at least annually. The president of the corporation shall act as chairman of the board.

(Pub. L. 85–642, § 7, Aug. 14, 1958, 72 Stat. 599.)

§ 798. Officers

(a) Composition

The officers of the corporation shall consist of a president, executive vice president, secretary, treasurer, and six regional vice presidents as may be provided in the bylaws. The office of secretary may be combined with the office of treasurer and the combined offices may be held by one person.

(b) Powers

The officers shall have such powers consistent with this charter, as may be determined by the bylaws.

(c) Election; tenure; duties

The officers of the corporation shall be elected in such manner and have such terms and with such duties as may be prescribed in the bylaws of the corporation.

(Pub. L. 85–642, § 8, Aug. 14, 1958, 72 Stat. 599.)

§ 799. Distribution of income or assets to members; loans

(a) No part of the income or assets of the corporation shall inure to any member, officer, or director as such, or be distributed to any of them during the life of the corporation or upon its dissolution or final liquidation, nor shall any member or private individual be liable for the obligations of the corporation. Nothing in this section, however, shall be construed to prevent—

(1) the payment of bona fide expenses of officers of the corporation in amounts approved by the board or[1] directors; or

(2) the payment of appropriate aid to persons to whom the Medal of Honor has been awarded, their widows or their children pursuant to the objects of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any officer or director who votes for or assents to the making of a loan to an officer, director, or employee of the corporation and any officer who participates in the making of such loan shall be jointly and severally liable to the corporation for the amount of such loan until the payment thereof.

(Pub. L. 85–642, § 9, Aug. 14, 1958, 72 Stat. 599.)

§ 800. Nonpolitical nature of corporation

The corporation and its officers and directors as such shall not contribute to or participate in, directly or indirectly, local or national political activity or in any manner attempt to influence legislation.

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[1] So in original. Probably should be "of".

(Pub. L. 85–642, § 10, Aug. 14, 1958, 72 Stat. 600.)

§ 801. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Pub. L. 85–642, § 11, Aug. 14, 1958, 72 Stat. 600.)

§ 802. Prohibition against issuance of stock or payment of dividends

The corporation shall have no power to issue any shares of stock or declare or pay dividends.

(Pub. L. 85–642, § 12, Aug. 14, 1958, 72 Stat. 600.)

§ 803. Books and records; inspection

The corporation shall keep correct and complete books and records of account. It shall also keep minutes of the proceedings of its membership and of the board of directors or committees having authority under the board of directors. It shall also keep at its principal office a record giving the names and addresses of its members, directors, and officers. All books and records of the corporation may be inspected by any member or his agent or attorney for any proper purpose at any reasonable time.

(Pub. L. 85–642, § 13, Aug. 14, 1958, 72 Stat. 600.)

§ 804. Repealed. Pub. L. 88–504, § 4(28), Aug. 30, 1964, 78 Stat. 637

Section, Pub. L. 85–642, § 14, Aug. 14, 1958, 72 Stat. 600, related to audit of financial transactions and report of such audit to Congress. See sections 1101 to 1103 of this title.

§ 805. Use of assets on dissolution or liquidation

Upon final dissolution or liquidation of the corporation and after discharge or satisfaction of all outstanding obligations and liabilities the remaining assets of the corporation may be distributed in accordance with the determination of the board of directors of the corporation and in compliance with the bylaws of the corporation and all Federal and State laws applicable thereto.

(Pub. L. 85–642, § 15, Aug. 14, 1958, 72 Stat. 600.)

§ 806. Acquisition of assets and liabilities of existing corporation

The corporation may acquire the assets of the Congressional Medal of Honor Society of the United States, Incorporated, a body corporate organized under the laws of the State of New York, upon discharge or satisfactorily providing for the payment and discharge of all of the liabilities of such State corporation and upon complying with all the laws of the State of New York applicable thereto.

(Pub. L. 85–642, § 16, Aug. 14, 1958, 72 Stat. 601.)

§ 807. Reservation of right to amend or repeal chapter

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

(Pub. L. 85–642, § 17, Aug. 14, 1958, 72 Stat. 601.)

CHAPTER 34—MILITARY ORDER OF THE PURPLE HEART OF THE UNITED STATES OF AMERICA

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832. Prohibition against issuance of stock or payment of dividends.
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834. Repealed.
835. Use of assets on dissolution or liquidation.
836. Acquisition of assets and liabilities of existing corporation.
837. Reservation of right to amend or repeal chapter.

§ 821. Corporation created

The following persons to wit: Richard Golick, Chicago, Illinois; William B. Eaton, Lansing, Michigan; Victor F. Kubly, Daytona Beach, Florida; Luther Smith, Harrisburg, Pennsylvania; Olin E. Teague, College Station, Texas; Charles E. Potter, Cheboygan, Michigan; Paul H. Douglas, Chicago, Illinois; B. Carroll Reece, Johnson City, Tennessee; Errett P. Scrivner, Kansas City, Kansas; Edward Martin, Washington, Pennsylvania; General Melvin J. Maas, Saint Paul, Minnesota; General Patrick J. Hurley, Santa Fe, New Mexico; General William A. Donovan, New York, New York; Admiral John F. Ford, Hollywood, California;

Colonel Robert M. Bringham, Los Angeles, California; John J. Martin, Madison, Wisconsin; Robert Schroeder, Milwaukee, Wisconsin; Frank A. Weber, Bearer, Pennsylvania; Thomas A. Powers, Brooklyn, New York; Major Wilbur E. Dove, Washington, District of Columbia; Ernest L. Ihbe, Milwaukee, Wisconsin; Lloyd E. Henry, Hyattsville, Maryland; Stanley B. Kirschbaum, Detroit, Michigan; Raymond Cocklin, Daytona Beach, Florida; Francis J. Maguire, Gloucester City, New Jersey; Clifford A. Parmenter, Long Beach, California; Harry H. Dietz, Baltimore, Maryland; Charles S. Iskin, Miami, Florida; Victor N. Lukatz, Cincinnati, Ohio; John P. Hapsch, Minneapolis, Minnesota; Richard J. Flanders, Waukegan, Illinois; General Douglas MacArthur, New York, New York; General James A. Van Fleet, Auburndale, Florida;

William J. Schroder, Pelham, New York; John H. Hoppe, D.S.C., Alexandria, Virginia; John C. Reynolds, Covington, Kentucky; Anton Kneller, Philadelphia, Pennsylvania; John L. Schwartz, Albuquerque, New Mexico; Henry Marquard,

Elmhurst, Illinois; James C. Doyle, Arlington, Massachusetts; Frank Heidel, Harrisburg, Pennsylvania; John E. Schwend, Webster Groves, Missouri; Anthony Badamo, Quincy, Illinois; Joseph E. Stanger, Bridgeton, New Jersey; Frank V. Fromme, Jasper, Indiana; Arthur Goetsch, Davenport, Iowa; Joseph Stiegler, Junior, Silver Spring, Maryland; William E. Savage, Seattle, Washington; Jack Medford, Tucson, Arizona; Joseph C. Kolinsky, Middletown, Connecticut; Jack M. Deckard, Tampa, Florida; Ted J. Swedo, North Chicago, Illinois; Linus Vonderheide, Saint Anthony, Indiana; Joseph Earith, Sioux City, Iowa; Howell Brewer, doctor of medicine, Shreveport, Louisiana; Francis Donnelly, Arlington, Massachusetts;

Bernard J. Young, Chicago, Illinois; Joseph Richter, Saint Louis, Missouri; William Long, North Troy, New York; Kevin J. Murphy, Bronx, New York; William H. Kinsinger, Columbus, Ohio; Carl R. Carlson, Portland, Oregon; Ray Dorris, Portland, Oregon; James Gehas, Coatesville, Pennsylvania; Charles J. Showalter, Lancaster, Pennsylvania; Aloysius J. Healy, Madison, Wisconsin; Charles O. Carlston, San Francisco, California; Andrew Munson, Sioux Falls, South Dakota; Peter C. Mueller, Glendora, California; John D. Goodin, Johnson City, Tennessee; Lars Eilefson, Billings, Montana; W. Phil Bohnert, Indianapolis, Indiana;

Orral O. Jackson, Sioux Falls, South Dakota; Major General Thomas F. Foley, Worcester, Massachusetts; Reverend Alfred W. Price, Philadelphia, Pennsylvania; John T. Mullins, New York, New York; Frank Cushner, Ansonia, Connecticut; Colonel Walter F. Bowman, California; Michael Thiede, Dearborn, Michigan; Robert Sobel, Phoenix, Arizona; Ray Schulze, Yountville, California; Joseph Feingold, Miami, Florida; Herbert McFarland, Cumberland, Maryland; Arthur LaBrack, Brighton, Massachusetts; John W. Fitzer, Junior, Detroit, Michigan; Arthur F. D. Evans, Saint Louis, Missouri; Roland C. Smith, Orange, New Jersey; Charles Burkhardt, Troy, New York; Hugo Engler, Ridgefield, Washington; Edward Commers, Helena, Montana;

Theodore Fauntz, Seattle, Washington; Albert O. Rabassa, Baltimore, Maryland; Michael Doohan, New Haven, Connecticut; Occa V. Phillips, Saint Cloud, Minnesota; Uriah Lucas, Salisbury, North Carolina; Donald Lindley, Kansas City, Missouri; Percy O. Buterbaugh, Lincoln, Nebraska; Stanley C. Lagncaskey, Trenton, New Jersey; Alfred J. Gardner, Statesville, North Carolina; Sagie Nishioka, Salem, Oregon; Edgar Eichler, San Antonio, Texas; H. J. Theisen, Port Orchard, Washington; Colonel Michael Ushakoff, Seattle, Washington; Alfred H. Klineschmidt, Reno, Nevada;

Francis J. Cayouette, Augusta, Maine; William Floyd, Aurora, Colorado; Henry H. Carter, Junior, North Augusta, South Carolina; Ike Parish, Marianna, Arkansas; Daniel P. Borota, Gary, Indiana; Jerome S. Daunhauer, Ferdinand, Indiana; Robert H. Gamber, Davenport, Iowa; William Powers, Lyndon, Kentucky; Colonel Michael Glossinger, Waneland, Mississippi; Kenneth Spry, Wyandotte, Michigan; Joseph C. Taylor, Youngstown, Ohio; George A. Davis, Helena, Montana; Harold H. Hamilton, Lancaster, Pennsylvania; Thomas H. McGovran, Charleston, West Virginia;

Bernard Maurer, Edgemoor, Delaware; Marcus E. Diffenderfer, Ossipee, New Hampshire; Andrew Nomland, Grand Forks, North Dakota; Admiral John Hoskins, Quonset, Rhode Island; Jesus Ascencio Vazquez, South Margarita, Canal Zone; Ernest Collins, Arlington, Virginia; Genaro Cabrera, Cayey, Puerto Rico; Roberto Cruz Figueroa, Rio Piedras, Puerto Rico; Henry B. Haina, Honolulu, Hawaii; John T. Stanton, Kansas City, Kansas; and their successors are created and declared to be a body corporate of the District of Columbia, where the legal domicile shall be, by the name of the Military Order of the Purple Heart of the United States of America, Incorporated (hereinafter referred to as the ''corporation''), and by such name shall be known and have perpetual succession and the powers, limitations, and restrictions herein contained.

(Pub. L. 85–761, § 1, Aug. 26, 1958, 72 Stat. 854.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 822 of this title.

§ 822. Completion of organization

A majority of the persons named in section 821 of this title are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of a constitution and bylaws, not inconsistent with the provisions of this chapter and the doings of such acts as may be necessary for such purpose.

(Pub. L. 85–761, § 2, Aug. 26, 1958, 72 Stat. 855.)

§ 823. Principles and objects of corporation

(a) The principles underlying the corporation are patriotic allegiance to the United States of America, fidelity to its Constitution and laws, the security of civil liberty, and the permanence of free institutions.

(b) The objects of the corporation are educational, fraternal, historical, and patriotic, perpetuating the principles of liberty and justice which have created the United States of America, by (1) commemorating all national patriotic holidays; (2) maintaining true allegiance to the Government of the United States of America and fidelity to its Constitution and laws; (3) preserving and strengthening comradeship and patriotism amongst its members; (4) assisting, comforting, and aiding all needy and distressed members and their dependents; (5) giving needed hospital and service work through its Department of Veterans Affairs certified service officers; (6) cooperating with other civic and patriotic organizations having worthy objectives; (7) keeping alive the achievements and memory of our country's founders; (8) ever cherishing the memory of General George Washington, who founded the Purple Heart at his headquarters at Newburgh-on-the-Hudson, on August 7, 1782; (9) influencing and teaching our citizenry, in a loyal appreciation of the heritages of American citizenship, with its responsibilities and privileges; and (10) preserving and defending the United States of America from all enemies whomsoever.

(Pub. L. 85–761, § 3, Aug. 26, 1958, 72 Stat. 856; Pub. L. 102–54, § 13(n)(3), June 13, 1991, 105 Stat. 278.)

AMENDMENTS

1991—Subsec. (b)(5). Pub. L. 102–54 substituted ''Department of Veterans Affairs'' for ''Veterans' Administration''.

§ 824. Powers of corporation

The corporation shall have power—

(1) to have succession by its corporate name;

(2) to sue and be sued, complain and defend in any court of competent jurisdiction;

(3) to adopt, use and alter a corporate seal;

(4) to charge and collect membership dues;

(5) to adopt, amend, and alter a constitution and bylaws, not inconsistent with the laws of the United States or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;

(6) to contract and be contracted with;

(7) to take lease, gift, purchase, grant, devise, or bequest from any private corporation, association, partnership, firm or individual and to hold any property, real, personal or mixed, necessary or convenient for attaining the object and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of law of any State (A) governing the amount or kind of property which may be held, or (B) otherwise limiting or controlling the ownership of property by, a corporation operating in such State;

(8) to transfer, convey, lease, sublease, encumber, and otherwise alienate real, personal or mixed property; and

(9) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, deed of trust, pledge, or otherwise, subject in every case to all applicable provisions of Federal and State laws.

(Pub. L. 85–761, § 4, Aug. 26, 1958, 72 Stat. 856.)

§ 825. Principal office; territorial scope of activities; agent for service of process

(a) The principal office of the corporation shall be located in Washington, District of Columbia, or in any such other place as may later be determined by the national executive board, but the activities of the corporation shall not be confined to that place and may be conducted throughout the various States, Territories, and possessions of the United States.

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

(Pub. L. 85–761, § 5, Aug. 26, 1958, 72 Stat. 856.)

§ 826. Membership

(a) Eligibility

All persons of good moral character who are, have been, or may become members of the Armed Forces of the United States or any foreign country of whatever rank, who have received or who may hereafter receive the Purple Heart for wounds received during military or naval combat against an armed enemy of the United States, shall be eligible for active membership in the corporation.

(b) Extension of eligibility to parents and descendants

The corporation shall have the power, moreover, to extend eligibility for membership, as associate members; to parents and lineal descendants of the described in subsection (a) of this section under such conditions and upon such terms as the corporation may specify in its constitution and bylaws.

(c) Voting rights

Each member of the corporation, other than associate members, shall have the right to one vote on each matter submitted to a vote at all meetings of the members of the corporation.

(d) Exception

Notwithstanding the limitations set out in subsections (a) and (b) of this section, any member in good standing of the corporate body referred to in section 836 of this title shall be admitted on request to comparable membership in the corporation created by this chapter.

(Pub. L. 85–761, § 6, Aug. 26, 1958, 72 Stat. 857.)

§ 827. Board of directors

(a) Composition of initial board

Upon the enactment of this chapter the membership of the initial board of directors of the corporation shall consist of the present officers of the Military Order of the Purple Heart, referred to in section 836 of this title, or such of them as may then be living and are qualified officers of that corporation, to wit: Richard P. Golick of Chicago, Illinois; Adolph Sutro, Hollywood, California; William B. Eaton of Lansing, Michigan; Joseph Martin of Menandes, New York; Reverend Thomas W. Riordan, Chicago, Illinois; Victor F. Kubly, Daytona Beach, Florida; Albert Gale, Minneapolis, Minnesota; Wilbur E. Dove, Washington, District of Columbia; James B. Barrett, doctor of medicine, Troy, New York; who are respectively, the commander, the senior vice commander, finance officer, judge advocate, chaplain, adjutant, inspector, historian, and surgeon.

(b) Composition of subsequent boards; tenure

Thereafter, the board of directors of the corporation shall consist of such number (not less than eighteen), shall be selected in such manner (including the filling of vacancies), and shall serve for such terms as may be prescribed in the constitution and bylaws of the corporation.

(c) Duties

The board of directors shall be the governing board of the corporation and shall, during the intervals between corporation meetings, be responsible for the general policies and program of the corporation. The board shall be responsible for all finances of the corporation.

(Pub. L. 85–761, § 7, Aug. 26, 1958, 72 Stat. 857.)

REFERENCES IN TEXT

Enactment of this chapter, referred to in subsec. (a), means enactment of Pub. L. 85–761, which was enacted Aug. 26, 1958.

§ 828. Officers

(a) The officers of the corporation shall be a commander, a senior vice commander, a chaplain, an adjutant, a finance officer, a judge advocate, an inspector, a surgeon, a historian, and other elected officers as prescribed in the constitution and bylaws of the corporation.

(b) The officers of the corporation shall be elected in such manner and for such terms and with such duties as may be prescribed in the constitution and bylaws of the corporation.

(Pub. L. 85–761, § 8, Aug. 26, 1958, 72 Stat. 857.)

§ 829. Distribution of income or assets to members; loans

(a) No part of the income or assets of the corporation shall inure to any member, officer, or director, or be distributable to any such person otherwise than upon dissolution or final liquidation of the corporation as provided in section 835 of this title. Nothing in this subsection, however, shall be construed to prevent the payment of compensation to officers of the corporation in amounts approved by the executive committee of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any director who votes for or assents to the making of a loan to an officer, director, or employee of the corporation, and any officer who participates in the making of such loan, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

(Pub. L. 85–761, § 9, Aug. 26, 1958, 72 Stat. 858.)

§ 830. Nonpolitical nature of corporation

The corporation, and its officers and directors as such, shall not contribute to or otherwise support or assist any political party or candidate for public office.

(Pub. L. 85–761, § 10, Aug. 26, 1958, 72 Stat. 858.)

§ 831. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Pub. L. 85–761, § 11, Aug. 26, 1958, 72 Stat. 858.)

§ 832. Prohibition against issuance of stock or payment of dividends

The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

(Pub. L. 85–761, § 12, Aug. 26, 1958, 72 Stat. 858.)

§ 833. Books and records; inspection

The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having any authority under the board of directors, and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

(Pub. L. 85–761, § 13, Aug. 26, 1958, 72 Stat. 858.)

CROSS REFERENCES

Printing of proceedings of national encampments as House documents, see section 1332 of Title 44, Public Printing and Documents.

§ 834. Repealed. Pub. L. 88–504, § 4(29), Aug. 30, 1964, 78 Stat. 637

Section, Pub. L. 85–761, § 14, Aug. 26, 1958, 72 Stat. 858, related to audit of financial transactions and report of such audit to Congress. See sections 1101 to 1103 of this title.

§ 835. Use of assets on dissolution or liquidation

Upon final dissolution or liquidation of the corporation, and after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation may be distributed in accordance with the determination of the board of directors of the corporation and in compliance with the constitution and bylaws of the corporation and all Federal and State laws applicable thereto.

(Pub. L. 85–761, § 15, Aug. 26, 1958, 72 Stat. 859.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 829 of this title.

§ 836. Acquisition of assets and liabilities of existing corporation

The corporation may acquire the assets of the Military Order of the Purple Heart of the United States of America, Incorporated, a body corporate organized under laws of the State of New Jersey, upon discharging or satisfactorily providing for the payment and discharge of all of the liabilities of such State corporation and upon complying with all the laws of the State of New Jersey applicable thereto.

(Pub. L. 85–761, § 16, Aug. 26, 1958, 72 Stat. 859.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 826, 827 of this title.

§ 837. Reservation of right to amend or repeal chapter

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

(Pub. L. 85–761, § 17, Aug. 26, 1958, 72 Stat. 859.)

CHAPTER 35—BLINDED VETERANS ASSOCIATION

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§851. Corporation created

The following persons, to wit: John E. Mattingly, New Britain, Connecticut; Robert A. Bottenberg, San Antonio, Texas; Norbert L. Cormier, Newington, Connecticut; Michael I. Bernay, El Monte, California; Durham D. Hail, Reedsport, Oregon; James H. Butler, Miami Springs, Florida; Melvin J. Maas, Chevy Chase, Maryland; Julius D. Morris, New Britain, Connecticut; David L. Schnair, Bronx, New York; W. Marshall Smith, Springfield, Virginia; Guy Stone, Champaign, Illinois; Walter F. Stromer, Mount Vernon, Iowa; Raymond T. Frey, Lebanon, Pennsylvania; Henry Masse, West Medford, Massachusetts; Joseph Smietanowski, Rochester, New York;

Edward J. Hoyczyk, Snyder, New York; Russell C. Williams, Maywood, Illinois; H. Smith Shumway, Cheyenne, Wyoming; H. P. Adams, Sommerville, South Carolina; Thomas C. Hasbrook, Indianapolis, Indiana; Leonard E. Shelhamer, North Caldwell, New Jersey; Thomas J. Broderick, Chicago, Illinois; George M. Gillispie, Gardena, California; Peter J. McKenna, Minneapolis, Minnesota; William A. Miller, San Antonio, Texas; Phillip N. Harrison, Harrisburg, Pennsylvania; Vasco de Gama Hale, Bloomfield, Connecticut; William W. Thompson, Bethesda, Maryland; Gordon H. Damery, Brighton, Massachusetts; Irvin P. Schloss, Washington, District of Columbia; Darwin W. Niles, Hammond, Indiana; Curtis F. Weygand, Gadsden, Alabama; Alfous Vaughan, Camden, Arkansas;

Walter R. Andrews, Roseda, California; Clarence C. Carlson, Lynwood, California; Jesse S. Castillo, Los Angeles, California; James Harris, Los Angeles, California; Sanji Kimoto, Long Beach, California; Jose Reyes, Lynwood, California; Neftali Sanchez, Los Angeles, California; Derald W. Stange, Los Angeles, California; Paul U. Brower, Oakland, California; Clarence Costello, Oakland, California; Herbert P. Oakes, Denver, Colorado; Robert W. Taylor, Pueblo, Colorado; Ernest M. Bowen, Granby, Connecticut; Dominic Buonocore, Waterbury, Connecticut; Edward Cousineau, Windsor Locks, Connecticut; Theodore Wysocki, West Hartford, Connecticut; Francisco de la Cruz, Washington, District of Columbia; Raymond N. Goldstein, Washington, District of Columbia; John H. Jones, Washington, District of Columbia; John S. Nadeau, Washington, District of Columbia; Adolph E. Anglan, Daytona Beach, Florida;

LaRue S. Milne, Largo, Florida; Robert L. Robinson, Orlando, Florida; Charles H. Monroe, Savannah, Georgia; Hisatomi Hiyasaka, Sugar City, Idaho; Fay Anderson, Pocatonia, Illinois; Irvin J. Edwards, Lee, Illinois; Marvin Halladay, Bensenville, Illinois; Vincent Ortiz, Senior, Blue Island, Illinois; Raymond D. McCarty, La Porte, Indiana; Gerald J. Miller, Rensselaer, Indiana; Charles T. Rachels, Mount Vernon, Indiana; John W. Stalcup, Indianapolis, Indiana; William E. Cassell, Cumberland, Maryland; Frank L. Bavin, Wilmington, Massachusetts; Jerome F. Bowen, Chelsea, Massachusetts; Walter F. Branlund, Braintree, Massachusetts; Daniel B. Carveth, Annisquam, Massachusetts;

Adolfo Cenci, Somerville, Massachusetts; Nathan Cohen, Winthrop, Massachusetts; John F. Crowson, Petersham, Massachusetts; Michael Carl Dec, Chester, Massachusetts; Joseph D. DeLaura, Worcester, Massachusetts; Albert de Simone, Revere, Massachusetts; John W. Feeley, Worcester, Massachusetts; Francis V. Hammersley, Malden, Massachusetts; Francis Hennessey, Hyde Park, Massachusetts; H. F. le Blanc, Haverhill, Massachusetts; Edward J. Leslie, Lynn, Massachusetts; John Lundgren, Malden, Massachusetts; Phillip Malatesta, Malden, Massachusetts; William McFayden, Ludlow, Massachusetts; Kenneth A. Meister, Amesbury, Massachusetts; J. H. Schuster, Holbrook, Massachusetts;

Chester J. Sweeney, Dorchester, Massachusetts; John C. Taylor, Boston, Massachusetts; Alfred J. Therrien, Lawrence, Massachusetts; Otto Huwe, New Haven, Michigan; Ernest M. Wiedyk, Auburn, Michigan; Ralph H. Sather, North Branch, Minnesota; Wesley E. Burney, Kansas City, Missouri; James A. Schelich, Washington, Missouri; Raymond T. Auprey, Penacock, New Hampshire; John A. Clarke, New Brunswick, New Jersey; Edward Heimrich, Belleville, New Jersey; Frederich Koch, Paramus, New Jersey; Michael A. Spencer, Belleville, New Jersey; John Abrams, New York, New York; Walter Biedrzycki, Mineola, New York; Francis J. Chambers, New York, New York; Roger P. Conant, New York, New York; Jerome E. Dompierre, Buffalo, New York;

Anthony Duino, Dunkirk, New York; Salvatore Iadanza, Central Islip, New York; Michael J. Kralovich, Jackson Heights, New York; Michael A. Lettiere, Brooklyn, New York; Joseph A. Martone, Syracuse, New York; Robert I. McGinnis, Poughkeepsie, New York; Harry J. Owens, Cassville, New York; Alrid Plaskett, South Ozone Park, New York; Jack Shapiro, Jackson Heights, New York; Andrew G. Tomanek, Jackson Heights, New York; Paul Viviano, Sunnyside, New York; Michael Weber, Watertown, New York; Narcus Zetkin, New York, New York; John Henry Edge, Rocky Mount, North Carolina; Henry C. Riggins, Asheville, North Carolina; George H. Williams, Rocky Mount, North Carolina; John C. Smallbeck, Aneta, North Dakota;

A. W. Brent, Cleveland, Ohio; Floyd H. Miller, Louisville, Ohio; Carl Mock, Logan, Ohio; James L. Park, Middlefield, Ohio; John Bernabo, Bolivar, Pennsylvania; Richard G. Brooks, Philadelphia, Pennsylvania; Charles P. Hogan, Pittsburgh, Pennsylvania; Richard A. Neiman, Lancaster, Pennsylvania; Steve T. Olesnanlk, Lake City, Pennsylvania; Curtis W. Sechrist, East

York, Pennsylvania; Edward A. Zelonis, Harrisburg, Pennsylvania; Herman W. Nodine, Greenville, South Carolina; Emil M. Larson, Sioux Falls, South Dakota; Randolph H. Greene, Lubbock, Texas; Alfred Poe, El Paso, Texas; James A. H. Brown, Lynchburg, Virginia; Harold A. Bussey, Norfolk, Virginia; Bernie C. Lear, Chesterfield, Virginia; Charles F. MacFarlane, Seattle, Washington; John A. Veith, Lost Creek, West Virginia; Richard J. Hunt, Madison, Wisconsin;

Alvin R. Johnson, Milwaukee, Wisconsin; Leo A. Urbaniak, Troy Center, Wisconsin; Julio C. Galarza Torres, Rio Piedras, Puerto Rico; John P. Collins, West Monroe, Louisiana; Gerald J. DuBois, Morgan City, Louisiana; James L. Womack, Winnfield, Louisiana; Blaise Angelico, New Orleans, Louisiana; Tom Byrnes, Shreveport, Louisiana; Reynolds T. Liner, Houma, Louisiana; David Martin, Lafayette, Louisiana; Joseph Emile DuPont, Plaquemine, Louisiana; Joseph C. Hattier, Metarie, Louisiana; Steve Champagne, Saint Martinville, Louisiana; Stephen Carra, New Orleans, Louisiana; Clarence Clark, West Monroe, Louisiana; Bernard J. Cramer, Crowley, Louisiana; Vernon Parenton, Baton Rouge, Louisiana; Daniel Pinchera, Shreveport, Louisiana; Joseph Roth, Gonzales, Louisiana; James Turner, Varnado, Louisiana; Edwin Westrate, Port Allen, Louisiana; Preston Wyatts, Natchitoches, Louisiana; and each other person who, on August 27, 1958, is a member in good standing of Blinded Veterans Association, Incorporated, a corporation organized and existing under the membership corporation law of the State of New York, and their successors, are created and declared to be a body corporate by the name of Blinded Veterans Association (referred to in this chapter as the ''corporation'') and by such name shall be known and have perpetual succession of the powers, limitations, and restrictions contained in this chapter.

(Pub. L. 85–769, § 1, Aug. 27, 1958, 72 Stat. 922.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 852 of this title.

§ 852. Completion of organization

A majority of the persons named in section 851 of this title are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption, amendment, and revision of a constitution and bylaws not inconsistent with the provisions of this chapter and the doing of such other acts as may be necessary for such purpose.

(Pub. L. 85–769, § 2, Aug. 27, 1958, 72 Stat. 924.)

§ 853. Objects and purposes of corporation

The objects and purposes of the corporation shall be as follows:

(1) To promote the welfare of blinded veterans so that, notwithstanding their disabilities, they may take their rightful place in the community and work with their fellow citizens toward the creation of a peaceful world.

(2) To preserve and strengthen a spirit of fellowship among blinded veterans so that they may give mutual aid and assistance to one another.

(3) To maintain and extend the institutions of American freedom and to encourage loyalty to the Constitution and laws of the United States and of the States in which they reside.

(4) To be organized and operated as a corporation not for profit, no part of the income or assets of which shall inure to the benefit of any of its members, directors, or officers, nor be distributable thereto otherwise than upon dissolution or final liquidation; and such corporation is organized and shall be operated exclusively for charitable, educational, patriotic, and civic improvement purposes.

(Pub. L. 85–769, § 3, Aug. 27, 1958, 72 Stat. 924.)

§ 854. Powers of corporation

The corporation shall have power—

(1) to sue and be sued, complain and defend in any court of competent jurisdiction;

(2) to adopt, alter, and use a corporate seal;

(3) to choose officers, managers, and agents as the business of the corporation may require;

(4) to charge and collect membership dues;

(5) to adopt, amend, apply, and alter a constitution and bylaws not inconsistent with the laws of the United States of America or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;

(6) to contract and be contracted with;

(7) to take and hold by lease, gift, purchase, grant, devise, bequest or otherwise any property real, personal, or mixed, necessary or convenient for attaining the objects of the corporation, subject, however, to applicable provisions of law of any State, (a) governing the amount or kind of real and personal property which may be held by, or, (b) otherwise limiting or controlling the ownership of real and personal property by, a corporation operating in such State;

(8) to transfer, lease, or convey real or personal property;

(9) to borrow money for the purposes of the corporation and issue bonds or other evidences of indebtedness therefor and secure the same by mortgage or pledge subject to applicable Federal or State laws; and

(10) to do any and all acts necessary and proper to carry out the purposes of the corporation.

(Pub. L. 85–769, § 4, Aug. 27, 1958, 72 Stat. 924.)

§ 855. Principal office; territorial scope of activities; agent for service of process

(a) The principal office of the corporation shall be located in Washington, District of Columbia, or in such other place as may later be determined by the board of directors but the activities of the corporation shall not be confined to that place and may be conducted throughout the various Territories and possessions of the United States.

(b) The corporation shall have in the District of Columbia at all times a designated agent authorized to accept service and process for the corporation; and notice to or service upon such agent or mailed to the business address of such

agent shall be deemed as service to or notice on the corporation.

(Pub. L. 85–769, § 5, Aug. 27, 1958, 72 Stat. 925.)

§ 856. Membership

Any person who was enlisted, drafted, inducted, or commissioned in the Armed Forces of the United States and who, in the line of duty in such service, has sustained a substantial impairment of sight or vision, as such is defined from time to time by the bylaws of the corporation, shall be eligible for general membership in the corporation. In addition to the general membership, there shall be special classes of honorary and associate membership, qualification or eligibility for which, and rights and obligations of which, shall be as provided from time to time by the bylaws of the corporation. All persons who are members of any class of Blinded Veterans Association, Incorporated, on August 27, 1958 shall be members of such class of the corporation.

(Pub. L. 85–769, § 6, Aug. 27, 1958, 72 Stat. 925.)

§ 857. Governing body

(a) Composition

The number of directors shall be not less than three nor more than fifteen[1] said directors shall be divided into a specified number of classes, each class holding office for a definite period of years, as shall be provided from time to time by the bylaws of the corporation, except that the directors of Blinded Veterans Association, Incorporated, on August 27, 1958 shall be the first directors of the corporation.

(b) Removal for cause

Any director of the corporation may be removed at any time for just and proper cause by a vote of a majority of a quorum of directors present at a meeting called for that purpose.

(c) Vacancies

If a vacancy occurs in the office of director of the corporation, a majority of a quorum of the remaining directors present at a meeting duly called for that purpose may elect a director to fill such vacancy until the next annual meeting of the corporation.

(d) Quorum requirement; voting

A majority of the directors shall be present at any meeting of directors in order to constitute a quorum and the votes of a majority of the directors so present shall be necessary for the transaction of any business.

(Pub. L. 85–769, § 7, Aug. 27, 1958, 72 Stat. 925.)

§ 858. Officers

(a) Composition

The corporation shall have such officers as may be provided for in the bylaws.

(b) Powers

The officers shall have such powers consistent with this charter, as may be determined by the bylaws.

[1] So in original. Probably should be a followed by punctuation.

(c) Elections; tenure; duties

The officers of the corporation shall be elected in such manner and have such terms and with such duties as may be prescribed in the bylaws of the corporation.

(Pub. L. 85–769, § 8, Aug. 27, 1958, 72 Stat. 925.)

§ 859. Distribution of income or assets to members; loans

(a) No part of the income or assets of the corporation shall inure to any member, officer, or director as such, or be distributed to any of them during the life of the corporation or upon its dissolution or final liquidation, nor shall any member or private individual be liable for the obligations of the corporation. Nothing in this section, however, shall be construed to prevent—

(1) the payment of bona fide expenses of officers of the corporation in amounts approved by the board of directors; or

(2) the payment of appropriate aid to blinded veterans, their widows or their children pursuant to the objects of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any officer or director who votes for or assents to the making of a loan to an officer, director, or employee of the corporation and any officer who participates in the making of such loan shall be jointly and severally liable to the corporation for the amount of such loan until the payment thereof.

(Pub. L. 85–769, § 9, Aug. 27, 1958, 72 Stat. 926.)

§ 860. Nonpolitical nature of corporation

The corporation, and its officers and directors as such, shall not contribute to or otherwise support or assist any political party or candidate for elective public office.

(Pub. L. 85–769, § 10, Aug. 27, 1958, 72 Stat. 926.)

§ 861. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Pub. L. 85–769, § 11, Aug. 27, 1958, 72 Stat. 926.)

§ 862. Prohibition against issuance of stock or payment of dividends

The corporation shall have no power to issue any shares of stock or declare or pay dividends.

(Pub. L. 85–769, § 12, Aug. 27, 1958, 72 Stat. 926.)

§ 863. Books and records; inspection

The corporation shall keep correct and complete books and records of account. It shall also keep minutes of the proceedings of its membership and of the board of directors or committees having authority under the board of directors. It shall also keep at its principal office a record giving the names and addresses of its members, directors, and officers. All books and records of the corporation may be inspected by any member or his agent or attorney for any proper purpose at any reasonable time.

(Pub. L. 85–769, § 13, Aug. 27, 1958, 72 Stat. 926.)

§ 864. Repealed. Pub. L. 88–504, § 4(30), Aug. 30, 1964, 78 Stat. 637

Section, Pub. L. 85–769, § 14, Aug. 27, 1958, 72 Stat. 926, related to audit of financial transactions and report of such audit to Congress. See sections 1101 to 1103 of this title.

§ 865. Use of assets on dissolution or liquidation

Upon final dissolution or liquidation of the corporation and after discharge or satisfaction of all outstanding obligations and liabilities the remaining assets of the corporation shall be transferred to the Department of Veterans Affairs to be applied to the care and comfort of blinded veterans.

(Pub. L. 85–769, § 15, Aug. 27, 1958, 72 Stat. 927; Pub. L. 102–54, § 13(n)(4), June 13, 1991, 105 Stat. 278.)

AMENDMENTS

1991—Pub. L. 102–54 substituted ''Department of Veterans Affairs'' for ''Veterans' Administration''.

§ 866. Acquisition of assets and liabilities of existing corporation

The corporation may acquire the assets of the Blinded Veterans Association, Incorporated, a body corporate organized under the laws of the State of New York, upon discharge or satisfactorily providing for the payment and discharge of all of the liabilities of such State corporation and upon complying with all the laws of the State of New York applicable thereto.

(Pub. L. 85–769, § 16, Aug. 27, 1958, 72 Stat. 927.)

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

The corporation and its duly authorized regional groups and other local subdivisions shall have the sole and exclusive right to have and use in carrying out its purposes the name Blinded Veterans Association and such seals, emblems, and badges as the corporation may lawfully adopt.

(Pub. L. 85–769, § 17, Aug. 27, 1958, 72 Stat. 927.)

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.

§ 868. Reservation of right to amend or repeal chapter

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

(Pub. L. 85–769, § 18, Aug. 27, 1958, 72 Stat. 927.)

CHAPTER 36—BIG BROTHERS—BIG SISTERS OF AMERICA

Sec.
881. Corporation created; short title.
882. Completion of organization.
883. Purposes of corporation.
884. Powers of corporation.
885. Principal office; territorial scope of activities; agent for service of process.
886. Membership; voting rights.
887. Governing body.
(a) Composition.
(b) Tenure.
(c) Duties.
888. Officers.
889. Distribution of income or assets to members; loans.
890. Nonpolitical nature of corporation.
891. Liability for acts of officers and agents.
892. Prohibition against issuance of stock or payment of dividends.
893. Books and records; inspection.
894. Repealed.
895. Exclusive right to name, emblems, seals, and badges.
896. Acquisition of assets and liabilities of existing corporation.
897. Use of assets on dissolution or liquidation.
898. Reservation of right to amend or repeal chapter.

§ 881. Corporation created; short title

(a) The following persons: Charles G. Berwind, Philadelphia, Pennsylvania; Mark Willcox, Junior, Philadelphia, Pennsylvania; Earle S. Thompson, New York, New York; Archie O. Dawson, New York, New York; Isadore A. Wyner, New York, New York; and their successors, are hereby created and declared to be a body corporate of the District of Columbia, where its legal domicile shall be, by the name of the Big Brothers—Big Sisters of America (hereinafter referred to as the corporation) and by such name shall be known and have perpetual succession and the powers, limitations, and restrictions herein contained.

(b) This chapter may be cited as the ''Big Brothers—Big Sisters of America''.

(Pub. L. 85–870, § 1, Sept. 2, 1958, 72 Stat. 1691; Pub. L. 95–167, § 1(a), Nov. 11, 1977, 91 Stat. 1347.)

REFERENCES IN TEXT

Herein, referred to in subsec. (a), means Pub. L. 85–870, Sept. 2, 1958, 72 Stat. 1691, as amended, which is classified generally to this chapter. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1977—Pub. L. 95–167 designated existing provisions as subsec. (a), substituted ''Big Brothers—Big Sisters of America'' for ''Big Brothers of America'', and added subsec. (b).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 882 of this title.

§ 882. Completion of organization

A majority of the persons named in section 881 of this title are authorized to complete the organization of the corporation by the adoption of a constitution and bylaws, not inconsistent with this chapter, and the doing of such other acts (including the selection of officers and employees in accordance with such constitution and bylaws) as may be necessary for such purpose.

(Pub. L. 85–870, § 2, Sept. 2, 1958, 72 Stat. 1691.)

§ 883. Purposes of corporation

The purposes of the corporation shall be to aid and assist individuals throughout the United States of America in the solution of their social and economic problems, and assist in their

health, educational and character development; to promote the use of the techniques of such assistance developed by the corporation, by other lay and professional agencies and workers, to receive, invest, and disburse funds and to hold property for the purposes of the corporation.

(Pub. L. 85–870, § 3, Sept. 2, 1958, 72 Stat. 1691; Pub. L. 95–167, § 1(b), Nov. 11, 1977, 91 Stat. 1347.)

AMENDMENTS

1977—Pub. L. 95–167 substituted ''individuals'' for ''boys'' and struck out ''and Canada'' after ''United States of America''.

§ 884. Powers of corporation

The corporation shall have power—

(1) to have succession by its corporate name;

(2) to sue and be sued, complain, and defend in any court of competent jurisdiction;

(3) to adopt, use, and alter a corporate seal;

(4) to choose such officers, managers, agents, and employees as the business of the corporation may require;

(5) to adopt, amend, and alter a constitution and bylaws, not inconsistent with the laws of the United States or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;

(6) to contract and be contracted with;

(7) to take by lease, gift, purchase, grant, devise, or bequest from any private corporation, association, partnership, firm, or individual and to hold any property, real, personal, or mixed, necessary or convenient for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of law of any State (A) governing the amount or kind of property which may be held by, or (B) otherwise limiting or controlling the ownership of property by, a corporation operating in such State;

(8) to transfer, convey, lease, sublease, encumber, and otherwise alienate real, personal, or mixed property; and

(9) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, deed of trust, pledge, or otherwise, subject in every case to all applicable provisions of Federal and State laws.

(Pub. L. 85–870, § 4, Sept. 2, 1958, 72 Stat. 1691.)

§ 885. Principal office; territorial scope of activities; agent for service of process

(a) The principal office of the corporation shall be located in Philadelphia, Pennsylvania, or in such other place as may be later determined by the board of directors, but the activities of the corporation shall not be confined to that place, but may be conducted throughout the various States, Territories, and possessions of the United States.

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

(Pub. L. 85–870, § 5, Sept. 2, 1958, 72 Stat. 1692; Pub. L. 95–167, § 1(c), Nov. 11, 1977, 91 Stat. 1347.)

AMENDMENTS

1977—Subsec. (a). Pub. L. 95–167 struck out ''and in Canada to the extent permitted by Canadian laws'' after ''possessions of the United States''.

§ 886. Membership; voting rights

Eligibility for membership in the corporation and the rights, privileges, and designations of classes of members shall, except as provided in this chapter, be determined as the constitution and bylaws of the corporation may provide. Each member of the corporation shall have the right to one vote on each matter submitted to a vote at all meetings of the members of the corporation.

(Pub. L. 85–870, § 6, Sept. 2, 1958, 72 Stat. 1692.)

§ 887. Governing body

(a) Composition

Upon the enactment of this chapter the membership of the initial board of directors of the corporation shall consist of the present members of the board of directors of the Big Brothers of America, Incorporated, the corporation described in section 896(a) of this title, or such of them as may then be living and are qualified members of said board of directors, to wit:

Justice Tom Clark, Washington, D.C. (honorary);

Honorable Stuart Garson, Ottawa, Ontario, Canada (honorary);

Honorable Luther W. Youngdahl, Washington, District of Columbia (honorary);

Charles G. Berwind, Philadelphia, Pennsylvania;

Henry J. Benisch, Brooklyn, New York;

DeVere Bobier, Flint, Michigan;

J. Carroll Brown, Lansing, Michigan;

Fielding T. Childress, Saint Louis, Missouri;

Guy de Puyjalon, Ottawa, Ontario, Canada;

Robert E. Curry, New York City, New York;

Jere Gillette, Detroit, Michigan;

Benjamin van D. Hedges, New York City, New York;

Honorable Thomas C. Hennings, Junior, Washington, District of Columbia;

Doctor Kenneth D. Johnson, New York City, New York;

Charles B. Levinson, Cincinnati, Ohio;

Walter H. Levy, Providence, Rhode Island;

Richard Loud, Boston, Massachusetts;

George O. Ludcke, Junior, Minneapolis, Minnesota;

Charles E. McMartin, Saginaw, Michigan;

John McShain, Philadelphia, Pennsylvania;

John E. Mangrum, Dallas, Texas;

George Miller, Los Angeles, California;

Nicholas C. Mueller, Baltimore, Maryland;

Herbert Myerberg, Baltimore, Maryland;

Thomas J. Potts, Columbus, Ohio;

Norfleet H. Rand, Saint Louis, Missouri;

G. Ruhland Rebmann, Junior, Philadelphia, Pennsylvania;

James B. Reese, Los Angeles, California;

Sanford Reider, Cleveland, Ohio;

Thomas A. Rogers, Denver, Colorado;

Robert N. Rosenthal, Cincinnati, Ohio;

Canon John Samuel, Hamilton, Ontario, Canada;

Maurice Schwarz, Junior, Los Angeles, California;

Isadore M. Scott, Philadelphia, Pennsylvania;
Milton Seaman, New York City, New York;
Nathaniel Sharf, Boston, Massachusetts;
Jay C. Standish, Cleveland, Ohio;
Donald W. Thornburgh, Philadelphia, Pennsylvania;
Robert L. Walston, Houston, Texas;
J. Austin White, Cincinnati, Ohio;
Meredith Willson, Los Angeles, California;
Paul Wilson, Detroit, Michigan; and
E. N. Zeigler, Florence, South Carolina.

(b) Tenure

Thereafter the board of directors of the corporation shall consist of such number as may be prescribed in the constitution of the corporation, and the members of such board shall be selected in such manner (including the filling of vacancies), and shall serve for such terms, as may be prescribed in the constitution and bylaws of the corporation.

(c) Duties

The board of directors shall be the managing body of the corporation and shall have such powers, duties, and responsibilities as may be prescribed in the constitution and bylaws of the corporation.

(Pub. L. 85–870, § 7, Sept. 2, 1958, 72 Stat. 1692; Pub. L. 95–167, § 1(d), Nov. 11, 1977, 91 Stat. 1347.)

REFERENCES IN TEXT

Upon the enactment of this chapter, referred to in subsec. (a), means upon the enactment of Pub. L. 85–870, which was enacted Sept. 2, 1958.

AMENDMENTS

1977—Subsec. (a). Pub. L. 95–167 substituted ''section 896(a) of this title'' for ''section 896 of this title''.

§ 888. Officers

(a) The officers of the corporation shall be a chairman of the board of directors, a president, one or more vice presidents (as may be prescribed in the constitution and bylaws of the corporation), a secretary, and a treasurer.

(b) The officers of the corporation shall be elected in such manner and for such terms and with such duties as may be prescribed in the constitution and bylaws of the corporation.

(Pub. L. 85–870, § 8, Sept. 2, 1958, 72 Stat. 1693.)

§ 889. Distribution of income or assets to members; loans

(a) No part of the income or assets of the corporation shall inure to any of its members, directors, or officers as such, or be distributable to any of them during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of compensation to officers of the corporation in amounts approved by the board of directors of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any director who votes for or assents to the making of a loan or advance to an officer, director, or employee of the corporation, and any officer who participates in the making of such a loan or advance, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

(Pub. L. 85–870, § 9, Sept. 2, 1958, 72 Stat. 1693.)

§ 890. Nonpolitical nature of corporation

The corporation, and its officers and directors as such, shall not contribute to or otherwise support or assist any political party or candidate for public office.

(Pub. L. 85–870, § 10, Sept. 2, 1958, 72 Stat. 1694.)

§ 891. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Pub. L. 85–870, § 11, Sept. 2, 1958, 72 Stat. 1694.)

§ 892. Prohibition against issuance of stock or payment of dividends

The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

(Pub. L. 85–870, § 12, Sept. 2, 1958, 72 Stat. 1694.)

§ 893. Books and records; inspection

The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having any authority under the board of directors; and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

(Pub. L. 85–870, § 13, Sept. 2, 1958, 72 Stat. 1694.)

§ 894. Repealed. Pub. L. 88–504, § 4(31), Aug. 30, 1964, 78 Stat. 637

Section, Pub. L. 85–870, § 14, Sept. 2, 1958, 72 Stat. 1694, related to audit of financial transactions and report of such audit to Congress. See sections 1101 to 1103 of this title.

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

The corporation and its subordinate divisions shall have the sole and exclusive right to use any of the following names: The Big Brothers of America; Big Sisters International, Incorporated; Big Sisters of America; Big Brothers; Big Sisters; Big Brothers—Big Sisters of America; and Big Sisters—Big Brothers. The corporation shall have the exclusive and sole right to use or to allow or refuse the use of such emblems, seals, and badges as have heretofore been used by the predecessor New York corporation, Big Brothers of America, Incorporated, described in section 896(a) of this title, and by the District of Columbia corporation, Big Sisters International, Incorporated, described in section 896(b) of this title, and the right to which may be transferred to the corporation.

(Pub. L. 85–870, § 15, Sept. 2, 1958, 72 Stat. 1694; Pub. L. 95–167, § 1(e), Nov. 11, 1977, 91 Stat. 1347.)

AMENDMENTS

1977—Pub. L. 95–167 substituted ''any of the following names: The Big Brothers of America; Big Sisters International, Incorporated; Big Sisters of America; Big Brothers; Big Sisters; Big Brothers—Big Sisters of America; and Big Sisters—Big Brothers'' for ''the name, The Big Brothers of America'' and ''section 896(a) of this title, and by the District of Columbia corporation, Big Sisters International, Incorporated, described in section 896(b) of this title,'' for ''section 896 of this title''.

§ 896. Acquisition of assets and liabilities of existing corporation

(a) The corporation may acquire the assets of the Big Brothers of America, Inc., a corporation organized under the laws of the State of New York, upon discharging or satisfactorily providing for the payment and discharge of all of the liability of such corporation and upon complying with all laws of the State of New York applicable thereto.

(b) The corporation may acquire the assets of Big Sisters International, Incorporated, a corporation organized under the laws of the District of Columbia, upon discharging or satisfactorily providing for the payment and discharge of all of the liability of such corporation and upon complying with all laws of the District of Columbia applicable thereto.

(Pub. L. 85–870, §16, Sept. 2, 1958, 72 Stat. 1695; Pub. L. 95–167, §1(f), Nov. 11, 1977, 91 Stat. 1347.)

AMENDMENTS

1977—Pub. L. 95–167 designated existing provisions as subsec. (a) and added subsec. (b).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 887, 895 of this title.

§ 897. Use of assets on dissolution or liquidation

Upon dissolution or final liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets, if any, of the corporation shall be distributed in accordance with the determination of the board of directors of the corporation and in compliance with the constitution and bylaws of the corporation and all Federal and State laws applicable thereto.

(Pub. L. 85–870, §17, Sept. 2, 1958, 72 Stat. 1695.)

§ 898. Reservation of right to amend or repeal chapter

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

(Pub. L. 85–870, §18, Sept. 2, 1958, 72 Stat. 1695.)

CHAPTER 37—JEWISH WAR VETERANS, U.S.A., NATIONAL MEMORIAL, INC.

Sec.
911. Corporation created.
912. Completion of organization.
913. Principles and objects of corporation.
914. Powers of corporation.
915. Principal office; territorial scope of activities; agent for service of process.
916. Governing body.
(a) Composition.
(b) Tenure.
(c) Duties.
917. Officers.
918. Distribution of income or assets to members; loans.
919. Nonpolitical nature of corporation.
920. Liability for acts of officers and agents.
921. Prohibition against issuance of stock or payment of dividends.
922. Books and records; inspection.
923. Repealed.
924. Use of assets on dissolution or liquidation.
925. Acquisition of assets and liabilities of existing corporation.
926. Reservation of right to amend or repeal chapter.

§ 911. Corporation created

The following named persons, to wit: Ben Kaufman, Trenton, New Jersey; William Berman, Westbrook, Maine; Joseph Gilman, Manchester, New Hampshire; Captain Louis H. Albrand, Burlington, Vermont; Mrs. Ethel Cohen, Providence, Rhode Island; Paul J. Robin, Providence, Rhode Island; Frederick S. Harris, Meriden, Connecticut; Edward Lettick, New Haven, Connecticut; William Carmen, Brookline, Massachusetts; David Lasker, Boston, Massachusetts; Mrs. Sarah Stone, Brighton, Massachusetts; Harry D. Henshel, New York, New York; Captain Joshua Goldberg, New York, New York; Sol Masch, New York, New York; Sam Slutsky, Peekskill, New York; I. T. Rockman, Harrisburg, Pennsylvania; Harry H. Schaffer, Pittsburgh, Pennsylvania; Doctor David Coyne, Hoboken, New Jersey; Edward Nappen, Atlantic City, New Jersey; Howard M. Berg, Wilmington, Delaware; Samuel Michaelson, Baltimore, Maryland; Louis E. Spiegler, Washington, District of Columbia; Joseph F. Barr, Washington, District of Columbia; Joseph A. Reshefsky, Portsmouth, Virginia; Edward Leyton, High Point, North Carolina; Doctor Harry Appel, Charleston, South Carolina; Harry Harrison, Atlanta, Georgia; Paul Ginsberg, Atlanta, Georgia; Harry Cohen, Miami Beach, Florida; Louis B. Lepp, Birmingham, Alabama; Edwin I. Baer, Louisville, Kentucky; Doctor Yale Burke, South Bend, Indiana; Harry T. Madison, Oak Park, Michigan; William Bobier, Phoenix, Arizona; Samuel Shaikewitz, St. Louis, Missouri; Major General Julius Klein, Chicago, Illinois; Nathan Rakita, Milwaukee, Wisconsin; Myer Dorfman, St. Paul, Minnesota; Hyman Greenspan, Dallas, Texas; Harold Freeman, Phoenix, Arizona; Harry Pells, Denver, Colorado; Hy Weitzman, San Bernardino, California; Don Kapner, Seattle, Washington; Sherman Z. Lipstein, Omaha, Nebraska; William Stern, Fargo, North Dakota; and their successors, are hereby created and declared to be a nonprofit body corporate of the District of Columbia, where its legal domicile shall be, by the name of the Jewish War Veterans, U.S.A., National Memorial, Incorporated (hereinafter referred to as the ''corporation''), and by such name shall be known and have perpetual succession and the powers, limitations, and restrictions herein contained.

(Pub. L. 85–903, §1, Sept. 2, 1958, 72 Stat. 1738.)

REFERENCES IN TEXT

Herein, referred to in text, means Pub. L. 85–903, Sept. 2, 1958, 72 Stat. 1738, as amended, which is classi-

fied generally to this chapter. For complete classification of this Act to the Code, see Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 912 of this title.

§ 912. Completion of organization

A majority of the persons named in section 911 of this title are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of a constitution and bylaws, not inconsistent with the provisions of this chapter, and the doing of such other acts as may be necessary for such purpose.

(Pub. L. 85–903, § 2, Sept. 2, 1958, 72 Stat. 1738.)

§ 913. Principles and objects of corporation

The principles and objects of the corporation shall be—

(a) to maintain and conduct a national memorial and museum dedicated to and commemorating the service and sacrifice in the Armed Forces of the United States during the period of war by Americans of the Jewish faith;

(b) to gather, collate, edit, publish, and exhibit the memorabilia, data, records, military awards, decorations, citations, and so forth, for the purpose of preserving the memories and records of patriotic service performed by men and women of the Jewish faith while in the armed services of the United States in time of war; and

(c) to stimulate patriotism in the minds of all Americans by encouraging the study of the military and naval history of our Nation.

(Pub. L. 85–903, § 3, Sept. 2, 1958, 72 Stat. 1738.)

§ 914. Powers of corporation

The corporation shall have power—

(a) to have succession by its corporate name;

(b) to sue and be sued, complain and defend in any court of competent jurisdiction;

(c) to adopt, use, and alter a corporate seal;

(d) to adopt, amend, and alter a constitution and bylaws, not inconsistent with the laws of the United States, for the management of its property and the regulation of its affairs; said constitution and bylaws should likewise not be inconsistent with the laws of any State in which the corporation is to operate;

(e) to contract and be contracted with;

(f) to take by lease, gift, purchase, grant, devise, or bequest from any private corporation, association, partnership, firm, or individual, and to hold any property, real, personal, or mixed, necessary or convenient for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of law of any State (A) governing the amount or kind of property which may be held by, or (B) otherwise limiting or controlling the ownership of property by, a corporation operating in such State;

(g) to transfer, convey, lease, sublease, encumber, and otherwise alienate real, personal, or mixed property; and

(h) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, deed of trust, pledge, or otherwise, subject in every case to all applicable provisions of Federal and State laws.

(Pub. L. 85–903, § 4, Sept. 2, 1958, 72 Stat. 1739.)

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.

§ 915. Principal office; territorial scope of activities; agent for service of process

(a) The principal office of the corporation shall be located in Washington, District of Columbia, but the activities of the corporation shall not be confined to that place and may be conducted throughout the various States, Territories, and possessions of the United States.

(b) The corporation shall at all times maintain in its headquarters in the District of Columbia a designated agent to accept service of process for the corporation and notice to or service upon such agent, or mailed to the headquarters of the organization in the said District of Columbia shall be deemed notice or service upon the said corporation.

(Pub. L. 85–903, § 5, Sept. 2, 1958, 72 Stat. 1739.)

§ 916. Governing body

(a) Composition

Upon the enactment of this chapter, the initial board of directors of the corporation shall consist of the present officers and members of the board of directors of the existing corporation, entitled ''Jewish War Veterans U.S.A., National Memorial, Incorporated'', an organization incorporated under the laws of the District of Columbia.

(b) Tenure

Thereafter, the board of directors of the corporation shall be of such number (not less than thirty-six) who shall be selected in such manner, including the filling of vacancies and serve such terms as shall be prescribed under the constitution and bylaws of the corporation.

(c) Duties

The board of directors shall be the governing board of the corporation and shall, during the intervals between corporation meetings, be responsible for the general policies and program of the corporation. The board shall be responsible for all finances of the corporation.

(Pub. L. 85–903, § 6, Sept. 2, 1958, 72 Stat. 1739.)

REFERENCES IN TEXT

Upon the enactment of this chapter, referred to in subsec. (a), means upon the enactment of Pub. L. 85–903, which was enacted Sept. 2, 1958.

§ 917. Officers

(a) The officers of the corporation shall be a president and such number of vice presidents as shall be provided for in the constitution and bylaws, as well as a secretary and treasurer.

(b) The officers of the corporation shall be elected in such manner and for such terms as well as with such duties as may be prescribed in the constitution and bylaws of the corporation.

(Pub. L. 85–903, §7, Sept. 2, 1958, 72 Stat. 1740.)

§918. Distribution of income or assets to members; loans

(a) No part of the income or assets of the corporation shall inure to any officer or director or be distributable to any such person. Nothing in this section, however, shall be construed to prevent the payment of compensation to the officers or employees of the corporation in amounts approved by the executive committee of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any director who votes for or assents to the making of a loan to an officer, director, or employee of the corporation, and any officer who participates in the making of such loan, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

(Pub. L. 85–903, §8, Sept. 2, 1958, 72 Stat. 1740.)

§919. Nonpolitical nature of corporation

The corporation, and its officers and directors as such, shall not contribute to or otherwise support or assist any political party or candidate for public office.

(Pub. L. 85–903, §9, Sept. 2, 1958, 72 Stat. 1740.)

§920. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Pub. L. 85–903, §10, Sept. 2, 1958, 72 Stat. 1740.)

§921. Prohibition against issuance of stock or payment of dividends

The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

(Pub. L. 85–903, §11, Sept. 2, 1958, 72 Stat. 1740.)

§922. Books and records; inspection

The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having any authority under the board of directors; and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

(Pub. L. 85–903, §12, Sept. 2, 1958, 72 Stat. 1740.)

§923. Repealed. Pub. L. 88–504, §4(32), Aug. 30, 1964, 78 Stat. 637

Section, Pub. L. 85–903, §13, Sept. 2, 1958, 72 Stat. 1741, related to audit of financial transactions and report of such audit to Congress. See sections 1101 to 1103 of this title.

§924. Use of assets on dissolution or liquidation

Upon final dissolution or liquidation of the corporation, and after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation may be distributed in accordance with the determination of the board of directors of the corporation and in compliance with the constitution and bylaws of the corporation and all Federal and State laws applicable thereto. Nothing in this section shall be construed so as to permit any such assets being distributed to any officer or employee or inuring to the benefit of any private person.

(Pub. L. 85–903, §14, Sept. 2, 1958, 72 Stat. 1741.)

§925. Acquisition of assets and liabilities of existing corporation

The corporation may acquire the assets of the Jewish War Veterans, U.S.A., National Memorial, Incorporated, a body corporate organized under the laws of the District of Columbia, upon discharging or satisfactorily providing for the payment and discharge of all of the liabilities of such corporation and upon complying with all the laws of the District of Columbia applicable thereto.

(Pub. L. 85–903, §15, Sept. 2, 1958, 72 Stat. 1741.)

§926. Reservation of right to amend or repeal chapter

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

(Pub. L. 85–903, §16, Sept. 2, 1958, 72 Stat. 1741.)

CHAPTER 38—BLUE STAR MOTHERS OF AMERICA

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§941. Corporation created

The following named persons, to wit: Ann Clumfoot, Port Huron, Michigan; Audree Jonechat, Covina, California; Nettie Ludwig, Milwaukee, Wisconsin; Esther Beer, Mansfield, Ohio; Evelyn Lauritson, Cedar Falls, Iowa; Ethel Stevenson, Fresh Meadows, New York; Etta Drayton, Flint, Michigan; Evelyn Bednar, Milwaukee, Wisconsin; Edna Crorey, Grants Pass, Oregon; Erma Sweeney, Long Beach, California; Josephine Plant, Waterloo, Iowa; Dorothy Christensen, Flint, Michigan; Mary Tracey, Brooklyn, New York; LaVina Shope, Lima, Ohio; Olga Barnes, Roseburg, Oregon; Levia Jamison, Jamestown, Pennsylvania; Jean Williams, Port

Orchard, Washington; Ida Alford, Little Rock, Arkansas; Edna May Standing, Orange City, Florida; Charlotte Cobb, Chatham, Massachusetts; Ann Sine Gale, Milwaukee, Wisconsin; Ann F. Fetting, Smiths Creek, Michigan; Irene Uhl, Rosemead, California; Hazel Rue Scott, Arlington, Virginia; Louise Meyerhoff, Queens Village, New York; Ivah Jones, Long Beach, California; Florence Brown, Pontiac, Michigan; Erma Hoffman, Columbus, Ohio; Nellie Leonhardt, Detroit, Michigan; and all past national presidents, and their successors, retiring or leaving their office in good standing, are created and declared to be a body corporate of the District of Columbia, where its legal domicile shall be, by the name of the Blue Star Mothers of America, Inc. (hereinafter referred to as the corporation), and by such name shall be known and have perpetual succession and the powers, limitations, and restrictions herein contained.

(Pub. L. 86–653, § 1, July 14, 1960, 74 Stat. 515.)

REFERENCES IN TEXT

Herein, referred to in text, means Pub. L. 86–653, July 14, 1960, 74 Stat. 515, as amended, which is classified generally to this chapter. For complete classification of this Act to the Code, see Tables.

CODIFICATION

A provision of this section requiring the persons named in this section to file a copy of this chapter with the Superintendent of Corporations of the District of Columbia within fifteen days after July 14, 1960, was omitted from the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 942 of this title.

§ 942. Completion of organization

A majority of the persons named in section 941 of this title, acting in person or by written proxy, are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of a constitution and bylaws not inconsistent with this chapter, and the doing of such other acts as may be necessary for such purpose.

(Pub. L. 86–653, § 2, July 14, 1960, 74 Stat. 515.)

§ 943. Purposes of corporation

The purposes of the corporation shall be: To perpetuate the Blue Star Mothers of America, Inc., and the memory of all the men and women who have served our country as members of the Armed Forces; the further object of this organization shall be patriotic, educational, social, and for service; to maintain true allegiance to the Government of the United States; to educate our members and others not to divulge military, naval, or other Government information; to assist in veterans' ceremonies, to attend patriotic rallies and meetings; to foster true democracy; to care for the unsupported mothers who gave their sons to the service of the Nation; to aid in bringing about recognition of the need of permanent civilian defense for each community and to ever be alert against invasion of un-American activities; to uphold the American institutions of freedom, justice, and equal rights, and to defend the United States from all enemies.

(Pub. L. 86–653, § 3, July 14, 1960, 74 Stat. 515.)

§ 944. Powers of corporation

The corporation shall have power—

(1) to have succession by its corporate name;

(2) to sue and be sued, complain and defend in any court of competent jurisdiction;

(3) to adopt, use, and alter a corporate seal;

(4) to choose such officers, managers, agents, and employees as the activities of the corporation may require;

(5) to adopt, amend and alter a constitution and bylaws; not inconsistent with the laws of the United States or of any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;

(6) to contract and be contracted with;

(7) to take by lease, gift, purchase, grant, devise, or bequest from any public body or agency or any private corporation, association, partnership, firm, or individual and to hold absolutely or in trust for any of the purposes of the corporation any property, real, personal, or mixed, necessary or convenient for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of law of any State (A) governing the amount of or kind of property which may be held by, or (B) otherwise limiting or controlling the ownership of property by, a corporation operating in such State;

(8) to transfer, convey, lease, sublease, mortgage, encumber and otherwise alienate real, personal, or mixed property; and

(9) to borrow money for the purpose of the corporation, issue bonds therefor, and secure the same by mortgage, deed of trust, pledge, or otherwise, subject in every case to all applicable provisions of Federal and State laws; and

(10) to do any and all acts and things necessary and proper to carry out the objects and purposes of the corporation.

(Pub. L. 86–653, § 4, July 14, 1960, 74 Stat. 516.)

§ 945. Membership

Eligibility: A mother, adopted mother, or stepmother (a stepmother eligible for membership in the Blue Star Mothers of America, Inc., can claim that eligibility only if she has given a mother's care to the stepchild from the age of thirteen or under), living in the United States, of a son or daughter serving in the Armed Forces of the United States, or having a son or daughter who has served, or has been honorably discharged from the Armed Forces of the United States in World War II or the Korean hostilities. The term ''Armed Forces'' shall include the United States Army; United States Navy; United States Marines; United States Air Force; United States Coast Guard; National Guard; United States Army Reserves; United States Navy Reserves; United States Marine Reserves; United States Air Force Reserves; United States Coast Guard Reserves; United States Naval Militia; merchant marines; and the armed home guards who have served on active duty.

(Pub. L. 86–653, § 5, July 14, 1960, 74 Stat. 516.)

§ 946. Governing body; composition; meetings

The supreme governing authority of the corporation shall be the national convention there-

of, composed of such officers and elected representatives from the several States and other local subdivisions of the corporate organization as shall be provided by the constitution and bylaws: *Provided*, That the form of the government of the corporation shall always be representative of the membership at large and shall not permit the concentration of control thereof in the hands of a limited number of members or in a self-perpetuating group not so representative. The meetings of the national convention may be held in any State or Territory or in the District of Columbia.

(Pub. L. 86–653, §6, July 14, 1960, 74 Stat. 516.)

§947. Officers

The officers of the corporation shall be selected in such manner and for such terms and with such duties and titles as may be prescribed in the constitution and bylaws of the corporation.

(Pub. L. 86–653, §7, July 14, 1960, 74 Stat. 517.)

§948. Principal office; agent for service of process

The principal office of the corporation shall be located in the District of Columbia and shall have in the District of Columbia at all times a designated agent authorized to accept service of process, notice, or demand for the corporation, and service of such process, notice, or demand required or permitted by law to be served upon the corporation may be served upon such agent. The corporation shall file with the Superintendent of Corporations of the District of Columbia a statement designating the initial and each successor registered agent of the corporation and the initial and each successor registered office of the corporation immediately following any such designation. As used in this chapter the term ''Superintendent of Corporations of the District of Columbia'' means the Mayor of the District of Columbia or any agent designated by him to perform the functions vested by this chapter in the Superintendent of Corporations.

(Pub. L. 86–653, §8, July 14, 1960, 74 Stat. 517; 1967 Reorg. Plan No. 3, §401, eff. Aug. 11, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93–198, title IV, §421, Dec. 24, 1973, 87 Stat. 789.)

TRANSFER OF FUNCTIONS

Except as otherwise provided in Reorg. Plan No. 3 of 1967, eff. Aug. 11, 1967 (in part), 32 F.R. 11669, 81 Stat. 948, all functions of the Board of Commissioners of the District of Columbia were transferred to the Commissioner of the District of Columbia by section 401 of Reorg. Plan No. 3 of 1967. The office of Commissioner of the District of Columbia, as established by Reorg. Plan No. 3 of 1967, was abolished as of noon Jan. 2, 1975, by Pub. L. 93–198, title VII, §711, Dec. 24, 1973, 87 Stat. 818, and replaced by the office of Mayor of the District of Columbia by section 421 of Pub. L. 93–198, classified to section 1–241 of the District of Columbia Code. Accordingly, ''Mayor'' was substituted for ''commissioners'' and ''him'' for ''them''.

§949. Distribution of income or assets to members; loans

(a) No part of the income or assets of the corporation shall inure to any of its members or officers as such, or be distributable to any of them during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of compensation to officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the council of administration of the corporation.

(b) The corporation shall not make loans to its officers or employees. Any member of the council of administration who votes for or assents to the making of a loan or advance to any officer or employee of the corporation, and any officer who participates in the making of such loan or advance, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

(Pub. L. 86–653, §9, July 14, 1960, 74 Stat. 517.)

§950. Nonpolitical nature of corporation

The corporation and its officers and agents as such shall not contribute to any political party or candidate for public office.

(Pub. L. 86–653, §10, July 14, 1960, 74 Stat. 517.)

§951. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Pub. L. 86–653, §11, July 14, 1960, 74 Stat. 517.)

§952. Prohibition against issuance of stock or payment of dividends

The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

(Pub. L. 86–653, §12, July 14, 1960, 74 Stat. 517.)

§953. Books and records; inspection

The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its national conventions and council of administration. All books and records of the corporation may be inspected by any member, or his agent or attorney, for any proper purpose, at any reasonable time.

(Pub. L. 86–653, §13, July 14, 1960, 74 Stat. 518.)

§954. Repealed. Pub. L. 88–504, §4(33), Aug. 30, 1964, 78 Stat. 637

Section, Pub. L. 86–653, §14, July 14, 1960, 74 Stat. 518, related to audit of financial transactions and report of such audit to Congress. See sections 1101 to 1103 of this title.

§955. Annual report

On or before March 1 of each year the corporation shall report to the Congress on its activities during the preceding fiscal year. Such report may consist of a report on the proceedings of the national convention covering such fiscal year. Such report shall not be printed as a public document.

(Pub. L. 86–653, §15, July 14, 1960, 74 Stat. 518.)

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

The corporation and its subordinate divisions shall have the sole and exclusive right to use the name, ''Blue Star Mothers of America, Inc.'', and no other organization shall use the name ''Blue Star Mothers of America, Inc.''. The corporation shall have the exclusive and sole right to use, or to allow or refuse the use of, such emblems, seals, and badges as have heretofore been used by the Blue Star Mothers of America.

(Pub. L. 86–653, § 16, July 14, 1960, 74 Stat. 518.)

§ 957. Use of assets on dissolution or liquidation

Upon dissolution or final liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets, if any, of the corporation shall be distributed in accordance with the determination of the national executive board and in compliance with the constitution and bylaws of the corporation and all Federal and State laws applicable thereto.

(Pub. L. 86–653, § 17, July 14, 1960, 74 Stat. 518.)

§ 958. Reservation of right to amend or repeal chapter

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

(Pub. L. 86–653, § 18, July 14, 1960, 74 Stat. 518.)

CHAPTER 39—AGRICULTURAL HALL OF FAME

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986. Duration of corporation.
987. Acquisition of assets and liabilities of existing corporation.
988. Reservation of right to amend or repeal chapter.

§ 971. Corporation created

The following persons: K. S. Adams, Bartlesville, Oklahoma; Evelyn H. Alden, Wellsville, Kansas; Ray N. Ammon, Saint Joseph, Missouri; Clinton P. Anderson, Albuquerque, New Mexico; Charles Baker, Walla Walla, Washington; L. Y. Ballentine, Raleigh, North Carolina; Harry J. Beernink, Seattle, Washington; Charles Dana Bennett, Washington, District of Columbia; Ezra Taft Benson, Washington, District of Columbia; Charles F. Brannan, Denver, Colorado; D. W. Brooks, Atlanta, Georgia; John T. Brown, Racine, Wisconsin; John M. Budd, Saint Paul, Minnesota; George S. Bulkley, Los Angeles, California; Lee M. Burge, Reno, Nevada; Frank Carlson, Concordia, Kansas; Edward D. Carpenter, Cassville, Wisconsin; Richard O. Comfort, New York, New York; Harold D. Cooley, Nashville, North Carolina; Howard A. Cowden, Kansas City, Missouri; Lester Cox, Springfield, Missouri; Harry Darby, Kansas City, Kansas; A. F. Davis, Cleveland, Ohio; Chester Davis, San Marino, California; Clark W. Davis, Wilmington, Delaware; Gladys L. Dawes, Colby, Kansas; D. Howard Doane, McCredie, Missouri; Cyrus Eaton, Cleveland, Ohio; Clyde T. Ellis, Washington, District of Columbia; Victor Emanuel, New York, New York; Sterling Evans, Houston, Texas; E. H. Fallon, Ithaca, New York; James C. Farmer, Keene, New Hampshire; John D. Fehsenfeld, Troy, Missouri; Willard M. Fifield, Gainesville, Florida; Charles Figy, Washington, District of Columbia; Nolen J. Fuqua, Duncan, Oklahoma; Paul Gray, Washington, District of Columbia; F. V. Heinkel, Columbia, Missouri; Roy F. Hendrickson, Washington, District of Columbia; W. L. Henning, Harrisburg, Pennsylvania; Icie D. Hiatt, Bethany, Missouri; Merritt D. Hill, Birmingham, Michigan; William S. Hill, Fort Collins, Colorado; Harold Hogue, Dalhart, Texas; Clifford R. Hope, Garden City, Kansas; Chester C. Housh, Elkton, Virginia; Edgar Hovey, Badger, Iowa; Frank W. Hussey, Presque Isle, Maine; James R. Isleib, Prairie Village, Kansas; Lyman E. Jackson, University Park, Pennsylvania; Dorsey Kirk, Oblong, Illinois; Alf M. Landon, Topeka, Kansas; J. D. Lawrence, Columbia, South Carolina; L. G. Ligutti, Des Moines, Iowa; J. H. Longwell, Columbia, Missouri; Charles Marshall, Lincoln, Nebraska; James McGuire, Topeka, Kansas; Wheeler McMillen, Philadelphia, Pennsylvania; George S. McIntyre, Lansing, Michigan; Bob Miller, Cincinnati, Ohio; E. W. Mueller, Chicago, Illinois; Carl F. Newman, Chicago, Illinois; Herschel D. Newsom, Washington, District of Columbia; E. M. Norton, Washington, District of Columbia; James G. Patton, Denver, Colorado; J. C. Penney, New York, New York; Clarence Poe, Raleigh, North Carolina; J. Stuart Russell, Des Moines, Iowa; Ruth Buxton Sayre, Ackworth, Iowa; Paul F. Sharp, Berkeley, California; Frank M. Shay, San Jose, California; Charles B. Shuman, Chicago, Illinois; Virginia Smith, Chappell, Nebraska; W. T. Spanton, Washington, District of Columbia; J. K. Stern, Washington, District of Columbia; Paul Swaffar, Kansas City, Missouri; Ben Swigart, Mooreland, Oklahoma; Jesse W. Tapp, Los Angeles, California; Ray Teagarden, La Cygne, Kansas; M. W. Thatcher, St. Paul, Minnesota; R. B. Tootell, Washington, District of Columbia; Harry S. Truman, Independence, Missouri; Rod Turnbull, Kansas City, Missouri; Herbert W. Voorhees, Trenton, New Jersey; Jerry Voorhis, Chicago, Illinois; Orville F. Walker, Kalkaska, Michigan; James Wall, Waverly, Nebraska; Henry A. Wallace, South Salem, New York; Claude R. Wickard, Camden, Indiana; Oliver S. Willham, Stillwater, Oklahoma; D. A. Williams, St. Paul, Minnesota; Robert E. Wood, Chicago, Illinois;

Obed Wyum, Rutland, North Dakota; O. E. Zacharias, Junior, Richmond, Virginia; and their associates and successors, are hereby created and declared to be a body corporate by the name of the Agricultural Hall of Fame (hereinafter referred to as the ''corporation'') and by such name shall be known and have perpetual succession and the powers, limitations and restrictions herein contained.

(Pub. L. 86–680, § 1, Aug. 31, 1960, 74 Stat. 572.)

REFERENCES IN TEXT

Herein, referred to in text, means Pub. L. 86–680, Aug. 31, 1960, 74 Stat. 572, as amended, which is classified generally to this chapter. For complete classification of this Act to the Code, see Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 972, 977 of this title.

§ 972. Completion of organization

A majority of the persons named in section 971 of this title are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of bylaws, not inconsistent with this chapter, and the doing of such other acts as may be necessary for such purpose.

(Pub. L. 86–680, § 2, Aug. 31, 1960, 74 Stat. 573.)

§ 973. Purposes of corporation

The purposes of the corporation shall be:

(A) To receive and maintain a fund or funds, and to use and apply the whole or any part of the income therefrom, and the principal thereof, exclusively for charitable, scientific, literary, or educational purposes either directly or by contributions to organizations duly authorized to carry on similar activities: *Provided, however*, That no part of such income or principal shall be contributed to any organization whose net earnings or any part thereof inure to the benefit of any private shareholder or individual, or any substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation. The detailed purposes hereinafter set forth shall at all times be subject to and in furtherance of the provisions contained in this paragraph.

(B) To honor farmers, farm women, farm leaders, teachers, scientists, inventors, governmental leaders and other individuals who have helped make this Nation great by their outstanding contributions to the establishment, development, advancement or improvement of agriculture in the United States of America.

(C) To perpetuate the memory of such persons 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.

(D) To foster, promote, and encourage a greater sense of appreciation of the dignity and importance of agriculture, historically carried out through owner-operated farms, and the part it has played in developing those social, economic, and spiritual values which are essential in maintaining the free and democratic institutions of our Republic.

(E) To establish and maintain a library and museum for the collection and preservation for posterity of agricultural tools, implements, machines, vehicles, pictures, paintings, books, papers, documents, data, relics, mementos, artifacts, and other items and things relating to agriculture.

(F) To cooperate with other organizations which are interested in similar projects.

(G) To engage in any and all activities incidental thereto or necessary, suitable, or proper for the accomplishment of any of the aforementioned purposes.

(Pub. L. 86–680, § 3, Aug. 31, 1960, 74 Stat. 573.)

§ 974. Powers of corporation

The corporation shall have power—

(1) to have succession by its corporate name;

(2) to sue and be sued, complain and defend in any court of competent jurisdiction;

(3) to adopt, use, and alter a corporate seal;

(4) to choose such officers, managers, agents, and employees as the business of the corporation may require;

(5) to adopt, amend, and alter bylaws, not inconsistent with the laws of the United States or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;

(6) to contract and be contracted with;

(7) to take by lease, gift, purchase, grant, devise, or bequest from any private corporation, association, partnership, firm, or individual and to hold any property, real, personal, or mixed, necessary or convenient for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of law of any State (A) governing the amount or kind of property which may be held by, or (B) otherwise limiting or controlling the ownership of property by, a corporation operating in such State;

(8) to transfer, convey, lease, sublease, encumber and otherwise alienate real, personal or mixed property; and

(9) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, deed of trust, pledge or otherwise, subject in every case to all applicable provisions of Federal and State laws.

(Pub. L. 86–680, § 4, Aug. 31, 1960, 74 Stat. 574.)

§ 975. Principal office; territorial scope of activities; agent for service of process

(a) The principal office of the corporation shall be located in Kansas City, Kansas, 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, but may be conducted throughout the various States, Territories and possessions of the United States.

(b) The corporation shall have in the District of Columbia at all times a designated agent authorized to accept service of process for the corporation; and notice to or service upon such agent shall be deemed notice to or service upon the corporation.

(Pub. L. 86–680, § 5, Aug. 31, 1960, 74 Stat. 574.)

§ 976. Membership; voting rights

(a) Eligibility for membership in the corporation and the rights, privileges and designation of classes of members shall, except as provided in this chapter, be determined as the bylaws of the corporation may provide.

(b) Each member of the corporation given voting rights by the bylaws shall have the right to one vote on each matter submitted to a vote at all meetings of the voting members of the corporation, which vote may be cast in such manner as the bylaws may prescribe.

(Pub. L. 86–680, § 6, Aug. 31, 1960, 74 Stat. 575.)

§ 977. Governing body

(a) Composition

Upon the enactment of this chapter the membership of the initial board of governors of the corporation shall consist of the persons named in section 971 of this title, their survivors and such additional persons, if any, as shall be named by them.

(b) Tenure

Thereafter, the board of governors of the corporation shall consist of such number (not less than fifteen), shall be selected in such manner (including the filling of vacancies), and shall serve for such term as may be provided in the bylaws of the corporation.

(c) Duties

The board of governors shall be the governing body of the corporation and, during the intervals between the meetings of members, shall be responsible for the general policies and program of the corporation and for the control of all funds of the corporation. The board of governors may appoint committees which shall have and exercise such powers as may be prescribed in the bylaws or by resolution of the board of governors, and which may be all of the powers of the board of governors.

(Pub. L. 86–680, § 7, Aug. 31, 1960, 74 Stat. 575.)

§ 978. Officers

(a) The officers of the corporation shall be a president, one or more vice presidents (as may be prescribed in the bylaws of the corporation), a secretary, a treasurer, one or more assistant secretaries and assistant treasurers, and such other officers as may be provided in the bylaws.

(b) The officers of the corporation shall be elected in such manner and for such terms and with such duties as may be prescribed in the bylaws of the corporation.

(Pub. L. 86–680, § 8, Aug. 31, 1960, 74 Stat. 575.)

§ 979. Distribution of income or assets to members; loans

(a) No part of the income or assets of the corporation shall inure to any of its members, governors, or officers as such, or be distributable to any of them during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of compensation to officers and employees of the corporation in amounts approved by the board of governors of the corporation.

(b) The corporation shall not make loans to its members, governors, officers, or employees. Any governor who votes for or assents to the making of a loan or advance to a member, officer, governor or employee of the corporation, and any officer who participates in the making of such a loan or advance, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

(Pub. L. 86–680, § 9, Aug. 31, 1960, 74 Stat. 575.)

§ 980. Nonpolitical nature of corporation

The corporation and its members, governors, officers, and employees as such shall not contribute to or otherwise support or assist any political party or candidate for public office.

(Pub. L. 86–680, § 10, Aug. 31, 1960, 74 Stat. 576.)

§ 981. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Pub. L. 86–680, § 11, Aug. 31, 1960, 74 Stat. 576.)

§ 982. Prohibition against issuance of stock or payment of dividends

The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

(Pub. L. 86–680, § 12, Aug. 31, 1960, 74 Stat. 576.)

§ 983. Books and records; inspection

The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of governors, and committees having any of the authority of the board of governors; and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

(Pub. L. 86–680, § 13, Aug. 31, 1960, 74 Stat. 576.)

§ 984. Repealed. Pub. L. 88–504, § 4(34), Aug. 30, 1964, 78 Stat. 637

Section, Pub. L. 86–680, § 14, Aug. 31, 1960, 74 Stat. 576, related to audit of financial transactions and report of such audit to Congress. See sections 1101 to 1103 of this title.

§ 985. Use of assets on dissolution or liquidation

Upon dissolution or final liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets, if any, of the corporation shall be distributed in accordance with the determination of the board of governors of the corporation and in compliance with the charter and bylaws of the corporation and all Federal and State laws applicable thereto.

(Pub. L. 86–680, § 15, Aug. 31, 1960, 74 Stat. 577.)

§ 986. Duration of corporation

The duration of the corporation shall be perpetual.

(Pub. L. 86–680, § 16, Aug. 31, 1960, 74 Stat. 577.)

§ 987. Acquisition of assets and liabilities of existing corporation

The corporation may acquire the assets of the Agricultural Hall of Fame, a general not-for-profit corporation organized under the laws of the State of Missouri, upon discharging or satisfactorily providing for the payment and discharge of all of the liabilities of such corporation.

(Pub. L. 86–680, § 17, Aug. 31, 1960, 74 Stat. 577.)

§ 988. Reservation of right to amend or repeal chapter

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

(Pub. L. 86–680, § 18, Aug. 31, 1960, 74 Stat. 577.)

CHAPTER 40—NATIONAL WOMAN'S RELIEF CORPS, AUXILIARY TO THE GRAND ARMY OF THE REPUBLIC

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1018. Acquisition of assets and liabilities of existing corporation.
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§ 1001. Corporation created

The following persons, to wit:

President: Mabel R. Ginder, Toledo, Ohio;

Senior vice president: Jessie Johnston, Cheyenne, Wyoming;

Junior vice president: Irene Randolph, Minneapolis, Minnesota;

Secretary: Bessie K. Coughlin, Providence, Rhode Island;

Treasurer: Ocie M. Tumey, Springfield, Illinois, executive officers;

Legislative committee: Laura I. Smith, chairman, 16 Temple Street, Providence, Rhode Island; Ethel Ferris Hasenbuhler, Washington, District of Columbia; and Marie Morgan, Indianapolis, Indiana;

Past national presidents: Cora M. Davis, Nehalem, Oregon; Catherine McBride Hoster, Indianapolis, Indiana; Annie Poole Atwood, Wollaston, Massachusetts; Beatrice J. Tyson, DeBary, Florida; Lizetta Coady, Detroit, Michigan; Mary J. Love, Louisville, Kentucky; Ida Heacock Baker, Parsons, Kansas; Elizabeth L. Kothe, Parkersburg, Iowa; Grace Houlette Hahn, Miami, Florida; Louise Haider, Santa Barbara, California; Anne Anschutz, Saint Louis, Missouri; Laura I. Smith, Providence, Rhode Island; Alice F. Larson, Minot, North Dakota; Grayce L. Vedetta, Brooklyn, New York; Harriette G. McCollough, Des Moines, Iowa; Eula M. Nelson, Springfield, Illinois; Daisy Heinemann, Milwaukee, Wisconsin; Grace L. Johnson, Toledo, Ohio; Ruth E. Johnson, Bellflower, California; Lucille V. Rand, Worcester, Massachusetts; Gertrude M. Edwards, Iroquois, South Dakota; Bessie K. Coughlin, Providence, Rhode Island; Elizabeth Jeans, Saint Louis, Missouri; and Josephine E. Parkhurst, Pulaski, New York, and their successors, are created and declared to be a body corporate of the District of Columbia, where its legal domicile shall be, by the name of the National Woman's Relief Corps, Auxiliary to the Grand Army of the Republic (hereafter referred to as the corporation), and by such name shall be known and have perpetual succession and the powers, limitations and restrictions herein contained.

(Pub. L. 87–650, § 1, Sept. 7, 1962, 76 Stat. 502.)

REFERENCES IN TEXT

Herein, referred to in text, means Pub. L. 87–650, Sept. 7, 1962, 76 Stat. 502, as amended, which is classified generally to this chapter. For complete classification of this Act to the Code, see Tables.

CODIFICATION

A provision of this section requiring the persons named in this section to file a copy of this chapter with the Superintendent of Corporations of the District of Columbia within fifteen days after Sept. 7, 1962, has been omitted from the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1002 of this title.

§ 1002. Completion of organization

A majority of the persons named in section 1001 of this title, acting in person or by written proxy, are authorized to complete the organization of the corporation by the selection of officers, the adoption of a constitution and bylaws not inconsistent with this chapter, and the doing of such other acts as may be necessary for such purpose.

(Pub. L. 87–650, § 2, Sept. 7, 1962, 76 Stat. 503.)

§ 1003. Purposes of corporation

The purposes of the corporation shall be: To perpetuate the memory of the Grand Army of the Republic, as we the National Woman's Relief Corps are their auxiliary and were organized at their request in 1883, and of men who saved the Union in 1861 to 1865; to assist in every practicable way in the preservation and making available for research of documents and records pertaining to the Grand Army of the Republic and its members; to cooperate in doing honor to all those who have patriotically served our country in any war; to teach patriotism and the duties of citizenship, the true history of our

country, and the love and honor of our flag; to oppose every tendency or movement that would weaken loyalty to, or make for the destruction or impairment of, our constitutional Union; and to inculcate and broadly sustain the American principles of representative government, of equal rights, and of impartial justice for all.

(Pub. L. 87–650, § 3, Sept. 7, 1962, 76 Stat. 503.)

§ 1004. Powers of corporation

The corporation shall have power—

(1) to have succession by its corporate name;

(2) to sue and be sued, complain and defend in any court of competent jurisdiction;

(3) to adopt, use, and alter a corporate seal;

(4) to choose such officers, as the corporation may require;

(5) to adopt, amend, and alter a constitution and bylaws; not inconsistent with the laws of the United States or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;

(6) to contract and be contracted with;

(7) to take by lease, gift, purchase, grants, devise, or bequest from any public body or agency or any private corporation, association, partnership, firm, or individual and to hold absolutely or in trust for any of the purposes of the corporation any property, real, personal, or mixed, necessary or convenient for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of law of any State, (A) governing the amount or kind of property which may be held by, or (B) otherwise limiting or controlling the ownership of property by, a corporation operating in such State; and

(8) to transfer, convey, lease, sublease, encumber, and otherwise alienate real, personal, or mixed property.

(Pub. L. 87–650, § 4, Sept. 7, 1962, 76 Stat. 503.)

§ 1005. Membership

Eligibility for membership in the corporation and the rights, privileges, and designation of classes of members shall, except as provided in this chapter, be determined as the constitution and bylaws of the corporation may provide. Eligibility for membership in the corporation shall be women, who are the wives, mothers, daughters, and sisters of Union soldiers, sailors, and marines and other loyal women, who have not given aid or comfort to the enemies of the United States of America.

(Pub. L. 87–650, § 5, Sept. 7, 1962, 76 Stat. 503.)

§ 1006. Governing body

The supreme governing authority of the corporation shall be the national convention thereof, composed of such officers and elected representatives from the several States as shall be provided by the rules and regulations: *Provided*, That the form of the government of the corporation shall always be representative of the membership at large and shall not permit the concentration of the control thereof in the hands of a limited number of members or in a self-perpetuating group not so representative. The meetings of the national convention may be held in any State or in the District of Columbia.

(Pub. L. 87–650, § 6, Sept. 7, 1962, 76 Stat. 504.)

§ 1007. Governing board

(a) Executive officers

During the intervals between the national convention the executive officers shall be the governing board of the corporation and shall be held responsible for the general policies, program, and activities of the corporation.

(b) Initial officers

Upon the enactment of this chapter the membership of the initial executive officers of the corporation shall consist of the executive officers of the National Woman's Relief Corps, Auxiliary to the Grand Army of the Republic, the corporation described in section 1018 of this title, or such of them as may then be living and are qualified members of said executive officers, to wit: Mabel R. Ginder, Jessie Johnston, Irene Randolph, Bessie K. Coughlin, Ocie M. Tumey, Mary J. Love, Laura I. Smith, Ethel Ferris Hasenbuhler, and Marie Morgan.

(c) Council of administration

Thereafter, the council of administration of the corporation shall consist of not less than seven members elected in the manner and for the term as may be prescribed in the constitution and bylaws of the corporation.

(Pub. L. 87–650, § 7, Sept. 7, 1962, 76 Stat. 504.)

REFERENCES IN TEXT

Upon the enactment of this chapter, referred to in subsec. (b), means the enactment of Pub. L. 87–650, which was enacted Sept. 7, 1962.

§ 1008. Officers

The officers of the corporation shall be a national president, senior vice national president, junior vice national president, secretary and treasurer (which latter two offices may be held by one person), and such other officers as may be prescribed in the constitution and bylaws. The officers of the corporation shall be elected in such manner and for such terms and with such duties and titles as may be prescribed in the constitution and bylaws of the corporation.

(Pub. L. 87–650, § 8, Sept. 7, 1962, 76 Stat. 504.)

§ 1009. Principal office; territorial scope of activities; agent for service of process

(a) The principal office of the corporation shall be located in Springfield, Illinois, but the activities of the corporation shall not be confined to that place, but may be conducted throughout the various States, and the District of Columbia, of the United States.

(b) The corporation shall have in the District of Columbia at all times a designated agent authorized to accept service of process, notice, or demand for the corporation, and service of such process, notice or demand required or permitted by law to be served upon the corporation may be served upon such agent. The corporation shall file with the Superintendent of Corporations of

the District of Columbia a statement designating the initial and each successor registered agent of the corporation immediately following any such designation. As used in this chapter the term ''Superintendent of Corporations of the District of Columbia'' means the Mayor of the District of Columbia or any agent designated by him to perform the functions vested by this chapter in the Superintendent of Corporations.

(Pub. L. 87–650, § 9, Sept. 7, 1962, 76 Stat. 504; 1967 Reorg. Plan No. 3, § 401, eff. Aug. 11, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93–198, title IV, § 421, Dec. 24, 1973, 87 Stat. 789.)

TRANSFER OF FUNCTIONS

Except as otherwise provided in Reorg. Plan No. 3 of 1967, eff. Aug. 11, 1967 (in part), 32 F.R. 11669, 81 Stat. 948, all functions of the Board of Commissioners of the District of Columbia were transferred to the Commissioner of the District of Columbia by section 401 of Reorg. Plan No. 3 of 1967. The office of Commissioner of the District of Columbia, as established by Reorg. Plan No. 3 of 1967, was abolished as of noon Jan. 2, 1975, by Pub. L. 93–198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, and replaced by the office of Mayor of the District of Columbia by section 421 of Pub. L. 93–198, classified to section 1–241 of the District of Columbia Code. Accordingly, ''Mayor'' was substituted for ''commissioners'' and ''him'' for ''them''.

§ 1010. Distribution of income or assets to members; loans

(a) No part of the income or assets of the corporation shall inure to any of its members or officers as such, or be distributable to any of them, during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of reasonable compensation to officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the council of administration of the corporation.

(b) The corporation shall not make loans to the officers. Any member of the council of administration, who votes for or assents to the making of a loan or advance to an officer or member of the corporation, and any officer who participates in the making of such a loan or advance, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

(Pub. L. 87–650, § 10, Sept. 7, 1962, 76 Stat. 504.)

§ 1011. Nonpolitical nature of corporation

The corporation and its officers and agents as such shall not contribute to or otherwise support or assist any political party or candidate for public office.

(Pub. L. 87–650, § 11, Sept. 7, 1962, 76 Stat. 505.)

§ 1012. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Pub. L. 87–650, § 12, Sept. 7, 1962, 76 Stat. 505.)

§ 1013. Prohibition against issuance of stock or payment of dividends

The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

(Pub. L. 87–650, § 13, Sept. 7, 1962, 76 Stat. 505.)

§ 1014. Books and records; inspection

The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its national convention. All books and records of the corporation may be inspected by any member, or his agent or attorney, for any proper purpose at any reasonable time.

(Pub. L. 87–650, § 14, Sept. 7, 1962, 76 Stat. 505.)

§ 1015. Repealed. Pub. L. 88–504, § 4(35), Aug. 30, 1964, 78 Stat. 638

Section, Pub. L. 87–650, § 15, Sept. 7, 1962, 76 Stat. 505, related to audit of financial transactions and report of such audit to Congress. See sections 1101 to 1103 of this title.

§ 1016. Annual report

Not later than six months following the close of the fiscal year the corporation shall report to the Congress on its activities during the preceding fiscal year. Such report may consist of a report on the proceedings of the national convention covering such fiscal year. Such report shall not be printed as a public document.

(Pub. L. 87–650, § 16, Sept. 7, 1962, 76 Stat. 505.)

§ 1017. Exclusive right to name, emblems, seals, and badges

The corporation and its subordinate corps shall have the sole and exclusive right to use the name, the National Woman's Relief Corps, Auxiliary to the Grand Army of the Republic. The corporation shall have the exclusive and sole right to use, or to allow or refuse the use of, such emblems, seals, and badges as have heretofore been used by the Illinois corporation described in section 1018 of this title and the right to which may be lawfully transferred to the corporation.

(Pub. L. 87–650, § 17, Sept. 7, 1962, 76 Stat. 505.)

§ 1018. Acquisition of assets and liabilities of existing corporation

The corporation may acquire the assets of the National Woman's Relief Corps, Auxiliary to the Grand Army of the Republic, a corporation organized under the laws of the State of Illinois, upon discharging or satisfactorily providing for the payment and discharge of all the liability of such corporation and upon complying with all laws of the State of Illinois applicable thereto.

(Pub. L. 87–650, § 18, Sept. 7, 1962, 76 Stat. 506.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1007, 1017 of this title.

§ 1019. Use of assets on dissolution or liquidation

Upon any dissolution or final liquidation of the corporation, its assets shall be applied and distributed as follows:

(a) All liabilities and obligations of the corporation shall be paid, satisfied, and discharged, or adequate provision shall be made therefor;

(b) Assets held by the corporation upon condition requiring return, transfer or conveyance, which condition occurs by reason of the dissolution, shall be returned, transferred or conveyed in accordance with such requirements;

(c) Assets received and held by the corporation subject to limitations permitting their use only for charitable, religious, eleemosynary, benevolent, educational, or similar purposes, but not held upon a condition requiring return, transfer or conveyance by reason of the dissolution, shall be transferred or conveyed to one or more domestic or foreign corporations, societies, or organizations engaged in activities of a charitable, religious, eleemosynary, benevolent, educational, or similar purpose, pursuant to a plan of distribution adopted as provided in this chapter.

(d) Other assets, if any, shall be distributed in accordance with the provisions of the articles of incorporation or the bylaws to the extent that the articles of incorporation or bylaws determine the distributive rights of members, or any class or classes of members, or provide for distribution to others;

(e) Any remaining assets may be distributed to such persons, societies, organizations or domestic or foreign corporations engaged in activities not for profit, as may be specified in a plan of distribution adopted by the council of administration of the corporation in compliance with the constitution and bylaws of the corporation and all Federal, State, and District of Columbia laws applicable thereto.

(Pub. L. 87–650, § 19, Sept. 7, 1962, 76 Stat. 506.)

§ 1020. Reservation of right to amend or repeal chapter

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

(Pub. L. 87–650, § 20, Sept. 7, 1962, 76 Stat. 506.)

CHAPTER 41—NAVAL SEA CADET CORPS

Sec.
1041. Corporation created.
1042. Objects and purposes of corporation.
1043. Completion of organization.
1044. Powers of corporation.
1045. Principal office; territorial scope of activities; agent for service of process.
1046. Membership.
1047. Governing body.
(a) Composition.
(b) Tenure.
(c) Duties.
1048. Officers.
1049. Distribution of income or assets to members; loans.
1050. Nonpolitical nature of corporation.
1051. Liability for acts of officers and agents.
1052. Prohibition against issuance of stock or payment of dividends.
1053. Books and records; inspection.
1054. Repealed.
1055. Use of assets on dissolution or liquidation.
1056. Exclusive right to name, emblems, seals, and badges.
1057. Acquisition of assets and liabilities of existing corporation.
1058. Annual report.
1059. Reservation of right to amend or repeal chapter.

§ 1041. Corporation created

The following named persons: John J. Bergen, William J. Catlett, Junior, Morgan Fitch, George Halas, John S. Leahy, Junior, and J. Paul Marshall; members of the Navy League National Sea Cadet Committee and their associates and successors, are created and declared to be a body corporate by the name of the Naval Sea Cadet Corps (hereinafter referred to as the ''corporation'') and by such name shall be known and have perpetual succession and the powers, limitations, and restrictions herein contained.

(Pub. L. 87–655, § 1, Sept. 10, 1962, 76 Stat. 530.)

REFERENCES IN TEXT

Herein, referred to in text, means Pub. L. 87–655, Sept. 10, 1962, 76 Stat. 530, as amended, which is classified generally to this chapter. For complete classification of this Act to the Code, see Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1043 of this title.

§ 1042. Objects and purposes of corporation

The objects and the purposes of the corporation shall be, through organization and cooperation with the Department of the Navy, to encourage and aid American young people to develop an interest and skill in basic seamanship and in its naval adaptations, to train them in seagoing skills and to teach them patriotism, courage, self-reliance, and kindred virtues.

(Pub. L. 87–655, § 2, Sept. 10, 1962, 76 Stat. 531; Pub. L. 93–504, Nov. 29, 1974, 88 Stat. 1575.)

AMENDMENTS

1974—Pub. L. 93–504 substituted ''young people'' for ''boys''.

§ 1043. Completion of organization

The persons named in section 1041 of this title, their associates and successors are hereby authorized to complete the organization of the corporation by the selection of officers, the adoption of a constitution and bylaws, the promulgation of rules or regulations that may be necessary for the accomplishment of the purposes of this corporation, and the doing of such other acts as may be necessary for such purposes.

(Pub. L. 87–655, § 3, Sept. 10, 1962, 76 Stat. 531.)

§ 1044. Powers of corporation

The corporation shall have power—

(1) to have succession by its corporate name;

(2) to sue and be sued, complain and defend in any court of competent jurisdiction;

(3) to adopt, use, and alter a corporate seal;

(4) to choose such officers, managers, agents, and employees as the business of the corporation may require;

(5) to adopt, amend, and alter a constitution and bylaws, not inconsistent with the laws of the United States or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;

(6) to contract and be contracted with;

(7) to take by lease, gift, purchase, grant, devise, or bequest from any private corporation, association, partnership, firm or individual and to hold any property, real, personal or mixed, necessary or convenient for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of law of any State (A) governing the amount or kind of property which may be held by or (B) otherwise limiting or controlling the ownership of property by, a corporation operating in such State;

(8) to transfer, convey, lease, sublease, encumber and otherwise alienate real, personal, or mixed property; and

(9) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, deed of trust, pledge or otherwise, subject in every case to all applicable provisions of Federal and State laws.

(Pub. L. 87–655, § 4, Sept. 10, 1962, 76 Stat. 531.)

§ 1045. Principal office; territorial scope of activities; agent for service of process

(a) The principal office of the corporation shall be located in Tacoma, Washington, or in such other place as may be later determined by the board of directors, but the activities of the corporation shall not be confined to that place, but may be conducted throughout the various States, territories, and possessions of the United States.

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

(Pub. L. 87–655, § 5, Sept. 10, 1962, 76 Stat. 531.)

§ 1046. Membership

Eligibility for membership in the corporation and the rights, privileges, and designation of classes of members shall, except as provided in this chapter, be determined as the constitution and bylaws of the corporation may provide.

(Pub. L. 87–655, § 6, Sept. 10, 1962, 76 Stat. 532.)

§ 1047. Governing body

(a) Composition

Upon the enactment of this chapter and for not more than one year thereafter, the membership of the initial board of directors of the corporation shall consist of the present members of the board of directors of the Sea Cadet Corps of America, the corporation described in section 1057 of this title, or such of them as may then be living and are qualified members of said board of directors, to wit: John J. Bergen, William J. Catlett, Junior, Morgan Fitch, George Halas, John S. Leahy, Junior, and J. Paull Marshall.

(b) Tenure

Thereafter, the board of directors of the corporation shall consist of such number (not less than ten and not more than twenty-five), shall be selected in such manner (including the filling of vacancies), and shall serve for such term as may be prescribed in the constitution and bylaws of the corporation.

(c) Duties

The board of directors shall be the governing board of the corporation, and shall be responsible for the general policies and program of the corporation and for the control of all funds of the corporation.

(Pub. L. 87–655, § 7, Sept. 10, 1962, 76 Stat. 532.)

REFERENCES IN TEXT

Upon the enactment of this chapter, referred to in subsec. (a), means the enactment of Pub. L. 87–655, which was enacted Sept. 10, 1962.

§ 1048. Officers

(a) The officers of the corporation shall be a president, one or more vice presidents (as may be prescribed in the constitution and bylaws of the corporation), a secretary, and a treasurer, and such other officers as may be provided in the constitution and bylaws.

(b) The officers of the corporation shall be elected in such manner and for such terms and with such duties as may be prescribed in the constitution and bylaws of the corporation.

(Pub. L. 87–655, § 8, Sept. 10, 1962, 76 Stat. 532.)

§ 1049. Distribution of income or assets to members; loans

(a) No part of the income or assets of the corporation shall inure to any of its members, directors, or officers as such, or be distributable to any of them during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of compensation to officers of the corporation in amounts approved by the board of directors of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any director who votes for or assents to the making of a loan or advance to an officer, director, or employee of the corporation, and any officer who participates in the making of such a loan or advance, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

(Pub. L. 87–655, § 9, Sept. 10, 1962, 76 Stat. 532.)

§ 1050. Nonpolitical nature of corporation

The corporation, and its officers and directors as such, shall not contribute to or otherwise support or assist any political party or candidate for public office.

(Pub. L. 87–655, § 10, Sept. 10, 1962, 76 Stat. 532.)

§ 1051. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Pub. L. 87–655, § 11, Sept. 10, 1962, 76 Stat. 533.)

§ 1052. Prohibition against issuance of stock or payment of dividends

The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

(Pub. L. 87–655, § 12, Sept. 10, 1962, 76 Stat. 533.)

§ 1053. Books and records; inspection

The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having any authority under the board of directors, and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

(Pub. L. 87–655, § 13, Sept. 10, 1962, 76 Stat. 533.)

§ 1054. Repealed. Pub. L. 88–504, § 4(36), Aug. 30, 1964, 78 Stat. 638

Section, Pub. L. 87–655, § 14, Sept. 10, 1962, 76 Stat. 533, related to audit of financial transactions and report of such audit to Congress. See sections 1101 to 1103 of this title.

§ 1055. Use of assets on dissolution or liquidation

Upon dissolution or final liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets, if any, of the corporation shall be distributed in accordance with the determination of the board of directors of the corporation and in compliance with the constitution and bylaws of the corporation and all Federal and State laws applicable thereto.

(Pub. L. 87–655, § 15, Sept. 10, 1962, 76 Stat. 533.)

§ 1056. Exclusive right to name, emblems, seals, and badges

The corporation shall have the sole and exclusive right to the name ''Naval Sea Cadet Corps'' and to have and to use in carrying out its purposes, distinctive insignia, emblems and badges, descriptive or designating marks, and words or phrases, as may be required in the furtherance of its functions. No powers or privileges granted shall, however, interfere or conflict with established or vested rights.

(Pub. L. 87–655, § 16, Sept. 10, 1962, 76 Stat. 533.)

§ 1057. Acquisition of assets and liabilities of existing corporation

The corporation may acquire the assets of the Sea Cadet Corps of America, a corporation organized under the laws of the State of Washington, upon discharging or satisfactorily providing for the payment and discharge of all of the liability of such corporation and upon complying with all laws of the State of Washington applicable thereto.

(Pub. L. 87–655, § 17, Sept. 10, 1962, 76 Stat. 534.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1047 of this title.

§ 1058. Annual report

The corporation shall report annually to the Secretary of the Navy concerning its proceedings and activities for the preceding calendar years. The Secretary of the Navy shall communicate to Congress the whole of such reports, or such portion thereof as he shall see fit.

(Pub. L. 87–655, § 18, Sept. 10, 1962, 76 Stat. 534.)

§ 1059. Reservation of right to amend or repeal chapter

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

(Pub. L. 87–655, § 19, Sept. 10, 1962, 76 Stat. 534.)

CHAPTER 41A—LITTLE LEAGUE BASEBALL, INC.

Sec.
1071. Corporation created.
1072. Completion of organization.
1073. Objects and purposes of corporation.
1074. Powers of corporation.
1075. Principal office; territorial scope of activities; agent for service of process.
1076. Membership; voting rights.
1077. Board of directors.
(a) Composition of initial board.
(b) Composition of subsequent boards; tenure.
(c) Governing period; duties.
1078. Officers.
1079. Distribution of income or assets to members; loans.
1080. Nonpolitical nature of corporation.
1081. Liability for acts of officers and agents.
1082. Prohibition against issuance of stock or payment of dividends.
1083. Books and records; inspection.
1084. Audit of financial transactions.
1085. Use of assets on dissolution or liquidation.
1086. Exclusive right to name, emblems, seals, and badges.
1087. Acquisition of assets and liabilities of existing corporation.
1088. Reservation of right to amend or repeal chapter.

§ 1071. Corporation created

James E. Axeman, Williamsport, Pennsylvania; Colonel Theodore P. Bank, Chicago, Illinois; Nicholas C. Colombo, Galveston, Texas; John K. Conneen, Bethlehem, Pennsylvania; Yale A. Corcoron, Chicago, Illinois; Doctor Arthur A. Esslinger, Eugene, Oregon; Merrill Martin Galloway, West Columbia, Texas; George H. Harding, Lebanon, Tennessee; Edward B. Johnson, Port Chester, New York; G. Herbert McCracken, New York, New York; Peter J. McGovern, Chairman, Williamsport, Pennsylvania; Frank J. McGrath, Scarsdale, New York; Doctor Elmon L. Vernier, Baltimore, Maryland; Milton F. Ziehn, Sacramento, California; and their successors, are created and declared to be a body corporate by the name of the Little League Baseball, Incorporated (hereinafter called the corporation), and by such name shall be known and have perpetual succession and the powers and limitations contained in this chapter.

(Pub. L. 88–378, § 1, July 16, 1964, 78 Stat. 325.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1072 of this title.

§ 1072. Completion of organization

The persons named in section 1071 of this title are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of a constitution and bylaws, not inconsistent with this chapter, and the doing of such other acts as may be necessary for such purpose.

(Pub. L. 88–378, § 2, July 16, 1964, 78 Stat. 325.)

§ 1073. Objects and purposes of corporation

The objects and purposes of the corporation shall be—

(1) To promote, develop, supervise, and voluntarily assist in all lawful ways the interest of young people who will participate in Little League baseball.

(2) To help and voluntarily assist young people in developing qualities of citizenship and sportsmanship.

(3) Using the disciplines of the native American game of baseball, to teach spirit and competitive will to win, physical fitness through individual sacrifice, the values of teamplay and wholesome wellbeing through healthful and social association with other youngsters under proper leadership.

(Pub. L. 88–378, § 3, July 16, 1964, 78 Stat. 325; Pub. L. 93–551, Dec. 26, 1974, 88 Stat. 1744.)

AMENDMENTS

1974—Par. (1). Pub. L. 93–551 substituted ''young people'' for ''boys''.

Par. (2). Pub. L. 93–551 substituted ''young people'' for ''boys'' and ''citizenship and sportsmanship'' for ''citizenship, sportsmanship, and manhood''.

§ 1074. Powers of corporation

The corporation shall have power—

(1) to sue and be sued, complain, and defend in any court of competent jurisdiction;

(2) to adopt, alter, and use a corporate seal;

(3) to choose such officers, directors, trustees, managers, agents, and employees as the business of the corporation may require;

(4) to adopt, amend, and alter a constitution and bylaws, not inconsistent with the laws of the United States or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;

(5) to contract and be contracted with;

(6) to charge and collect membership dues, subscription fees, and receive contributions or grants of money or property to be devoted to the carrying out of its purposes;

(7) to take and hold by lease, gift, purchase, grant, devise, bequest or otherwise any property, real or personal, necessary for attaining the objects and carrying into effect the purposes of the corporation, subject to applicable provisions of law in any State (A) governing the amount or kind of real and personal property which may be held by, or (B) otherwise limiting or controlling the ownership of real or personal property by a corporation operating in such State;

(8) to transfer, encumber, and convey real or personal property;

(9) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, subject to all applicable provisions of Federal or State law;

(10) to adopt, alter, use, and display such emblems, seals, and badges as it may adopt; and

(11) to do any and all lawful acts and things necessary or desirable in carrying out the objects and purposes of the corporation.

(Pub. L. 88–378, § 4, July 16, 1964, 78 Stat. 325.)

§ 1075. Principal office; territorial scope of activities; agent for service of process

(a) The principal office of the corporation shall be located in Williamsport, Pennsylvania, or in such other place as may later be determined by the board of directors, but the activities of the corporation shall not be confined to that place and may be conducted throughout the various States, the Commonwealth of Puerto Rico, and the possessions of the United States, and in other areas throughout the world.

(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, and notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to or service upon the corporation.

(Pub. L. 88–378, § 5, July 16, 1964, 78 Stat. 326.)

§ 1076. Membership; voting rights

(a) Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this chapter, be determined as the constitution and bylaws of the corporation may provide.

(b) Each member of the corporation, other than honorary and associate members, shall have the right to one vote on each matter submitted to a vote at all meetings of the members of the corporation.

(Pub. L. 88–378, § 6, July 16, 1964, 78 Stat. 326.)

§ 1077. Board of directors

(a) Composition of initial board

Upon enactment of this chapter the membership of the initial board of directors of the corporation shall consist of the members of the board of directors of the corporation referred to in section 1087 of this title.

(b) Composition of subsequent boards; tenure

Thereafter, the board of directors of the corporation shall consist of such number (not less than 13), shall be selected in such manner (including the filling of vacancies), and shall serve for such term as may be prescribed in the constitution and bylaws of the corporation.

(c) Governing period; duties

The board of directors shall be the governing board of the corporation and shall, during the intervals between corporation meetings, be responsible for the general policies and program of the corporation. The board shall be responsible for the control of all funds of the corporation.

(Pub. L. 88–378, § 7, July 16, 1964, 78 Stat. 326.)

§ 1078. Officers

(a) The officers of the corporation shall be a chairman of the board of directors, a president, a vice president, and a secretary-treasurer. The duties of the officers shall be as prescribed in the constitution and bylaws of the corporation.

(b) Officers shall be elected annually at the annual meeting of the corporation.

(Pub. L. 88–378, § 8, July 16, 1964, 78 Stat. 326.)

§ 1079. Distribution of income or assets to members; loans

(a) No part of the income or assets of the corporation shall inure to any member, officer, or director, or be distributable to any such person during the life of the corporation or upon dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of reasonable compensation to officers of the corporation in amounts approved by the board of directors of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any director who votes for or assents to the making of a loan to an officer, director, or employee of the corporation, and any officer who participates in the making of such loan, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

(Pub. L. 88–378, § 9, July 16, 1964, 78 Stat. 327.)

§ 1080. Nonpolitical nature of corporation

The corporation, and its officers, directors, and duly appointed agents as such, shall not contribute to or otherwise support or assist any political party or candidate for office.

(Pub. L. 88–378, § 10, July 16, 1964, 78 Stat. 327.)

§ 1081. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Pub. L. 88–378, § 11, July 16, 1964, 78 Stat. 327.)

§ 1082. Prohibition against issuance of stock or payment of dividends

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

(Pub. L. 88–378, § 12, July 16, 1964, 78 Stat. 327.)

§ 1083. Books and records; inspection

The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having authority under the board of directors, and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

(Pub. L. 88–378, § 13, July 16, 1964, 78 Stat. 327.)

§ 1084. Audit of financial transactions

(a) The accounts of the corporation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such audit shall be made by the corporation to the Congress not later than six months following the close of the fiscal year for which the audit is made. The report shall set forth the scope of the audit and include such statements, together with the independent auditor's opinion of those statements, as are necessary to present fairly the corporation's assets and liabilities, surplus or deficit with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the corporation's income and expenses during the year including (1) the results of any trading, manufacturing, publishing, or other commercial-type endeavor carried on by the corporation, and (2) a schedule of all contracts requiring payments in excess of $10,000 and any payments of compensation, salaries, or fees at a rate in excess of $10,000 per annum. The report shall not be printed as a public document.

(Pub. L. 88–378, § 14, July 16, 1964, 78 Stat. 327.)

§ 1085. Use of assets on dissolution or liquidation

Upon final dissolution or liquidation of the corporation, and after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation may be distributed in accordance with the determination of the board of directors of the corporation and in compliance with the constitution and bylaws of the corporation and all Federal and State laws applicable thereto. Such distribution shall be consistent with the purposes of the corporation.

(Pub. L. 88–378, § 15, July 16, 1964, 78 Stat. 328.)

§ 1086. Exclusive right to name, emblems, seals, and badges

The corporation shall have the sole and exclusive right to use and to allow or refuse to others the use of the terms ''Little League,'' ''Little Leaguer,'' and the official Little League emblem or any colorable simulation thereof. No powers or privileges hereby granted shall, however, interfere or conflict with established or vested rights.

(Pub. L. 88–378, § 16, July 16, 1964, 78 Stat. 328.)

§ 1087. Acquisition of assets and liabilities of existing corporation

The corporation may acquire the assets of the Little League Baseball, Incorporated, chartered

in the State of New York, upon discharging or satisfactorily providing for the payment and discharge of all of the liability of such corporation and upon complying with all laws of the State of New York applicable thereto.

(Pub. L. 88–378, § 17, July 16, 1964, 78 Stat. 328.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1077 of this title.

§ 1088. Reservation of right to amend or repeal chapter

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

(Pub. L. 88–378, § 18, July 16, 1964, 78 Stat. 328.)

CHAPTER 42—AUDITS OF FEDERALLY CHARTERED CORPORATIONS

Sec.
1101. ''Private corporations established under Federal law'' defined.
1102. Audit of accounts; annual audit; independent audit; places of audit; availability of books, records, and other papers, things, or property; facilities for verification of transactions.
1103. Reports to Congress; time for submission; contents; scope of audit, financial statements, and auditor's opinion; public printing.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 5206 of this title; title 16 sections 583j–5, 3706; title 20 section 5509.

§ 1101. "Private corporations established under Federal law" defined

The term ''private corporations established under Federal law'' as used in this chapter means the following organizations:

(1) Agricultural Hall of Fame.
(2) American Chemical Society.
(3) American Historical Association.
(4) The American Legion.
(5) The American National Theater and Academy.
(6) American Society of International Law.
(7) American Symphony Orchestra League.
(8) American War Mothers.
(9) AMVETS (American Veterans of World War II).[1]
(10) Belleau Wood Memorial Association.
(11) Big Brothers—Big Sisters of America.
(12) Blinded Veterans Association.
(13) Blue Star Mothers of America.
(14) Board for Fundamental Education.
(15) Boy Scouts of America.
(16) Boys & Girls Clubs of America.
(17) Civil Air Patrol.
(18) Conference of State Societies, Washington, District of Columbia.
(19) The Congressional Medal of Honor Society of the United States of America.
(20) Daughters of the American Revolution.
(21) Disabled American Veterans.
(22) The Foundation of the Federal Bar Association.
(23) Future Farmers of America.
(24) Girl Scouts of America.
(25) Grand Army of the Republic.
(26) Jewish War Veterans, U.S.A., National Memorial, Inc.
(27) Ladies of the Grand Army of the Republic.
(28) Legion of Valor of the United States of America, Incorporated.
(29) Marine Corps League.
(30) Military Chaplains Association of the United States of America.
(31) Military Order of the Purple Heart of the United States of America.
(32) National Academy of Sciences.
(33) National Conference on Citizenship.
(34) National Fund for Medical Education.
(35) National Music Council.
(36) National Safety Council.
(37) National Woman's Relief Corps, Auxiliary to the Grand Army of the Republic.
(38) The National Yeomen F.
(39) Naval Sea Cadet Corps.
(40) Navy Club of the United States of America.
(41) Reserve Officers Association.
(42) Sons of the American Revolution.
(43) Sons of Union Veterans of the Civil War.
(44) United Spanish War Veterans.
(45) United States Blind Veterans of World War I.
(46) United States Olympic Association.[1]
(47) Veterans of Foreign Wars of the United States.
(48) Veterans of World War I of the United States of America.
(49) General Federation of Women's Clubs.
(50) United Service Organizations.
(51) National Ski Patrol System, Incorporated.
(52) Gold Star Wives of America.
(53) National Federation of Music Clubs.
(54) Italian American War Veterans of the United States.
(55) United States Submarine Veterans of World War II.
(56) American Council of Learned Societies.
(57) American Ex-Prisoners of War.
(58) Polish Legion of American Veterans, U.S.A.
(59) Former Members of Congress.
(60) Catholic War Veterans of the United States of America, Incorporated.
(61) National Academy of Public Administration.
(62) Jewish War Veterans of the United States of America.
(63) American Gold Star Mothers, Incorporated.
(64) Women's Army Corps Veterans' Association.
(65) 369th Veterans' Association.
(66) National Society, Daughters of the American Colonists.
(67) Navy Wives Clubs of America.
(68) Army and Navy Union of the United States of America.
(69) Pearl Harbor Survivors Association.
(70) Daughters of Union Veterans of the Civil War 1861–1865.
(72)[2] The Vietnam Veterans of America, Inc.

[1] See References in Text note below.

[2] So in original. No par. (71) has been enacted.

[3] The Non Commissioned Officers Association of the United States of America, Incorporated.

(60)[4] The National Mining Hall of Fame and Museum[5]

(74)[6] 82nd Airborne Division Association, Incorporated.

(75) The Military Order of the World Wars.

(76) The Retired Enlisted Association, Incorporated.

(Pub. L. 88–504, § 1, Aug. 30, 1964, 78 Stat. 635; Pub. L. 94–151, § 2, Dec. 15, 1975, 89 Stat. 809; Pub. L. 95–167, § 2, Nov. 11, 1977, 91 Stat. 1348; Pub. L. 96–165, § 9(g), Dec. 29, 1979, 93 Stat. 1272; Pub. L. 96–489, § 11, Dec. 2, 1980, 94 Stat. 2554; Pub. L. 96–497, § 11, Dec. 4, 1980, 94 Stat. 2596; Pub. L. 97–82, § 11, Nov. 20, 1981, 95 Stat. 1093; Pub. L. 97–83, § 11, Nov. 20, 1981, 95 Stat. 1095; Pub. L. 97–192, § 11, June 1, 1982, 96 Stat. 110; Pub. L. 97–231, § 11, Aug. 9, 1982, 96 Stat. 257; Pub. L. 97–234, § 11, Aug. 10, 1982, 96 Stat. 263; Pub. L. 97–427, § 11, Jan. 3, 1983, 96 Stat. 2266; Pub. L. 98–257, § 11, Apr. 10, 1984, 98 Stat. 128; Pub. L. 98–314, § 11, June 12, 1984, 98 Stat. 239; Pub. L. 98–372, § 11, July 23, 1984, 98 Stat. 1240; Pub. L. 98–382, § 11, Aug. 17, 1984, 98 Stat. 1345; Pub. L. 98–391, § 11, Aug. 21, 1984, 98 Stat. 1360; Pub. L. 98–520, § 11, Oct. 19, 1984, 98 Stat. 2429; Pub. L. 98–561, § 12, Oct. 30, 1984, 98 Stat. 2912; Pub. L. 98–565, § 11, Oct. 30, 1984, 98 Stat. 2921; Pub. L. 98–584, § 11, Oct. 30, 1984, 98 Stat. 3098; Pub. L. 99–119, § 11, Oct. 7, 1985, 99 Stat. 500; Pub. L. 99–172, § 11, Dec. 9, 1985, 99 Stat. 1022; Pub. L. 99–318, § 12, May 23, 1986, 100 Stat. 476; Pub. L. 99–604, § 11, Nov. 6, 1986, 100 Stat. 3448; Pub. L. 100–281, § 12, Apr. 6, 1988, 102 Stat. 75; Pub. L. 100–655, title I, § 111, Nov. 14, 1988, 102 Stat. 3851; Pub. L. 101–510, div. A, title XVI, § 1611, Nov. 5, 1990, 104 Stat. 1738; Pub. L. 102–199, § 2, Dec. 10, 1991, 105 Stat. 1629; Pub. L. 102–484, div. A, title XVIII, §§ 1812, 1832, Oct. 23, 1992, 106 Stat. 2583, 2585.)

REFERENCES IN TEXT

AMVETS (American Veterans of World War II), referred to in par. (9), was changed to AMVETS (American Veterans of World War II, Korea, and Vietnam) by Pub. L. 95–98, Aug. 15, 1977, 91 Stat. 830, which is classified to section 67 et seq. of this title.

Provisions relating to the Grand Army of the Republic, referred to in par. (25), which were classified to section 71 et seq. of this title, were omitted from the Code.

United States Olympic Association, referred to in par. (46), was changed to United States Olympic Committee by Pub. L. 88–407, Aug. 10, 1964, 78 Stat. 383, which is classified to section 383 of this title.

AMENDMENTS

1992—Pars. (75), (76). Pub. L. 102–484 added pars. (75) and (76).

1991—Par. (16). Pub. L. 102–199, § 2, which directed substitution of ''Boys & Girls'' for ''Boys'', was executed by substituting ''Boys & Girls'' for ''Boys'' to reflect the probable intent of Congress.

1990—Par. (74). Pub. L. 101–510 added par. (74).

1988—Par. (60). Pub. L. 100–655 added par. (60) relating to National Mining Hall of Fame and Museum, at the end of this section, notwithstanding existence of pars. (60) to (72).

Pub. L. 100–281 added undesignated paragraph relating to Non Commissioned Officers Association of the United States of America, Incorporated.

1986—Par. (68). Pub. L. 99–604, which directed addition of par. (68) at end of this section, was executed by adding par. (68) after par. (67) as the probable intent of Congress.

Par. (72). Pub. L. 99–318 added par. (72).

1985—Par. (69). Pub. L. 99–119 added par. (69).

Par. (70). Pub. L. 99–172 added par. (70).

1984—Par. (58). Pub. L. 98–372 added par. (58).

Par. (60). Pub. L. 98–382 added par. (60).

Par. (61). Pub. L. 98–257 added par. (61).

Par. (62). Pub. L. 98–391 added par. (62).

Par. (63). Pub. L. 98–314 added par. (63).

Par. (64). Pub. L. 98–584 added par. (64).

Par. (65). Pub. L. 98–565 added par. (65).

Par. (66). Pub. L. 98–561 added par. (66).

Par. (67). Pub. L. 98–520 added par. (67).

1983—Par. (59). Pub. L. 97–427 added par. (59).

1982—Par. (53). Pub. L. 97–231 added par. (53).

Par. (56). Pub. L. 97–192 added par. (56).

Par. (57). Pub. L. 97–234 added par. (57).

1981—Par. (54). Pub. L. 97–82 added par. (54).

Par. (55). Pub. L. 97–83 added par. (55).

1980—Par. (51). Pub. L. 96–489 added par. (51).

Par. (52). Pub. L. 96–497 added par. (52).

1979—Par. (50). Pub. L. 96–165 added par. (50).

1977—Par. (11). Pub. L. 95–167 substituted ''Big Brothers—Big Sisters of America'' for ''Big Brothers of America''.

1975—Par. (49). Pub. L. 94–151 added par. (49).

CROSS REFERENCES

For treatment of the National Fish and Wildlife Foundation as a private corporation established under Federal law for purposes of this chapter, see section 3706(a) of Title 16, Conservation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1711, 1811, 1911, 2011, 2111, 2211, 2311, 2411, 2511, 2611, 2711, 2811, 2912, 3011, 3711, 3911 of this title.

§ 1102. Audit of accounts; annual audit; independent audit; places of audit; availability of books, records, and other papers, things, or property; facilities for verification of transactions

The accounts of private corporations established under Federal law shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audits shall be conducted at the place or places where the accounts of the corporations are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporations and necessary to facilitate the audits shall be made available to the person or persons conducting the audits; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(Pub. L. 88–504, § 2, Aug. 30, 1964, 78 Stat. 636.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1166, 1213, 1309, 3111, 3611, 3812, 4012, 4811, 5012, 5112 of this title.

[3] So in original. Paragraph added without numerical designation.

[4] See 1988 Amendment note below.

[5] So in original. Probably should be followed by a period.

[6] So in original. No par. (73) has been enacted.

§ 1103. Reports to Congress; time for submission; contents; scope of audit, financial statements, and auditor's opinion; public printing

The report of each such independent audit shall be submitted to the Congress not later than six months following the close of the fiscal year for which the audit was made. The report shall set forth the scope of the audit and include such statements as are necessary to present fairly the corporation's assets and liabilities, surplus or deficit with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the corporation's income and expenses during the year including the results of any trading, manufacturing, publishing, or other commercial-type endeavor carried on by the corporation, together with the independent auditor's opinion of those statements. The report shall not be printed as a public document, except as part of proceedings authorized to be printed under section 1332 of title 44.

(Pub. L. 88–504, § 3, Aug. 30, 1964, 78 Stat. 636.)

CODIFICATION

''Section 1332 of title 44'', referred to in text, substituted for ''the Act of March 2, 1931, chapter 378, section 1, as amended'', which had been classified to section 275b of former Title 44, Public Printing and Documents, on authority of Pub. L. 90–620, § 2(b), Oct. 22, 1968, 82 Stat. 1305, the first section of which enacted Title 44, Public Printing and Documents.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1166, 1213, 1309 of this title.

CHAPTER 43—PARALYZED VETERANS OF AMERICA

Sec.
1151. Corporation created.
1152. Completion of organization.
1153. Objects and purposes of corporation.
1154. Powers of corporation.
1155. Prohibition against issuance of stock or business activities.
1156. Nonpolitical nature of corporation.
1157. Membership.
1158. Principal office; territorial scope of activities.
1159. Use of assets on dissolution or liquidation.
1160. Exclusive right to name, emblems, seals, and badges.
1161. Books and records; inspection.
1162. Agents for service of process.
1163. Extension of privileges and rights granted under other laws.
1164. Distribution of income or assets to members; loans.
1165. Liability for acts of officers and agents.
1166. Audit of financial transactions.
1167. Reservation of right to amend or repeal chapter.

§ 1151. Corporation created

The following persons, to wit: Burton Little, Chickasaw, Alabama; Tom Goggin, Phoenix, Arizona; Leonard Chrysler, Los Altos, California; Wayne L. Capson, Garden Grove, California; George Boschet, Silver Spring, Maryland; Robert Classon, New York, New York; Edward G. Maxwell, Miami, Florida; Claude C. Beckham, Irmo, South Carolina; Benny Tschetter, Sioux Falls, South Dakota; Frederick T. Gill, Valley Station, Kentucky; Lee M. Gresham, Wixom, Michigan; Conrad M. Standinger, Memphis, Tennessee; Curley Gullet, Denver, Colorado; Charles Swartz, Marblehead, Massachusetts; Bolivar Rivera, Rio Piedras, Puerto Rico; James Schwiem, Pasadena, Texas; Robert T. Kiggins, Pittsburgh, Pennsylvania; Glenn E. Mayer, Hines, Illinois; John Novak, Richmond, Virginia; and such other persons as are members of the Paralyzed Veterans of America, and their associates and successors, are hereby created and declared to be a body corporate by the name of Paralyzed Veterans of America (hereinafter referred to as the ''corporation'').

(Pub. L. 92–93, § 1, Aug. 11, 1971, 85 Stat. 317.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1152 of this title.

§ 1152. Completion of organization

The persons named in section 1151 of this title, or their successors, are hereby authorized to complete the organization of the corporation by the selection of officers, the adoption of a constitution and bylaws, and the doing of such other acts as may be necessary for such purpose.

(Pub. L. 92–93, § 2, Aug. 11, 1971, 85 Stat. 317.)

§ 1153. Objects and purposes of corporation

The objects and purposes of the corporation shall be—

(a) to preserve the great and basic truths and enduring principles upon which this Nation was founded;

(b) to form a national association for the benefit of persons who have suffered injuries or diseases of the spinal cord;

(c) to acquaint the public with the needs and problems of paraplegics;

(d) to promote medical research in the several fields connected with injuries and diseases of the spinal cord, including research in neurosurgery and orthopedics and in genitourinary and orthopedic appliances; and

(e) to advocate and foster complete and effective reconditioning programs for paraplegics, including a thorough physical reconditioning program, physiotherapy, competent walking instructions, adequate guidance (both vocational and educational), academic and vocational education (both in hospitals and in educational institutions), psychological orientation and readjustment to family and friends, and occupational therapy (both functional and diversional).

(Pub. L. 92–93, § 3, Aug. 11, 1971, 85 Stat. 317.)

§ 1154. Powers of corporation

The corporation shall have perpetual succession and shall have power—

(a) to sue and be sued;

(b) to acquire, hold, and dispose of such real and personal property as may be necessary to carry out the corporate purposes;

(c) to make and enter into contracts;

(d) to accept gifts, legacies, and devises which will further the corporate purposes;

(e) 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;

(f) to adopt and alter a corporate seal;

(g) to establish, regulate, and discontinue subordinate State and regional organizations and local chapters or posts;

(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 adopt and alter a constitution and bylaws not inconsistent with law;

(k) to publish a newspaper, magazine, or other publications;

(*l*) to adopt and alter emblems and badges; and

(m) to do any and all acts and things necessary and proper to accomplish the objects and purposes of the corporation.

(Pub. L. 92–93, § 4, Aug. 11, 1971, 85 Stat. 317.)

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.

§ 1155. Prohibition against issuance of stock or business activities

The corporation shall have no power to issue capital stock or engage in business for pecuniary profit or gain.

(Pub. L. 92–93, § 5, Aug. 11, 1971, 85 Stat. 318.)

§ 1156. Nonpolitical nature of corporation

The corporation shall be nonpolitical and, as an organization, shall not furnish financial aid to, or otherwise promote the candidacy of, any person seeking public office.

(Pub. L. 92–93, § 6, Aug. 11, 1971, 85 Stat. 318.)

§ 1157. Membership

Any American citizen shall be eligible for membership in the corporation who was regularly enlisted, inducted, or commissioned, and who was accepted for, or was on, active duty in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States, or our allies. Service with the Armed Forces must have been terminated by discharge or separation from service under conditions other than dishonorable: *Provided, however*, That persons otherwise eligible for membership who are on active duty or who must continue to serve after the cessation of hostilities are also eligible for membership: *And, provided further*, That membership shall be limited to such persons as have suffered spinal cord injuries or diseases whether service connected or nonservice connected in origin.

(Pub. L. 92–93, § 7, Aug. 11, 1971, 85 Stat. 318.)

§ 1158. Principal office; territorial scope of activities

The headquarters and principal place of business of said corporation shall be located in the District of Columbia, but the activities of said organization, as set out herein, shall not be confined to said city, but shall be conducted throughout the several States and any territory or possession of the United States.

(Pub. L. 92–93, § 8, Aug. 11, 1971, 85 Stat. 318.)

§ 1159. Use of assets on dissolution or liquidation

In the event of a final dissolution or liquidation of such corporation, and after the discharge or satisfactory provisions for the discharge of all its liabilities, the remaining assets of the said corporation shall be transferred to the Department of Veterans Affairs to be applied to the care and comfort of paralyzed veterans.

(Pub. L. 92–93, § 9, Aug. 11, 1971, 85 Stat. 318; Pub. L. 102–54, § 13(n)(5), June 13, 1991, 105 Stat. 278.)

AMENDMENTS

1991—Pub. L. 102–54 substituted ''Department of Veterans Affairs'' for ''Veterans' Administration''.

§ 1160. Exclusive right to name, emblems, seals, and badges

The corporation and its State and regional organizations and local chapters or posts shall have the sole and exclusive right to have and use in carrying out its purposes the name ''Paralyzed Veterans of America,'' and such seals, emblems, and badges as the corporation may lawfully adopt.

(Pub. L. 92–93, § 10, Aug. 11, 1971, 85 Stat. 318.)

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.

§ 1161. Books and records; inspection

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

(Pub. L. 92–93, § 11, Aug. 11, 1971, 85 Stat. 318.)

§ 1162. Agents for service of process

As a condition precedent to the exercise of any power or privilege herein granted or conferred, the corporation shall file in the office of the Secretary of each State or of any territory or possession of the United States, in which organizations, chapters, or posts may be organized, the name and post office address of an authorized agent upon whom local process or demands against the corporation may be served.

(Pub. L. 92–93, § 12, Aug. 11, 1971, 85 Stat. 318.)

§ 1163. Extension of privileges and rights granted under other laws

Such provisions, privileges, and prerogatives as have been granted heretofore to other na-

tional veterans' organizations by virtue of their being incorporated by Congress are hereby granted and accrue to the Paralyzed Veterans of America.

(Pub. L. 92–93, § 13, Aug. 11, 1971, 85 Stat. 319.)

§ 1164. Distribution of income or assets to members; loans

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

(b) The corporation shall not make loans to its members, officers, directors, or employees. Any director who votes for or assents to the making of such a loan, and any officer who participates in the making of such a loan, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

(Pub. L. 92–93, § 14, Aug. 11, 1971, 85 Stat. 319.)

§ 1165. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Pub. L. 92–93, § 15, Aug. 11, 1971, 85 Stat. 319.)

§ 1166. Audit of financial transactions

The provisions of sections 1102 and 1103 of this title shall apply with respect to the corporation.

(Pub. L. 92–93, § 16, Aug. 11, 1971, 85 Stat. 319.)

§ 1167. Reservation of right to amend or repeal chapter

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

(Pub. L. 92–93, § 17, Aug. 11, 1971, 85 Stat. 319.)

CHAPTER 44—UNITED STATES CAPITOL HISTORICAL SOCIETY

Sec.
1201. Corporation created.
1202. Completion of organization.
1203. Objects and purposes of corporation.
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1205. Principal office; territorial scope of activities; agent for service of process.
1206. Membership.
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1208. Officers.
(a) Composition.
(b) Membership on board; compensation.
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1210. Liability for acts of officers and agents.
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1216. Acquisition of assets and liabilities of existing corporation.
1217. Annual report.
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§ 1201. Corporation created

The following persons:

Honorable Fred Schwengel, Washington, District of Columbia;

Honorable Marguerite Stitt Church, Evanston, Illinois;

Doctor Melvin M. Payne, Washington, District of Columbia;

Carl Haverlin, Northridge, California;

Doctor Walter Rundell, College Park, Maryland;

Victor M. Birely, Washington, District of Columbia;

Arthur B. Hanson, Esquire, Washington, District of Columbia;

Mrs. Adlai Stevenson III, Hanover, Illinois;

Mrs. Florian Thayn, Washington, District of Columbia;

and their successors are hereby created and declared to be a body corporate of the District of Columbia having the name ''United States Capitol Historical Society'' (hereinafter the [1] corporation''). The said corporation shall have perpetual existence and the powers, limitations, and restrictions herein contained.

(Pub. L. 95–493, § 1, Oct. 20, 1978, 92 Stat. 1643.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1202 of this title.

§ 1202. Completion of organization

The persons named in section 1201 of this title are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of a constitution and bylaws, not inconsistent with this chapter, and the doing of such other acts as may be necessary to carry out the provisions of this chapter.

(Pub. L. 95–493, § 2, Oct. 20, 1978, 92 Stat. 1643.)

§ 1203. Objects and purposes of corporation

The objects and purposes of the corporation shall be—

(a) to encourage in the most comprehensive and enlightened manner an understanding by the American people of the founding, growth, and significance of the Capitol of the United States of America as the tangible symbol of their representative form of government;

(b) to undertake research into the history of the Congress and the Capitol and to promote

[1] So in original. Probably should be preceded by opening quotation marks.

the discussion, publication, and dissemination of the results of such studies;

(c) to foster and increase an informed patriotism of the land in the study of this living memorial to the founders of this Nation and the continuing thread of principles as exemplified by their successors; and

(d) to mutually cooperate with the standing committees of the Congress, the Library of Congress, the Architect of the Capitol, and relevant departments and agencies of the executive branch of the Federal Government in furthering the objectives of the corporation.

(Pub. L. 95–493, § 3, Oct. 20, 1978, 92 Stat. 1643.)

§ 1204. Powers of corporation

The corporation shall have the power—

(a) to sue and be sued, complain, and defend in any court of competent jurisdiction;

(b) to adopt, alter, and use a corporate seal;

(c) to choose officers, managers, and agents as the business of the corporation may require;

(d) to charge and collect membership dues;

(e) to adopt, amend, apply, and alter a constitution and bylaws not inconsistent with the laws of the United States of America or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;

(f) to contract and be contracted with;

(g) to take hold by lease, gift, purchase, grant, devise, bequest, or otherwise any property, real, personal, or mixed, necessary or convenient for attaining the objects of the corporation, subject, however, to applicable provisions of law of any State (1) governing the amount or kind of real and personal property which may be held by, or (2) otherwise limiting or controlling the ownership or[1] real and personal property which may be held by, or (3) otherwise limiting or controlling the ownership of real and personal property by, a corporation operating in such State;

(h) to transfer, lease, or convey real or personal property;

(i) to borrow money for the purposes of the corporation and issue bonds or other evidences of indebtedness therefor and secure the same mortgage or pledge subject to applicable Federal or State laws;

(j) to conduct campaigns for raising of funds and to accept contributions from individuals, corporations, and other bodies, foundations, and organizations;

(k) to print, to create and distribute commemorative medals, edit and publish, make, display, and sell books and magazines, pictures, slides, and cinemas, as may be necessary or desirable for the accomplishment of the purposes of the corporation;

(*l*) to buy, sell, and generally deal in appropriate and related souvenirs, commemorative medals, curios, momentos, and publications; and

(m) to do any and all acts necessary and proper to carry out the purposes of the corporation.

[1] So in original. Probably should be ''of''.

(Pub. L. 95–493, § 4, Oct. 20, 1978, 92 Stat. 1644.)

§ 1205. Principal office; territorial scope of activities; agent for service of process

(a) The principal office of the corporation shall be located in Washington, District of Columbia, or in such other place as may later be determined by the board of directors, but the activities of the corporation shall not be confined to that place and may be conducted throughout the various possessions of the United States.

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

(Pub. L. 95–493, § 5, Oct. 20, 1978, 92 Stat. 1644.)

§ 1206. Membership

Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this chapter, be determined as the constitution and bylaws of the corporation may provide.

(Pub. L. 95–493, § 6, Oct. 20, 1978, 92 Stat. 1645.)

§ 1207. Active board of trustees

(a) Composition; chairman

The control and management of the affairs and funds of the corporation shall be vested in its active board of trustees which, exclusive of ex officio and honorary members, shall consist of not more than forty active members and not less than twelve active members, one of whom shall be elected chairman.

(b) Tenure; reelection

The term of an active trustee of the board shall be four years in duration and, except by the unanimous vote of the members of the board of trustees present and voting, no active trustee may be reelected as an active trustee until after a lapse of one year from the expiration of his term as active trustee.

(c) Meetings

The board of trustees shall meet not less than once annually in the Capitol of the United States at Washington, District of Columbia, and at such other times as may be determined by the chairman. No meeting of the board of trustees may be held except pursuant to a time and place stated in the bylaws or upon thirty days written notice in advance of any such meeting.

(d) Election; removal

Trustees of the corporation shall be elected by action of the active board of trustees. Trustees may be removed by the vote of two-thirds of the other active trustees at any time with or without cause.

(Pub. L. 95–493, § 7, Oct. 20, 1978, 92 Stat. 1645.)

§ 1208. Officers

(a) Composition

The officers of the corporation shall be a president, who shall be the chief executive officer, five vice presidents, a treasurer, and a secretary.

(b) Membership on board; compensation

During their respective terms of office, the officers of the corporation shall be ex officio members of the board with all the rights and privileges of a trustee including the right to vote. Officers may receive compensation or other remuneration for their services as determined by the board of trustees, and they may be reimbursed for their actual expenses.

(c) Election; tenure

Officers of the corporation shall be elected annually by action of the board of trustees and shall continue in office at the pleasure of the board.

(d) Duties

The duties of the officers of the corporation shall be such as usually pertain to the offices they hold and also shall include such additional duties as may be delegated by the board of trustees.

(e) Executive secretary and other personnel; compensation; duties

The board of trustees may employ an executive secretary and such other paid personnel as may be needed to assist the officers and the board and to accomplish the programs and business of the corporation. The board shall fix the compensation and prescribe the duties of the executive secretary and such other paid personnel who shall serve at the pleasure of the board.

(Pub. L. 95–493, § 8, Oct. 20, 1978, 92 Stat. 1645.)

§ 1209. Distribution of income or assets to members; loans

(a) No part of the income or assets of the corporation shall inure to any of its members, trustees, or officers, as such, or be distributable to any of them during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of reasonable compensation to officers or employees of the corporation or reimbursement for actual expenses in amounts approved by the board of trustees of the corporation.

(b) The corporation shall not make loans to its officers, trustees, or employees. Any director who votes for or assents to the making of a loan or advance to an officer, director, or employee of the corporation, and any officer who participates in the making of such loan or an advance shall be jointly and severally liable to the corporation for the amount of such loan or advance until the repayment thereof.

(Pub. L. 95–493, § 9, Oct. 20, 1978, 92 Stat. 1646.)

§ 1210. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Pub. L. 95–493, § 10, Oct. 20, 1978, 92 Stat. 1646.)

§ 1211. Prohibition against issuance of stock or payment of dividends

The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

(Pub. L. 95–493, § 11, Oct. 20, 1978, 92 Stat. 1646.)

§ 1212. Books and records; inspection

The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of trustees, and committees having any authority under the board of trustees, and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or the agent or attorney of such member, for any proper purpose, at any reasonable time.

(Pub. L. 95–493, § 12, Oct. 20, 1978, 92 Stat. 1646.)

§ 1213. Audit of financial transactions

(a) The provisions of sections 1102 and 1103 of this title shall apply with respect to the corporation.

(b) The corporation shall comply with the provisions of section 193m–1 of title 40.

(Pub. L. 95–493, § 13, Oct. 20, 1978, 92 Stat. 1646.)

§ 1214. Use of assets on dissolution or liquidation

Upon dissolution or final liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, any remaining assets of the corporation shall be distributed in accordance with the determination of the board of trustees of the corporation and in compliance with the constitution and bylaws of the corporation and all Federal and State laws applicable thereto.

(Pub. L. 95–493, § 14, Oct. 20, 1978, 92 Stat. 1646.)

§ 1215. Exclusive right to name, emblems, seals, and insignia

The corporation shall have the sole and exclusive right to the name ''United States Capitol Historical Society'' and to have and use in carrying out its purpose, distinctive insignia, emblems, seals, descriptive or designating marks, and words or phrases, as may be required in the furtherance of its functions. Nothing in this section shall be construed to interfere or conflict with established or vested rights.

(Pub. L. 95–493, § 15, Oct. 20, 1978, 92 Stat. 1647.)

§ 1216. Acquisition of assets and liabilities of existing corporation

The corporation may acquire the assets of the United States Capitol Historical Society, a corporation incorporated under the laws of the District of Columbia. The United States Capitol Historical Society shall retain and maintain its existing status as a corporation incorporated under the laws of the District of Columbia or a State.

(Pub. L. 95–493, § 16, Oct. 20, 1978, 92 Stat. 1647.)

§ 1217. Annual report

The corporation shall, as soon as practicable after the end of each fiscal year, submit a report to each House of the Congress with respect to the activities of the corporation during the preceding fiscal year.

(Pub. L. 95–493, § 17, Oct. 20, 1978, 92 Stat. 1647.)

§ 1218. 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. 95–493, § 18, Oct. 20, 1978, 92 Stat. 1647.)

§ 1219. Exemption from certain taxes

Notwithstanding section 105 of title 4, United States Code, or title 47, chapter 26 of the District of Columbia Code (1973), or any other provision of the District of Columbia Code, the Corporation shall not be required to pay, collect, or account for any tax specified in such sections applicable to taxable events occurring within the United States Capitol building and grounds on or after January 1, 1964.

(Pub. L. 95–493, § 19, as added Pub. L. 97–447, Jan. 12, 1983, 96 Stat. 2364.)

REFERENCES IN TEXT

Title 47, chapter 26 of the District of Columbia Code (1973), referred to in text, is covered in chapter 20 of title 47 of the District of Columbia Code (1981).

CHAPTER 45—UNITED SERVICE ORGANIZATIONS, INC.

Sec.
1301. Corporation created.
1302. Objects and purposes of corporation.
1303. Powers of corporation.
1304. Restrictions.
(a) Political activities.
(b) Issuance of stock; dividends.
(c) Use of assets on dissolution or liquidation.
(d) Distribution of income or assets to members.
(e) Loans.
1305. Governance of corporation.
(a) Membership.
(b) Board of governors.
(c) Other governing bodies.
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1306. Acquisition of assets and liabilities of existing corporation; retention of State corporate status.
1307. Exclusive right to names, insignia, emblems, and badges.
1308. Assistance by Government agencies.
1309. Miscellaneous provisions.
(a) Principal office; territorial scope of activities.
(b) Agent for service of process.
(c) Local agents for service of process.
(d) Books and records; inspection.
(e) Annual report.
(f) Audit of financial transactions.
(g) Omitted.
(h) Reservation of right to amend or repeal chapter.

§ 1301. Corporation created

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;

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.

(Pub. L. 96–165, § 1, Dec. 29, 1979, 93 Stat. 1267.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1305 of this title.

§ 1302. Objects and purposes of 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.

(Pub. L. 96–165, § 2, Dec. 29, 1979, 93 Stat. 1268.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1303, 1304, 1305 of this title.

§ 1303. Powers of corporation

The corporation shall have all the powers necessary and proper to accomplish the objects and purposes set forth in section 1302 of this title. Without limiting the generality of the foregoing, the corporation shall have the following specific powers:

(a) To enact and amend bylaws, rules, and regulations for its internal governance and management, not inconsistent with this chapter 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 1302 of this title.

(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.

(Pub. L. 96–165, § 3, Dec. 29, 1979, 93 Stat. 1269.)

§ 1304. Restrictions

(a) Political activities

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.

(b) Issuance of stock; dividends

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 1302 of this title, or the raising of funds for the accomplishment of said purposes.

(c) Use of assets on dissolution or liquidation

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) Distribution of income or assets to members

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) Loans

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

(Pub. L. 96–165, § 4, Dec. 29, 1979, 93 Stat. 1269.)

§ 1305. Governance of corporation

(a) Membership

The persons listed in section 1301 of this title 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 1302 of this title 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 1302 of this title 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.

(Pub. L. 96–165, § 5, Dec. 29, 1979, 93 Stat. 1270.)

§ 1306. Acquisition of assets and liabilities of existing corporation; retention of State corporate status

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.

(Pub. L. 96–165, § 6, Dec. 29, 1979, 93 Stat. 1271.)

§ 1307. Exclusive right to names, insignia, emblems, and badges

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.

(Pub. L. 96–165, § 7, Dec. 29, 1979, 93 Stat. 1271.)

§ 1308. 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.

(Pub. L. 96–165, § 8, Dec. 29, 1979, 93 Stat. 1271.)

§ 1309. Miscellaneous provisions

(a) Principal office; territorial scope of activities

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.

(b) Agent for service of process

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.

(c) Local agents for service of process

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.

(d) Books and records; inspection

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.

(e) Annual report

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

(f) Audit of financial transactions

The provisions of sections 1102 and 1103 of this title shall apply with respect to the corporation.

(g) Omitted

(h) Reservation of right to amend or repeal chapter

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

(Pub. L. 96–165, § 9, Dec. 29, 1979, 93 Stat. 1271, 1272.)

CODIFICATION

Subsec. (g) provided for an amendment to section 1101 of this title

CHAPTER 46—UNITED STATES HOLOCAUST MEMORIAL COUNCIL

Sec.
1401. Council established; functions.
1402. Membership.
(a) Composition of Council; appointment; vacancies.
(b) Composition of initial Council; tenure.
(c) Term of office.
(d) Chairperson and Vice Chairperson; term of office; vacancies.
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§ 1401. Council established; functions

There is hereby established as an independent Federal establishment the United States Holocaust Memorial Council (hereinafter in this chapter referred to as the ''Council''). The Council shall—

(1) provide for appropriate ways for the Nation to commemorate the Days of Remembrance, as an annual, national, civic commemoration of the holocaust, and shall encourage and sponsor appropriate observances of such Days of Remembrance throughout the United States;

(2) plan, construct, and operate, a permanent living memorial museum to the victims of the holocaust, in cooperation with the Secretary of the Interior and other Federal agencies as provided in section 1406[1] of this title; and

(3) develop a plan for carrying out the recommendations of the President's Commission on the Holocaust in its report to the President of September 27, 1979, to the extent such recommendations are not otherwise provided for in this chapter.

(Pub. L. 96–388, § 1, Oct. 7, 1980, 94 Stat. 1547; Pub. L. 99–190, § 101(d) [title III, § 324(1)], Dec. 19, 1985,

[1] See Codification note below.

99 Stat. 1224, 1267; Pub. L. 102–529, § 3(1), Oct. 27, 1992, 106 Stat. 3463.)

CODIFICATION

Section 1406 of this title, referred to in par. (2), was in the original ''section 5'', meaning section 5 of Pub. L. 96–388, which is classified to section 1405 of this title. This reference was translated as section 1406 of this title, which was enacted by section 6 of Pub. L. 96–388, to reflect the probable intent of Congress in view of the subject matter of section 1406, which relates to the planning, construction, and operation of a permanent living memorial museum to victims of the holocaust.

AMENDMENTS

1992—Par. (2). Pub. L. 102–529 substituted ''operate'' for ''oversee the operation of''.

1985—Pub. L. 99–190 inserted ''as an independent Federal establishment'' after ''established'' in first sentence.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1406 of this title.

§ 1402. Membership

(a) Composition of Council; appointment; vacancies

The Council shall consist of sixty-five voting members appointed (except as otherwise provided in this section) by the President and the following ex officio nonvoting members:

(1) one appointed by the Secretary of the Interior;

(2) one appointed by the Secretary of State, and

(3) one appointed by the Secretary of Education.

Of the sixty-five voting members, five shall be appointed by the Speaker of the United States House of Representatives from among members of the United States House of Representatives and five shall be appointed by the President pro tempore of the United States Senate upon the recommendation of the majority and minority leaders from among members of the United States Senate. Any vacancy in the Council shall be filled in the same manner as the original appointment was made.

(b) Composition of initial Council; tenure

The members of the United States Holocaust Memorial Council, as in effect immediately before October 7, 1980, are hereby designated as members of the Council. All noncongressional voting members designated under the preceding sentence shall serve terms as follows:

(1) All such noncongressional voting members shall serve until January 15, 1986.

(2) On January 15, 1986, the terms of eleven of such noncongressional voting members, as designated in the bylaws of the Council, shall terminate.

(3) On January 15 of each year thereafter through 1990 the terms of eleven other such noncongressional voting members, as designated in the bylaws of the Council, shall terminate.

(c) Term of office

(1) Except as provided in subsection (b) of this section and except as otherwise provided in this subsection, Council members shall serve for five-year terms.

(2) The terms of the five members of the United States House of Representatives and the five members of the United States Senate appointed during any term of Congress shall each expire at the end of such term of Congress.

(3) Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member, other than a Member of Congress appointed by the Speaker of the United States House of Representatives or the President pro tempore of the United States Senate, may serve after the expiration of his term until his successor has taken office.

(d) Chairperson and Vice Chairperson; term of office; vacancies

(1) Except as provided in paragraph (2), the Chairperson and Vice Chairperson of the Council shall be appointed by the President from among the members of the Council and such Chairperson and Vice Chairperson shall each serve for terms of five years. Vacancies in the offices of Chairperson and Vice Chairperson shall be filled, as they arise, by appointment of the President.

(2) The Chairperson and Vice Chairperson of the United States Holocaust Memorial Council, as in effect immediately before October 1, 1980, are hereby designated respectively as the initial Chairperson and Vice Chairperson of the Council. Such initial Chairperson and Vice Chairperson shall serve until January 15, 1986.

(e) Reappointment

Members whose terms expire may be reappointed, and the Chairperson and Vice Chairperson may be reappointed to those offices.

(Pub. L. 96–388, § 2, Oct. 7, 1980, 94 Stat. 1547; Pub. L. 97–84, § 1(1)–(3), Nov. 20, 1981, 95 Stat. 1097.)

AMENDMENTS

1981—Subsec. (a). Pub. L. 97–84, § 1(1), increased size of Council from sixty members to sixty-five members.

Subsec. (b). Pub. L. 97–84, § 1(2), substituted ''are hereby designated as members'' for ''are hereby designated as the initial members'' and ''All noncongressional voting members designated under the preceding sentence'' for ''Such initial members (other than the initial members appointed from the United States Senate or the United States House of Representatives)'' in provisions preceding par. (1), substituted ''All such noncongressional voting members'' for ''All initial members'' in par. (1), substituted ''eleven of such noncongressional voting members'' for ''ten of such initial members'' in par. (2), substituted ''eleven other such noncongressional voting members'' for ''ten other initial members'' in par. (3), and struck out provision following par. (3) which had provided that the terms of the initial members appointed from the United States Senate and the United States House of Representatives would expire upon the expiration of the term of Congress in session on Oct. 7, 1980.

Subsec. (c)(1). Pub. L. 97–84, § 1(3), struck out ''with respect to the initial members of the Council'' after ''Except as provided in subsection (b) of this section''.

§ 1403. Compensation; travel expenses; full-time officers or employees of United States or Members of Congress

(a) Except as provided in subsection (b) of this section, members of the Council are each authorized to be paid the daily equivalent of the maximum annual rate of basic pay in effect for

grade GS–18 of the General Schedule for each day (including traveltime) during which they are engaged in the actual performance of duties of the Council. While away from their homes or regular places of business in the performance of services for the Council, members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5.

(b) Members of the Council who are full-time officers or employees of the United States or Members of the Congress shall receive no additional pay by reason of their service on the Council.

(Pub. L. 96–388, § 3, Oct. 7, 1980, 94 Stat. 1548.)

REFERENCES IN OTHER LAWS TO GS–16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS–16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101–509, set out in a note under section 5376 of Title 5.

§ 1404. Administrative provisions

(a) Bylaws; quorum

The Council shall adopt bylaws to carry out its functions under this chapter. One-third of the members of the Council shall constitute a quorum, and any vacancy in the Council shall not affect its powers to function.

(b) Experts and consultants

The Council may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, at rates not to exceed the daily equivalent of the maximum annual rate of basic pay in effect for grade GS–18 of the General Schedule.

(c) Contract authority

The Council may, in accordance with applicable law, enter into contracts and other arrangements with public agencies and with private organizations and persons and may make such payments as may be necessary to carry out its functions under this chapter.

(d) Assistance from other Federal departments and agencies

The Secretary of the Smithsonian Institution, the Library of Congress, and all executive branch departments, agencies, and establishments of the United States may assist the Council in the performance of its functions under this chapter.

(e) Administrative services and support

The Secretary of the Interior may provide administrative services and support to the Council on a reimbursable basis.

(Pub. L. 96–388, § 4, Oct. 7, 1980, 94 Stat. 1548.)

REFERENCES IN OTHER LAWS TO GS–16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS–16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101–509, set out in a note under section 5376 of Title 5.

APPOINTMENT OF MEMBERS OF COMMITTEES ASSOCIATED WITH UNITED STATES HOLOCAUST MEMORIAL COUNCIL

Pub. L. 100–202, § 101(g) [title II], Dec. 22, 1987, 101 Stat. 1329–213, 1329–251, provided: "That hereafter persons other than members of the United States Holocaust Memorial Council may be designated as members of committees associated with the United States Holocaust Memorial Council subject to appointment by the Chairman of the Council: *Provided further*, That any persons so designated shall serve without cost to the Federal Government".

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 99–500, § 101(h) [title II], Oct. 18, 1986, 100 Stat. 1783–242, 1783–283, and Pub. L. 99–591, § 101(h) [title II], Oct. 30, 1986, 100 Stat. 3341–242, 3341–283.

Pub. L. 99–190, § 101(d) [title II], Dec. 19, 1985, 99 Stat. 1224, 1262.

WAIVER OF HOLOCAUST MEMORIAL COUNCIL BYLAWS

Pub. L. 100–202, § 101(g) [title II], Dec. 22, 1987, 101 Stat. 1329–213, 1329–251, provided: "That hereafter the Chairman of the Council may waive any Council bylaw when the Chairman determines such waiver will be in the best interest of the Council: *Provided further*, That hereafter immediately after taking such action the Chairman shall send written notice to every voting member of the Council and such waiver shall become final if 30 days after the Chairman has sent such notice, a majority of Council members do not disagree in writing with the action taken".

Similar provisions were contained in the following prior appropriation act:

Pub. L. 99–500, § 101(h) [title II], Oct. 18, 1986, 100 Stat. 1783–242, 1783–283, and Pub. L. 99–591, § 101(h) [title II], Oct. 30, 1986, 100 Stat. 3341–242, 3341–283.

§ 1405. Staff

(a) Executive Director

There shall be an Executive Director of the Holocaust Memorial Museum who shall be appointed by the Chairperson of the Council, subject to confirmation of the Council, who may be paid with nonappropriated funds, and who, if paid with appropriated funds, shall be paid at a rate not to exceed the maximum rate of basic pay payable for GS–18 of the General Schedule. The Executive Director shall serve at the pleasure of the Council.

(b) Appointment of employees

The Executive Director shall have authority to—

(1) appoint employees in the competitive service subject to the provisions of chapter 51 and subchapter III of chapter 53 of title 5 relating to classification and general schedule pay rates; and

(2) appoint and fix the compensation (at a rate not to exceed the maximum rate of basic pay payable for GS–18 of the General Schedule) of up to three employees notwithstanding any other provision of law; and

(3) implement decisions of the Council, in the manner directed by the Council, and perform such other functions as may be assigned from time to time by the Council, the Executive Committee of the Council, or the Chairperson of the Council.

(Pub. L. 96–388, § 5, Oct. 7, 1980, 94 Stat. 1549; Pub. L. 97–84, § 1(4), Nov. 20, 1981, 95 Stat. 1097; Pub. L.

100–71, title I, § 101, July 11, 1987, 101 Stat. 418; Pub. L. 103–138, title III, § 309, Nov. 11, 1993, 107 Stat. 1416.)

AMENDMENTS

1993—Subsec. (a). Pub. L. 103–138 substituted ''There shall be an Executive Director of the Holocaust Memorial Museum who shall be appointed by the Chairperson of the Council, subject to confirmation of the Council, who may be paid with nonappropriated funds, and who, if paid with appropriated funds,'' for ''The Council shall, without regard to section 5311(b) of title 5, have an Executive Director who shall be appointed by the Chairperson of the Council, subject to confirmation of the Council and who''.

1987—Subsec. (a). Pub. L. 100–71 substituted ''the Chairperson of the Council, subject to confirmation of the Council'' for ''the President upon the recommendation of the Chairperson of the Council'' and inserted provision at end that the Executive Director serve at pleasure of Council.

Subsec. (b)(3). Pub. L. 100–71 added par. (3).

1981—Subsec. (b). Pub. L. 97–84 substituted provisions granting the Executive Director authority to (1) appoint employees in the competitive service subject to the provisions of chapter 51 and subchapter III of chapter 53 of title 5 relating to classification and general schedule pay rates, and (2) appoint and fix the compensation (at a rate not to exceed the maximum rate of basic pay payable for GS–18 of the General Schedule) of up to three employees notwithstanding any other provision of law for provisions which authorized the Executive Director, without regard to section 5311(b) of title 5, to appoint and fix the pay of such additional personnel as the Director considered appropriate and which also provided that the Executive Director and staff of the Council be appointed subject to the provisions of title 5 governing appointments in the competitive service, and be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5 relating to classifications and General Schedule pay rates.

REFERENCES IN OTHER LAWS TO GS–16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS–16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101–509, set out in a note under section 5376 of Title 5.

MEMORIAL EMPLOYEES BROUGHT INTO COMPETITIVE SERVICE

Pub. L. 102–381, title II, Oct. 5, 1992, 106 Stat. 1415, provided in part: ''That all employees of the memorial on April 1, 1993, including employees currently on excepted appointments covered under schedules A, B, and C, who are performing inherently governmental functions which will continue after the opening of the museum shall be brought into the competitive service in accordance with the classification and pay policy guidelines contained in title V [5] of the United States Code.''

§ 1406. Memorial museum

(a) Transfer or purchase of real property in District of Columbia

For purposes of establishing the memorial museum referred to in paragraph (2) of section 1401 of this title, any department, agency, or instrumentality of the United States is authorized to transfer to the administrative jurisdiction of the Council, with the approval of the Secretary of the Interior in consultation with the Commission of Fine Arts and the National Capital Planning Commission, any real property in the District of Columbia which is under the administrative jurisdiction of such department, agency, or instrumentality and which is deemed suitable by the Council for such memorial. With the approval of the Secretary of the Interior, in consultation with the Commission of Fine Arts and the National Capital Planning Commission, the Council may purchase, with the consent of the owner thereof, any real property within the District of Columbia which it deems suitable for purposes of establishing such memorial museum.

(b) Architectural design approval

The architectural design for such memorial museum shall be subject to the approval of the Secretary of the Interior, in consultation with the Commission of Fine Arts and the National Capital Planning Commission.

(c) Termination of construction and operation authority

The authority conferred pursuant to this chapter for the construction and operation of the memorial museum shall lapse on the date five years after October 7, 1980 unless (1) the erection or establishment of such memorial is commenced within such five year period, and (2) prior to the commencement, the Secretary of the Interior certifies that funds are available in an amount sufficient, in the judgment of the Secretary, to ensure completion of the memorial museum.

(d) Employees performing governmental functions

All employees of the memorial who[1] on April 1, 1993, including employees currently on excepted appointments covered under schedules A, B, and C who are performing inherently governmental functions which will continue after the opening of the museum shall be brought into the competitive service in accordance with the classification and pay policy guidelines contained in title V[2] of the United States Code.

(e) Insurance

The Council shall maintain insurance on the memorial museum to cover such risks, in such amount, and containing such terms and conditions as the Council deems necessary.

(Pub. L. 96–388, § 6, Oct. 7, 1980, 94 Stat. 1549; Pub. L. 102–529, § 3(2), Oct. 27, 1992, 106 Stat. 3463.)

AMENDMENTS

1992—Subsecs. (d), (e). Pub. L. 102–529 added subsecs. (d) and (e).

TRANSFER OF AUDITORS WEST BUILDING (ANNEX 3); RESPONSIBILITY FOR REPAIRS AND ALTERATIONS

Pub. L. 101–45, title II, June 30, 1989, 103 Stat. 125, provided that:

''Notwithstanding any other provision of law, the Administrator of General Services (Administrator) shall transfer to the administrative jurisdiction of the Holocaust Memorial Council (Council), without consideration, the Auditors West Building (Annex 3) located at Raoul Wallenberg Place and Independence Avenue Southwest, Washington, District of Columbia.

[1] So in original. The word ''who'' probably should not appear.

[2] So in original. Probably should be title ''5''.

''Prior to such transfer of jurisdiction to the Council, the Council shall agree to perform all necessary repairs and alterations to the Auditors West Building so as to renovate the exterior of the Auditors West Building in a manner consistent with preservation of the historic architecture of the building, and to preserve the structural integrity of the building. The Council, prior to such transfer, shall furnish to the Administrator, for his approval, a plan detailing the repairs and alterations proposed, dates for completion of the work, and funding availability.

''In the event the Council ceases to exist, administrative jurisdiction of the Auditors West Building (Annex 3) shall revert to the General Services Administration.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1401 of this title.

§ 1407. Gifts, bequests, and devises of property; tax treatment

The Council may solicit, accept, hold, administer, invest, and use gifts, bequests, and devises of property, both real and personal, to aid or facilitate the construction, maintenance, and operation of the memorial. Property may be accepted pursuant to this section, and the property and the proceeds thereof used as nearly as possible in accordance with the terms of the gift, bequest, or devise donating such property. Funds donated to and accepted by the Council pursuant to this section are not to be regarded as appropriated funds and are not subject to any requirements or restrictions applicable to appropriated funds. For the purposes of Federal income, estate, and gift taxes, property accepted under this section shall be considered as a gift, bequest, or devise to the United States.

(Pub. L. 96–388, § 7, Oct. 7, 1980, 94 Stat. 1549; Pub. L. 99–190, § 101(d) [title III, § 324(2)], Dec. 19, 1985, 99 Stat. 1224, 1267.)

AMENDMENTS

1985—Pub. L. 99–190 inserted ''invest,'' after ''administer,'' in first sentence, and inserted provisions relating to funds donated to and accepted by the Council not being regarded as appropriated funds.

§ 1408. Authorization of appropriations

To carry out the purposes of this chapter there are authorized to be appropriated such sums as may be necessary for fiscal year 1993 and for each succeeding fiscal year through fiscal year 2000. Notwithstanding any other provision of law, there are authorized to be appropriated to the Council such amounts as may be necessary to obtain, from a private insurance carrier, insurance against loss in connection with the memorial museum and related property and exhibits. Notwithstanding any other provision of this chapter, no funds authorized under this chapter may be used for construction. Authority to enter into contracts and to make payments under this chapter, using funds authorized to be appropriated under this section shall be effective only to the extent, and in such amounts, as provided in advance in appropriations Acts.

(Pub. L. 96–388, § 8, Oct. 7, 1980, 94 Stat. 1549; Pub. L. 102–529, § 1, Oct. 27, 1992, 106 Stat. 3463.)

AMENDMENTS

1992—Pub. L. 102–529 amended section generally. Prior to amendment, section read as follows: ''There is authorized to be appropriated to carry out the purposes of this chapter $722,000 for the fiscal year 1981, $800,000 for the fiscal year 1982, and $850,000 for the fiscal year 1983: *Provided, however*, That notwithstanding any other provision of this chapter, none of the funds authorized herein may be available for construction. Authority to enter into contracts and to make payments under this chapter, using funds authorized to be appropriated under this section, shall be effective only to the extent, and in such amounts, as provided in advance in appropriation Acts.''

§ 1409. Annual report

The Executive Director shall make a full report annually to the Congress of his stewardship of the authority to construct, operate, and maintain the Holocaust Museum, including an accounting of all financial transactions involving donated funds.

(Pub. L. 96–388, [§ 9], as added Pub. L. 99–190, § 101(d) [title III, § 324(3)], Dec. 19, 1985, 99 Stat. 1224, 1267.)

§ 1410. Audit of financial transactions

Financial transactions of the Council, including those involving donated funds, shall be audited by the Comptroller General as requested by the Congress, in accordance with generally accepted auditing standards. In conducting any audit pursuant to this section, appropriate representatives of the Comptroller General shall have access to all books, accounts, financial records, reports, files and other papers, items or property in use by the Council, as necessary to facilitate such audit, and such representatives shall be afforded full facilities for verifying transactions with the balances.

(Pub. L. 96–388, [§ 10], as added Pub. L. 99–190, § 101(d) [title III, § 324(3)], Dec. 19, 1985, 99 Stat. 1224, 1267.)

§ 1411. Report

The Council shall submit to Congress by June 30, 1995, a report containing each of the following:

(1) A description of the extent to which the objectives of this chapter are being met.

(2) An examination of future major endeavors, initiatives, programs, or activities that the Council or museum proposes to undertake to better fulfill the objectives of this chapter.

(3) An examination of the Federal role in the funding of the Council and its activities, and any changes that may be warranted.

(Pub. L. 96–388, § 11, as added Pub. L. 102–529, § 2, Oct. 27, 1992, 106 Stat. 3463.)

CHAPTER 47—NATIONAL SKI PATROL SYSTEM, INC.

Sec.
1501. Recognition as corporation and grant of Federal charter.
1502. Powers of corporation.
1503. Purposes of corporation.
1504. Service of process.
1505. Membership.
1506. Board of directors.
1507. Officers.
1508. Restrictions.
(a) Distribution of income or assets to members.

Sec.
(b) Loans.
(c) Political activities.
(d) Issuance of stock; dividends.
1509. Liability for acts of officers and agents.
1510. Books and records; inspection.
1511. Annual report.
1512. Reservation of right to amend or repeal chapter.
1513. ''State'' defined.
1514. Tax-exempt status.

§ 1501. Recognition as corporation and grant of Federal charter

National Ski Patrol System, Incorporated, a corporation organized under the laws of the States of New York and Colorado is hereby recognized as such and granted a Federal charter.

(Pub. L. 96–489, § 1, Dec. 2, 1980, 94 Stat. 2553.)

§ 1502. Powers of corporation

National Ski Patrol System, Incorporated (hereinafter referred to as the ''corporation'') shall have only those powers granted to it through its bylaws and articles of incorporation filed in the States where it is incorporated.

(Pub. L. 96–489, § 2, Dec. 2, 1980, 94 Stat. 2553.)

§ 1503. Purposes of corporation

The purposes of the corporation shall be to promote, in any and all ways, patriotic, scientific, educational and civic improvement activities, public safety in skiing, including, without limiting the generality of the foregoing, the dissemination of information with respect thereto and the formation of volunteer local patrols, consisting of competent skiers trained in the administration of first aid, for the purpose of preventing accidents and rendering speedy assistance to persons sustaining accidents; to solicit contributions of money, services, and other property for, and generally to encourage and assist in carrying out, the foregoing purposes in every way.

(Pub. L. 96–489, § 3, Dec. 2, 1980, 94 Stat. 2553.)

§ 1504. Service of process

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

(Pub. L. 96–489, § 4, Dec. 2, 1980, 94 Stat. 2553.)

§ 1505. Membership

Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this chapter, be as provided in the bylaws of the corporation.

(Pub. L. 96–489, § 5, Dec. 2, 1980, 94 Stat. 2553.)

§ 1506. Board of directors

The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States where incorporated.

(Pub. L. 96–489, § 6, Dec. 2, 1980, 94 Stat. 2553.)

§ 1507. Officers

The officers of the corporation and the election of such officers shall be the same as is provided for in the articles of incorporation of the corporation and in conformity with the laws of the State or States where incorporated.

(Pub. L. 96–489, § 7, Dec. 2, 1980, 94 Stat. 2554.)

§ 1508. Restrictions

(a) Distribution of income or assets to members

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

(b) Loans

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

(c) Political activities

The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) Issuance of stock; dividends

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

(Pub. L. 96–489, § 8, Dec. 2, 1980, 94 Stat. 2554.)

§ 1509. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Pub. L. 96–489, § 9, Dec. 2, 1980, 94 Stat. 2554.)

§ 1510. Books and records; inspection

The corporation shall keep correct and complete books and records of account and shall keep 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. All books and records of such corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. However, nothing in this section shall be construed to contravene any applicable State law.

(Pub. L. 96–489, § 10, Dec. 2, 1980, 94 Stat. 2554.)

§ 1511. Annual report

The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding calendar year. The report shall not be printed as a public document.

(Pub. L. 96–489, § 12, Dec. 2, 1980, 94 Stat. 2554.)

§ 1512. 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. 96–489, § 13, Dec. 2, 1980, 94 Stat. 2555.)

§ 1513. "State" defined

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

(Pub. L. 96–489, § 14, Dec. 2, 1980, 94 Stat. 2555.)

§ 1514. Tax-exempt status

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

(Pub. L. 96–489, § 15, Dec. 2, 1980, 94 Stat. 2555.)

CHAPTER 48—GOLD STAR WIVES OF AMERICA

Sec.
1601. Recognition as corporation and grant of Federal charter.
1602. Powers of corporation.
1603. Objects and purposes of corporation.
1604. Service of process.
1605. Membership.
1606. Board of directors.
1607. Officers.
1608. Restrictions.
(a) Distribution of income or assets to members.
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(d) Issuance of stock; dividends.
1609. Liability for acts of officers and agents.
1610. Books and records; inspection.
1611. Annual report.
1612. Reservation of right to amend or repeal chapter.
1613. ''State'' defined.
1614. Tax-exempt status.

§ 1601. Recognition as corporation and grant of Federal charter

Gold Star Wives of America, a corporation organized and operating under the laws of the State of New York, is hereby recognized as such and granted a Federal charter.

(Pub. L. 96–497, § 1, Dec. 4, 1980, 94 Stat. 2595.)

§ 1602. Powers of corporation

Gold Star Wives of America (hereinafter 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.

(Pub. L. 96–497, § 2, Dec. 4, 1980, 94 Stat. 2595.)

§ 1603. Objects and purposes of corporation

The objects and purposes of the corporation shall be, solely, that it is—

(a) organized and operated in the public interest, as a nonpartisan and nonprofit organization, with terms of membership and requirements for holding office within the organization which does not discriminate on the basis of race, color, religion, or national origin;

(b) organized and operated solely for patriotic, charitable, literary, educational, scientific, or civic improvement purposes; and

(c) organized for those purposes stated in its articles of incorporation which are not inconsistent with any of the foregoing objects and purposes.

(Pub. L. 96–497, § 3, Dec. 4, 1980, 94 Stat. 2595.)

§ 1604. Service of process

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

(Pub. L. 96–497, § 4, Dec. 4, 1980, 94 Stat. 2595.)

§ 1605. Membership

Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this chapter, be as provided in the articles of incorporation and the bylaws of the corporation.

(Pub. L. 96–497, § 5, Dec. 4, 1980, 94 Stat. 2595.)

§ 1606. Board of directors

The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States where incorporated.

(Pub. L. 96–497, § 6, Dec. 4, 1980, 94 Stat. 2596.)

§ 1607. Officers

The officers of the corporation and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States where incorporated.

(Pub. L. 96–497, § 7, Dec. 4, 1980, 94 Stat. 2596.)

§ 1608. Restrictions

(a) Distribution of income or assets to members

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

(b) Loans

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

(c) Political activities

The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) Issuance of stock; dividends

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

(Pub. L. 96–497, § 8, Dec. 4, 1980, 94 Stat. 2596.)

§ 1609. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority and in accordance with the laws of the States in which it carries on its activities.

(Pub. L. 96–497, § 9, Dec. 4, 1980, 94 Stat. 2596.)

§ 1610. Books and records; inspection

The corporation shall keep correct and complete books and records of account and shall keep 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. All books and records of such corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. However, nothing in this section shall be construed to contravene any applicable State law.

(Pub. L. 96–497, § 10, Dec. 4, 1980, 94 Stat. 2596.)

§ 1611. Annual report

The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding calendar year. The report shall not be printed as a public document.

(Pub. L. 96–497, § 12, Dec. 4, 1980, 94 Stat. 2597.)

§ 1612. 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. 96–497, § 13, Dec. 4, 1980, 94 Stat. 2597.)

§ 1613. "State" defined

For purposes of this chapter, the term ''State'' means the several States, the District of Columbia, the Commonwealth of Puerto Rico and the territories and possessions of the United States.

(Pub. L. 96–497, § 14, Dec. 4, 1980, 94 Stat. 2597.)

§ 1614. Tax-exempt status

The corporation shall retain its status as an organization exempt from taxation as provided in title 26. If the corporation fails to retain such status, or if it fails to comply with the provisions of this chapter, the charter granted hereby shall expire.

(Pub. L. 96–497, § 15, Dec. 4, 1980, 94 Stat. 2597.)

CHAPTER 49—ITALIAN AMERICAN WAR VETERANS OF THE UNITED STATES

Sec.
1701. Recognition as corporation and grant of Federal charter.
1702. Powers of corporation.
1703. Objects and purposes of corporation.
1704. Service of process.
1705. Membership.
1706. Board of directors.
1707. Officers.
1708. Restrictions.
(a) Distribution of income or assets to members.
(b) Loans.
(c) Political activities.
(d) Issuance of stock; dividends.
(e) Claim of approval or authorization.
1709. Liability for acts of officers and agents.
1710. Books and records; inspection.
1711. Annual report.
1712. Reservation of right to amend or repeal chapter.
1713. ''State'' defined.
1714. Tax-exempt status.
1715. Failure to comply with restrictions or provisions.

§ 1701. Recognition as corporation and grant of Federal charter

Italian American War Veterans of the United States, organized and incorporated under the Nonprofit Corporation Acts of the States of California, Connecticut, Florida, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island, is hereby recognized as such and is granted a charter.

(Pub. L. 97–82, § 1, Nov. 20, 1981, 95 Stat. 1091.)

§ 1702. Powers of corporation

Italian American War Veterans of the United States (hereinafter 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. 97–82, § 2, Nov. 20, 1981, 95 Stat. 1091.)

§ 1703. Objects and purposes of corporation

The objects and purposes of the corporation are those provided in its articles of incorporation and shall include the giving of patriotic allegiance to the United States of America, fidelity to its Constitution and laws, and support to the security of civil liberty and permanence of free institutions; the stimulation of patriotism in the minds of all Americans by encouraging the study of the history of the United States; to assure the preservation and defense of the United States of America from all enemies without any reservation whatsoever; the preservation of the memories and records of patriotic service performed by men and women who served in the Armed Forces of the United States by gathering, collating, editing, publishing, and exhibiting the memorabilia, data, records, military awards, decorations, citations of those who served in the Armed Forces of the United States, and the promotion of peace, prosperity, and good will between the peoples of the United States of America and the Republic of Italy. The corporation shall function as a veterans' and patriotic organization as authorized by the laws of the State or States where it is incorporated.

(Pub. L. 97–82, § 3, Nov. 20, 1981, 95 Stat. 1091.)

§ 1704. Service of process

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

(Pub. L. 97–82, § 4, Nov. 20, 1981, 95 Stat. 1091.)

§ 1705. Membership

Any American citizen shall be eligible for membership in the corporation who was honorably discharged from the Armed Forces of the United States of America, and eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this chapter, be as provided in the bylaws of the corporation.

(Pub. L. 97–82, § 5, Nov. 20, 1981, 95 Stat. 1091.)

§ 1706. Board of directors

The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

(Pub. L. 97–82, § 6, Nov. 20, 1981, 95 Stat. 1092.)

§ 1707. Officers

The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States wherein it is incorporated.

(Pub. L. 97–82, § 7, Nov. 20, 1981, 95 Stat. 1092.)

§ 1708. Restrictions

(a) Distribution of income or assets to members

No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person 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 shall not make any loan to any officer, director, or employee of the corporation.

(c) Political activities

The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) Issuance of stock; dividends

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

(e) Claim of approval or authorization

The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

(Pub. L. 97–82, § 8, Nov. 20, 1981, 95 Stat. 1092.)

§ 1709. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Pub. L. 97–82, § 9, Nov. 20, 1981, 95 Stat. 1092.)

§ 1710. Books and records; inspection

The corporation shall keep correct and complete books and records of account and shall keep 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. All books and records of such corporation may be inspected by any member having the right to vote, 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. 97–82, § 10, Nov. 20, 1981, 95 Stat. 1092.)

§ 1711. Annual report

The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 1101(54) of this title. The report shall not be printed as a public document.

(Pub. L. 97–82, § 12, Nov. 20, 1981, 95 Stat. 1093.)

REFERENCES IN TEXT

Section 1101(54) of this title, referred to in text, was in the original ''section 11 of this Act'', meaning section 11 of Pub. L. 97–82, which amended section 1101 of this title to include the Italian American War Veterans of the United States within the definition of ''private corporations established under Federal law''. Section 1103 of this title requires a report to Congress on the annual audit of private corporations established under Federal law.

§ 1712. 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. 97–82, § 13, Nov. 20, 1981, 95 Stat. 1093.)

§ 1713. "State" defined

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

(Pub. L. 97–82, § 14, Nov. 20, 1981, 95 Stat. 1093.)

§ 1714. 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 hereby shall expire.

(Pub. L. 97–82, § 15, Nov. 20, 1981, 95 Stat. 1093.)

§ 1715. 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 hereby shall expire.

(Pub. L. 97–82, § 16, Nov. 20, 1981, 95 Stat. 1093.)

CHAPTER 50—UNITED STATES SUBMARINE VETERANS OF WORLD WAR II

Sec.
1801. Recognition as corporation and grant of Federal charter.
1802. Powers of corporation.
1803. Objects and purposes of corporation.
1804. Service of process.
1805. Membership.
1806. Board of directors.
1807. Officers.
1808. Restrictions.
(a) Distribution of income or assets to members.
(b) Loans.
(c) Political activities.
(d) Issuance of stock; dividends.
(e) Claim of approval or authorization.
1809. Liability for acts of officers and agents.
1810. Books and records; inspection.
1811. Annual report.
1812. Reservation of right to amend or repeal chapter.
1813. ''State'' defined.
1814. Tax-exempt status.
1815. Failure to comply with restrictions or provisions.

§ 1801. Recognition as corporation and grant of Federal charter

The United States Submarine Veterans of World War II, incorporated under the Non-profit Corporation Act of the State of New Jersey, and the State of Colorado, is hereby recognized as such and is granted a charter.

(Pub. L. 97–83, § 1, Nov. 20, 1981, 95 Stat. 1094.)

§ 1802. Powers of corporation

United States Submarine Veterans of World War II (hereinafter 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. 97–83, § 2, Nov. 20, 1981, 95 Stat. 1094.)

§ 1803. Objects and purposes of corporation

The objects and purposes of the corporation are those provided in its articles of incorporation and shall include patriotism and loyalty to the United States of America; the perpetuation and establishment of memorials to the memory of those shipmates who served aboard United States submarines and gave their lives in submarine warfare during World War II; promotion of the spirit and unity that existed among the United States Navy submarine crewmen during World War II; fostering general public awareness of life aboard submarines during World War II, through securing, restoring, and displaying the submarines that were in service at that time; sponsoring annual college scholarships; and performance of such acts of charity as provided for by the constitution and bylaws.

(Pub. L. 97–83, § 3, Nov. 20, 1981, 95 Stat. 1094.)

§ 1804. Service of process

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

(Pub. L. 97–83, § 4, Nov. 20, 1981, 95 Stat. 1094.)

§ 1805. Membership

Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this chapter, be as provided in the constitution and bylaws of the corporation.

(Pub. L. 97–83, § 5, Nov. 20, 1981, 95 Stat. 1094.)

§ 1806. Board of directors

The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

(Pub. L. 97–83, § 6, Nov. 20, 1981, 95 Stat. 1095.)

§ 1807. Officers

The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States wherein it is incorporated.

(Pub. L. 97–83, § 7, Nov. 20, 1981, 95 Stat. 1095.)

§ 1808. Restrictions

(a) Distribution of income or assets to members

No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person 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 shall not make any loan to any officer, director, or employee of the corporation.

(c) Political activities

The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) Issuance of stock; dividends

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

(e) Claim of approval or authorization

The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

(Pub. L. 97–83, § 8, Nov. 20, 1981, 95 Stat. 1095.)

§ 1809. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Pub. L. 97–83, § 9, Nov. 20, 1981, 95 Stat. 1095.)

§ 1810. Books and records; inspection

The corporation shall keep correct and complete books and records of account and shall keep 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. All books and records of such corporation may be inspected by any member having the right to vote, 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. 97–83, § 10, Nov. 20, 1981, 95 Stat. 1095.)

§ 1811. Annual report

The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as in[1] the report of the audit required by section 1101(55) of this title. The report shall not be printed as a public document.

(Pub. L. 97–83, § 12, Nov. 20, 1981, 95 Stat. 1096.)

REFERENCES IN TEXT

Section 1101(55) of this title, referred to in text, was in the original ''section 11 of this Act'', meaning section 11 of Pub. L. 97–83, which amended section 1101 of this title to include the United States Submarine Veterans of World War II within the definition of ''private corporations established under Federal law''. Section 1103 of this title requires a report to Congress on the annual audit of private corporations established under Federal law.

§ 1812. 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. 97–83, § 13, Nov. 20, 1981, 95 Stat. 1096.)

§ 1813. "State" defined

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

(Pub. L. 97–83, § 14, Nov. 20, 1981, 95 Stat. 1096.)

§ 1814. 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 hereby shall expire.

[1] So in original. Probably should be ''is''.

(Pub. L. 97–83, § 15, Nov. 20, 1981, 95 Stat. 1096.)

§ 1815. 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 hereby shall expire.

(Pub. L. 97–83, § 16, Nov. 20, 1981, 95 Stat. 1096.)

CHAPTER 51—AMERICAN COUNCIL OF LEARNED SOCIETIES

Sec.
1901. Recognition as corporation and grant of Federal charter.
1902. Powers of corporation.
1903. Objects and purposes of corporation.
1904. Service of process.
1905. Membership.
1906. Board of directors.
1907. Officers.
1908. Restrictions.
(a) Distribution of income or assets to members.
(b) Loans.
(c) Political activities.
(d) Issuance of stock; dividends.
(e) Claim of approval or authorization.
1909. Liability for acts of officers and agents.
1910. Books and records; inspection.
1911. Annual report.
1912. Reservation of right to amend or repeal chapter.
1913. ''State'' defined.
1914. Tax-exempt status.

§ 1901. Recognition as corporation and grant of Federal charter

The American Council of Learned Societies, organized and incorporated under the Nonprofit Corporation Act of the District of Columbia [D.C. Code, § 29–501 et seq.], is hereby recognized as such and is granted a charter.

(Pub. L. 97–192, § 1, June 1, 1982, 96 Stat. 109.)

REFERENCES IN TEXT

The Nonprofit Corporation Act of the District of Columbia, referred to in text, probably means the District of Columbia Nonprofit Corporation Act, Pub. L. 87–569, Aug. 6, 1962, 76 Stat. 265, as amended, which appears in chapter 5 (§ 29–501 et seq.) of Title 29, Corporations, of the District of Columbia Code.

§ 1902. Powers of corporation

American Council of Learned Societies (hereinafter 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. 97–192, § 2, June 1, 1982, 96 Stat. 109.)

§ 1903. Objects and purposes of corporation

The objects and purposes of the corporation are those provided in its articles of incorporation and shall include the advancement of the humanistic studies in all fields of learning and the maintenance and strengthening of relations among the national societies devoted to such studies, and the corporation shall function as authorized by the laws of the State or States where it is incorporated.

(Pub. L. 97–192, § 3, June 1, 1982, 96 Stat. 109.)

§ 1904. Service of process

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

(Pub. L. 97–192, § 4, June 1, 1982, 96 Stat. 109.)

§ 1905. Membership

Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this chapter, be as provided in the constitution and bylaws of the corporation.

(Pub. L. 97–192, § 5, June 1, 1982, 96 Stat. 109.)

§ 1906. Board of directors

The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

(Pub. L. 97–192, § 6, June 1, 1982, 96 Stat. 109.)

§ 1907. Officers

The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States wherein it is incorporated.

(Pub. L. 97–192, § 7, June 1, 1982, 96 Stat. 110.)

§ 1908. Restrictions

(a) Distribution of income or assets to members

No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person 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 shall not make any loan to any officer, director, or employee of the corporation.

(c) Political activities

The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) Issuance of stock; dividends

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

(e) Claim of approval or authorization

The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

(Pub. L. 97–192, § 8, June 1, 1982, 96 Stat. 110.)

§ 1909. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Pub. L. 97–192, § 9, June 1, 1982, 96 Stat. 110.)

§ 1910. Books and records; inspection

The corporation shall keep correct and complete books and records of account and shall keep 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. All books and records of such corporation may be inspected by any member having the right to vote, 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. 97–192, § 10, June 1, 1982, 96 Stat. 110.)

§ 1911. Annual report

The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as in[1] the report of the audit required by section 1101(56) of this title. The report shall not be printed as a public document.

(Pub. L. 97–192, § 12 June 1, 1982, 96 Stat. 111.)

REFERENCES IN TEXT

Section 1101(56) of this title, referred to in text, was in the original ''section 11 of this Act'', meaning section 11 of Pub. L. 97–192, which amended section 1101 of this title to include the American Council of Learned Societies within the definition of ''private corporations established under Federal law''. Section 1103 of this title requires a report to Congress on the annual audit of private corporations established under Federal law.

§ 1912. 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. 97–192, § 13, June 1, 1982, 96 Stat. 111.)

§ 1913. "State" defined

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

(Pub. L. 97–192, § 14, June 1, 1982, 96 Stat. 111.)

§ 1914. 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 hereby shall expire.

(Pub. L. 97–192, § 15, June 1, 1982, 96 Stat. 111.)

[1] So in original. Probably should be ''is''.

CHAPTER 52—NATIONAL FEDERATION OF MUSIC CLUBS

Sec.
2001. Recognition as corporation and grant of Federal charter.
2002. Powers of corporation.
2003. Objects and purposes of corporation.
2004. Service of process.
2005. Membership.
2006. Board of directors.
2007. Officers.
2008. Restrictions.
(a) Distribution of income or assets to members.
(b) Loans.
(c) Political activities.
(d) Issuance of stock; dividends.
(e) Claim of approval or authorization.
(f) Retention of State corporate status.
2009. Liability for acts of officers and agents.
2010. Books and records; inspection.
2011. Annual report.
2012. Reservation of right to amend or repeal chapter.
2013. ''State'' defined.
2014. Tax-exempt status.
2015. Failure to comply with restrictions or provisions.

§ 2001. Recognition as corporation and grant of Federal charter

The National Federation of Music Clubs, organized and incorporated under the laws of the State of Illinois, is hereby recognized as such and is granted a charter.

(Pub. L. 97–231, § 1, Aug. 9, 1982, 96 Stat. 256.)

§ 2002. Powers of corporation

The National Federation of Music Clubs (hereinafter 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. 97–231, § 2, Aug. 9, 1982, 96 Stat. 256.)

§ 2003. Objects and purposes of corporation

The objects and purposes for which the corporation is organized shall be those provided in its articles of incorporation and also shall be—

(1) to bring into working relations with one another, music clubs and other musical organizations and individuals directly or indirectly associated with musical activity for the purpose of developing and maintaining high musical standards;

(2) to aid and encourage musical education; and

(3) to promote American music and American artists throughout the United States of America and the world.

The corporation shall function as a patriotic, civic, and historical organization as authorized by the laws of the State or States wherein it is incorporated.

(Pub. L. 97–231, § 3, Aug. 9, 1982, 96 Stat. 256.)

§ 2004. Service of process

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

(Pub. L. 97–231, § 4, Aug. 9, 1982, 96 Stat. 256.)

§ 2005. Membership

Eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the bylaws of the corporation.

(Pub. L. 97–231, § 5, Aug. 9, 1982, 96 Stat. 256.)

§ 2006. Board of directors

The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

(Pub. L. 97–231, § 6, Aug. 9, 1982, 96 Stat. 257.)

§ 2007. Officers

The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States wherein it is incorporated.

(Pub. L. 97–231, § 7, Aug. 9, 1982, 96 Stat. 257.)

§ 2008. Restrictions

(a) Distribution of income or assets to members

No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person 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 shall not make any loan to any officer, director, or employee of the corporation.

(c) Political activities

The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) Issuance of stock; dividends

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

(e) Claim of approval or authorization

The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

(f) Retention of State corporate status

The corporation shall retain and maintain its status as a corporation organized and incorporated under the laws of the State of Illinois.

(Pub. L. 97–231, § 8, Aug. 9, 1982, 96 Stat. 257.)

§ 2009. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Pub. L. 97–231, § 9, Aug. 9, 1982, 96 Stat. 257.)

§ 2010. Books and records; inspection

The corporation shall keep correct and complete books and records of account and shall keep 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 of[1] vote. All books and records of such corporation may be inspected by any member having the right to vote, 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. 97–231, § 10, Aug. 9, 1982, 96 Stat. 257.)

§ 2011. Annual report

The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 1101(53) of this title. The report shall not be printed as a public document.

(Pub. L. 97–231, § 12, Aug. 9, 1982, 96 Stat. 258.)

REFERENCES IN TEXT

Section 1101(53) of this title, referred to in text, was in the original ''section 11 of this Act'', meaning section 11 of Pub. L. 97–231, which amended section 1101 of this title to include the National Federation of Music Clubs within the definition of ''private corporations established under Federal law''. Section 1103 of this title requires a report to Congress on the annual audit of private corporations established under Federal law.

§ 2012. 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. 97–231, § 13, Aug. 9, 1982, 96 Stat. 258.)

§ 2013. "State" defined

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

(Pub. L. 97–231, § 14, Aug. 9, 1982, 96 Stat. 258.)

§ 2014. 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 hereby shall expire.

(Pub. L. 97–231, § 15, Aug. 9, 1982, 96 Stat. 258.)

§ 2015. Failure to comply with restrictions or provisions

If the corporation shall fail to comply with any of the restrictions or provisions of this chapter[1] the charter granted hereby shall expire.

[1] So in original. Probably should be ''to''.

[1] So in original. Probably should be followed by a comma.

(Pub. L. 97–231, § 16, Aug. 9, 1982, 96 Stat. 258.)

CHAPTER 53—AMERICAN EX-PRISONERS OF WAR

Sec.
2101. Recognition as corporation and grant of Federal charter.
2102. Powers of corporation.
2103. Objects and purposes of corporation.
2104. Service of process.
2105. Membership.
2106. Board of directors.
2107. Officers.
2108. Restrictions.
(a) Distribution of income or assets to members.
(b) Loans.
(c) Political activities.
(d) Issuance of stock; dividends.
(e) Claim of approval or authorization.
(f) Retention of State corporate status.
2109. Liability for acts of officers and agents.
2110. Books and records; inspection.
2111. Annual report.
2112. Reservation of right to amend or repeal chapter.
2113. ''State'' defined.
2114. Tax-exempt status.
2115. Exclusive right to name and emblem.
2116. Failure to comply with restrictions or provisions.

§ 2101. Recognition as corporation and grant of Federal charter

American Ex-Prisoners of War, organized and incorporated under the Washington Nonprofit Corporation Act (Wash. Rev. Code Ann. 24.03.005) of the State of Washington by Charles Morgan, Junior, San Antonio, Texas; Edward Fisher, Fairhaven, Massachusetts; Charles Miller, La Jolla, California; C. Earl Derrington, Jackson, Mississippi; Edward Parks, Middleboro, Massachusetts; Henry Goodall, Houston, Texas; Stanley Sommers, Marshfield, Wisconsin; Edward Allen, N. Olmstead, Ohio; Irving Rittenberg, Brookline, Massachusetts; Edgar Van Valkenberg, Saint Petersburg, Florida; W. C. Musten, Winston-Salem, North Carolina; Clifford Omtvedt, Eau Claire, Wisconsin; Orlo Natvig, Charles City, Iowa; H. C. Griffin, Houston, Texas; Milton Moore, El Paso, Texas; Marie Harre, Fairway, Kansas; Alfred Galloway, Seattle, Washington; Reginald Reed, Bremerton, Washington; Ralph Moulis, Tucson, Arizona; Betty Rodriquez, Albuquerque, New Mexico; Randall Briere, San Antonio, Texas; Joseph G. Schisser, San Leon, Texas; Herman Molen, Las Vegas, Nevada; Joseph B. Upton, Saint Louis, Missouri; Harold Page, Buckley, Washington; D. C. Wimberly, Springhill, Louisiana; Albert Braun, Phoenix, Arizona; Melvin Madero, San Diego, California; Tillman Rutledge, San Antonio, Texas; Benson Guyton, Decatur, Alabama; Frank Hawkins, Oklahoma City, Oklahoma; Melvin Routt, Tracy, California; John Romine, Muskogee, Oklahoma; Christopher Morgan, Old Bridge, New Jersey; Allen Smith, Diana, Texas; and John G. Flynn, San Antonio, Texas, is hereby recognized as such and is granted a charter.

(Pub. L. 97–234, § 1, Aug. 10, 1982, 96 Stat. 261.)

§ 2102. Powers of corporation

American Ex-Prisoners of War (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. 97–234, § 2, Aug. 10, 1982, 96 Stat. 261.)

§ 2103. Objects and purposes of corporation

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

(1) encouragement of fraternity for the common good;

(2) fostering patriotism and loyalty;

(3) assistance to widows and orphans of deceased ex-prisoners of war;

(4) assistance to ex-prisoners of war who have been injured or handicapped as a result of their service;

(5) maintenance of allegiance to the United States of America;

(6) preservation and defense of the United States from all of her enemies; and

(7) maintenance of historical records.

(Pub. L. 97–234, § 3, Aug. 10, 1982, 96 Stat. 261.)

§ 2104. Service of process

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

(Pub. L. 97–234, § 4, Aug. 10, 1982, 96 Stat. 262.)

§ 2105. Membership

Eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the bylaws of the corporation.

(Pub. L. 97–234, § 5, Aug. 10, 1982, 96 Stat. 262.)

§ 2106. Board of directors

The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

(Pub. L. 97–234, § 6, Aug. 10, 1982, 96 Stat. 262.)

§ 2107. Officers

The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States wherein it is incorporated.

(Pub. L. 97–234, § 7, Aug. 10, 1982, 96 Stat. 262.)

§ 2108. Restrictions

(a) Distribution of income or assets to members

No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person 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 shall not make any loan to any officer, director, or employee of the corporation.

(c) Political activities

The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support, or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) Issuance of stock; dividends

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

(e) Claim of approval or authorization

The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

(f) Retention of State corporate status

The corporation shall retain and maintain its status as a corporation organized and incorporated under the laws of the State of Washington.

(Pub. L. 97–234, § 8, Aug. 10, 1982, 96 Stat. 262.)

§ 2109. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Pub. L. 97–234, § 9, Aug. 10, 1982, 96 Stat. 263.)

§ 2110. Books and records; inspection

The corporation shall keep correct and complete books and records of account and shall keep 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 of[1] vote. All books and records of such corporation may be inspected by any member having the right to vote, 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. 97–234, § 10, Aug. 10, 1982, 96 Stat. 263.)

§ 2111. Annual report

The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 1101(57) of this title. The report shall not be printed as a public document.

(Pub. L. 97–234, § 12, Aug. 10, 1982, 96 Stat. 263.)

REFERENCES IN TEXT

Section 1101(57) of this title, referred to in text, was in the original ''section 11 of this Act'', meaning section 11 of Pub. L. 97–234, which amended section 1101 of

[1] So in original. Probably should be ''to''.

this title to include the American Ex-Prisoners of War within the definition of ''private corporations established under Federal law''. Section 1103 of this title requires a report to Congress on the annual audit of private corporations established under Federal law.

§ 2112. 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. 97–234, § 13, Aug. 10, 1982, 96 Stat. 263.)

§ 2113. "State" defined

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

(Pub. L. 97–234, § 14, Aug. 10, 1982, 96 Stat. 263.)

§ 2114. 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 hereby shall expire.

(Pub. L. 97–234, § 15, Aug. 10, 1982, 96 Stat. 263.)

§ 2115. Exclusive right to name and emblem

The corporation shall have the sole and exclusive right to use and to allow or refuse to others the use of the terms ''American Ex-Prisoners of War'', and the official American Ex-Prisoners of War emblem or any colorable simulation thereof. No powers or privileges hereby granted shall, however, interfere or conflict with established or vested rights.

(Pub. L. 97–234, § 16, Aug. 10, 1982, 96 Stat. 263.)

§ 2116. Failure to comply with restrictions or provisions

If the corporation shall fail to comply with any of the restrictions or provisions of this chapter[1] the charter granted hereby shall expire.

(Pub. L. 97–234, § 17, Aug. 10, 1982, 96 Stat. 264.)

CHAPTER 54—FORMER MEMBERS OF CONGRESS

Sec.
2201. Recognition as corporation and grant of Federal charter.
2202. Powers of corporation.
2203. Objects and purposes of corporation.
2204. Service of process.
2205. Membership.
2206. Board of directors.
2207. Officers.
2208. Restrictions.
(a) Distribution of income or assets to members.
(b) Loans.
(c) Political activities.
(d) Issuance of stock; dividends.
(e) Claim of approval or authorization.
2209. Liability for acts of officers and agents.
2210. Books and records; inspection.
2211. Annual report.
2212. Reservation of right to amend or repeal chapter.
2213. ''State'' defined.
2214. Tax-exempt status.
2215. Failure to comply with restrictions or provisions.

§ 2201. Recognition as corporation and grant of Federal charter

Former Members of Congress, organized and incorporated under the Nonprofit Corporation Act of the District of Columbia [D.C. Code, § 29–501 et seq.], is hereby recognized as such and is granted a charter.

(Pub. L. 97–427, § 1, Jan. 8, 1983, 96 Stat. 2265.)

REFERENCES IN TEXT

The Nonprofit Corporation Act of the District of Columbia, referred to in text, probably means the District of Columbia Nonprofit Corporation Act, Pub. L. 87–569, Aug. 6, 1962, 76 Stat. 265, as amended, which appears in chapter 5 (§ 29–501 et seq.) of Title 29, Corporations, of the District of Columbia Code.

§ 2202. Powers of corporation

Former Members of Congress (hereinafter 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. 97–427, § 2, Jan. 8, 1983, 96 Stat. 2265.)

§ 2203. Objects and purposes of corporation

The objects and purposes of the corporation are those provided in its articles of incorporation and shall include the promotion of the cause of good government at the national level by improving the public understanding of the United States Congress as an institution and strengthening its support by the public. The corporation shall function as an educational, patriotic, civic, historical, and research organization as authorized by the laws of the State or States wherein it is incorporated.

(Pub. L. 97–427, § 3, Jan. 8, 1983, 96 Stat. 2265.)

§ 2204. Service of process

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

(Pub. L. 97–427, § 4, Jan. 8, 1983, 96 Stat. 2265.)

§ 2205. Membership

Eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the bylaws of the corporation.

(Pub. L. 97–427, § 5, Jan. 8, 1983, 96 Stat. 2265.)

§ 2206. Board of directors

The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

[1] So in original. Probably should be followed by a comma.

(Pub. L. 97–427, § 6, Jan. 8, 1983, 96 Stat. 2265.)

§ 2207. Officers

The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States wherein it is incorporated.

(Pub. L. 97–427, § 7, Jan. 8, 1983, 96 Stat. 2266.)

§ 2208. Restrictions

(a) Distribution of income or assets to members

No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person 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 shall not make any loan to any officer, director, or employee of the corporation.

(c) Political activities

The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) Issuance of stock; dividends

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

(e) Claim of approval or authorization

The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

(Pub. L. 97–427, § 8, Jan. 8, 1983, 96 Stat. 2266.)

§ 2209. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Pub. L. 97–427, § 9, Jan. 8, 1983, 96 Stat. 2266.)

§ 2210. Books and records; inspection

The corporation shall keep correct and complete books and records of account and shall keep 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 of[1] vote. All books and records of such corporation may be inspected by any member having the right to vote, 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. 97–427, § 10, Jan. 8, 1983, 96 Stat. 2266.)

[1] So in original. Probably should be ''to''.

§ 2211. Annual report

The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 1101(59) of this title. The report shall not be printed as a public document.

(Pub. L. 97–427, § 12, Jan. 8, 1983, 96 Stat. 2266.)

REFERENCES IN TEXT

Section 1101(59) of this title, referred to in text, was in the original ''section 11 of this Act'', meaning section 11 of Pub. L. 97–427, which amended section 1101 of this title to include the Former Members of Congress within the definition of ''private corporations established under Federal law''. Section 1103 of this title requires a report to Congress on the annual audit of private corporations established under Federal law.

§ 2212. 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. 97–427, § 13, Jan. 8, 1983, 96 Stat. 2267.)

§ 2213. "State" defined

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

(Pub. L. 97–427, § 14, Jan. 8, 1983, 96 Stat. 2267.)

§ 2214. 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 hereby shall expire.

(Pub. L. 97–427, § 15, Jan. 8, 1983, 96 Stat. 2267.)

§ 2215. Failure to comply with restrictions or provisions

If the corporation shall fail to comply with any of the restrictions or provisions of this chapter[1] the charter granted hereby shall expire.

(Pub. L. 97–427, § 16, Jan. 8, 1983, 96 Stat. 2267.)

[1] So in original. Probably should be followed by a comma.

CHAPTER 55—NATIONAL ACADEMY OF PUBLIC ADMINISTRATION

Sec.
2301. Recognition as corporation and grant of Federal charter.
2302. Corporate powers.
2303. Objects and purposes of corporation.
2304. Service of process.
2305. Membership.
2306. Board of directors.
2307. Officers.
2308. Restrictions.
(a) Distribution of income or assets to members.
(b) Loans.
(c) Political activities.
(d) Issuance of stock; dividends.
(e) Claim of approval or authorization.

Sec.
(f) Retention of status under State laws.
2309. Liability for acts of officers and agents.
2310. Books and records; inspection.
2311. Annual report.
2312. Reservation of right to amend or repeal chapter.
2313. ''State'' defined.
2314. Tax-exempt status.
2315. Failure to comply with restrictions or provisions.
2316. Service to United States.

§ 2301. Recognition as corporation and grant of Federal charter

The National Academy of Public Administration, organized and incorporated under the laws of the District of Columbia, is hereby recognized as such and is granted a charter.

(Pub. L. 98–257, § 1, Apr. 10, 1984, 98 Stat. 127.)

§ 2302. Corporate powers

The National Academy of Public Administration (hereinafter referred to as the ''academy'')[1] 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. 98–257, § 2, Apr. 10, 1984, 98 Stat. 127.)

§ 2303. Objects and purposes of corporation

The objects and purposes for which the Academy is organized shall be those provided in its articles of incorporation and shall include—

(1) evaluating the structure, administration, operation, and program performance of Federal and other governments and government agencies, anticipating, identifying, and analyzing significant problems and suggesting timely corrective action;

(2) foreseeing and examining critical emerging issues in governance, formulating practical approaches to their resolution;

(3) assessing the effectiveness, structure, administration, and implications for governance of present or proposed public programs, policies, and processes, recommending specific changes;

(4) advising on the relationship of Federal, State, regional, and local governments; increasing public officials', citizens', and scholars' understanding of requirements and opportunities for sound governance and how these can be effectively met; and

(5) demonstrating by the conduct of its affairs a commitment to the highest professional standards of ethics and scholarship.

(Pub. L. 98–257, § 3, Apr. 10, 1984, 98 Stat. 127.)

§ 2304. Service of process

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

(Pub. L. 98–257, § 4, Apr. 10, 1984, 98 Stat. 127.)

[1] So in original. Probably should be capitalized.

§ 2305. Membership

Eligibility for membership in the Academy and the rights and privileges of members shall be as provided in the bylaws of the corporation.

(Pub. L. 98–257, § 5, Apr. 10, 1984, 98 Stat. 127.)

§ 2306. Board of directors

The board of directors of the Academy and the responsibilities thereof shall be as provided in the articles of incorporation of the Academy and in conformity with the laws of the State or States in which it is incorporated.

(Pub. L. 98–257, § 6, Apr. 10, 1984, 98 Stat. 128.)

§ 2307. Officers

The officers of the Academy, and the election of such officers, shall be as is provided in the articles of incorporation of the Academy and in conformity with the laws of the State or States wherein it is incorporated.

(Pub. L. 98–257, § 7, Apr. 10, 1984, 98 Stat. 128.)

§ 2308. Restrictions

(a) Distribution of income or assets to members

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

(b) Loans

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

(c) Political activities

The Academy and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support, or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) Issuance of stock; dividends

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

(e) Claim of approval or authorization

The Academy shall not claim congressional approval or Federal Government authority for any of its activities, other than by mutual agreement.

(f) Retention of status under State laws

The Academy shall retain and maintain its status as a corporation organized and incorporated under the laws of the District of Columbia.

(Pub. L. 98–257, § 8, Apr. 10, 1984, 98 Stat. 128.)

§ 2309. Liability for acts of officers and agents

The Academy shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Pub. L. 98–257, § 9, Apr. 10, 1984, 98 Stat. 128.)

§ 2310. Books and records; inspection

The Academy shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the Academy involving any of its members, the board of directors, or any committee having authority under the board of directors. The Academy shall keep at its principal office a record of the names and addresses of all members having the right of[1] vote. All books and records of such corporation may be inspected by any member having the right to vote, 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. 98–257, § 10, Apr. 10, 1984, 98 Stat. 128.)

§ 2311. Annual report

The Academy shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 1101(61) of this title. The report shall not be printed as a public document.

(Pub. L. 98–257, § 12, Apr. 10, 1984, 98 Stat. 129.)

REFERENCES IN TEXT

Section 1101(61) of this title, referred to in text, was in the original ''section 11 of this Act'', meaning section 11 of Pub. L. 98–257, which amended section 1101 of this title to include the National Academy of Public Administration within the definition of ''private corporations established under Federal law''. Section 1103 of this title requires a report to Congress on the annual audit of private corporations established under Federal law.

§ 2312. 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. 98–257, § 13, Apr. 10, 1984, 98 Stat. 129.)

§ 2313. "State" defined

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

(Pub. L. 98–257, § 14, Apr. 10, 1984, 98 Stat. 129.)

§ 2314. 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 hereby shall expire.

(Pub. L. 98–257, § 15, Apr. 10, 1984, 98 Stat. 129.)

§ 2315. Failure to comply with restrictions or provisions

If the corporation shall fail to comply with any of the restrictions or provisions of this chapter[1] the charter granted hereby shall expire.

(Pub. L. 98–257, § 16, Apr. 10, 1984, 98 Stat. 129.)

§ 2316. Service to United States

The National Academy of Public Administration shall, whenever called upon by Congress, or the Federal Government, investigate, examine, experiment, and report upon any subject of government, the actual expense of such investigations, examinations, and reports to be paid by the Federal Government from appropriations available for such purpose.

(Pub. L. 98–257, § 17, Apr. 10, 1984, 98 Stat. 129.)

CHAPTER 56—AMERICAN GOLD STAR MOTHERS, INC.

Sec.
2401. Recognition as corporation and grant of Federal charter.
2402. Powers of corporation.
2403. Objects and purposes of corporation.
2404. Service of process.
2405. Membership; prohibition on discrimination.
2406. Board of directors.
2407. Officers.
2408. Restrictions.
(a) Distribution of income or assets to members.
(b) Loans.
(c) Issuance of stock; dividends.
(d) Claim of approval or authorization.
(e) Retention of status under State laws.
2409. Liability for acts of officers and agents.
2410. Books and records; inspection.
2411. Annual report.
2412. Reservation of right to amend or repeal chapter.
2413. ''State'' defined.
2414. Tax-exempt status.
2415. Failure to comply with restrictions or provisions.

§ 2401. Recognition as corporation and grant of Federal charter

American Gold Star Mothers, Incorporated, organized and incorporated under the laws of the District of Columbia, is hereby recognized as such and is granted a charter.

(Pub. L. 98–314, § 1, June 12, 1984, 98 Stat. 237.)

§ 2402. Powers of corporation

American Gold Star Mothers, Incorporated (hereinafter 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 which it is incorporated and subject to the laws of such State or States.

(Pub. L. 98–314, § 2, June 12, 1984, 98 Stat. 237.)

§ 2403. Objects and purposes of corporation

The objects and purposes for which the corporation is organized shall be those provided in its articles of incorporation and shall include a continuing commitment, on a national basis, to—

(a) keep alive and develop the spirit that promoted world services;

(b) maintain the ties of fellowship born of that service, and to assist and further all patriotic work;

(c) inculcate a sense of individual obligation to the community, State, and Nation;

[1] So in original. Probably should be ''to''.

[1] So in original. Probably should be followed by a comma.

(d) assist veterans of World War I, World War II, the Korean Conflict, Vietnam, and other strategic areas and their dependents in the presentation of claims to the Department of Veterans Affairs, and to aid in any way in their power the men and women who served and died or were wounded or incapacitated during hostilities;

(e) perpetuate the memory of those whose lives were sacrificed in our wars;

(f) maintain true allegiance to the United States of America;

(g) inculcate lessons of patriotism and love of country in the communities in which we live;

(h) inspire respect for the Stars and Stripes in the youth of America;

(i) extend needful assistance to all Gold Star Mothers and, when possible, to their descendants; and

(j) to promote peace and good will for the United States and all other Nations.

(Pub. L. 98–314, § 3, June 12, 1984, 98 Stat. 237; Pub. L. 102–54, § 13(n)(6), June 13, 1991, 105 Stat. 278.)

AMENDMENTS

1991—Subsec. (d). Pub. L. 102–54 substituted ''Department of Veterans Affairs'' for ''Veterans' Administration''.

§ 2404. Service of process

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

(Pub. L. 98–314, § 4, June 12, 1984, 98 Stat. 238.)

§ 2405. Membership; prohibition on discrimination

Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this chapter, be as provided in the constitution and bylaws of the corporation, and terms of membership and requirements for holding office within the corporation shall not be discriminatory on the basis of race, color, religion, or national origin.

(Pub. L. 98–314, § 5, June 12, 1984, 98 Stat. 238.)

§ 2406. Board of directors

The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

(Pub. L. 98–314, § 6, June 12, 1984, 98 Stat. 238.)

§ 2407. Officers

The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States wherein it is incorporated.

(Pub. L. 98–314, § 7, June 12, 1984, 98 Stat. 238.)

§ 2408. Restrictions

(a) Distribution of income or assets to members

No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person 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 shall 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 Federal Government authority for any of its activities.

(e) Retention of status under State laws

The corporation shall retain and maintain its status as a corporation organized and incorporated under the laws of the State or States wherein it is incorporated.

(Pub. L. 98–314, § 8, June 12, 1984, 98 Stat. 238.)

§ 2409. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Pub. L. 98–314, § 9, June 12, 1984, 98 Stat. 238.)

§ 2410. Books and records; inspection

The corporation shall keep correct and complete books and records of account and shall keep 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. All books and records of such corporation may be inspected by any member having the right to vote, 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. 98–314, § 10, June 12, 1984, 98 Stat. 238.)

§ 2411. Annual report

The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 1101(63) of this title. The report shall not be printed as a public document.

(Pub. L. 98–314, § 12, June 12, 1984, 98 Stat. 239.)

REFERENCES IN TEXT

Section 1101(63) of this title, referred to in text, was in the original ''section 11 of this Act'', meaning sec-

tion 11 of Pub. L. 98–314, which amended section 1101 of this title to include the American Gold Star Mothers, Incorporated, within the definition of ''private corporations established under Federal law''. Section 1103 of this title requires a report to Congress on the annual audit of private corporations established under Federal law.

§ 2412. 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. 98–314, § 13, June 12, 1984, 98 Stat. 239.)

§ 2413. "State" defined

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

(Pub. L. 98–314, § 14, June 12, 1984, 98 Stat. 239.)

§ 2414. 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 hereby shall expire.

(Pub. L. 98–314, § 15, June 12, 1984, 98 Stat. 239.)

§ 2415. Failure to comply with restrictions or provisions

If the corporation shall fail to comply with any of the restrictions or provisions of this chapter[1] the charter granted hereby shall expire.

(Pub. L. 98–314, § 16, June 12, 1984, 98 Stat. 240.)

CHAPTER 57—POLISH LEGION OF AMERICAN VETERANS, U.S.A.

Sec.
2501. Recognition as corporation and grant of Federal charter.
2502. Powers of corporation.
2503. Objects and purposes of corporation.
2504. Service of process.
2505. Membership; prohibition on discrimination.
2506. Board of directors.
2507. Officers.
2508. Restrictions.
(a) Distribution of income or assets to members.
(b) Loans.
(c) Political activities.
(d) Issuance of stock; dividends.
(e) Claim of approval or authorization.
2509. Liability for acts of officers and agents.
2510. Books and records; inspection.
2511. Annual report.
2512. Reservation of right to amend or repeal chapter.
2513. ''State'' defined.
2514. Tax-exempt status.
2515. Failure to comply with restrictions or provisions.

§ 2501. Recognition as corporation and grant of Federal charter

The Polish Legion of American Veterans, U.S.A., a nonprofit corporation organized under the laws of the State of Illinois, is hereby recognized as such and is granted a charter.

(Pub. L. 98–372, § 1, July 23, 1984, 98 Stat. 1239.)

§ 2502. Powers of corporation

The Polish Legion of American Veterans, U.S.A. (hereinafter 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. 98–372, § 2, July 23, 1984, 98 Stat. 1239.)

§ 2503. Objects and purposes of corporation

The objects and purposes of the corporation are those provided in its articles of incorporation. The corporation shall function as a veterans' and patriotic organization as authorized by the laws of the State or States where it is incorporated.

(Pub. L. 98–372, § 3, July 23, 1984, 98 Stat. 1239.)

§ 2504. Service of process

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

(Pub. L. 98–372, § 4, July 23, 1984, 98 Stat. 1239.)

§ 2505. Membership; prohibition on discrimination

Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this chapter, be as provided in the constitution and bylaws of the corporation, and terms of membership and requirements for holding office within the corporation shall not be discriminatory on the basis of race, color, religion, or national origin.

(Pub. L. 98–372, § 5, July 23, 1984, 98 Stat. 1239.)

§ 2506. Board of directors

The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

(Pub. L. 98–372, § 6, July 23, 1984, 98 Stat. 1239.)

§ 2507. Officers

The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States wherein it is incorporated.

(Pub. L. 98–372, § 7, July 23, 1984, 98 Stat. 1240.)

§ 2508. Restrictions

(a) Distribution of income or assets to members

No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Noth-

[1] So in original. Probably should be followed by a comma.

ing 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 shall not make any loan to any officer, director, or employee of the corporation.

(c) Political activities

The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) Issuance of stock; dividends

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

(e) Claim of approval or authorization

The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

(Pub. L. 98–372, § 8, July 23, 1984, 98 Stat. 1240.)

§ 2509. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Pub. L. 98–372, § 9, July 23, 1984, 98 Stat. 1240.)

§ 2510. Books and records; inspection

The corporation shall keep correct and complete books and records of account and shall keep 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. All books and records of such corporation may be inspected by any member having the right to vote, 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. 98–372, § 10, July 23, 1984, 98 Stat. 1240.)

§ 2511. Annual report

The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 1101(58) of this title. The report shall not be printed as a public document.

(Pub. L. 98–372, § 12, July 23, 1984, 98 Stat. 1240.)

REFERENCES IN TEXT

Section 1101(58) of this title, referred to in text, was in the original ''section 11 of this Act'', meaning section 11 of Pub. L. 98–372, which amended section 1101 of this title to include the Polish Legion of American Veterans, U.S.A. within the definition of ''private corporations established under Federal law''. Section 1103 of this title requires a report to Congress on the annual audit of private corporations established under Federal law.

§ 2512. 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. 98–372, § 13, July 23, 1984, 98 Stat. 1241.)

§ 2513. "State" defined

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

(Pub. L. 98–372, § 14, July 23, 1984, 98 Stat. 1241.)

§ 2514. 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 hereby shall expire.

(Pub. L. 98–372, § 15, July 23, 1984, 98 Stat. 1241.)

§ 2515. 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 hereby shall expire.

(Pub. L. 98–372, § 16, July 23, 1984, 98 Stat. 1241.)

CHAPTER 58—CATHOLIC WAR VETERANS OF THE UNITED STATES OF AMERICA, INC.

Sec.
2601. Recognition as corporation and grant of Federal charter.
2602. Powers of corporation.
2603. Objects and purposes of corporation.
2604. Service of process.
2605. Membership.
2606. Board of directors.
2607. Officers.
2608. Restrictions.
(a) Distribution of income or assets to members.
(b) Loans.
(c) Issuance of stock; dividends.
(d) Claim of approval or authorization.
2609. Liability for acts of officers and agents.
2610. Books and records; inspection.
2611. Annual report.
2612. Reservation of right to amend or repeal chapter.
2613. ''State'' defined.
2614. Tax-exempt status.
2615. Failure to comply with restrictions or provisions.

§ 2601. Recognition as corporation and grant of Federal charter

The Catholic War Veterans of the United States of America, Incorporated, organized and incorporated under the laws of the State of New York, is hereby recognized as such and is granted a charter.

(Pub. L. 98–382, § 1, Aug. 17, 1984, 98 Stat. 1343.)

§ 2602. Powers of corporation

The Catholic War Veterans of the United States of America, Incorporated, (hereinafter re-

ferred 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. 98–382, § 2, Aug. 17, 1984, 98 Stat. 1343.)

§ 2603. Objects and purposes of corporation

The objects and purposes of the corporation are those provided in its articles of incorporation and shall include a continuing commitment, on a national basis, to—

(a) preserve, protect, and defend the Constitution of the United States and the laws of the several States;

(b) commemorate the wars, campaigns, and military actions of the United States in order to reflect profound respect, high honor, and great tribute on the glorious dead and the surviving veterans of those wars, campaigns, and actions and to give all Americans a greater understanding of and appreciation for the sacrifices of those who participated in them on behalf of all Americans;

(c) stimulate to the highest degree possible the interest of the entire Nation in the problems of veterans, their widows, and orphans;

(d) cooperate to the fullest extent and in a harmonious manner with all veterans' organizations in common projects designed to serve the interests of all veterans of all wars in which the United States of America has participated;

(e) collate, preserve, and encourage the study of historical episodes, chronicles, mementos, and events pertaining to the wars, campaigns, and military actions of the United States of America;

(f) inculcate an enduring love of country, a deep and abiding sense of patriotism, and a profound commitment to Americanism among all the people of the United States;

(g) encourage, among the youth of our Nation, respect for our national flag, anthem, and for the traditions of America;

(h) preserve the freedoms of all of the people, national peace, prosperity, tranquility, good will, the permanence of free institutions, and the defense of the United States;

(i) foster the association of veterans of the Catholic faith who have served in the Armed Forces of the United States;

(j) encourage morality in government, labor, management, economic, social, fraternal, and all other phases of American life;

(k) promote the realization that the family is the basic unit of society;

(*l*) increase our love, honor, service to God, and to our fellow man without regard to race, creed, color, or national origin; and

(m) function as a veterans' and patriotic organization as authorized by the laws of the State or States where it is incorporated.

(Pub. L. 98–382, § 3, Aug. 17, 1984, 98 Stat. 1343.)

§ 2604. Service of process

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

(Pub. L. 98–382, § 4, Aug. 17, 1984, 98 Stat. 1344.)

§ 2605. Membership

Eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the bylaws of the corporation.

(Pub. L. 98–382, § 5, Aug. 17, 1984, 98 Stat. 1344.)

§ 2606. Board of directors

The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

(Pub. L. 98–382, § 6, Aug. 17, 1984, 98 Stat. 1344.)

§ 2607. Officers

The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States wherein it is incorporated.

(Pub. L. 98–382, § 7, Aug. 17, 1984, 98 Stat. 1344.)

§ 2608. Restrictions

(a) Distribution of income or assets to members

No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person 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 shall 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 Federal Government authority for any of its activities.

(Pub. L. 98–382, § 8, Aug. 17, 1984, 98 Stat. 1344.)

§ 2609. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Pub. L. 98–382, § 9, Aug. 17, 1984, 98 Stat. 1345.)

§ 2610. Books and records; inspection

The corporation shall keep correct and complete books and records of account and shall keep 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 of[1] vote. All books and records of such corporation may be inspected by any member having the right to vote, 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. 98–382, § 10, Aug. 17, 1984, 98 Stat. 1345.)

§ 2611. Annual report

The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 1101(60) of this title. The report shall not be printed as a public document.

(Pub. L. 98–382, § 12, Aug. 17, 1984, 98 Stat. 1345.)

REFERENCES IN TEXT

Section 1101(60) of this title, referred to in text, was in the original ''section 11 of this Act'', meaning section 11 of Pub. L. 98–382, which amended section 1101 of this title to include the Catholic War Veterans of the United States of America, Incorporated, within the definition of ''private corporations established under Federal law''. Section 1103 of this title requires a report to Congress on the annual audit of private corporations established under Federal law.

§ 2612. 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. 98–382, § 13, Aug. 17, 1984, 98 Stat. 1345.)

§ 2613. "State" defined

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

(Pub. L. 98–382, § 14, Aug. 17, 1984, 98 Stat. 1345.)

§ 2614. 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 hereby shall expire.

(Pub. L. 98–382, § 15, Aug. 17, 1984, 98 Stat. 1345.)

§ 2615. Failure to comply with restrictions or provisions

If the corporation shall fail to comply with any of the restrictions or provisions of this chapter[1] the charter granted hereby shall expire.

(Pub. L. 98–382, § 16, Aug. 17, 1984, 98 Stat. 1346.)

CHAPTER 59—JEWISH WAR VETERANS OF THE UNITED STATES OF AMERICA, INC.

Sec.
2701. Recognition as corporation and grant of Federal charter.
2702. Powers of corporation.
2703. Objects and purposes of corporation.
2704. Service of process.
2705. Membership.
2706. Board of directors.
2707. Officers.
2708. Restrictions.
(a) Distribution of income or assets to members.
(b) Loans.
(c) Issuance of stock; dividends.
(d) Claim of approval or authorization.
2709. Liability for acts of officers and agents.
2710. Books and records; inspection.
2711. Annual report.
2712. Reservation of right to amend or repeal chapter.
2713. ''State'' defined.
2714. Tax-exempt status.
2715. Failure to comply with restrictions or provisions.

§ 2701. Recognition as corporation and grant of Federal charter

(a) The Jewish War Veterans of the United States of America, Incorporated, organized and incorporated as a nonprofit entity under the laws of the State of New York, is hereby recognized as such and is granted a Federal charter.

(b) The corporation shall retain and maintain its status as a corporation organized and incorporated under the laws of the State of New York.

(Pub. L. 98–391, § 1, Aug. 21, 1984, 98 Stat. 1358.)

§ 2702. Powers of corporation

The Jewish War Veterans of the United States of America, Incorporated (hereinafter 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. 98–391, § 2, Aug. 21, 1984, 98 Stat. 1358.)

§ 2703. Objects and purposes of corporation

The objects and purposes of the corporation are those provided in its articles of incorporation and shall include a continuing commitment, on a national basis, to—

(1) maintain true allegiance to the United States of America;

(2) foster and perpetuate true Americanism;

(3) combat whatever tends to impair the efficiency and permanency of our free institutions;

(4) uphold the fair name of the Jew and fight his battles wherever unjustly assailed;

(5) encourage the doctrine of universal liberty, equal rights and full justice to all men;

(6) combat the powers of bigotry and darkness wherever originating and whatever the target;

(7) preserve the spirit of comradeship by mutual helpfulness to comrades and their families;

(8) cooperate with and support existing educational institutions and establish educational institutions, and foster the education of ex-servicemen and ex-servicewomen and members of the corporation in the ideals and principles of Americanism;

[1] So in original. Probably should be ''to''.

[1] So in original. Probably should be followed by a comma.

(9) instill love of country and flag and to promote sound minds and bodies in members of the corporation and their youth; and

(10) preserve the memories and records of patriotic service performed by the men and women of the Jewish faith and to honor their memory and shield from neglect the graves of our heroic dead.

(Pub. L. 98–391, § 3, Aug. 21, 1984, 98 Stat. 1358.)

§ 2704. Service of process

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

(Pub. L. 98–391, § 4, Aug. 21, 1984, 98 Stat. 1359.)

§ 2705. Membership

Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this chapter, be as provided in the bylaws and constitution of the corporation.

(Pub. L. 98–391, § 5, Aug. 21, 1984, 98 Stat. 1359.)

§ 2706. Board of directors

The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

(Pub. L. 98–391, § 6, Aug. 21, 1984, 98 Stat. 1359.)

§ 2707. Officers

The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States wherein it is incorporated.

(Pub. L. 98–391, § 7, Aug. 21, 1984, 98 Stat. 1359.)

§ 2708. Restrictions

(a) Distribution of income or assets to members

No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person 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 shall 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 Federal Government authority for any of its activities.

(Pub. L. 98–391, § 8, Aug. 21, 1984, 98 Stat. 1359.)

§ 2709. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Pub. L. 98–391, § 9, Aug. 21, 1984, 98 Stat. 1359.)

§ 2710. Books and records; inspection

The corporation shall keep correct and complete books and records of accounts and shall keep 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. All books and records of such corporation may be inspected by any member having the right to vote, 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. 98–391, § 10, Aug. 21, 1984, 98 Stat. 1360.)

§ 2711. Annual report

The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 1101(62) of this title. The report shall not be printed as a public document.

(Pub. L. 98–391, § 12, Aug. 21, 1984, 98 Stat. 1360.)

REFERENCES IN TEXT

Section 1101(62) of this title, referred to in text, was in the original ''section 11 of this Act'', meaning section 11 of Pub. L. 98–391, which amended section 1101 of this title to include the Jewish War Veterans of the United States of America within the definition of ''private corporations established under Federal law''. Section 1103 of this title requires a report to Congress on the annual audit of private corporations established under Federal law.

§ 2712. 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. 98–391, § 13, Aug. 21, 1984, 98 Stat. 1360.)

§ 2713. "State" defined

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

(Pub. L. 98–391, § 14, Aug. 21, 1984, 98 Stat. 1360.)

§ 2714. 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 hereby shall expire.

(Pub. L. 98–391, § 15, Aug. 21, 1984, 98 Stat. 1361; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095.)

AMENDMENTS

1986—Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'', which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

§ 2715. 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 hereby shall expire.

(Pub. L. 98–391, § 16, Aug. 21, 1984, 98 Stat. 1361.)

CHAPTER 60—NAVY WIVES CLUBS OF AMERICA

Sec.
2801. Recognition as corporation and grant of Federal charter.
2802. Powers of corporation.
2803. Objects and purposes of corporation.
2804. Service of process.
2805. Membership.
2806. Board of directors.
2807. Officers.
2808. Restrictions.
(a) Distribution of income or assets to members.
(b) Loans.
(c) Political activities.
(d) Issuance of stock; dividends.
(e) Claim of approval or authorization.
(f) Retention of status under State laws.
2809. Liability for acts of officers and agents.
2810. Books and records; inspection.
2811. Annual report.
2812. Reservation of right to amend or repeal chapter.
2813. ''State'' defined.
2814. Tax-exempt status.
2815. Failure to comply with restrictions or provisions.

CROSS REFERENCES

Navy Club of the United States of America, see section 140 et seq. of this title.

§ 2801. Recognition as corporation and grant of Federal charter

Navy Wives Clubs of America, organized and incorporated under the laws of the State of California, is hereby recognized as such and is granted a charter.

(Pub. L. 98–520, § 1, Oct. 19, 1984, 98 Stat. 2428.)

§ 2802. Powers of corporation

Navy Wives Clubs of America (hereinafter 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 which it is incorporated and subject to the laws of such State or States.

(Pub. L. 98–520, § 2, Oct. 19, 1984, 98 Stat. 2428.)

§ 2803. Objects and purposes of corporation

The objects and purposes for which the corporation is organized shall be those provided in its articles of incorporation and also shall be—

(1) to support the Constitution of the United States;

(2) to promote a friendly relationship between the wives of enlisted men who are serving in the active United States Navy, United States Marine Corps, or the United States Coast Guard or who are serving in the Active Reserves thereof; and

(3) to perform such charitable activities as provided by the constitution or bylaws of the corporation.

(Pub. L. 98–520, § 3, Oct. 19, 1984, 98 Stat. 2428.)

§ 2804. Service of process

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

(Pub. L. 98–520, § 4, Oct. 19, 1984, 98 Stat. 2428.)

§ 2805. Membership

Eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the bylaws of the corporation.

(Pub. L. 98–520, § 5, Oct. 19, 1984, 98 Stat. 2428.)

§ 2806. Board of directors

The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

(Pub. L. 98–520, § 6, Oct. 19, 1984, 98 Stat. 2428.)

§ 2807. Officers

The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States wherein it is incorporated.

(Pub. L. 98–520, § 7, Oct. 19, 1984, 98 Stat. 2429.)

§ 2808. Restrictions

(a) Distribution of income or assets to members

No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person 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 shall not make any loan to any officer, director, or employee of the corporation.

(c) Political activities

The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) Issuance of stock; dividends

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

(e) Claim of approval or authorization

The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

(f) Retention of status under State laws

The corporation shall retain and maintain its status as a corporation organized and incorporated under the laws of the State or States wherein it is incorporated.

(Pub. L. 98–520, § 8, Oct. 19, 1984, 98 Stat. 2429.)

§ 2809. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Pub. L. 98–520, § 9, Oct. 19, 1984, 98 Stat. 2429.)

§ 2810. Books and records; inspection

The corporation shall keep correct and complete books and records of account and shall keep 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. All books and records of such corporation may be inspected by any member having the right to vote, 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. 98–520, § 10, Oct. 19, 1984, 98 Stat. 2429.)

§ 2811. Annual report

The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 1101(67) of this title. The report shall not be printed as a public document.

(Pub. L. 98–520, § 12, Oct. 19, 1984, 98 Stat. 2430.)

REFERENCES IN TEXT

Section 1101(67) of this title, referred to in text, was in the original ''section 11 of this Act'', meaning section 11 of Pub. L. 98–520, which amended section 1101 of this title to include the Navy Wives Clubs of America within the definition of ''private corporations established under Federal law''. Section 1103 of this title requires a report to Congress on the annual audit of private corporations established under Federal law.

§ 2812. 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. 98–520, § 13, Oct. 19, 1984, 98 Stat. 2430.)

§ 2813. "State" defined

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

(Pub. L. 98–520, § 14, Oct. 19, 1984, 98 Stat. 2430.)

§ 2814. 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 hereby shall expire.

(Pub. L. 98–520, § 15, Oct. 19, 1984, 98 Stat. 2430; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095.)

AMENDMENTS

1986—Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'', which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

§ 2815. Failure to comply with restrictions or provisions

If the corporation shall fail to comply with any of the restrictions or provisions of this chapter[1] the charter granted hereby shall expire.

(Pub. L. 98–520, § 16, Oct. 19, 1984, 98 Stat. 2430.)

CHAPTER 61—NATIONAL SOCIETY, DAUGHTERS OF THE AMERICAN COLONISTS

Sec.
2901. Recognition as corporation and grant of Federal charter.
2902. Powers of corporation.
2903. Objects and purposes of corporation.
2904. Service of process.
2905. Membership; prohibition on discrimination.
2906. Board of directors.
2907. Officers.
2908. Restrictions.
(a) Distribution of assets or income to members.
(b) Loans.
(c) Political activities.
(d) Issuance of stock; dividends.
(e) Claim of approval or authorization.
(f) Retention of status under State laws.
2909. Exclusive right to name, emblems, seals, and badges.
2910. Liability for acts of officers and agents.
2911. Books and records; inspection.
2912. Annual report.
2913. Reservation of right to amend or repeal chapter.
2914. ''State'' defined.
2915. Tax-exempt status.
2916. Failure to comply with restrictions or provisions.

§ 2901. Recognition as corporation and grant of Federal charter

National Society, Daughters of the American Colonists, organized and incorporated under the laws of the District of Columbia in 1921, is hereby recognized as such and is granted a charter.

(Pub. L. 98–561, § 1, Oct. 30, 1984, 98 Stat. 2910.)

§ 2902. Powers of corporation

National Society, Daughters of the American Colonists (hereinafter 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.

[1] So in original. Probably should be followed by a comma.

(Pub. L. 98–561, § 2, Oct. 30, 1984, 98 Stat. 2910.)

§ 2903. Objects and purposes of corporation

The objects and purposes for which the corporation is organized shall be those provided in its articles of incorporation and shall include a continuing commitment, on a national basis, to—

(1) conduct research with respect to the history and deeds of the American colonists, and record and publish the results of such research;

(2) publish the memoirs of American colonists;

(3) erect memorials to commemorate the history and deeds of the American colonists;

(4) promote respect and admiration for the institutions, laws, and flag of the United States;

(5) engage in mutual improvement and educational activities; and

(6) establish scholarships to assist needy and deserving students and to promote the improvement of educational institutions, engage in volunteer service and make contributions to veterans hospitals, and perform such other charitable activities including the national presidents' projects as may be provided by the articles of incorporation or bylaws of the society.

(Pub. L. 98–561, § 3, Oct. 30, 1984, 98 Stat. 2910.)

§ 2904. Service of process

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

(Pub. L. 98–561, § 4, Oct. 30, 1984, 98 Stat. 2910.)

§ 2905. Membership; prohibition on discrimination

Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this chapter, be as provided in the constitution and bylaws of the corporation, and terms of membership and requirements for holding office within the corporation shall not be discriminatory on the basis of race, color, religion, or national origin.

(Pub. L. 98–561, § 5, Oct. 30, 1984, 98 Stat. 2911.)

§ 2906. Board of directors

The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation or bylaws of the corporation and in conformity with the laws of the State or States in which it is incorporated.

(Pub. L. 98–561, § 6, Oct. 30, 1984, 98 Stat. 2911.)

§ 2907. Officers

The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation or bylaws of the corporation and in conformity with the laws of the State or States wherein it is incorporated.

(Pub. L. 98–561, § 7, Oct. 30, 1984, 98 Stat. 2911.)

§ 2908. Restrictions

(a) Distribution of assets or income to members

No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person 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 shall not make any loan to any officer, director, or employee of the corporation.

(c) Political activities

The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support, or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) Issuance of stock; dividends

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

(e) Claim of approval or authorization

The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

(f) Retention of status under State laws

The corporation shall retain and maintain its status as a corporation organized and incorporated under the laws of the State or States wherein it is incorporated.

(Pub. L. 98–561, § 8, Oct. 30, 1984, 98 Stat. 2911.)

§ 2909. Exclusive right to name, emblems, seals, and badges

Subject to established or vested rights, the corporation shall have the sole and exclusive right to have and to use, in carrying out its purposes, the name National Society, Daughters of the American Colonists and any emblem, seal, or badge adopted or used by the corporation.

(Pub. L. 98–561, § 9, Oct. 30, 1984, 98 Stat. 2911.)

§ 2910. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Pub. L. 98–561, § 10, Oct. 30, 1984, 98 Stat. 2911.)

§ 2911. Books and records; inspection

The corporation shall keep correct and complete books and records of account and shall keep 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. All books and records of such corporation may be inspected by any member having the right to vote, or by any agent or attor-

ney 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. 98–561, § 11, Oct. 30, 1984, 98 Stat. 2912.)

§ 2912. Annual report

The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 1101(66) of this title. The report shall not be printed as a public document.

(Pub. L. 98–561, § 13, Oct. 30, 1984, 98 Stat. 2912.)

REFERENCES IN TEXT

Section 1101(66) of this title, referred to in text, was in the original ''section 11 of this Act'', meaning section 11 of Pub. L. 98–561, which amended section 1101 of this title to include the National Society, Daughters of the American Colonists, within the definition of ''private corporations established under Federal law''. Section 1103 of this title requires a report to Congress on the annual audit of private corporations established under Federal law.

§ 2913. 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. 98–561, § 14, Oct. 30, 1984, 98 Stat. 2912.)

§ 2914. "State" defined

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

(Pub. L. 98–561, § 15, Oct. 30, 1984, 98 Stat. 2912.)

§ 2915. 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 hereby shall expire.

(Pub. L. 98–561, § 16, Oct. 30, 1984, 98 Stat. 2913; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095.)

AMENDMENTS

1986—Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'', which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

§ 2916. 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 hereby shall expire.

(Pub. L. 98–561, § 17, Oct. 30, 1984, 98 Stat. 2913.)

CHAPTER 62—369TH VETERANS' ASSOCIATION

Sec.
3001. Recognition as corporation and grant of Federal charter.
3002. Powers of corporation.
3003. Objects and purposes of corporation.
3004. Service of process.
3005. Membership; prohibition on discrimination.
3006. Board of directors.
3007. Officers.
3008. Restrictions.
(a) Distribution of income or assets to members.
(b) Loans.
(c) Political activities.
(d) Issuance of stock; dividends.
(e) Claim of approval or authorization.
3009. Liability for acts of officers and agents.
3010. Books and records; inspection.
3011. Annual report.
3012. Reservation of right to amend or repeal chapter.
3013. ''State'' defined.
3014. Tax-exempt status.
3015. Exclusive right to name, emblems, seals, and badges.
3016. Failure to comply with restrictions or provisions.

§ 3001. Recognition as corporation and grant of Federal charter

The 369th Veterans' Association, a nonprofit corporation organized under the laws of the State of New York, is hereby recognized as such and is granted a charter.

(Pub. L. 98–565, § 1, Oct. 30, 1984, 98 Stat. 2920.)

§ 3002. Powers of corporation

369th Veterans' Association (hereinafter 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. 98–565, § 2, Oct. 30, 1984, 98 Stat. 2920.)

§ 3003. Objects and purposes of corporation

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

(1) to promote the principles of friendship and good will among its members;

(2) to engage in all forms of social and civic endeavors that will tend to enhance the welfare of its members, and to inculcate in them the true principles of good citizenship; and

(3) to memorialize, individually and collectively, the patriotic services of its members in the several units of the 369th antiaircraft artillery group and other units in the Armed Forces of the United States.

(Pub. L. 98–565, § 3, Oct. 30, 1984, 98 Stat. 2920.)

§ 3004. Service of process

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

(Pub. L. 98–565, § 4, Oct. 30, 1984, 98 Stat. 2920.)

§ 3005. Membership; prohibition on discrimination

Eligibility for membership in the corporation and the rights and privileges of members shall,

except as provided in this chapter, be as provided in the constitution and bylaws of the corporation, and terms of membership and requirements for holding office within the corporation shall not be discriminatory on the basis of race, color, religion, or national origin.

(Pub. L. 98–565, § 5, Oct. 30, 1984, 98 Stat. 2920.)

§ 3006. Board of directors

The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

(Pub. L. 98–565, § 6, Oct. 30, 1984, 98 Stat. 2921.)

§ 3007. Officers

The officers of the corporation, and the election of such officers shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States wherein it is incorporated.

(Pub. L. 98–565, § 7, Oct. 30, 1984, 98 Stat. 2921.)

§ 3008. Restrictions

(a) Distribution of income or assets to members

No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person 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 shall not make any loan to any officer, director, or employee of the corporation.

(c) Political activities

The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) Issuance of stock; dividends

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

(e) Claim of approval or authorization

The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

(Pub. L. 98–565, § 8, Oct. 30, 1984, 98 Stat. 2921.)

§ 3009. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Pub. L. 98–565, § 9, Oct. 30, 1984, 98 Stat. 2921.)

§ 3010. Books and records; inspection

The corporation shall keep correct and complete books and records of accounts and shall keep 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. All books and records of such corporation may be inspected by any member having the right to vote, or by any agency 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. 98–565, § 10, Oct. 30, 1984, 98 Stat. 2921.)

§ 3011. Annual report

The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 1101(65) of this title. The report shall not be printed as a public document.

(Pub. L. 98–565, § 12, Oct. 30, 1984, 98 Stat. 2922.)

REFERENCES IN TEXT

Section 1101(65) of this title, referred to in text, was in the original ''section 11 of this Act'', meaning section 11 of Pub. L. 98–565, which amended section 1101 of this title to include the 369th Veterans Association within the definition of ''private corporations established under Federal law''. Section 1103 of this title requires a report to Congress on the annual audit of private corporations established under Federal law.

§ 3012. 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. 98–565, § 13, Oct. 30, 1984, 98 Stat. 2922.)

§ 3013. "State" defined

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

(Pub. L. 98–565, § 14, Oct. 30, 1984, 98 Stat. 2922.)

§ 3014. 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 hereby shall expire.

(Pub. L. 98–565, § 15, Oct. 30, 1984, 98 Stat. 2922.)

§ 3015. Exclusive right to name, emblems, seals, and badges

The corporation shall have the sole and exclusive right to use the name ''369th Veterans' Association'', and such seals, emblems, and badges as the corporation may lawfully adopt. Nothing in this section shall be construed to interfere or conflict with established or vested rights.

(Pub. L. 98–565, § 16, Oct. 30, 1984, 98 Stat. 2922.)

§ 3016. Failure to comply with restrictions or provisions

If the corporation shall fail to comply with any of the restrictions or provisions of this

chapter[1] the charter granted hereby shall expire.

(Pub. L. 98–565, § 17, Oct. 30, 1984, 98 Stat. 2922.)

CHAPTER 63—WOMEN'S ARMY CORPS VETERANS' ASSOCIATION

Sec.
3101. Recognition as corporation and grant of Federal charter.
3102. Powers of corporation.
3103. Objects and purposes of corporation.
3104. Service of process.
3105. Membership.
3106. Board of directors.
3107. Officers.
3108. Restrictions.
(a) Distribution of income or assets to members.
(b) Loans.
(c) Political activities.
(d) Issuance of stock; dividends.
(e) Claim of approval or authorization.
3109. Liability for acts of officers and agents.
3110. Books and records; inspection.
3111. Annual report.
3112. Reservation of right to amend or repeal chapter.
3113. "State" defined.
3114. Tax-exempt status.
3115. Failure to comply with restrictions or provisions.

§ 3101. Recognition as corporation and grant of Federal charter

The Women's Army Corps Veterans' Association, a nonprofit corporation organized under the laws of the District of Columbia, is recognized as such and is granted a Federal charter.

(Pub. L. 98–584, § 1, Oct. 30, 1984, 98 Stat. 3097.)

§ 3102. Powers of corporation

The Women's Army Corp Veterans' Association (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 States in which it is incorporated, and subject to the laws of such States.

(Pub. L. 98–584, § 2, Oct. 30, 1984, 98 Stat. 3097.)

§ 3103. Objects and purposes of corporation

The objects and purposes of the corporation are those provided in its articles of incorporation and shall include a continuing commitment on a national basis to—

(1) promote the general welfare of all veterans, especially women veterans, who have served or are serving in the United States Army, the Army Reserve, and the Army National Guard;

(2) recognize outstanding women in college ROTC units throughout the United States; and

(3) provide services and support to patients in medical facilities of the Department of Veterans Affairs throughout the United States.

(Pub. L. 98–584, § 3, Oct. 30, 1984, 98 Stat. 3097; Pub. L. 102–54, § 13(n)(7), June 13, 1991, 105 Stat. 278.)

[1] So in original. Probably should be followed by a comma.

AMENDMENTS

1991—Par. (3). Pub. L. 102–54 substituted "medical facilities of the Department of Veterans Affairs" for "Veterans' Administration Hospitals".

§ 3104. Service of process

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

(Pub. L. 98–584, § 4, Oct. 30, 1984, 98 Stat. 3097.)

§ 3105. Membership

Eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the constitution and bylaws of the corporation.

(Pub. L. 98–584, § 5, Oct. 30, 1984, 98 Stat. 3097.)

§ 3106. Board of directors

The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the States in which it is incorporated.

(Pub. L. 98–584, § 6, Oct. 30, 1984, 98 Stat. 3097.)

§ 3107. Officers

The officers of the corporation and the election of such officers shall be as provided in the articles of incorporation of the corporation and shall be in conformity with the laws of the States in which it is incorporated.

(Pub. L. 98–584, § 7, Oct. 30, 1984, 98 Stat. 3098.)

§ 3108. Restrictions

(a) Distribution of income or assets to members

No part of the income or assets of the corporation may inure to 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 and 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) Political activities

Neither the corporation nor any officer or director thereof may contribute to, support, or otherwise participate in any political activity or attempt in any manner to influence legislation.

(d) Issuance of stock; dividends

The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

(e) Claim of approval or authorization

The corporation shall not claim the approval or authorization of the Federal Government for any of its activities.

(Pub. L. 98–584, § 8, Oct. 30, 1984, 98 Stat. 3098.)

§ 3109. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Pub. L. 98–584, § 9, Oct. 30, 1984, 98 Stat. 3098.)

§ 3110. Books and records; inspection

The corporation shall keep correct and complete books and records of accounts and shall keep 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. 98–584, § 10, Oct. 30, 1984, 98 Stat. 3098.)

§ 3111. Annual report

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

(Pub. L. 98–584, § 12, Oct. 30, 1984, 98 Stat. 3099.)

§ 3112. Reservation of right to amend or repeal chapter

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

(Pub. L. 98–584, § 13, Oct. 30, 1984, 98 Stat. 3099.)

§ 3113. "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. 98–584, § 14, Oct. 30, 1984, 98 Stat. 3099.)

§ 3114. 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. 98–584, § 15, Oct. 30, 1984, 98 Stat. 3099; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095.)

AMENDMENTS

1986—Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'', which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

§ 3115. Failure to comply with restrictions or provisions

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

(Pub. L. 98–584, § 16, Oct. 30, 1984, 98 Stat. 3099.)

CHAPTER 64—AMERICAN CHEMICAL SOCIETY

Sec.
3201. Corporation created.
3202. Objects of corporation.
3203. Powers of corporation.
3204. Cooperation with military; title to inventions and discoveries.
3205. Acquisition of property by devise, bequest, donation, or otherwise.
3206. Completion of organization.
3207. Rights of creditors.
3208. Annual report.
3209. Reservation of right to amend or repeal chapter.

§ 3201. Corporation created

The persons following: Robert T. Baldwin, Edward Bartow, Erle M. Billings, E. K. Bolton, Willard H. Dow, Gustavus J. Esselen, Arthur J. Hill, Townes R. Leigh, Thomas Midgely, Junior, Charles L. Parsons, R. E. Swain, E. R. Weidlein, Frank C. Whitmore, H. H. Willard, and R. E. Wilson, being persons who are now directors of the American Chemical Society, a corporation existing under the laws of the State of New York, their associates and successors duly chosen, and such other persons as now are or may hereafter be associated with them as officers or members of said American Chemical Society, are hereby incorporated and constituted and declared to be a body corporate by the name of American Chemical Society.

(Aug. 25, 1937, ch. 762, § 1, 50 Stat. 798.)

EFFECTIVE DATE

Section 10 of act Aug. 25, 1937, provided: ''That this Act [enacting this chapter] shall date from the 1st day of January 1938. Approved, August 25, 1937.''

§ 3202. Objects of corporation

The objects of the incorporation shall be to encourage in the broadest and most liberal manner the advancement of chemistry in all its branches; the promotion of research in chemical science and industry; the improvement of the qualifications and usefulness of chemists through high standards of professional ethics, education, and attainments; the increase and diffusion of chemical knowledge; and by its meetings, professional contacts, reports, papers, discussions, and publications, to promote scientific interests and inquiry, thereby fostering public welfare and education, aiding the development of our country's industries, and adding to the material prosperity and happiness of our people.

(Aug. 25, 1937, ch. 762, § 2, 50 Stat. 798.)

§ 3203. Powers of corporation

The American Chemical Society shall have power to make its own organization, including its constitution, bylaws, rules, and regulations; to fill all vacancies created by death, resignation, or otherwise; to provide for the election of members, their division into classes, and all other matters needful and useful to promote the objects of the society. It shall hold an annual

meeting at such place in the United States as may from time to time be designated.

(Aug. 25, 1937, ch. 762, § 3, 50 Stat. 799.)

§ 3204. Cooperation with military; title to inventions and discoveries

The American Chemical Society shall, whenever called upon by the Army, Air Force, or Navy Department, investigate, examine, experiment, and report upon any subject in pure or applied chemistry connected with the national defense, the actual expense of such investigations, examinations, experiments, and reports to be paid from appropriations which may have been made for that purpose by Congress, but the society shall receive no compensation whatever for any services to the Government of the United States: *Provided*, That the title to any and all inventions and discoveries made in the course of such investigations, examinations, and experiments that, in the opinion of the Secretary of the Navy, the Secretary of the Air Force, or the Secretary of Army, involve the national defense, shall vest in the Government of the United States, and the Government of the United States shall have unlimited license under all other inventions and discoveries.

(Aug. 25, 1937, ch. 762, § 4, 50 Stat. 799; July 26, 1947, ch. 343, title II, §§ 205(a), 207(a), (f), 61 Stat. 501–503.)

CHANGE OF NAME

Department and Secretary of the Air Force inserted under the authority of section 207(a), (f) of act July 26, 1947, ch. 343, title II, 61 Stat. 501, 502. Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of such act July 26, 1947. Sections 205(a) and 207(a), (f) of act July 26, 1947 were repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956 enacted "Title 10, Armed Forces", which in sections 3010 to 3013 and 8010 to 8013 continued Departments of the Army and Air Force under administrative supervision of Secretary of Army and Secretary of the Air Force, respectively.

§ 3205. Acquisition of property by devise, bequest, donation, or otherwise

The American Chemical Society be, and the same is hereby, authorized and empowered to receive, by devise, bequest, donation, or otherwise, either real or personal property and to hold the same absolutely or in trust, and to invest, reinvest, and manage the same and to apply said property and the income arising therefrom to the objects of its creation.

(Aug. 25, 1937, ch. 762, § 5, 50 Stat. 799.)

§ 3206. Completion of organization

As soon as may be possible after the passage of this Act a meeting of the directors hereinbefore named shall be held at the city of Washington in the District of Columbia by notice served in person or by mail addressed to each director at his place of residence by the Secretary of the American Chemical Society, a New York corporation, and the said directors, or a majority thereof, being assembled, shall organize and proceed to adopt bylaws, to elect officers and appoint committees, and generally to organize the said corporation; and said directors herein named, on behalf of the corporation hereby incorporated, shall thereupon receive, take over, and enter into possession, custody, and management of all property, real or personal, of the corporation heretofore known as the American Chemical Society, incorporated as hereinbefore set out under the laws of the State of New York on November 9, 1877, and to all its rights, contracts, claims, and property of any kind or nature; and the several officers of such corporation, or any other person having charge of any of the securities, funds, real or personal, books or property thereof, shall, on demand, deliver the same to the said directors appointed by this chapter or to the persons appointed by them to receive the same; and the directors of the existing corporation and the directors herein named shall and may take such other steps as shall be necessary to carry out the purposes of this chapter.

(Aug. 25, 1937, ch. 762, § 6, 50 Stat. 799.)

§ 3207. Rights of creditors

The rights of the creditors of the said existing New York corporation known as the American Chemical Society shall not in any manner be impaired by the passage of this Act, or the transfer of the property hereinbefore mentioned, nor shall any liability or obligation for the payment of any sums due or to become due, or any claim or demand, in any manner or for any cause existing against the said New York corporation, be released or impaired; but such corporation hereby incorporated is declared to succeed to the obligations and liabilities and to be held liable to pay and discharge all of the debts, liabilities, and contracts of the said New York corporation so existing to the same effect as if such new corporation had itself incurred the obligation or liability to pay such debt or damages, and no such action or proceeding before any court or tribunal shall be deemed to have abated or been discontinued by reason of the passage of this chapter.

(Aug. 25, 1937, ch. 762, § 7, 50 Stat. 799.)

§ 3208. Annual report

The corporation shall, on or before the 1st day of December in each year, transmit to Congress a report of its proceedings and activities for the preceding calendar year. Such reports shall not be printed as public documents.

(Aug. 25, 1937, ch. 762, § 8, 50 Stat. 800; Aug. 30, 1964, Pub. L. 88–504, § 4(38), 78 Stat. 638.)

AMENDMENTS

1964—Pub. L. 88–504 struck out before period at end of first sentence "including the full and complete statement of its receipts and expenditures".

§ 3209. Reservation of right to amend or repeal chapter

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

(Aug. 25, 1937, ch. 762, § 9, 50 Stat. 800.)

CHAPTER 65—THE AMERICAN NATIONAL THEATER AND ACADEMY

Sec.
3301. Corporation created.

Sec.
3302. Nonprofit and without capital stock; purposes of corporation.
3303. Powers of corporation.
3304. Nonpolitical nature of corporation.
3305. Exclusive right to name.
3306. Headquarters.
3307. Acquisition of property by devise, bequest, donation, or otherwise.
3308. Annual report.
3309. Agents for service of process.
3310. Reservation of right to amend or repeal chapter.

§ 3301. Corporation created

Leopold Stokowski, of Philadelphia, Pennsylvania; Evelyn Price (Mrs. Eli Kirk Price), of Philadelphia, Pennsylvania; George W. Norris, of Philadelphia, Pennsylvania; Samuel S. Fleischer, of Philadelphia, Pennsylvania; Amory Hare Hutchinson, of Philadelphia, Pennsylvania; Ellen D. Cleveland (Mrs. Richard F. Cleveland), of Baltimore, Maryland; Otto T. Mallory, of Philadelphia, Pennsylvania; Roland S. Morris, of Philadelphia, Pennsylvania; Mrs. George H. Lorimer, of Philadelphia, Pennsylvania; Hugh Hampton Young, of Baltimore, Maryland; Richard F. Cleveland, of Baltimore, Maryland; J. Howard Reber, of Philadelphia, Pennsylvania; Mary Stewart French, of Philadelphia, Pennsylvania; Clara R. Mason, of Philadelphia, Pennsylvania; Katharine Dexter McCormick (Mrs. Stanley McCormick), of Chicago, Illinois; Evangeline Stokowski (Mrs. Leopold Stokowski), of New York, New York; Elsie Jenkins Symington (Mrs. Donald Symington), of Baltimore, Maryland; B. Howell Griswold, of Baltimore, Maryland; Ann Morgan, of New York, New York; John Hay Whitney, of New York, New York; Otto H. Kahn, of New York, New York; Harriet Barnes Pratt (Mrs. Harold I. Pratt), of New York, New York; Mrs. W. Murray Crane, of New York, New York; A. Conger Goodyear, of New York, New York; Alice Garrett (Mrs. John W. Garrett), of Baltimore, Maryland; John W. Garrett, of Baltimore, Maryland; Joy Montgomery Higgins, of New York, New York; Arthur Woods, of New York, New York; Helen Woods (Mrs. Arthur Woods), of New York, New York; C. Lawton Campbell, of New York, New York; John H. Finley, of New York, New York; Cass Canfield, of New York, New York; Katharine E. Canfield (Mrs. Cass Canfield), of New York, New York; William Rhinelander Stewart, of New York, New York; Dorothea Blagden (Mrs. Linzee Blagden), of New York, New York; John W. Davis, of New York, New York; Francis Anita Crane, of New York, New York; Frank L. Polk, of New York, New York; Edward M. M. Warburg, of New York, New York; William Green, of Washington, District of Columbia; Mary Chichester du Pont (Mrs. Felix du Point), of Wilmington, Delaware; Betty Hawley, of New York, New York; Isabelle Anderson (Mrs. Larz Anderson), of Washington, District of Columbia; Mabel Boardman, of Washington, District of Columbia; Huibertje Lansing Pryn Hamlin (Mrs. Charles Hamlin), of Washington, District of Columbia; their associates and successors, duly chosen, are hereby incorporated, constituted, and declared to be a body corporate. The name of this corporation shall be ''The American National Theater and Academy.''

(July 5, 1935, ch. 373, § 1, 49 Stat. 457.)

§ 3302. Nonprofit and without capital stock; purposes of corporation

The corporation shall be nonprofit and without capital stock. Its purposes shall embrace:

(a) The presentation of theatrical productions of the highest type;

(b) The stimulation of public interest in the drama as an art belonging both to the theater and to literature and thereby to be enjoyed both on the stage and in the study;

(c) The advancement of interest in the drama throughout the United States of America by furthering in the production of the best plays, interpreted by the best actors at a minimum cost;

(d) The further development of the study of drama of the present and past in our universities, colleges, schools, and elsewhere;

(e) The sponsoring, encouraging, and developing of the art and technique of the theater through a school within the National Academy.

(July 5, 1935, ch. 373, § 2, 49 Stat. 458.)

§ 3303. Powers of corporation

The corporation created by this chapter shall have the following powers:

To have perpetual succession with power to sue and to be sued in the courts of law and equity; to receive, hold, own, use, mortgage, and dispose of such real estate and personal property as shall be necessary for its corporate purposes; to adopt a corporate seal and alter the same at pleasure; to adopt a constitution, bylaws, and regulations to carry out its purposes not inconsistent with the laws of the United States or any States; to establish and maintain offices and buildings for the conduct of its business; to establish State and Territorial organizations and local branches; and generally to do all such acts and things as may be necessary and proper in carrying into effect the purposes of the corporation.

(July 5, 1935, ch. 373, § 3, 49 Stat. 458.)

§ 3304. Nonpolitical nature of corporation

The organization shall be nonpolitical, nonsectarian, as an organization shall not promote the candidacy of any persons seeking public office. There shall be no honorary members.

(July 5, 1935, ch. 373, § 4, 49 Stat. 458.)

§ 3305. Exclusive right to name

Said corporation and its State and local branches and subdivisions shall have the sole and exclusive right to have and to use in carrying out its purposes the name ''The American National Theater and Academy.''

(July 5, 1935, ch. 373, § 5, 49 Stat. 458.)

§ 3306. Headquarters

Said corporation be, and is hereby, authorized to have its headquarters and hold its meetings at such places within or without the District of Columbia as it from time to time may deem best.

(July 5, 1935, ch. 373, § 6, 49 Stat. 458.)

§ 3307. Acquisition of property by devise, bequest, donation, or otherwise

The corporation is hereby authorized and empowered to receive by devise, bequest, donation, or otherwise, either real or personal property, and to hold the same absolutely or in trust and to invest, reinvest, and manage the same in accordance with the provisions of its constitution and to apply said property and the income arising therefrom to the objects of its creation and according to the instructions of its donors.

(July 5, 1935, ch. 373, § 7, 49 Stat. 459.)

§ 3308. Annual report

Said corporation shall on or before the 1st day of January in each year make and transmit to Congress a report of its proceedings for the preceding calendar year: *Provided, however*, That said report shall not be printed as a public document.

(July 5, 1935, ch. 373, § 8, 49 Stat. 459; Aug. 30, 1964, Pub. L. 88–504, § 4(4), 78 Stat. 636.)

AMENDMENTS

1964—Pub. L. 88–504 struck out before colon ''including a full and complete report of its receipts and expenditures''.

§ 3309. Agents for service of process

As a condition precedent to the exercise of any power or privilege herein granted or conferred, ''The American National Theater and Academy'' shall file in the office of the Secretary or the properly designated officer of each State or Territory or the District of Columbia in which is located either its headquarters or branches or subdivisions thereof the name and post-office address of an authorized agent upon whom legal process or demand against ''The American National Theater and Academy'' may be served.

(July 5, 1935, ch. 373, § 9, 49 Stat. 459.)

§ 3310. Reservation of right to amend or repeal chapter

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

(July 5, 1935, ch. 373, § 10, 49 Stat. 459.)

CHAPTER 66—AMERICAN SYMPHONY ORCHESTRA LEAGUE

Sec.
3401. Corporation created.
3402. Completion of organization.
3403. Purposes of corporation.
3404. Powers of corporation.
3405. Principal office; territorial scope of activities; service of process; authorized agent in District of Columbia.
3406. Membership; voting rights.
3407. Board of directors.
(a) Composition of initial board.
(b) Composition of subsequent boards; tenure.
(c) Governing period; duties.
3408. Officers.
3409. Distribution of income or assets to members; loans.
3410. Nonpolitical nature of corporation.
3411. Liability for acts of officers or agents.
3412. Prohibition against issuance of stock or payment of dividends.
3413. Books and records; inspection.
3414. Repealed.
3415. Use of assets on dissolution or liquidation.
3416. Exclusive right to name, emblems, seals, and badges.
3417. Acquisition of assets and liabilities of existing corporation.
3418. Reservation of right to amend or repeal chapter.

§ 3401. Corporation created

The following persons—

Harold Gregory, Salt Lake City, Utah;
Samuel R. Rosenbaum, Philadelphia, Pennsylvania;
Mrs. Harry Fagg, Beaumont, Texas;
Frank E. Joseph, Shaker Heights, Ohio;
John D. Wright, Phoenix, Maryland;
Doctor George Szell, Cleveland, Ohio;
Henry Denecke, Cedar Rapids, Iowa;
Harry Levenson, Worcester, Massachusetts;
Theodore C. Russell, Jackson, Mississippi;
Stanley Williams, Milwaukee, Wisconsin;
Oliver M. Clegg, Magnolia, Arkansas;
R. Philip Hanes, Junior, Winston-Salem, North Carolina;
Mrs. Ben Hale Golden, Lookout Mountain, Tennessee;
Miles F. Portlock, Junior, Orkney Springs, Virginia;
Mrs. B. H. Littlefield, Bradenton, Florida;
Cecil W. Slocum, Omaha, Nebraska;
Max Rudolph, Cincinnati, Ohio;
Mrs. Ward T. Langstroth, Billings, Montana;
Elden Bayley, Springfield, Ohio;
George Barati, Honolulu, Hawaii;
Mrs. Albert C. Olsen, Buffalo, New York;
John Edwards, Pittsburg, Pennsylvania;
Mrs. Mignonne P. Ladin, New York, New York;
Leslie C. White, Doraville, Georgia;
Mrs. Fitzgerald Parker, Nashville, Tennessee;
Doctor Peter Paul Fuchs, Baton Rouge, Louisiana;
R. Wilton Billstein, Woodbury, New Jersey;
Mrs. Elizabeth S. Greene, West Hartford, Connecticut;
Gibson Morrissey, Roanoke, Virginia;
Alfred C. Connable, Kalamazoo, Michigan;
Mrs. Holmes Frederick, Greenville, South Carolina;
William Steinberg, Pittsburg, Pennsylvania;
Virginia Wartman, Allentown, Pennsylvania;
Robert L. Conn, Springfield, Illinois;
Paul O. Grammer, Essex Fells, New Jersey;
Henry Janiec, Spartanburg, South Carolina;
Charles B. Stacy, Charleston, West Virginia;
Doctor James Christian Pfohl, Charlotte, North Carolina;
Frederick I. Moyer, Castle Rock, Colorado;
Thomas D. Perry, Junior, Hingham, Massachusetts;
Carlos Moseley, New York, New York;
Mrs. G. Robert Herberger, Scottsdale, Arizona;
James P. Robertson, Wichita, Kansas;
Myron Levite, Brooklyn, New York;
Mrs. Leo R. Pflaum, Wayzata, Minnesota;

and their successors, are hereby created and declared to be a body corporate by the name of

American Symphony Orchestra League (hereinafter referred to as the corporation) and by such name shall be known and have perpetual succession and the powers, limitations, and restrictions herein contained.

(Pub. L. 87–817, § 1, Oct. 15, 1962, 76 Stat. 929.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3402 of this title.

§ 3402. Completion of organization

A majority of the persons named in section 3401 of this title are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of a constitution and bylaws not inconsistent with this chapter, and the doing of such other acts as may be necessary for such purpose.

(Pub. L. 87–817, § 2, Oct. 15, 1962, 76 Stat. 930.)

§ 3403. Purposes of corporation

The purposes of the corporation shall be to—

(1) serve as a coordinating, research and educational agency and clearinghouse for symphony orchestras in order to help strengthen the work in their local communities;

(2) assist in the formation of new symphony orchestras;

(3) through suitable means, encourage and recognize the work of America's musicians, conductors, and composers; and

(4) aid the expansion of the musical and cultural life of the United States through suitable educational and service activities.

(Pub. L. 87–817, § 3, Oct. 15, 1962, 76 Stat. 930.)

§ 3404. Powers of corporation

The corporation shall have power—

(1) to have succession by its corporate name;

(2) to sue and be sued, complain and defend in any court of competent jurisdiction;

(3) to adopt, use, and alter a corporate seal;

(4) to choose such officers, managers, agents, and employees as the business of the corporation may require;

(5) to adopt, amend, and alter a constitution and bylaws, not inconsistent with the laws of the United States or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;

(6) to contract and be contracted with;

(7) to take by lease, gift, purchase, grant, devise, or bequest from any private corporation, association, partnership, firm, or individual and to hold any property, real, personal, or mixed, necessary or convenient for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of law of any State (A) governing the amount or kind of property which may be held by, or (B) otherwise limiting or controlling the ownership of property by, a corporation operating in such State;

(8) to transfer, convey, lease, sublease, encumber, and otherwise alienate real, personal, or mixed property; and

(9) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, deed of trust, pledge, or otherwise, subject in every case to all applicable provisions of Federal and State laws.

(Pub. L. 87–817, § 4, Oct. 15, 1962, 76 Stat. 930.)

§ 3405. Principal office; territorial scope of activities; service of process; authorized agent in District of Columbia

(a) The principal office of the corporation shall be located in Charleston, West Virginia, or in such other place as may be later determined by the board of directors, but the activities of the corporation shall not be confined to that place, but may be conducted throughout the United States, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

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

(Pub. L. 87–817, § 5, Oct. 15, 1962, 76 Stat. 930.)

§ 3406. Membership; voting rights

(a) Eligibility for membership in the corporation and the rights, privileges, and designation of classes of members shall, except as provided in this chapter, be determined as the constitution and bylaws of the corporation may provide.

(b) Each member of the corporation, other than honorary, sustaining or associate members, shall have the right to one vote on each matter submitted to a vote at all meetings of the members of the corporation.

(Pub. L. 87–817, § 6, Oct. 15, 1962, 76 Stat. 931.)

§ 3407. Board of directors

(a) Composition of initial board

Upon the enactment of this chapter the membership of the initial board of directors of the corporation shall consist of the following persons:

R. Wilton Billstein, Woodbury, New Jersey;
Igor Buketoff, Fort Wayne, Indiana;
Mrs. Ronald A. Dougan, Beloit, Wisconsin;
Mrs. J. W. Graham, Sioux City, Iowa;
Howard Harrington, Detroit, Michigan;
William Herring, Winston-Salem, North Carolina;
Harold Kendrick, New Haven, Connecticut;
Robert MacIntyre, Birmingham, Alabama;
Thomas Perry, Junior, Boston, Massachusetts;
Mrs. H. W. Roberts, Dallas, Texas;
Mrs. Jouett Shouse, Washington, District of Columbia;
Alan Watrous, Dallas, Texas;
John S. Edwards, Pittsburgh, Pennsylvania;
Mrs. Fred Lazarus III, Cincinnati, Ohio;
Charles W. Bonner, Fresno, California;
Alfred Connable, Kalamazoo, Michigan;
Victor Feldbrill, Winnipeg, Manitoba, Canada;
Mrs. Gerald S. Greene, West Hartford, Connecticut;
Mrs. G. Robert Herberger, Scottsdale, Arizona;
Thomas Iannaccone, Rochester, New York;

Dr. Richard Lert, Hollywood, California;
Mrs. Fitzgerald Parker, Nashville, Tennessee;
Mrs. Leo R. Pflaum, Wayzata, Minnesota;
Miss Helen Ryan, Orlando, Florida;
George Szell, Cleveland, Ohio;
Jackson Wiley, Springfield, Ohio;
George Irwin, Quincy, Illinois;
R. H. Wangerin, Louisville, Kentucky.

(b) Composition of subsequent boards; tenure

Thereafter, the board of directors of the corporation shall consist of such number, shall be selected in such manner (including the filling of vacancies), and shall serve for such term as may be prescribed in the constitution and bylaws of the corporation.

(c) Governing period; duties

The board of directors shall be the governing board of the corporation and, during the intervals between the meetings of members, shall be responsible for the general policies and program of the corporation and for the control of all contributed funds as may be raised by the corporation.

(Pub. L. 87–817, § 7, Oct. 15, 1962, 76 Stat. 931.)

§ 3408. Officers

(a) The officers of the corporation shall be a president, one or more vice presidents (as may be prescribed in the constitution and bylaws of the corporation), a secretary, and a treasurer, and one or more assistant secretaries and assistant treasurers as may be provided in the constitution and bylaws.

(b) The officers of the corporation shall be elected in such manner and for such terms and with such duties as may be prescribed in the constitution and bylaws of the corporation.

(Pub. L. 87–817, § 8, Oct. 15, 1962, 76 Stat. 932.)

§ 3409. Distribution of income or assets to members; loans

(a) No part of the income or assets of the corporation shall inure to any of its members, directors, or officers as such, or be distributable to any of them during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of compensation to officers of the corporation in amounts approved by the board of directors of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any director who votes for or assents to the making of a loan or advance to an officer, director, or employee of the corporation, and any officer who participates in the making of such loan or advance, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

(Pub. L. 87–817, § 9, Oct. 15, 1962, 76 Stat. 932.)

§ 3410. Nonpolitical nature of corporation

The corporation, and its officers and directors as such, shall not contribute to or otherwise support or assist any political party or candidate for public office.

(Pub. L. 87–817, § 10, Oct. 15, 1962, 76 Stat. 932.)

§ 3411. Liability for acts of officers or agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Pub. L. 87–817, § 11, Oct. 15, 1962, 76 Stat. 932.)

§ 3412. Prohibition against issuance of stock or payment of dividends

The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

(Pub. L. 87–817, § 12, Oct. 15, 1962, 76 Stat. 932.)

§ 3413. Books and records; inspection

The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having any authority under the board of directors; and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

(Pub. L. 87–817, § 13, Oct. 15, 1962, 76 Stat. 932.)

§ 3414. Repealed. Pub. L. 88–504, § 4(37), Aug. 30, 1964, 78 Stat. 648

Section, Pub. L. 87–817, § 14, Oct. 15, 1962, 76 Stat. 933, related to audit of financial transactions. See sections 1101 to 1103 of this title.

§ 3415. Use of assets on dissolution or liquidation

Upon dissolution or final liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets, if any, of the corporation shall be distributed in accordance with the determination of the board of directors of the corporation and in compliance with the constitution and bylaws of the corporation and all Federal and State laws applicable thereto.

(Pub. L. 87–817, § 15, Oct. 15, 1962, 76 Stat. 933.)

§ 3416. Exclusive right to name, emblems, seals, and badges

The corporation shall have the sole and exclusive right to the name ''American Symphony Orchestra League'' and to have and to use in carrying out its purposes distinctive insignia, emblems and badges, descriptive or designating marks, and words or phrases as may be required in the furtherance of its functions. No powers or privileges hereby granted shall, however, interfere or conflict with established or vested rights.

(Pub. L. 87–817, § 16, Oct. 15, 1962, 76 Stat. 933.)

§ 3417. Acquisition of assets and liabilities of existing corporation

The corporation may acquire the assets of the American Symphony Orchestra League, Incorporated, a corporation organized under the laws of the States of Virginia and Michigan, upon discharging or satisfactorily providing for the pay-

ment and discharge of all of the liability of such corporation and upon complying with all laws of the States of Virginia and Michigan applicable thereto.

(Pub. L. 87–817, § 17, Oct. 15, 1962, 76 Stat. 933.)

§ 3418. Reservation of right to amend or repeal chapter

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

(Pub. L. 87–817, § 18, Oct. 15, 1962, 76 Stat. 933.)

CHAPTER 67—GENERAL FEDERATION OF WOMEN'S CLUBS

Sec.
3501. Corporation created.
(a) Name, style, and title; perpetual succession.
(b) Tax exempt status.
(c) Use of assets on dissolution.
3502. Acquisition of property by devise, bequest, donation, or otherwise.
3503. Constitution; bylaws; headquarters.
3504. Territorial scope of activities.

§ 3501. Corporation created

(a) Name, style, and title; perpetual succession

Mrs. Rebecca D. Lowe, Atlanta, Georgia; Mrs. Dimies T. S. Denison, New York, New York; Miss Margaret J. Evans, Northfield, Minnesota; Mrs. Emma A. Fox, Detroit, Michigan; Mrs. George W. Kendrick, junior, Philadelphia, Pennsylvania; Mrs. Emma M. Van Vechten, Cedar Rapids, Iowa; Mrs. George H. Noyes, Milwaukee, Wisconsin; Mrs. Edward L. Buchwalter, Springfield, Ohio; Mrs. William J. Christie, Butte, Montana; Mrs. William T. Coad, Rapid City, South Dakota; Mrs. Laura Rockwell Priddy, Wichita, Kansas; Mrs. Frank Sherwin Streeter, Concord, New Hampshire; Mrs. Anna D. West, Somerville, Massachusetts; Mrs. Charles W. Fairbanks, Indiana; Mrs. Lucia E. Blount, Washington, District of Columbia; Mrs. Ralph Trautman, New York; Mrs. John L. McNeil, Colorado; Mrs. Mary S. Lockwood, Washington, District of Columbia; Mrs. May Wright Sewall, Indiana; Mrs. J. C. Croly, New York; Miss Mary V. Temple, Tennessee; Mrs. Phoebe A. Hearst, California; Mrs. Kate Tannett Woods, Massachusetts; Mrs. Julia Plato Harvey, Illinois; Mrs. Jane O. Cooper, Colorado; Mrs. Harriet H. Robinson, Massachusetts; Mrs. Ellen M. Henrotin, Illinois; Mrs. Mary E. Mumford, Pennsylvania; Mrs. C. P. Barnes, Kentucky; Mrs. Philip N. Moore, Missouri; Mrs. Alice Ives Breed, Massachusetts; Mrs. Frank Trumbull, Colorado; Miss Annie Laws, Ohio; Mrs. Sarah S. Platt-Decker, Colorado; Mrs. J. C. Royle, Utah; Josephine Bates, Mary Rogers, Octavia W. Bates, Fanny Purdy Palmer, Julia Ward Howe, Cordelia I. Sterling, Katherine Nobles, Mary D. Steele, and their associates and successors, are hereby created a body corporate and politic, of the District of Columbia, by the name, style, and title of the General Federation of Women's Clubs, and by that name shall have perpetual succession.

(b) Tax exempt status

The General Federation of Women's Clubs shall be organized and operated exclusively for charitable and educational purposes within the meaning of section 501(c)(3) of title 26 and shall otherwise comply with any requirements for classification as an exempt organization under such section. Said charitable purposes shall be achieved through volunteer efforts on the part of the membership of the General Federation of Women's Clubs, specifically including arts programs, conservation programs, educational programs, homelife programs, international affairs, public affairs programs advancing information regarding public affairs, and community improvement programs.

(c) Use of assets on dissolution

In the event of the dissolution of the General Federation of Women's Clubs, its board of directors shall liquidate and distribute its assets to organizations qualified as exempt organizations under section 501(c)(3) of title 26 with purposes similar to those of the General Federation of Women's Clubs.

(Mar. 3, 1901, ch. 860, § 1, 31 Stat. 1438; Aug. 7, 1986, Pub. L. 99–376, 100 Stat. 804; Oct. 22, 1986, Pub. L. 99–514, § 2, 100 Stat. 2095.)

AMENDMENTS

1986—Subsec. (a). Pub. L. 99–376, § 1(1), (2), designated existing provisions as subsec. (a), and struck out ", for educational, industrial, philanthropic, literary, artistic, and scientific culture, and to bring into communication with one another the various Women's Clubs throughout the world, with power in said corporation to make and use a common seal, and to alter the same at pleasure" after "perpetual succession".

Subsecs. (b), (c). Pub. L. 99–514 substituted "Internal Revenue Code of 1986" for "Internal Revenue Code of 1954", which for purposes of codification was translated as "title 26" thus requiring no change in text.

Pub. L. 99–376, § 1(3), added subsecs. (b) and (c).

§ 3502. Acquisition of property by devise, bequest, donation, or otherwise

Said corporation is authorized to acquire, by devise, bequest, or otherwise, hold, purchase, and convey such real and personal estate as shall or may be required for the purpose of its incorporation with authority in said corporation, should it be by it deemed necessary so to do, to mortgage or otherwise encumber the real estate which it may hereafter own or acquire and may give therefor such evidences of indebtedness as such corporation may decide upon.

(Mar. 3, 1901, ch. 860, § 2, 31 Stat. 1439; Apr. 6, 1922, ch. 121, 42 Stat. 490; June 7, 1934, ch. 425, 48 Stat. 925; Dec. 15, 1975, Pub. L. 94–151, § 1, 89 Stat. 809.)

AMENDMENTS

1975—Pub. L. 94–151 struck out "not exceeding $1,500,000," after "for the purpose of its incorporation".

1934—Act June 7, 1934, substituted "$1,500,000" for "$500,000".

1922—Act Apr. 6, 1922, substituted "$500,000" for "two hundred thousand dollars".

§ 3503. Constitution; bylaws; headquarters

Said corporation shall have a constitution and may adopt and make by-laws for the admission and qualifications of members, the management of its property, and the regulation of its affairs, and shall have the power to amend said con-

stitution and by-laws at pleasure. Said corporation shall have its headquarters at Washington, in the District of Columbia.

(Mar. 3, 1901, ch. 860, § 3, 31 Stat. 1439.)

§ 3504. Territorial scope of activities

Said corporation be, and it is hereby, authorized to hold its meetings at such places outside of Washington, in the District of Columbia, as it from time to time may deem best.

(Mar. 3, 1901, ch. 860, § 4, as added Apr. 28, 1904, ch. 1790, 33 Stat. 542; amended June 7, 1934, ch. 425, 48 Stat. 925.)

AMENDMENTS

1934—Act June 7, 1934, struck out ''biennial'' before ''meetings''.

CHAPTER 68—PEARL HARBOR SURVIVORS ASSOCIATION

Sec.
3601. Recognition as corporation and grant of Federal charter.
3602. Powers of corporation.
3603. Objects and purposes of corporation.
3604. Service of process.
3605. Membership; prohibition on discrimination.
3606. Board of directors.
3607. Officers.
3608. Restrictions.
(a) Distribution of income or assets to members.
(b) Loans; advances.
(c) Issuance of stock; dividends.
(d) Political activities.
(e) Claim of approval or authorization.
3609. Liability for acts of officers and agents.
3610. Books and records; inspection.
3611. Annual report.
3612. Reservation of right to amend or repeal chapter.
3613. ''State'' defined.
3614. Tax-exempt status.
3615. Exclusive right to name, seals, emblems, and badges.
3616. Failure to comply with restrictions or provisions.

§ 3601. Recognition as corporation and grant of Federal charter

The Pearl Harbor Survivors Association, a nonprofit corporation organized under the laws of the State of Missouri, is recognized as such and is granted a Federal charter.

(Pub. L. 99–119, § 1, Oct. 7, 1985, 99 Stat. 498.)

§ 3602. Powers of corporation

The Pearl Harbor Survivors Association (hereinafter in this chapter referred to as the ''corporation'') shall have 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, and such powers shall include the following:

(1) To sue and be sued, complain, and defend in any court of competent jurisdiction.

(2) To adopt, alter, and use a corporate seal.

(3) To take gifts, legacies, and devises which will further the corporate purposes.

(4) To adopt, alter, and amend a constitution and bylaws, not inconsistent with the laws of the United States or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs.

(5) To charge and collect membership dues and subscription fees and to receive contributions or grants of money or property to be used to carry out its purposes.

(6) To establish, regulate, and maintain offices for the conduct of the affairs of the corporation.

(7) To promote the formation of auxiliaries, the membership requirements of which shall be determined according to the constitution and the bylaws of the corporation.

(8) To publish a magazine or other publications.

(9) To adopt emblems and badges.

(10) To do any and all lawful acts and things necessary or desirable to carry out the objects and purposes of the corporation.

(Pub. L. 99–119, § 2, Oct. 7, 1985, 99 Stat. 498.)

§ 3603. Objects and purposes of corporation

The objects and purposes of the corporation are those provided in its articles of incorporation and shall include the following:

(1) To uphold and defend the Constitution of the United States.

(2) To collate, preserve, and encourage the study of historical episodes, chronicles, mementos, and events pertaining to ''The Day of Infamy, 7 December 1941'', and in particular those memories and records of patriotic service performed by the heroic Pearl Harbor survivors and nonsurvivors.

(3) To shield from neglect the graves, past and future, of those who served at Pearl Harbor on such day.

(4) To stimulate communities and political subdivisions into taking more interest in the affairs and future of the United States in order to keep our Nation alert.

(5) To fight unceasingly for our national security in order to protect the United States from enemies within and without our borders.

(6) To preserve the American way of life and to foster the spirit and practice of Americanism.

(7) To instill love of country and flag and to promote soundness of mind and body in the youth of our Nation.

(Pub. L. 99–119, § 3, Oct. 7, 1985, 99 Stat. 498.)

§ 3604. 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. 99–119, § 4, Oct. 7, 1985, 99 Stat. 499.)

§ 3605. Membership; prohibition on discrimination

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, except that terms of membership and requirements for hold-

ing office within the corporation shall not be discriminatory on the basis of race, color, religion, or national origin.

(Pub. L. 99–119, § 5, Oct. 7, 1985, 99 Stat. 499.)

§ 3606. Board of directors

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. 99–119, § 6, Oct. 7, 1985, 99 Stat. 499.)

§ 3607. Officers

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. 99–119, § 7, Oct. 7, 1985, 99 Stat. 499.)

§ 3608. Restrictions

(a) Distribution of income or assets to members

No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection shall be construed to prevent the payment of compensation to the officers of the corporation for services rendered to the corporation or to prevent their reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) Loans; advances

The corporation shall have no power to make loans or advances to any member, officer, director, or employee of the corporation.

(c) Issuance of stock; dividends

The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

(d) Political activities

The corporation and its officers, employees, and agents acting as such shall have no power to contribute to, support, or otherwise participate in any political activity or in any manner attempt to influence legislation.

(e) Claim of approval or authorization

The corporation shall have no power to claim congressional approval or Federal Government authority for any of its activities.

(Pub. L. 99–119, § 8, Oct. 7, 1985, 99 Stat. 499.)

§ 3609. Liability for acts of officers and agents

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

(Pub. L. 99–119, § 9, Oct. 7, 1985, 99 Stat. 500.)

§ 3610. Books and records; inspection

The corporation shall keep correct and complete books and records of accounts and shall keep minutes of any proceeding 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 the corporation may be inspected by any member, or any agent or attorney of such member, for any proper purpose, at any reasonable time.

(Pub. L. 99–119, § 10, Oct. 7, 1985, 99 Stat. 500.)

§ 3611. Annual report

The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as the report of the audit of the corporation required pursuant to section 1102 of this title. The report shall not be printed as a public document.

(Pub. L. 99–119, § 12, Oct. 7, 1985, 99 Stat. 500.)

§ 3612. 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. 99–119, § 13, Oct. 7, 1985, 99 Stat. 500.)

§ 3613. "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. 99–119, § 14, Oct. 7, 1985, 99 Stat. 500.)

§ 3614. Tax-exempt status

The corporation shall maintain its status as an organization exempt from taxation as provided in title 26.

(Pub. L. 99–119, § 15, Oct. 7, 1985, 99 Stat. 500; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095.)

AMENDMENTS

1986—Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'', which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

§ 3615. Exclusive right to name, seals, emblems, and badges

The corporation and its regional districts and local branches shall have the sole and exclusive right to use in carrying out its purposes the name ''Pearl Harbor Survivors Association'', and such seals, emblems, and badges as the corporation may adopt.

(Pub. L. 99–119, § 16, Oct. 7, 1985, 99 Stat. 501.)

§ 3616. 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. 99–119, § 17, Oct. 7, 1985, 99 Stat. 501.)

CHAPTER 69—DAUGHTERS OF UNION VETERANS OF THE CIVIL WAR 1861–1865

Sec.
3701. Recognition as corporation and grant of Federal charter.
3702. Powers of corporation.
3703. Objects and purposes of corporation.
3704. Service of process.
3705. Membership.
3706. Board of directors.
3707. Officers.
3708. Restrictions.
(a) Distribution of income or assets to members.
(b) Loans.
(c) Political activities.
(d) Issuance of stock; dividends.
(e) Claim of approval or authorization.
3709. Liability for acts of officers and agents.
3710. Books and records; inspection.
3711. Annual report.
3712. Reservation of right to amend or repeal chapter.
3713. ''State'' defined.
3714. Tax-exempt status.
3715. Failure to comply with restrictions or provisions.

§ 3701. Recognition as corporation and grant of Federal charter

The Daughters of Union Veterans of the Civil War 1861–1865, a nonprofit corporation organized under the laws of the State of Ohio, is recognized as such and is granted a Federal charter.

(Pub. L. 99–172, § 1, Dec. 9, 1985, 99 Stat. 1020.)

§ 3702. Powers of corporation

The Daughters of Union Veterans of the Civil War 1861–1865 (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 or States in which it is incorporated and subject to the laws of such State or States.

(Pub. L. 99–172, § 2, Dec. 9, 1985, 99 Stat. 1020.)

§ 3703. Objects and purposes of corporation

The objects and purposes of the corporation are those provided in its articles of incorporation and, for the purpose of perpetuating the memories of the fathers of the Daughters of Union Veterans of the Civil War 1861–1865, their loyalty to the Union, and their unselfish sacrifices for the preservation of the same, shall include the following:

(1) Encouraging the preservation of historic sites and the construction and preservation of monuments commemorating any aspect of the Civil War.

(2) Building and maintaining a Museum of Civil War History, admission to which shall be free and open to the public, in the city of Springfield, Illinois, as a repository of Civil War documents, artifacts, and cultural relics.

(3) Maintaining a library in connection with the Civil War museum, admission to which shall be open to the public, containing the official volumes of the War of the Rebellion Records, Civil War genealogical files, Adjutant General reports of the various States, military and biographical records and accounts of the individual service of Union soldiers, sailors, and marines, diaries, letters, relics, and other records.

(4) Promulgating and teaching American history, particularly the history of the Civil War period, through the establishment of scholarship programs at the National and State levels, the presentation of American flags to youth groups and newly naturalized citizens, and the sponsorship of contests of educational merit.

(5) Caring for veterans of all wars through volunteer programs in Department of Veterans Affairs medical centers and in homes and other institutions maintained by the States for the welfare of American veterans.

(6) Participating, in a spirit of cooperation and reciprocity, in programs with other societies devoted to American history, veterans' affairs, or community interests.

The corporation shall function as a veterans' and patriotic organization as authorized by the laws of the State or States in which it is incorporated.

(Pub. L. 99–172, § 3, Dec. 9, 1985, 99 Stat. 1020; Pub. L. 102–54, § 13(n)(8), June 13, 1991, 105 Stat. 278.)

AMENDMENTS

1991—Par. (5). Pub. L. 102–54 substituted ''Department of Veterans Affairs'' for ''Veterans' Administration''.

§ 3704. Service of process

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

(Pub. L. 99–172, § 4, Dec. 9, 1985, 99 Stat. 1021.)

§ 3705. Membership

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. 99–172, § 5, Dec. 9, 1985, 99 Stat. 1021.)

§ 3706. Board of directors

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 or States in which it is incorporated.

(Pub. L. 99–172, § 6, Dec. 9, 1985, 99 Stat. 1021.)

§ 3707. Officers

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 or States in which it is incorporated.

(Pub. L. 99–172, § 7, Dec. 9, 1985, 99 Stat. 1021.)

§ 3708. 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 and 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) Political activities

(1) The corporation may not contribute to, support, or otherwise participate in any political activity or attempt in any manner to influence legislation.

(2) No officer or director of the corporation, acting as such officer or director, may commit any act prohibited under paragraph (1) of this subsection.

(d) Issuance of stock; dividends

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

(e) Claim of approval or authorization

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

(Pub. L. 99–172, § 8, Dec. 9, 1985, 99 Stat. 1021.)

§ 3709. 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. 99–172, § 9, Dec. 9, 1985, 99 Stat. 1022.)

§ 3710. 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. 99–172, § 10, Dec. 9, 1985, 99 Stat. 1022.)

§ 3711. Annual report

The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as the report of the audit required by section 1101(70) of this title. The report shall not be printed as a public document.

(Pub. L. 99–172, § 12, Dec. 9, 1985, 99 Stat. 1022.)

REFERENCES IN TEXT

Section 1101(70) of this title, referred to in text, was in the original ''section 11 of this Act'', meaning section 11 of Pub. L. 99–172, which amended section 1101 of this title to include Daughters of Union Veterans of the Civil War 1861–1865 within the definition of ''private corporations established under Federal law''. Section 1103 of this title requires a report to Congress on the annual audit of private corporations established under Federal law.

§ 3712. 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. 99–172, § 13, Dec. 9, 1985, 99 Stat. 1022.)

§ 3713. "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. 99–172, § 14, Dec. 9, 1985, 99 Stat. 1022.)

§ 3714. 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. 99–172, § 15, Dec. 9, 1985, 99 Stat. 1022; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095.)

AMENDMENTS

1986—Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'', which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

§ 3715. 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. 99–172, § 16, Dec. 9, 1985, 99 Stat. 1023.)

CHAPTER 70—VIETNAM VETERANS OF AMERICA, INC.

Sec.
3801. Recognition as corporation and grant of Federal charter.
3802. Powers of corporation.
3803. Objects and purposes of corporation.
3804. Service of process.
3805. Membership.
3806. Board of directors.
3807. Officers.
3808. Prohibition on discrimination.
3809. Restrictions.
(a) Distribution of income or assets to members.
(b) Loans.

Sec.
(c) Issuance of stock; dividends.
(d) Claim of approval or authorization.
3810. Liability for acts of officers and agents.
3811. Books and records; inspection.
3812. Annual report.
3813. Reservation of right to amend or repeal charter.
3814. ''State'' defined.
3815. Tax-exempt status.
3816. Exclusive right to name, seals, emblems, and badges.
3817. Failure to comply with restrictions or provisions.

§ 3801. Recognition as corporation and grant of Federal charter

The Vietnam Veterans of America, Inc., a nonprofit corporation organized under the laws of the State of New York, is hereby recognized as such and is granted a charter.

(Pub. L. 99–318, § 1, May 23, 1986, 100 Stat. 474.)

§ 3802. Powers of corporation

The Vietnam Veterans of America, Inc. (hereinafter in this chapter referred to as the ''corporation''), shall have only those powers granted to it through its articles of incorporation filed in the State in which it is incorporated and its constitution and bylaws, and subject to the laws of such State.

(Pub. L. 99–318, § 2, May 23, 1986, 100 Stat. 474.)

§ 3803. Objects and purposes of corporation

The objects and purposes of the corporation are those stated in its articles of incorporation, constitution, and bylaws and include a commitment to—

(1) uphold and defend the Constitution of the United States;

(2) foster the improvement of the condition of Vietnam-era veterans;

(3) promote the social welfare (including educational, economic, social, physical, and cultural improvement) in the United States by encouraging the growth and development, readjustment, self-respect, self-confidence and usefulness of Vietnam-era veterans and other veterans;

(4) improve conditions for Vietnam-era veterans and develop channels of communication to assist Vietnam-era veterans;

(5) conduct and publish research, on a nonpartisan basis, pertaining to the relationship between Vietnam-era veterans and the American society, to the Vietnam war experience, to the role of the United States in securing peaceful coexistence for the world community, and to other matters which affect the educational, economic, social, physical, or cultural welfare of Vietnam-era veterans and other veterans and the families of such veterans;

(6) assist disabled Vietnam-era veterans and other veterans in need of assistance and the dependents and survivors of such veterans; and

(7) consecrate the efforts of the members of the corporation and Vietnam-era veterans generally to mutual helpfulness and service to their country.

(Pub. L. 99–318, § 3, May 23, 1986, 100 Stat. 474.)

§ 3804. 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. 99–318, § 4, May 23, 1986, 100 Stat. 475.)

§ 3805. Membership

Except as provided in section 3808 of this title, eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the constitution and bylaws of the corporation.

(Pub. L. 99–318, § 5, May 23, 1986, 100 Stat. 475.)

§ 3806. Board of directors

Except as provided in section 3808 of this title, the board of directors of the corporation, and the responsibilities of the board, shall be as provided in the constitution and bylaws of the corporation and in conformity with the laws of the State in which it is incorporated.

(Pub. L. 99–318, § 6, May 23, 1986, 100 Stat. 475.)

§ 3807. Officers

Except as provided in section 3808 of this title, the officers of the corporation, and the election of such officers, shall be as provided in the constitution and bylaws of the corporation and in conformity with the laws of the State in which it is incorporated.

(Pub. L. 99–318, § 7, May 23, 1986, 100 Stat. 475.)

§ 3808. Prohibition on discrimination

In establishing the conditions of membership in the corporation and in determining the requirements 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, national origin, handicap, or age.

(Pub. L. 99–318, § 8, May 23, 1986, 100 Stat. 475.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3805, 3806, 3807 of this title.

§ 3809. Restrictions

(a) Distribution of income or assets to members

No part of the income or assets of the corporation shall inure to any person who is a member, officer, or director of the corporation or be distributed to any such person 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 shall 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 Federal Government authority by virtue of this chapter for any of its activities.

(Pub. L. 99–318, § 9, May 23, 1986, 100 Stat. 475.)

§ 3810. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Pub. L. 99–318, § 10, May 23, 1986, 100 Stat. 475.)

§ 3811. Books and records; inspection

The corporation shall keep correct and complete books and records of accounts and shall keep 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. All books and records of the corporation may be inspected by any member having the right to vote, 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. 99–318, § 11, May 23, 1986, 100 Stat. 475.)

§ 3812. Annual report

The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit of the corporation required by section 1102 of this title. The report shall not be printed as a public document.

(Pub. L. 99–318, § 13, May 23, 1986, 100 Stat. 476.)

§ 3813. Reservation of right to amend or repeal charter

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

(Pub. L. 99–318, § 14, May 23, 1986, 100 Stat. 476.)

§ 3814. "State" defined

For purposes of this chapter, the term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, and each of the territories and possessions of the United States.

(Pub. L. 99–318, § 15, May 23, 1986, 100 Stat. 476.)

§ 3815. Tax-exempt status

The corporation shall maintain its status as an organization exempt from taxation as provided in title 26.

(Pub. L. 99–318, § 16, May 23, 1986, 100 Stat. 476; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095.)

AMENDMENTS

1986—Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'', which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

§ 3816. Exclusive right to name, seals, emblems, and badges

The corporation shall have the sole and exclusive right to use the name ''The Vietnam Veterans of America, Inc.'', ''Vietnam Veterans of America, Inc.'', and ''Vietnam Veterans of America'', and such seals, emblems, and badges as the corporation may lawfully adopt. Nothing in this section shall be construed to interfere or conflict with established or vested rights.

(Pub. L. 99–318, § 17, May 23, 1986, 100 Stat. 476.)

§ 3817. 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. 99–318, § 18, May 23, 1986, 100 Stat. 477.)

CHAPTER 71—ARMY AND NAVY UNION OF THE UNITED STATES OF AMERICA

Sec.
3901. Recognition as corporation and grant of Federal charter.
3902. Powers of corporation.
3903. Objects and purposes of corporation.
3904. Service of process.
3905. Membership.
3906. Board of directors.
3907. Officers.
3908. Restrictions.
(a) Distribution of income or assets to members.
(b) Loans.
(c) Political activities.
(d) Issuance of stock; dividends.
(e) Claim of approval or authorization.
(f) Retention of status under State laws.
3909. Liability for acts of officers and agents.
3910. Books and records; inspection.
3911. Annual report.
3912. Reservation of right to amend or repeal chapter.
3913. ''State'' defined.
3914. Tax-exempt status.
3915. Failure to comply with restrictions or provisions.

§ 3901. Recognition as corporation and grant of Federal charter

The Army and Navy Union of the United States of America, organized and incorporated under the laws of the State of Ohio, is hereby recognized as such and is granted a charter.

(Pub. L. 99–604, § 1, Nov. 6, 1986, 100 Stat. 3446.)

§ 3902. Powers of corporation

The Army and Navy Union of the United States of America (hereinafter 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. 99–604, § 2, Nov. 6, 1986, 100 Stat. 3446.)

§ 3903. Objects and purposes of corporation

The objects and purposes of the corporation are those provided in its articles of incorporation and shall also be—

(a) to hold true allegiance to the Government of the United States of America and fidelity to its Constitution, laws, and institutions;

(b) to serve our Nation under God in peace as well as in war by fostering the ideals of faith and patriotism, loyalty, justice, and liberty; by inculcating in the hearts of young and old, through precept and practice, the spirit of true Americanism; by participating in civic activities for the good of our country and our community;

(c) to unite in fraternal fellowship those who have served honorably and those who are now serving honorably in the Armed Forces of the United States of America; to protect and advance their civic, social, and economic welfare; to aid them in sickness and distress; to assist in the burial and commemoration of their dead; and to provide help for their widows and orphans; and

(d) to perpetuate the memory of patriotic deeds performed by the defenders of our country.

(Pub. L. 99–604, § 3, Nov. 6, 1986, 100 Stat. 3446.)

§ 3904. Service of process

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

(Pub. L. 99–604, § 4, Nov. 6, 1986, 100 Stat. 3446.)

§ 3905. Membership

Eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the bylaws of the corporation.

(Pub. L. 99–604, § 5, Nov. 6, 1986, 100 Stat. 3447.)

§ 3906. Board of directors

The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

(Pub. L. 99–604, § 6, Nov. 6, 1986, 100 Stat. 3447.)

§ 3907. Officers

The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States wherein it is incorporated.

(Pub. L. 99–604, § 7, Nov. 6, 1986, 100 Stat. 3447.)

§ 3908. Restrictions

(a) Distribution of income or assets to members

No part of the income or assets of the corporation shall insure[1] to any member, officer, or director of the corporation or be distributed to any such person 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 shall not make any loan to any officer, director, or employee of the corporation.

(c) Political activities

The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) Issuance of stock; dividends

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

(e) Claim of approval or authorization

The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

(f) Retention of status under State laws

The corporation shall retain and maintain its status as a corporation organized and incorporated under the laws of the State of Ohio.

(Pub. L. 99–604, § 8, Nov. 6, 1986, 100 Stat. 3447.)

§ 3909. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Pub. L. 99–604, § 9, Nov. 6, 1986, 100 Stat. 3447.)

§ 3910. Books and records; inspection

The corporation shall keep correct and complete books and records of account and shall keep 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. All books and records of such corporation may be inspected by any member having the right to vote, 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. 99–604, § 10, Nov. 6, 1986, 100 Stat. 3447.)

§ 3911. Annual report

The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 1101(68) of this title. The report shall not be printed as a public document.

(Pub. L. 99–604, § 12, Nov. 6, 1986, 100 Stat. 3448.)

REFERENCES IN TEXT

Section 1101(68) of this title, referred to in text, was in the original ''section 11 of this Act'', meaning section 11 of Pub. L. 99–604, which amended section 1101 of this title to include Army and Navy Union of the

[1] So in original. Probably should be ''inure''.

United States of America within the definition of ''private corporations established under Federal law''. Section 1103 of this title requires a report to Congress on the annual audit of private corporations established under Federal law.

§ 3912. 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. 99–604, § 13, Nov. 6, 1986, 100 Stat. 3448.)

§ 3913. "State" defined

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

(Pub. L. 99–604, § 14, Nov. 6, 1986, 100 Stat. 3448.)

§ 3914. 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 hereby shall expire.

(Pub. L. 99–604, § 15, Nov. 6, 1986, 100 Stat. 3448.)

§ 3915. Failure to comply with restrictions or provisions

If the corporation shall fail to comply with any of the restrictions or provisions of this chapter[1] the charter granted hereby shall expire.

(Pub. L. 99–604, § 16, Nov. 6, 1986, 100 Stat. 3448.)

CHAPTER 72—NON COMMISSIONED OFFICERS ASSOCIATION OF THE UNITED STATES OF AMERICA, INC.

Sec.
4001. Recognition as corporation and grant of Federal charter.
4002. Powers of corporation.
4003. Objects and purposes of corporation.
4004. Service of process.
4005. Membership.
4006. Board of directors.
4007. Officers.
4008. Prohibition on discrimination.
4009. Restrictions.
(a) Distribution of income or assets to members.
(b) Loans.
(c) Issuance of stock; dividends.
(d) Claim of approval or authorization.
4010. Liability for acts of officers and agents.
4011. Books and records; inspection.
4012. Annual report.
4013. Reservation of right to amend or repeal chapter.
4014. ''State'' defined.
4015. Tax-exempt status.
4016. Exclusive right to names, seals, emblems, and badges.
4017. Failure to comply with restrictions or provisions.

§ 4001. Recognition as corporation and grant of Federal charter

The Non Commissioned Officers Association of the United States of America, Incorporated, a nonprofit corporation organized under the laws of the State of Texas, is recognized as such and is granted a Federal charter.

(Pub. L. 100–281, § 1, Apr. 6, 1988, 102 Stat. 73.)

§ 4002. Powers of corporation

The Non Commissioned Officers Association of the United States of America, Incorporated, (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

[1] So in original. Probably should be followed by a comma.

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 requirements 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 corporation 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

Sec.
4101. Recognition as corporation and grant of Federal charter.
4102. Powers of corporation.
4103. Objects and purposes of corporation.
4104. Membership.
4105. Board of directors.
4106. Officers.
4107. Restrictions.
(a) Distribution of income or assets to members.
(b) Loans.
(c) Political activities.
(d) Issuance of stock; dividends.
(e) Claim of approval or authorization.
(f) Retention of status under State laws.
4108. Liability for acts of officers and agents.
4109. Service of process.
4110. Books and records; inspection.
4111. Annual report.
4112. Reservation of right to amend or repeal chapter.
4113. ''State'' defined.
4114. Tax-exempt status.
4115. Failure to comply with restrictions or provisions.

§ 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;

(5) to cooperate with other mining organizations which are actively engaged and interested in similar projects; and

(6) to engage in any and all activities incidental thereto or necessary, suitable, or proper for the accomplishment of any of the purposes set forth in this section.

(Pub. L. 100–655, title I, § 103, Nov. 14, 1988, 102 Stat. 3850.)

§ 4104. Membership

Eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the bylaws of the corporation.

(Pub. L. 100–655, title I, § 104, Nov. 14, 1988, 102 Stat. 3850.)

§ 4105. Board of directors

The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

(Pub. L. 100–655, title I, § 105, Nov. 14, 1988, 102 Stat. 3850.)

§ 4106. Officers

The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States wherein it is incorporated.

(Pub. L. 100–655, title I, § 106, Nov. 14, 1988, 102 Stat. 3850.)

§ 4107. Restrictions

(a) Distribution of income or assets to members

No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person 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 shall not make any loan to any officer, director, or employee of the corporation.

(c) Political activities

The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support, or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) Issuance of stock; dividends

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

(e) Claim of approval or authorization

The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

(f) Retention of status under State laws

The corporation shall retain and maintain its status as a corporation organized and incorporated under the laws of the State of Colorado.

(Pub. L. 100–655, title I, § 107, Nov. 14, 1988, 102 Stat. 3850.)

§ 4108. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Pub. L. 100–655, title I, § 108, Nov. 14, 1988, 102 Stat. 3851.)

§ 4109. Service of process

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

(Pub. L. 100–655, title I, § 109, Nov. 14, 1988, 102 Stat. 3851.)

§ 4110. Books and records; inspection

The corporation shall keep correct and complete books and records of account and shall keep 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 of vote. All books and records of such corporation may be inspected by any member having the right to vote, 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. 100–655, title I, § 110, Nov. 14, 1988, 102 Stat. 3851.)

§ 4111. Annual report

The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 1101 of this title. The report shall not be printed as a public document.

(Pub. L. 100–655, title I, § 112, Nov. 14, 1988, 102 Stat. 3851.)

REFERENCES IN TEXT

Section 1101 of this title, referred to in text, was in the original ''section 111 of this title'', meaning section 111 of title I of Pub. L. 100–655 which amended section 1101 of this title to include the National Mining Hall of Fame and Museum within the definition of ''private corporations established under Federal law''. Section 1103 of this title requires a report to Congress on the annual audit of private corporations established under Federal law.

§ 4112. 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. 100–655, title I, § 113, Nov. 14, 1988, 102 Stat. 3852.)

§ 4113. "State" defined

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

(Pub. L. 100–655, title I, § 114, Nov. 14, 1988, 102 Stat. 3852.)

§ 4114. Tax-exempt status

The corporation shall maintain its status as an organization exempt from taxation as provided in title 26.

(Pub. L. 100–655, title I, § 115, Nov. 14, 1988, 102 Stat. 3852.)

§ 4115. Failure to comply with restrictions or provisions

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

(Pub. L. 100–655, title I, § 116, Nov. 14, 1988, 102 Stat. 3852.)

CHAPTER 74—AMERICAN ACADEMY OF ARTS AND LETTERS

Sec.
4201. Corporation created.
4202. Purposes of corporation.
4203. Membership; powers of corporation.
4204. Annual meeting; annual report.
4205. Acquisition of property by bequest or donation.
4206. Reservation of right to amend or repeal chapter.

§ 4201. Corporation created

William Dean Howells, of Maine; Henry Adams, of the District of Columbia; Theodore Roosevelt, of New York; John Singer Sargent, of Massachusetts; Daniel Chester French, of New York; John Burroughs, of New York; James Ford Rhodes, of Massachusetts; Horatio William Parker, of Connecticut; William Milligan Sloane, of New Jersey; Robert Underwood Johnson, of New York; George Washington Cable, of Massachusetts; Andrew Dickson White, of New York; Henry van Dyke, of New Jersey; William Crary Brownell, of New York; Basil Lanneau Gildersleeve, of Maryland; Woodrow Wilson, of New Jersey; Arthur Twining Hadley, of Connecticut; Henry Cabot Lodge, of Massachusetts; Edwin Howland Blashfield, of New York; William Merritt Chase, of New York; Thomas Hastings, of New York; Hamilton Wright Mabie, of New Jersey; Brander Matthews, of New York;

Thomas Nelson Page, of the District of Columbia; Elihu Vedder, of Massachusetts; George Edward Woodberry, of Massachusetts; Kenyon Cox, of New York; George Whitefield Chadwick, of Massachusetts; Abbott Handerson Thayer, of New Hampshire; Henry Mills Alden, of New Jersey; George de Forest Brush, of New Hampshire; William Rutherford Mead, of New York; Bliss Perry, of Massachusetts; Abbott Lawrence Lowell, of Massachusetts; James Whitcomb Riley, of Indiana; Nicholas Murray Butler, of New York; Paul Wayland Bartlett, of New York; Owen Wister, of Pennsylvania; Herbert Adams, of New Hampshire; Augustus Thomas, of New York; Timothy Cole, of New York; Cass Gilbert, of New York; William Roscoe Thayer, of Massachusetts; Robert Grant, of Massachusetts; Frederick Macmonnies, of New York; Julian Alden Weir, of Connecticut; William Gillette, of Connecticut; Paul Elmer More, of New Jersey; George Lockhart Rives, of New York, and their successors, duly chosen, are hereby incorporated, constituted, and declared to be a body corporate of the District of Columbia, by the name of the American Academy of Arts and Letters.

(Apr. 17, 1916, ch. 77, § 1, 39 Stat. 51.)

§ 4202. Purposes of corporation

The purposes of this corporation are and shall be the furtherance of the interests of literature and the fine arts.

(Apr. 17, 1916, ch. 77, § 2, 39 Stat. 51.)

§ 4203. Membership; powers of corporation

The American Academy of Arts and Letters shall consist of not more than fifty regular members, and the said corporation hereby constituted shall have power to make by-laws and rules and regulations; to fill all vacancies created by death, resignation, or otherwise; to provide for the election of foreign, domestic, or honorary associate members, and the division of such members into classes, and to do all other matters needful or usual in such institutions.

(Apr. 17, 1916, ch. 77, § 3, 39 Stat. 51.)

§ 4204. Annual meeting; annual report

The American Academy of Arts and Letters shall hold an annual meeting at such place in the United States as may be designated and shall make an annual report to the Congress, to be filed with the Librarian of Congress.

(Apr. 17, 1916, ch. 77, § 4, 39 Stat. 51.)

§ 4205. Acquisition of property by bequest or donation

The American Academy of Arts and Letters be, and the same is hereby, authorized and empowered to receive bequests and donations of real or personal property and to hold the same in trust, and to invest and reinvest the same for the purpose of furthering the interests of literature and the fine arts.

(Apr. 17, 1916, ch. 77, § 5, 39 Stat. 52.)

§ 4206. Reservation of right to amend or repeal chapter

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

(Apr. 17, 1916, ch. 77, § 6, 39 Stat. 52.)

CHAPTER 75—AVIATION HALL OF FAME

Sec.
4301. Corporation created.
4302. Completion of organization.
4303. Purposes of corporation.
4304. Powers of corporation.
4305. Principal office; territorial scope of activities; agent for service of process.
4306. Membership; voting rights.
4307. Board of trustees.
(a) Composition of initial board.
(b) Composition of subsequent boards; tenure.
(c) Governing period; duties.
4308. Officers.
4309. Board of nominations; composition; duties.
4310. Distribution of income or assets to members; loans.
4311. Nonpolitical nature of corporation.
4312. Liability for acts of officers and agents.
4313. Prohibition against issuance of stock or payment of dividends.
4314. Books and records; inspection.
4315. Audit of financial transactions.
4316. Use of assets on dissolution or liquidation.
4317. Acquisition of assets and liabilities of existing corporation.
4318. Reservation of right to amend or repeal chapter.

§ 4301. Corporation created

The following persons: Stanley C. Allyn, Oakwood, Ohio; J. L. Atwood, El Segundo, California; C. M. Pat Barnes, Oakwood, Ohio; Robert J. Barth, Oakwood, Ohio; Donald H. Battin, Dayton, Ohio; Milton A. Caniff, New City, New York; Robert S. Chubb, Oakwood, Ohio; Albert N. Clarkson, Dayton, Ohio; Frederick C. Crawford, Cleveland, Ohio; Don L. Crawford, Dayton, Ohio; Donald W. Douglas, Senior, Santa Monica, California; Charles S. Draper, Cambridge, Massachusetts; John G. Fitzpatrick, Oakwood, Ohio; John P. Fraim, Junior, Oakwood, Ohio; Courtlandt S. Gross, Burbank, California; James W. Jacobs, Dayton, Ohio; Thomas D. Johnson, Xenia, Ohio; Gregory C. Karas, Oakwood, Ohio; John W. Kercher, Oakwood, Ohio; Eugene W. Kettering, Kettering, Ohio; William G. Kiefaber, Dayton, Ohio; Gerald H. Leland, Centerville, Ohio; John A. Lombard, Dayton, Ohio; G. I. MacIntyre, Kettering, Ohio; Fred F. Marshall, Cedarville, Ohio; Robert W. Martin, New York, New York; James S. McDonnell, Junior, Saint Louis, Missouri; Karl B. Mills, Dayton, Ohio; John B. Montgomery, Murray Hill, New Jersey; John H. Murphy, Kettering, Ohio; Larry E. O'Neil, Kettering, Ohio; Mundy I. Peale, Farmingdale, Long Island, New York; Louis F. Polk, Oakwood, Ohio; Edwin W. Rawlings, Minneapolis, Minnesota; Robert G. Ruegg, Wright-Patterson Air Force Base, Ohio; Alden K. Sibley, Grosse Pointe Shores, Michigan; Igor I. Sikorsky, Stratford, Connecticut; Robert J. Simons, Dayton, Ohio; James H. Straubel, Washington, District of Columbia; Charles V. Truax, Kettering, Ohio; John P. Turner, Junior, Oakwood, Ohio; Gerald E. Weller, Kettering, Ohio; Charles W. Whalen, Junior, Oakwood, Ohio; Bernard L. Whelan, Fairfield, Connecticut; Thomas D. White, Washington, District of Columbia; Gill Rob Wilson,

Claremont, California; Louis Wozar, Oakwood, Ohio; and their successors, are hereby created and declared to be a body corporate by the name of the Aviation Hall of Fame (hereinafter referred to as the ''corporation'') and by such name shall be known and have perpetual succession and the powers, limitations, and restrictions herein contained.

(Pub. L. 88–372, § 1, July 14, 1964, 78 Stat. 314.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4302, 4307, 4309 of this title.

§ 4302. Completion of organization

A majority of the persons named in section 4301 of this title are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of bylaws, not inconsistent with the chapter, and the doing of such other acts as may be necessary for such purpose.

(Pub. L. 88–372, § 2, July 14, 1964, 78 Stat. 314.)

§ 4303. Purposes of corporation

The purposes of the corporation shall be—

(1) To receive and maintain a fund or funds, and to use and apply the whole or any part of the income therefrom, and the principal thereof, exclusively for charitable, scientific, literary, or educational purposes, either directly or by contributions to organizations duly authorized to carry on similar activities, but no part of such income or principal shall be contributed to any organization whose net earnings or any part thereof inure to the benefit of any private shareholder or individual, or any substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation. The detailed purposes hereinafter set forth shall at all times be subject to and in furtherance of the provisions contained in this paragraph.

(2) To honor citizens, aviation leaders, pilots, teachers, scientists, engineers, inventors, governmental leaders, and other individual[1] who have helped to make this Nation great by their outstanding contributions to the establishment, development, advancement, or improvement of aviation in the United States of America.

(3) To perpetuate the memory of such persons 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.

(4) To foster, promote, and encourage a better sense of appreciation of the origins and growth of aviation, especially in the United States of America, and the part aviation has played in changing the economic, social, and scientific aspects of our Nation.

(5) To establish and maintain a library and museum for collecting and preserving for posterity, the history of those honored by the organization, together with a documentation of their accomplishments and contributions to aviation, including, but not limited to, such items as aviation pictures, paintings, books, papers, documents, scientific data, relics, mementos, artifacts, and things relating thereto.

(6) To cooperate with other recognized aviation organizations which are actively engaged and interested in similar projects.

(7) To engage in any and all activities incidental thereto or necessary, suitable, or proper for the accomplishment of any of the aforementioned purposes.

(Pub. L. 88–372, § 3, July 14, 1964, 78 Stat. 314.)

§ 4304. Powers of corporation

The corporation shall have the power—

(1) to have succession by its corporate name;

(2) to sue and be sued, complain and defend in any court of competent jurisdiction;

(3) to adopt, use, and alter a corporate seal;

(4) to choose such officers, trustees, managers, agents, and employees as the business of the corporation may require;

(5) to adopt, amend, and alter bylaws, not inconsistent with the laws of the United States or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;

(6) to contract and be contracted with;

(7) to take by lease, gift, purchase, grant, devise, or bequest from any private corporation, association, partnership, firm, or individual and to hold any property, real, personal, or mixed, necessary or convenient for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of law of any State (A) governing the amount or kind of property which may be held by, or (B) otherwise limiting or controlling the ownership of property by, a corporation operating in such State;

(8) to transfer, convey, lease, sublease, encumber, and otherwise alienate real, personal, or mixed property; and

(9) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, deed of trust, pledge, or otherwise, subject in every case to all applicable provisions of Federal and State laws.

(Pub. L. 88–372, § 4, July 14, 1964, 78 Stat. 315.)

§ 4305. Principal office; territorial scope of activities; agent for service of process

(a) The principal office of the corporation shall be located in Dayton, Ohio, or in such other place as may be later determined by the board of trustees, but the activities of the corporation shall not be confined to that place, but may be conducted throughout the various States, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

(b) The corporation shall have in the District of Columbia at all times a designated agent authorized to accept service of process for the corporation; and notice to or service upon such agent shall be deemed notice to or service upon the corporation.

(Pub. L. 88–372, § 5, July 14, 1964, 78 Stat. 316.)

§ 4306. Membership; voting rights

(a) Eligibility for membership in the corporation and the rights, privileges, and designation

[1] So in original. Probably should be ''individuals''.

of classes of members shall, except as provided in this chapter, be determined as the bylaws of the corporation may provide.

(b) Each member of the corporation given voting rights by the bylaws shall have the right to one vote on each matter submitted to a vote at all meetings of the voting members of the corporation, which vote may be cast in such manner as the bylaws may prescribe.

(Pub. L. 88–372, § 6, July 14, 1964, 78 Stat. 316.)

§ 4307. Board of trustees

(a) Composition of initial board

Upon enactment of this chapter the membership of the initial board of trustees of the corporation shall be elected from those persons named in section 4301 of this title, their survivors and such additional persons, if any, as shall be named by them.

(b) Composition of subsequent boards; tenure

Thereafter, the board of trustees of the corporation shall consist of such number (not less than eighteen), shall be selected in such manner (including the filling of vacancies), and shall serve for such term as may be provided in the bylaws of the corporation.

(c) Governing period; duties

The board of trustees shall be the governing body of the corporation, and, during intervals between the meetings of members, shall be responsible for the general policies and program of the corporation and for the control of all funds of the corporation. The board of trustees shall appoint a board of nominations from the membership of the corporation; may appoint committees which shall have and exercise such powers as may be prescribed in the bylaws or by resolution of the board of trustees, and which may be all of the powers of the board of trustees.

(Pub. L. 88–372, § 7, July 14, 1964, 78 Stat. 316.)

§ 4308. Officers

(a) The officers of the corporation shall be a president, one or more vice presidents (as may be prescribed in the bylaws of the corporation), a secretary, a treasurer, and such other officers as may be provided in the bylaws.

(b) The officers of the corporation shall be elected in such manner and for such terms and with such duties as may be prescribed in the bylaws of the corporation.

(Pub. L. 88–372, § 8, July 14, 1964, 78 Stat. 316.)

§ 4309. Board of nominations; composition; duties

(a) The board of trustees shall appoint a board of nominations from those persons named in section 4301 of this title, their survivors and such additional persons, if any, as shall be named by them, not concurrently serving as a member of the board of trustees, and consisting of such number (not less than twenty-four); and shall serve for such term as provided in the bylaws of the corporation.

(b) The board of nominations shall be the designated body of the corporation to nominate United States citizens or residents to be honored by the corporation and recommend such persons to the board of trustees for consideration as prescribed in the bylaws of the corporation.

(Pub. L. 88–372, § 9, July 14, 1964, 78 Stat. 316.)

§ 4310. Distribution of income or assets to members; loans

(a) No part of the income or assets of the corporation shall inure to any of its members, trustees, members of the board of nominations, or officers as such, or be distributable to any of them during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of reasonable compensation to officers and employees of the corporation in amounts approved by the board of trustees of the corporation.

(b) The corporation shall not make loans to its members, trustees, members of the board of nominations, officers, or employees. Any trustee who votes for or assents to making of a loan or advance to a member, member of the board of nominations, officer, trustee, or employee of the corporation, and any officer who participates in the making of such a loan or advance, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

(Pub. L. 88–372, § 10, July 14, 1964, 78 Stat. 317.)

§ 4311. Nonpolitical nature of corporation

The corporation and its members, members of the board of nominations, trustees, officers, and employees as such shall not contribute to or otherwise support or assist any political party or candidate for public office.

(Pub. L. 88–372, § 11, July 14, 1964, 78 Stat. 317.)

§ 4312. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Pub. L. 88–372, § 12, July 14, 1964, 78 Stat. 317.)

§ 4313. Prohibition against issuance of stock or payment of dividends

The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

(Pub. L. 88–372, § 13, July 14, 1964, 78 Stat. 317.)

§ 4314. Books and records; inspection

The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of trustees, board of nominations, and committees having any of the authority of the board of trustees; and shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

(Pub. L. 88–372, § 14, July 14, 1964, 78 Stat. 317.)

§ 4315. Audit of financial transactions

(a) The accounts of the corporation shall be audited annually in accordance with generally

accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians, shall be afforded to such person or persons.

(b) A report of such audit shall be made by the corporation to the Congress not later than six months following the close of the fiscal year for which the audit is made. The report shall set forth the scope of the audit and include such statements, together with the independent auditor's opinion of those statements, as are necessary to present fairly the corporation's assets and liabilities, surplus or deficit with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the corporation's income and expenses during the year including (1) the results of any trading, manufacturing, publishing, or other commercial-type endeavor carried on by the corporation, and (2) a schedule of all contracts requiring payments in excess of $10,000 and any payments of compensation, salaries, or fees at a rate in excess of $10,000 per annum. The report shall not be printed as a public document.

(Pub. L. 88–372, § 15, July 14, 1964, 78 Stat. 317.)

§ 4316. Use of assets on dissolution or liquidation

Upon dissolution or final liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets, if any, of the corporation shall be distributed in accordance with the determination of the board of trustees of the corporation and in compliance with the charter and bylaws of the corporation and all Federal and State laws applicable thereto. Such distribution shall be consistent with the purposes of the corporation.

(Pub. L. 88–372, § 16, July 14, 1964, 78 Stat. 318.)

§ 4317. Acquisition of assets and liabilities of existing corporation

The corporation may acquire the assets of the National Aviation Hall of Fame, a general, not-for-profit corporation organized under the laws of the State of Ohio, upon discharging or satisfactorily providing for the payment and discharge of all of the liabilities of such corporation.

(Pub. L. 88–372, § 17, July 14, 1964, 78 Stat. 318.)

§ 4318. Reservation of right to amend or repeal chapter

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

(Pub. L. 88–372, § 18, July 14, 1964, 78 Stat. 318.)

CHAPTER 76—FREDERICK DOUGLASS MEMORIAL AND HISTORICAL ASSOCIATION

Sec.
4401. Corporation created; objects and purposes.
4402. Powers of corporation.
4403. Completion of organization.
4404. Board of trustees.
4405. Misnomer not to affect grant, donation, gift, devise, or bequest.
4406. Monument.
4407. Exemption from certain taxes.
4408. Reservation of right to amend or repeal chapter.

§ 4401. Corporation created; objects and purposes

Helen Douglass, William H. H. Hart, Francis J. Grimke, May Wright Sewall, Edward A. Clarke, their associates and successors, be, and they are hereby declared to be, a body politic and corporate, in the District of Columbia, with perpetual succession, by and under the name, style, and title of the Frederick Douglass Memorial and Historical Association, for the following objects and purposes, to wit:

First. To preserve to posterity the memory of the life and character of the late Frederick Douglass.

Second. To collect, collate, and preserve a historical record of the inception, progress, and culmination of the antislavery movement in the United States, and to assemble in the homestead of the late Frederick Douglass, commonly called Cedar Hill, in the village of Anacostia, in the District of Columbia, all such suitable exhibits of records or things illustrative or commemorative of the antislavery movement and history as may be donated to said association or acquired by purchase[1] bequest, or other lawful means.

(June 6, 1900, ch. 806, § 1, 31 Stat. 662.)

§ 4402. Powers of corporation

The said association, by and under the name and title aforesaid, and their successors, shall be competent at law and in equity to take to themselves and their successors, for the use and behoof of said association, any estate whatsoever, in any messuage, lands, tenements, hereditaments, goods, chattels, moneys, and other effects, by gift, devise, grant, donation, bargain sale, conveyance, assurance, or will; and the same to grant, bargain, sell, transfer, assign, convey, assure, demise, declare to use, and farm let, and to place out on interest, for the use of said association, in such manner as to them, or a majority of them, shall be deemed most beneficial to said association; and to receive the same, their rents, issues, and profits, income, and interest, and to apply the same for the proper use and benefit of said association for the objects and purposes hereinbefore mentioned; and by the same name to sue and be sued, to implead and be impleaded in any court of law or equity in all manner of suits, actions, and proceedings whatsoever, and generally by and in the same name to do and transact all and every the business touching or concerning the premises; and that after the said association shall have acquired title in fee simple to a whole or a part of

[1] So in original. Probably should be followed by a comma.

certain property situate and being in the village of Anacostia, District of Columbia, commonly called Cedar Hill, and occupied by the late Frederick Douglass as his homestead, the said association may manage, repair, improve, and adorn the same in such manner as the said incorporators or their successors, or a majority of them, may deem meet and proper, in pursuance of and in accordance with the objects and purposes for which this said association is incorporated.

(June 6, 1900, ch. 806, § 2, 31 Stat. 662.)

§ 4403. Completion of organization

The first meeting of said incorporators shall be held at said Cedar Hill, Anacostia, District of Columbia, at such time as a majority of the persons herein above named shall determine upon, after ten days' notice thereof shall be given to each of said incorporators, at which said first meeting, or at such other time thereafter as the said incorporators may fix for that purpose, they may enact such by-laws as they may see fit, not inconsistent with the laws of the United States, regulating the government of the said association.

(June 6, 1900, ch. 806, § 3, 31 Stat. 663.)

§ 4404. Board of trustees

The government of said association shall be vested in a board of trustees of not less than 9 members nor more than 19 members, who shall be elected by the corporators at their first meeting or at such time thereafter as the said corporators may at the said first meeting appoint for that purpose. In case of a vacancy or vacancies occurring in said board of trustees by death, resignation, or otherwise, the same shall be filled by the remaining members thereof. Said board of trustees shall have perpetual succession, and in them and their successors shall be vested the power hereinbefore granted to this association. They shall adopt a common seal, which they may alter at pleasure, under and by which all deeds and acts of the association shall be passed and authenticated. They shall elect such officers as they may deem necessary, including a treasurer, for such terms and at such compensation as they may prescribe, in accordance with the by-laws which may be established for the government of said association. The said treasurer shall give such bond as may be fixed by the by-laws, and all of the officers of the association, together with such agents and employees as it may be deemed necessary to employ, shall be subject to removal for such causes and under such conditions and regulations as may be prescribed by the by-laws.

(June 6, 1900, ch. 806, § 4, 31 Stat. 663; Nov. 9, 1988, Pub. L. 100–642, § 1(a), 102 Stat. 3337.)

AMENDMENTS

1988—Pub. L. 100–642 substituted "9 members nor more than 19 members" for "five members nor more than nine".

EFFECTIVE DATE OF 1988 AMENDMENT

Section 1(b) of Pub. L. 100–642 provided that: "The amendment made by subsection (a) [amending this section] shall take effect upon the election of additional members of the board of trustees of the Frederick Douglass Memorial and Historical Association (pursuant to the amendment made by subsection (a)) at a regular or special meeting of the board called for the purpose of such an election."

§ 4405. Misnomer not to affect grant, donation, gift, devise, or bequest

No misnomer of the said corporation shall defeat or annul any grant, donation, gift, devise, or bequest to or from said corporation.

(June 6, 1900, ch. 806, § 5, 31 Stat. 663.)

§ 4406. Monument

The said corporation may cause to be erected at such suitable site upon the homestead aforesaid, after acquisition of title to same as aforesaid, as may be selected by the board of trustees, a monument to the memory of the late Frederick Douglass, of such character and at such cost as in their judgment may seem fit, in accordance with the means of said association and compatible with the objects and purposes thereof.

(June 6, 1900, ch. 806, § 6, 31 Stat. 663.)

§ 4407. Exemption from certain taxes

When the said corporation shall have acquired title in fee simple to the whole or a part, as the case may be, of the said property known as Cedar Hill, in the village of Anacostia, in the District of Columbia, and formerly occupied as the homestead of the late Frederick Douglass, said land and premises shall be, and hereby are, declared to be exempt from all taxes and assessments for taxation so long as the same shall be used for the purposes of this incorporation.

(June 6, 1900, ch. 806, § 7, 31 Stat. 663.)

§ 4408. Reservation of right to amend or repeal chapter

Congress reserves the right to amend or repeal this chapter.

(June 6, 1900, ch. 806, § 8, 31 Stat. 663.)

CHAPTER 77—NATIONAL COUNCIL ON RADIATION PROTECTION AND MEASUREMENTS

Sec.
4501. Corporation created.
4502. Completion of organization.
4503. Objects and purposes of corporation.
4504. Powers of corporation.
4505. Principal office; territorial scope of activities; service of process; authorized agent in District of Columbia.
4506. Membership; voting rights.
4507. Board of directors.
(a) Composition of initial board.
(b) Composition of subsequent boards; tenure.
(c) Governing period; duties.
4508. Officers.
4509. Distribution of income or assets to members; loans.
4510. Nonpolitical nature of corporation.
4511. Liability for acts of officers and agents.
4512. Prohibition against issuance of stock or payment of dividends.
4513. Books and records; inspection.
4514. Audit of financial transactions.
4515. Use of assets on dissolution or liquidation.
4516. Acquisition of assets and liabilities of existing association.

Sec.
4517. Reservation of right to amend or repeal chapter.

§ 4501. Corporation created

C. M. Barnes, Rockville, Maryland;
E. C. Barnes, Edgewood, Pennsylvania;
V. P. Bond, Setauket, Long Island, New York;
C. B. Braestrup, New York, New York;
J. T. Brennan, Bethesda, Maryland;
L. T. Brown, Bethesda, Maryland;
R. F. Brown, San Francisco, California;
F. R. Bruce, Oak Ridge, Tennessee;
J. C. Bugher, Rio Piedras, Puerto Rico;
D. R. Chadwick, Upper Marlboro, Maryland;
R. H. Chamberlain, Philadelphia, Pennsylvania;
J. F. Crow, Madison, Wisconsin;
R. L. Doan, Idaho Falls, Idaho;
C. L. Dunham, Washington, District of Columbia;
T. C. Evans, Iowa City, Iowa;
E. G. Fuller, Bethesda, Maryland;
R. O. Gorson, Philadelphia, Pennsylvania;
J. W. Healy, Chappaqua, New York;
P. C. Hodges, Chicago, Illinois;
A. R. Keene, Richland, Washington;
M. Kleinfeld, Brooklyn, New York;
H. W. Koch, Silver Spring, Maryland;
D. I. Livermore, Washington, District of Columbia;
G. V. LeRoy, Chicago, Illinois;
W. B. Mann, Chevy Chase, Maryland;
W. A. McAdams, Schenectady, New York;
G. W. Morgan, Kensington, Maryland;
K. Z. Morgan, Oak Ridge, Tennessee;
H. J. Muller, Bloomington, Indiana;
R. J. Nelsen, Rockville, Maryland;
R. R. Newell, San Francisco, California;
W. D. Norwood, Richland, Washington;
H. M. Parker, Richland, Washington;
C. Powell, Bethesda, Maryland;
E. H. Quimby, New York, New York;
J. C. Reeves, Gainesville, Florida;
R. Robbins, Philadelphia, Pennsylvania;
H. H. Rossi, Nyack, New York;
E. L. Saenger, Cincinnati, Ohio;
T. L. Shipman, Los Alamos, New Mexico;
P. J. Shore, Patchogue, New York;
J. H. Sterner, Rochester, New York;
R. S. Stone, San Francisco, California;
L. S. Taylor, Bethesda, Maryland;
E. D. Trout, Corvallis, Oregon;
B. F. Trum, Boston, Massachusetts;
Shields Warren, Boston, Massachusetts;
E. G. Williams, Jacksonville, Florida;
H. O. Wyckoff, Silver Spring, Maryland;

and their successors, are hereby created and declared to be a body corporate, by name of the National Council on Radiation Protection and Measurements (hereinafter called the corporation), and by such name shall be known, and have perpetual succession and the powers, limitations, and restrictions contained in this chapter.

(Pub. L. 88–376, § 1, July 14, 1964, 78 Stat. 320.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4502, 4507 of this title.

§ 4502. Completion of organization

The persons named in section 4501 of this title are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of bylaws, not inconsistent with this chapter, and the doing of such other acts as may be necessary for such purpose.

(Pub. L. 88–376, § 2, July 14, 1964, 78 Stat. 321.)

§ 4503. Objects and purposes of corporation

The objects and purposes of the corporation shall be—

(1) to collect, analyze, develop, and disseminate in the public interest information and recommendations about (a) protection against radiation (referred to herein as ''radiation protection''), and (b) radiation measurements, quantities, and units, particularly those concerned with radiation protection;

(2) to provide a means by which organizations concerned with the scientific and related aspects of radiation protection and of radiation quantities, units, and measurements may cooperate for effective utilization of their combined resources, and to stimulate the work of such organizations;

(3) to develop basic concepts about radiation quantities, units, and measurements, about the application of these concepts, and about radiation protection;

(4) to cooperate with the International Commission on Radiological Protection, the Federal Radiation Council, the International Commission on Radiological Units and Measurements, and other national and international organizations, governmental and private, concerned with radiation quantities, units, and measurements and with radiation protection.

(Pub. L. 88–376, § 3, July 14, 1964, 78 Stat. 321.)

§ 4504. Powers of corporation

The corporation shall have power—

(1) To sue and be sued, complain and defend in any court of competent jurisdiction.

(2) To adopt, alter, and use a corporate seal.

(3) To choose such officers, directors, trustees, managers, agents, and employees as the business of the corporation may require.

(4) To adopt, amend, and alter bylaws not inconsistent with the laws of the United States of America or of any State in which the corporation is to operate, for the management of its property and the regulation of its affairs.

(5) To make contracts.

(6) To take and hold by lease, gift, purchase, grant, devise, or bequest, or by any other method, any property, real or personal, necessary or proper for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of law of any State or the District of Columbia (a) governing the amount or kind of such property which may be held by, or (b) otherwise limiting or controlling the ownership of any such property by a corporation operating in such State or the District of Columbia.

(7) To transfer and convey real or personal property, and to mortgage, pledge, encumber, lease, and sublease the same.

(8) To borrow money for its corporate purposes and issue bonds or other evidences of indebtedness therefor, and to secure the same by mortgage, pledge, or lien, subject in every case to all applicable provisions of Federal or State law, or of the laws of the District of Columbia.

(9) To do any and all such acts and things necessary and proper to carry out the purposes of the corporation.

(Pub. L. 88–376, § 4, July 14, 1964, 78 Stat. 321.)

§ 4505. Principal office; territorial scope of activities; service of process; authorized agent in District of Columbia

(a) The principal office of the corporation shall be located in the District of Columbia, or in such other place as may later be determined by the board of directors, but the activities of the corporation shall not be confined to that place and may be conducted throughout the various States, the Commonwealth of Puerto Rico, and the possessions of the United States, and in other areas throughout the world.

(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, and notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to or service upon the corporation.

(Pub. L. 88–376, § 5, July 14, 1964, 78 Stat. 322.)

§ 4506. Membership; voting rights

(a) Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this chapter, be determined as the bylaws of the corporation may provide.

(b) Each member of the corporation, other than honorary and associate members, shall have the right to one vote on each matter submitted to a vote at all meetings of the members of the corporation.

(Pub. L. 88–376, § 6, July 14, 1964, 78 Stat. 322.)

§ 4507. Board of directors

(a) Composition of initial board

Upon enactment of this chapter the membership of the initial board of directors of the corporation shall be those persons whose names are listed in section 4501 of this title.

(b) Composition of subsequent boards; tenure

Thereafter, the board of directors of the corporation shall be selected in such manner and shall serve for such term as may be prescribed in the bylaws of the corporation.

(c) Governing period; duties

The board of directors shall be the governing board of the corporation and shall, during the intervals between corporation meetings, be responsible for the general policies and program of the corporation. The board shall be responsible for the control of all funds of the corporation.

(Pub. L. 88–376, § 7, July 14, 1964, 78 Stat. 322.)

§ 4508. Officers

(a) The officers of the corporation shall be a president, one or more vice presidents, a secretary, a treasurer, and such other officers as may be prescribed in the bylaws. The duties of the officers shall be as prescribed in the bylaws of the corporation.

(b) Officers shall be elected annually at the annual meeting of the corporation.

(Pub. L. 88–376, § 8, July 14, 1964, 78 Stat. 322.)

§ 4509. Distribution of income or assets to members; loans

(a) No part of the income or assets of the corporation shall inure to any member, officer, or director, or be distributable to any such person during the life of the corporation or upon dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of reasonable compensation to officers of the corporation in amounts approved by the board of directors of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any director who votes for or assents to the making of a loan to an officer, director, or employee of the corporation, and any officer who participates in the making of such loan, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

(Pub. L. 88–376, § 9, July 14, 1964, 78 Stat. 322.)

§ 4510. Nonpolitical nature of corporation

The corporation, and its officers, directors, and duly appointed agents as such, shall not contribute to or otherwise support or assist any political party or candidate for office.

(Pub. L. 88–376, § 10, July 14, 1964, 78 Stat. 323.)

§ 4511. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Pub. L. 88–376, § 11, July 14, 1964, 78 Stat. 323.)

§ 4512. Prohibition against issuance of stock or payment of dividends

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

(Pub. L. 88–376, § 12, July 14, 1964, 78 Stat. 323.)

§ 4513. Books and records; inspection

The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having authority under the board of directors, and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

(Pub. L. 88–376, § 13, July 14, 1964, 78 Stat. 323.)

§ 4514. Audit of financial transactions

(a) The accounts of the corporation shall be audited annually in accordance with generally

accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such audit shall be made by the corporation to the Congress not later than six months following the close of the fiscal year for which the audit is made. The report shall set forth the scope of the audit and include such statements, together with the independent auditor's opinion of those statements, as are necessary to present fairly the corporation's assets and liabilities, surplus, or deficit, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the corporation's income and expenses during the year including (1) the results of any trading, manufacturing, publishing, or other commercial-type endeavor carried on by the corporation, and (2) a schedule of all contracts requiring payments in excess of $10,000 and any payments of compensation, salaries, or fees at a rate in excess of $10,000 per annum. The report shall not be printed as a public document.

(Pub. L. 88–376, § 14, July 14, 1964, 78 Stat. 323.)

§ 4515. Use of assets on dissolution or liquidation

Upon final dissolution or liquidation of the corporation, and after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation may be distributed in accordance with the determination of the board of directors of the corporation and in compliance with the bylaws of the corporation and all Federal and State laws applicable thereto. Such distribution shall be consistent with the purposes of the corporation.

(Pub. L. 88–376, § 15, July 14, 1964, 78 Stat. 324.)

§ 4516. Acquisition of assets and liabilities of existing association

The corporation may and shall acquire all of the assets of the existing unincorporated organization known as the National Committee on Radiation Protection and Measurements, subject to any liabilities and obligations of the said organization.

(Pub. L. 88–376, § 16, July 14, 1964, 78 Stat. 324.)

§ 4517. Reservation of right to amend or repeal chapter

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

(Pub. L. 88–376, § 17, July 14, 1964, 78 Stat. 324.)

CHAPTER 78—NATIONAL TROPICAL BOTANICAL GARDEN

Sec.
4601. Corporation created.
4602. Completion of organization.
4603. Objects and purposes of corporation.
4604. Powers of corporation.
4605. Board of trustees.
(a) Initial board.
(b) Selection; tenure.
(c) Duties.
4606. Officers.
4607. Principal office; territorial scope of activities; agent for service of process.
4608. Membership; voting rights.
4609. Liability for acts of officers and agents.
4610. Audit of financial transactions.
4611. Books and records; inspection.
4612. Prohibition against issuance of stock or payment of dividends.
4613. Distribution of income or assets to members; loans.
4614. Use of assets on dissolution or liquidation.
4615. Nonpolitical nature of corporation.
4616. Exclusive right to name.
4617. Reservation of right to amend or repeal chapter.

§ 4601. Corporation created

The following persons: Henry Francis duPont, Winterthur, Delaware; Deane Waldo Malott, Ithaca, New York; Horace Marden Albright, Los Angeles, California; Robert Allerton, Kauai, Hawaii; and Paul Bigelow Sears, New Haven, Connecticut; and their successors, are hereby created and declared to be a body corporate by the name of National Tropical Botanical Garden (hereinafter referred to as the ''corporation'') and by such name shall be known and have perpetual succession and the powers, limitations, and restriction herein contained.

(Pub. L. 88–449, § 1, Aug. 19, 1964, 78 Stat. 496; Pub. L. 100–539, § 1, Oct. 28, 1988, 102 Stat. 2718.)

AMENDMENTS

1988—Pub. L. 100–539 substituted ''National Tropical Botanical Garden'' for ''Pacific Tropical Botanical Garden''.

CHANGE OF NAME

Section 1 of Pub. L. 100–539 provided that: ''Upon the enactment of this Act, the Pacific Tropical Botanical Garden, created by the Act entitled 'An Act to charter by Act of Congress the Pacific Tropical Botanical Garden', approved August 19, 1964 (Public Law 88–449; 78 Stat. 496) [36 U.S.C. 4601 et seq.], shall be known as the 'National Tropical Botanical Garden', and any reference in that Act to the Pacific Tropical Botanical Garden shall be deemed to be a reference to the National Tropical Botanical Garden.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4602 of this title.

§ 4602. Completion of organization

The persons named in section 4601 of this title shall be the incorporators of the corporation and members of the initial board of trustees and are authorized to complete the organization of the corporation by the selection of other trustees and officers, the adoption of bylaws, not inconsistent with this chapter, and the doing of such other acts necessary to carry into effect the provisions of this chapter.

(Pub. L. 88–449, § 2, Aug. 19, 1964, 78 Stat. 496.)

§ 4603. Objects and purposes of corporation

The objects and purposes of the corporation shall be—

(a) to establish, develop, operate, and maintain for the benefit of the people of the United States an educational and scientific center in the form of a tropical botanical garden or gardens, together with such facilities as libraries, herbaria, laboratories, and museums which are appropriate and necessary for encouraging and conducting research in basic and applied tropical botany;

(b) to foster and encourage fundamental research with respect to tropical plant life and to encourage research and study of the uses of tropical flora in agriculture, forestry, horticulture, medicine, and other sciences;

(c) to disseminate through publications and other media the knowledge acquired at the gardens relative to basic and applied tropical botany;

(d) to collect and cultivate tropical flora of every nature and origin and to preserve for the people of the United States species of tropical plant life threatened with extinction; [1]

(e) to provide a beneficial facility which will contribute to the education, instruction, and recreation of the people of the United States.

(Pub. L. 88–449, § 3, Aug. 19, 1964, 78 Stat. 496.)

§ 4604. Powers of corporation

The corporation shall have the following powers:

(a) to sue and be sued, and to complain and defend in any court of competent jurisdiction;

(b) to adopt, use, and alter a corporate seal;

(c) to choose such trustees, officers, managers, agents, and employees as the activities of the corporation may require;

(d) to adopt, amend, and alter bylaws, not inconsistent with the laws of the United States of America or of any State in which the corporation is to operate, or of the District of Columbia, for the management of its property and the regulation of its affairs;

(e) to make contracts;

(f) to take and hold by lease, gift, purchase, grant, devise, or bequest, or by any other method, any property, real, personal, or mixed, necessary or proper for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of law of any State or the District of Columbia (1) governing the amount or kind of such property which may be held by, or (2) otherwise limiting or controlling the ownership or any such property by a corporation operating in such State or the District of Columbia;

(g) to transfer, convey, lease, sublease, mortgage, encumber, and otherwise alienate real, personal, or mixed property; and [1]

(h) to borrow money for the purposes of the corporation, issue bonds or other evidences of indebtedness therefor, and secure the same by mortgage, deed of trust, pledge, or otherwise, subject in every case to all applicable provisions of the Federal and State laws or to the laws of the District of Columbia; and

(i) to do any and all acts and things necessary and proper to carry out the objects and purposes of the corporation.

(Pub. L. 88–449, § 4, Aug. 19, 1964, 78 Stat. 497.)

§ 4605. Board of trustees

(a) Initial board

Upon enactment of this chapter, the trustees of the corporation may select additional persons to serve as members of the board of trustees. The incorporators of the corporation shall each serve on the board of trustees for a term of at least three years.

(b) Selection; tenure

Except for the foregoing provision, the board of trustees of the corporation shall be selected in such manner and shall serve for such time as may be prescribed in the bylaws of the corporation.

(c) Duties

The board of trustees shall be the managing body of the corporation and shall have such powers, duties, and responsibilities as may be prescribed in the bylaws of the corporation.

(Pub. L. 88–449, § 5, Aug. 19, 1964, 78 Stat. 497; Pub. L. 92–447, Sept. 29, 1972, 86 Stat. 746.)

AMENDMENTS

1972—Subsec. (a). Pub. L. 92–447 struck out after first sentence ''The total number of trustees shall not exceed fifteen.''

§ 4606. Officers

(a) The officers of the corporation shall be a president, one or more vice presidents, a secretary, a treasurer, and such other officers as may be authorized by the bylaws of the corporation.

(b) The officers of the corporation shall be elected in such manner and for such terms and with such duties as may be prescribed in the bylaws of the corporation.

(Pub. L. 88–449, § 6, Aug. 19, 1964, 78 Stat. 497.)

§ 4607. Principal office; territorial scope of activities; agent for service of process

(a) The corporation initially shall have its principal office in the District of Columbia and later at such place as may be determined by the board of trustees. The corporation shall have the right to conduct its activities in the United States and elsewhere but shall establish a tropical botanical garden or gardens only in the United States. For purposes of this subsection, the term ''United States'' includes any commonwealth, territory, or possession of the United States.

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

[1] So in original. Probably should be followed by ''and''.

[1] So in original. The word ''and'' probably should not appear.

(Pub. L. 88–449, § 7, Aug. 19, 1964, 78 Stat. 498; Pub. L. 100–539, § 2, Oct. 28, 1988, 102 Stat. 2718.)

AMENDMENTS

1988—Subsec. (a). Pub. L. 100–539 inserted sentence at end defining ''United States''.

§ 4608. Membership; voting rights

(a) Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this chapter, be determined as the constitution and bylaws of the corporation may provide.

(b) Each member of the corporation, other than honorary and associate members, shall have the right to one vote on each matter submitted to a vote at all meetings of the members of the corporation.

(Pub. L. 88–449, § 8, Aug. 19, 1964, 78 Stat. 498.)

§ 4609. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Pub. L. 88–449, § 9, Aug. 19, 1964, 78 Stat. 498.)

§ 4610. Audit of financial transactions

(a) The accounts of the corporation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such audit shall be made by the corporation to the Congress not later than six months following the close of the fiscal year for which the audit is made. The report shall set forth the scope of the audit and include such statements, together with the independent auditor's opinion of those statements, as are necessary to present fairly the corporation's assets and liabilities, surplus or deficit with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the corporation's income and expenses during the year including (1) the results of any trading, manufacturing, publishing, or other commercial-type endeavor carried on by the corporation, and (2) a schedule of all contracts requiring payments in excess of $10,000 and any payments of compensation, salaries, or fees at a rate in excess of $10,000 per annum. The report shall not be printed as a public document.

(Pub. L. 88–449, § 10, Aug. 19, 1964, 78 Stat. 498.)

§ 4611. Books and records; inspection

The corporation shall keep correct and complete books and records of account. It shall also keep minutes of the proceedings of its board of trustees, and committees having any of the authority of the board of trustees. The corporation shall also keep at its principal office a record of the names and addresses of its members entitled to vote.

All books and records of the corporation shall be open for inspection by any member of the corporation or his agent or attorney for any proper purpose at any reasonable time.

(Pub. L. 88–449, § 11, Aug. 19, 1964, 78 Stat. 499.)

§ 4612. Prohibition against issuance of stock or payment of dividends

The corporation shall have no power to issue shares of stock or to declare or pay dividends.

(Pub. L. 88–449, § 12, Aug. 19, 1964, 78 Stat. 499.)

§ 4613. Distribution of income or assets to members; loans

(a) No part of the income or assets of the corporation shall inure to any member, officer, or trustee, or be distributable to any such person during the life of the corporation or upon dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of reasonable compensation to officers of the corporation in amounts approved by the board of trustees of the corporation.

(b) The corporation shall not make loans to its officers, trustees, or employees. Any trustee who votes for or assents to the making of a loan to an officer, trustee, or employee of the corporation, and any officer who participates in the making of such loan, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

(Pub. L. 88–449, § 13, Aug. 19, 1964, 78 Stat. 499.)

§ 4614. Use of assets on dissolution or liquidation

Upon dissolution or final liquidation of the corporation, all assets remaining after the corporation's liabilities have been satisfied, shall be distributed to the United States Government, to be administered by the Secretary of the Interior, under the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented, or to a State or local government to be used for a public purpose, in accordance with the determination of the board of trustees, consistent with the purposes of the corporation, and in compliance with the charter and bylaws of the corporation and Federal and State laws.

(Pub. L. 88–449, § 14, Aug. 19, 1964, 78 Stat. 499.)

REFERENCES IN TEXT

Act of August 25, 1916, referred to in text, is act Aug. 25, 1916, ch. 408, 39 Stat. 535, as amended, popularly known as the National Park Service Organic Act, which is classified generally to sections 1, 2, 3, and 4 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1 of Title 16 and Tables.

§ 4615. Nonpolitical nature of corporation

The corporation, and its officers and trustees as such, shall not contribute to or otherwise support or assist any political party or candidate for elective public office.

(Pub. L. 88–449, § 15, Aug. 19, 1964, 78 Stat. 499.)

§ 4616. Exclusive right to name

The corporation shall have the sole and exclusive right to use and to authorize the use of the name ''National Tropical Botanical Garden.''

(Pub. L. 88–449, § 16, Aug. 19, 1964, 78 Stat. 499; Pub. L. 100–539, § 1, Oct. 28, 1988, 102 Stat. 2718.)

AMENDMENTS

1988—Pub. L. 100–539 substituted ''National Tropical Botanical Garden'' for ''Pacific Tropical Botanical Garden''.

§ 4617. 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. 88–449, § 17, Aug. 19, 1964, 78 Stat. 499.)

CHAPTER 79—THEODORE ROOSEVELT ASSOCIATION

Sec.
4701. Corporation created.
4702. Name and powers of corporation.
4703. Purpose of corporation.
4704. Board of trustees; powers.
4705. Prohibition against issuance of stock or payment of dividends.
4706. Reservation of right to amend or repeal chapter.
4707. Consolidation.

§ 4701. Corporation created

Lawrence F. Abbott, Lyman Abbott, Carl E. Akeley, Earl Akers, Henry J. Allen, Joseph W. Alsop, Charles W. Anderson, Jacob L. Babler, Charles S. Barrett, John Barrett, E. C. Bartlett, R. Livingston Beeckman, Albert J. Beveridge, William C. Bobbs, Charles J. Bonaparte, Evangeline Booth, Desha Breckenridge, Henri Brown, J. A. A. Burnquist, John Burroughs, Marion LeRoy Burton, Kenyon L. Butterfield, William P. Bynum, Thomas E. Campbell, Robert D. Carey, Irving A. Caswell, Thomas L. Chadbourne, Robert R. Church, junior, Ernest F. Cochran, William W. Cocks, Henry Waldo Coe, Russell J. Coles, Austen Colgate, Frederick L. Collins, E. C. Converse, Willis C. Cook, George B. Cortelyou, O. W. Coursey, William H. Cowles, John S. Cravens, Thomas J. Crittenden, H. P. Cross, Walter Damrosch, S. C. Dell, Cleveland H. Dodge, T. Coleman du Pont, Milton H. Esberg, Albert B. Fall, Sylvanus M. Ferris, Simeon D. Fess, John H. Finley, William S. Fleming, Charles W. Folds, Rufus E. Foster, Lyman J. Gage, Thomas Frank Gailor, James A. Gallivan, Halbert P. Gardner, James R. Garfield, Arthur L. Garford, Nelson H. Gay, James W. Gerard, James Gibbons, Mary A. Gibson, Will H. Gibson, William Ball Gilbert, William A. Glasgow, junior, Martin H. Glynn, George W. Goethals, Frank R. Gooding, James P. Goodrich, Theodore F. Green, John C. Greenway, Lloyd C. Griscom, Frank W. Gunsaulus, Hermann Hagedorn, Grant P. Hall, Edward J. Hanna, Ole Hanson, Chester Harding, Judson Harmon, B. F. Harris, Albert Bushnell Hart, George Harvey, James H. Hawley, Will H. Hays, George C. Hazelett, A. T. Hert, Frederick C. Hicks, Frank J. Hogan, Elon H. Hooker, O. K. Houck, Clark Howell, R. B. Howell, William Dean Howells, Charles E. Hughes, Arthur M. Hyde, Harold L. Ickes, William P. Jackson, Alfred J. Johnson, Hiram W. Johnson, Lewis Y. Johnson, Otto H. Kahn, Frank B. Kellogg, George N. Keniston, William S. Kenyon, Henry W. Kiel, John T. King, Paul H. King, Earle S. Kinsley, Irwin R. Kirkwood, Frank Knox, Philander C. Knox, Florence Bayard La Farge, Alexander Lambert, Franklin K. Lane, Albert D. Lasker, John N. Lightbourn, Curtis H. Lindley, Henry D. Lindsley, Colin H. Livingstone, Henry Cabot Lodge, William Loeb, junior, Pierre Lorillard, junior, S. H. Love, Frank O. Lowden, A. Lawrence Lowell, Anna Maud Lyon, William McAdoo, C. N. McArthur, Charles Wylie McClure, J. M. McCormick, Ruth Hanna McCormick, Henry B. McCoy, W. N. McGill, James J. McGraw, Gavin McNab, C. H. McNider, Henry F. MacGregor, Norman E. Mack, Clarence H. Mackay, William T. Manning, T. Frank Manville, Thomas A. Marlow, Victor H. Metcalf, Herman A. Metz, Charles R. Miller, C.P.J. Mooney, J. H. Morron, Dwight W. Morrow, Robert R. Moton, Guy Murchie, Michael J. Murray, Truman H. Newberry, Samuel D. Nicholson, Lewis Nixon, John I. Nolan, Peter Norbeck, Alton B. Parker, John M. Parker, Thomas Patterson, F. S. Peabody, George Wharton Pepper, Leroy Percy, George W. Perkins, Gifford Pinchot, Samuel Platt, Miles Poindexter, Jeter C. Pritchard, Mason F. Prosser, William H. Putnam, R. Lansing Ray, C. F. Reavis, Elisabeth Mills Reid, H. L. Remmel, Rush Rhees, Raymond Robins, Prescott W. Robinson, Elihu Root, John C. Rose, Julius Rosenwald, Erskine M. Ross, John A. Sargent, Charles Scribner, Mary Frances Severance, William W. Sewall, John C. Shaffer, Leslie M. Shaw, Louis P. Sheldon, Harry F. Sinclair, Thomas F. Smith, M. P. Snyder, William C. Sproul, William Spry, Frank C. Steinhart, William D. Stephens, Percy S. Stephenson, Philip B. Stewart, Henry L. Stimson, Marshall Stimson, Warren S. Stone, Oscar S. Strauss, Mark Sullivan, Patrick Sullivan, J. T. Swift, William Howard Taft, Joseph O. Thompson, William Boyce Thompson, John W. Towle, Wallace Townsend, William J. Tully, George Turner, R. E. Twitchell, Grace Vanderbilt, George H. Vincent, Harriet E. Vittum, Aug. H. Vogel, Henry C. Wallace, Zeb V. Walser, T. H. Wannamaker, David Warfield, Charles B. Warren, Henry Watterson, Benjamin Ide Wheeler, Henry J. Whigham, Wallace H. White, junior, Albert H. Wiggin, James Wilson, Leonard Wood, Luke E. Wright, William Wrigley, junior, and Robert J. Wynne, their associates and successors, are hereby created a body corporate and politic in the District of Columbia.

(May 31, 1920, ch. 216, § 1, 41 Stat. 691.)

§ 4702. Name and powers of corporation

The name of this corporation shall be Theodore Roosevelt Association, and by that name it shall have perpetual succession, with power to sue and be sued in courts of law and equity within the jurisdiction of the United States; to hold such real and personal estate as shall be necessary for its corporate purposes, and to receive real and personal property by gift, devise, or be-

quest; to give and dedicate such property to public agencies and purposes; to adopt a seal and the same to alter at pleasure; to hold its corporate meetings within or without the District of Columbia, as the board of trustees of the corporation shall determine; to have offices and conduct its business affairs within or without the District of Columbia, and in the several States, Territories, and possessions of the United States; to make and adopt a constitution, by-laws, rules, and regulations not inconsistent with the laws of the United States of America, or any State thereof, and generally to do all such acts and things as may be necessary to carry into effect the provisions of this chapter and promote the purposes of said corporation.

(May 31, 1920, ch. 216, § 2, 41 Stat. 692; May 21, 1953, ch. 63, § 1, 67 Stat. 27.)

AMENDMENTS

1953—Act May 21, 1953, substituted ''Theodore Roosevelt Association'' for ''Roosevelt Memorial Association''.

CHANGE OF NAME

Section 2 of act May 21, 1953, provided that: ''Any law heretofore enacted by the Congress and now in effect which refers to said Roosevelt Memorial Association shall hereafter be deemed to refer to such Association by its new name, Theodore Roosevelt Association.''

§ 4703. Purpose of corporation

The purpose of this corporation shall be to perpetuate the memory of Theodore Roosevelt for the benefit of the people of the United States of America and of the world, and to that end, but without restriction to the objects enumerated below, to solicit, receive, hold, and maintain a fund or funds, and to apply the principal thereof and income therefrom to any one or more of the following objects:

(1) The erection and maintenance of a suitable and adequate monumental memorial in the city of Washington, District of Columbia, to the memory of Theodore Roosevelt;

(2) The acquisition, development, and maintenance of a public park in memory of Theodore Roosevelt in the town of Oyster Bay, New York;

(3) The establishment and maintenance of an endowment fund to promote the development and application of the policies and ideals of Theodore Roosevelt for the benefit of the American people.[1]

(4) The donation of real and personal property, including part or all of its endowment fund, to a public agency or public agencies for the purpose of preserving in public ownership historically significant properties associated with the life of Theodore Roosevelt.

(May 31, 1920, ch. 216, § 3, 41 Stat. 693; July 25, 1962, Pub. L. 87–547, § 6, 76 Stat. 217.)

AMENDMENTS

1962—Par. (4). Pub. L. 87–547 added par. (4).

§ 4704. Board of trustees; powers

The property and affairs of the corporation shall be managed and directed by a self-perpetuating board of trustees. The following-named persons shall constitute the first board of trustees: Lawrence Abbott, Henry J. Allen, Joseph W. Alsop, Charles W. Anderson, R. Livingston Beeckman, Austen Colgate, E. C. Converse, John S. Cravens, T. Coleman du Pont, John H. Finley, James R. Garfield, Mrs. Frank A. Gibson, James P. Goodrich, Lloyd C. Griscom, Hermann Hagedorn, Judson Harmon, George Harvey, Will H. Hays, A. T. Hert, Frederick C. Hicks, Elon H. Hooker, Charles E. Hughes, Hiram W. Johnson, Otto H. Kahn, Frank B. Kellogg, Irwin R. Kirkwood, Mrs. C. Grant La Farge, Franklin K. Lane, Henry D. Lindsley, Henry Cabot Lodge, William Loeb, junior, Mrs. Medill McCormick, James J. McGraw, Clarence H. Mackay, Dwight W. Morrow, George W. Perkins, Gifford Pinchot, Mrs. Whitelaw Reid, Raymond Robins, Elihu Root, Julius Rosenwald, Mrs. C. A. Severance, Harry F. Sinclair, Philip B. Stewart, Henry L. Stimson, Warren S. Stone, Oscar S. Straus, Mark Sullivan, William Boyce Thompson, Henry C. Wallace, Albert H. Wiggin, Luke E. Wright, William Wrigley, junior, and Leonard Wood.

The board of trustees shall have the power to adopt from time to time a constitution, by-laws, rules, and regulations for the selection of their successors, for the admission to membership in the corporation, for the election of officers of the corporation, and in general for the conduct of the affairs of the corporation, and may alter, amend, or repeal the same.

(May 31, 1920, ch. 216, § 4, 41 Stat. 693.)

§ 4705. Prohibition against issuance of stock or payment of dividends

Said corporation will have no power to issue certificates of stock or to declare or pay dividends, but it is organized and shall be operated exclusively for educational purposes, and no part of its earnings, income, or funds will inure to the benefit of any member or individual.

(May 31, 1920, ch. 216, § 5, 41 Stat. 693.)

§ 4706. Reservation of right to amend or repeal chapter

Congress shall have the right to repeal, alter, or amend this chapter at any time.

(May 31, 1920, ch. 216, § 6, 41 Stat. 694.)

§ 4707. Consolidation

This corporation shall have the power at any time to consolidate with Women's Theodore Roosevelt Memorial Association, Incorporated, a nonstock and nonprofit corporation organized and existing under the New York membership corporations law, so as to form a single surviving corporation which shall be this corporation. The corporate entity, existence and name of this corporation shall continue unchanged after the consolidation.

The consolidation shall not be effected unless the agreement for consolidation is approved by act of the trustees of this corporation, who shall be the members of the corporation entitled to vote with respect to consolidation.

Such trustees may act on any question respecting the consolidation by a resolution adopted by two-thirds of those present at any

[1] So in original. The period probably should be ''; and''.

meeting of the board of trustees at which a quorum of ten is present. Written notice of the time, place, and purposes of such meeting shall be sent to each trustee at his last known address appearing on the books of the corporation by first-class mail, postage prepaid, at least ten days prior to the meeting.

The consolidation shall be effected in the manner prescribed in this section and in the New York membership corporations law and shall become effective when a certificate of consolidation is filed pursuant to said law.

(May 31, 1920, ch. 216, § 7, as added Mar. 29, 1956, ch. 102, 70 Stat. 60.)

CHAPTER 80—82ND AIRBORNE DIVISION ASSOCIATION, INC.

Sec.
4801. Recognition as corporation and grant of Federal charter.
4802. Powers of corporation.
4803. Objects and purposes of corporation.
4804. Service of process.
4805. Membership.
4806. Board of directors.
4807. Officers.
4808. Restrictions.
(a) Distribution of income or assets to members.
(b) Loans.
(c) Political activities.
(d) Issuance of stock; dividends.
(e) Claim of approval or authorization.
4809. Liability for acts of officers and agents.
4810. Books and records; inspection.
4811. Annual report.
4812. Reservation of right to amend or repeal chapter.
4813. ''State'' defined.
4814. Tax-exempt status.
4815. Failure to comply with restrictions or provisions.

§ 4801. Recognition as corporation and grant of Federal charter

The 82nd Airborne Division Association, Incorporated, a nonprofit corporation organized under the laws of the State of Illinois, is recognized as such and is granted a Federal charter.

(Pub. L. 101–510, div. A, title XVI, § 1601, Nov. 5, 1990, 104 Stat. 1736.)

§ 4802. Powers of corporation

The 82nd Airborne Division Association, Incorporated (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 or States in which it is incorporated and subject to the laws of such State or States.

(Pub. L. 101–510, div. A, title XVI, § 1602, Nov. 5, 1990, 104 Stat. 1736.)

§ 4803. Objects and purposes of corporation

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

(1) perpetuating the memory of members of the 82nd Airborne Division who fought and died for this Nation;

(2) furthering the common bond between retired and active members of the 82nd Airborne Division;

(3) providing educational assistance in the form of college scholarships and grants to the qualified children of current and former members of the 82nd Airborne Division;

(4) promoting civic and patriotic activities; and

(5) promoting the indispensable role of airborne defense to the national security of the United States.

(Pub. L. 101–510, div. A, title XVI, § 1603, Nov. 5, 1990, 104 Stat. 1736.)

§ 4804. Service of process

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

(Pub. L. 101–510, div. A, title XVI, § 1604, Nov. 5, 1990, 104 Stat. 1737.)

§ 4805. Membership

(a) Subject to subsection (b) of this section, 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.

(b) Terms of membership and requirements for holding office within the corporation shall not discriminate on the basis of race, color, national origin, sex, religion, or handicapped status.

(Pub. L. 101–510, div. A, title XVI, § 1605, Nov. 5, 1990, 104 Stat. 1737.)

§ 4806. Board of directors

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 shall be in conformity with the laws of the State or States in which it is incorporated.

(Pub. L. 101–510, div. A, title XVI, § 1606, Nov. 5, 1990, 104 Stat. 1737.)

§ 4807. Officers

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 shall be in conformity with the laws of the State or States in which it is incorporated.

(Pub. L. 101–510, div. A, title XVI, § 1607, Nov. 5, 1990, 104 Stat. 1737.)

§ 4808. 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 and 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) Political activities

The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) Issuance of stock; dividends

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

(e) Claim of approval or authorization

The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

(Pub. L. 101–510, div. A, title XVI, § 1608, Nov. 5, 1990, 104 Stat. 1737.)

§ 4809. Liability for acts of officers and agents

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

(Pub. L. 101–510, div. A, title XVI, § 1609, Nov. 5, 1990, 104 Stat. 1737.)

§ 4810. 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. 101–510, div. A, title XVI, § 1610, Nov. 5, 1990, 104 Stat. 1737.)

§ 4811. Annual report

The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the time as the report of the audit of the corporation required by section 1102 of this title. The report shall not be printed as a public document.

(Pub. L. 101–510, div. A, title XVI, § 1612, Nov. 5, 1990, 104 Stat. 1738.)

§ 4812. Reservation of right to amend or repeal chapter

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

(Pub. L. 101–510, div. A, title XVI, § 1613, Nov. 5, 1990, 104 Stat. 1738.)

§ 4813. "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. 101–510, div. A, title XVI, § 1614, Nov. 5, 1990, 104 Stat. 1738.)

§ 4814. Tax-exempt status

The corporation shall maintain its status as an organization exempt from taxation as provided in title 26.

(Pub. L. 101–510, div. A, title XVI, § 1615, Nov. 5, 1990, 104 Stat. 1738.)

§ 4815. Failure to comply with restrictions or provisions

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

(Pub. L. 101–510, div. A, title XVI, § 1616, Nov. 5, 1990, 104 Stat. 1738.)

CHAPTER 81—AMERICAN HOSPITAL OF PARIS

Sec.
4901. Corporation created.
4902. Powers of corporation.
4903. Design and purpose of corporation.
4904. Board of governors; principal office.
4905. Composition of initial board.
4906. Completion of organization; officers; tenure.
4907. Duties of board.
4908. Quorum requirement.
4909. Duration of corporation.
4910. Reservation of right to amend or repeal chapter.

§ 4901. Corporation created

John H. Harjes, John J. Hoff, H. H. Harjes, Henry Cachard, S. F. B. Biddle, W. S. Dalliba, Doctor Edmund L. Gros, Leopold Huffer, Doctor A. J. Magnin, Frank H. Mason, J. Pierpont Morgan, F. W. Sharon, H. A. van Bergen, Doctor Crosby Whitman, and such persons as shall or may hereafter associate with them and in such manner and upon such terms as shall be specified in the by-laws of this corporation, are hereby ordained, constituted, and declared a body corporate in fact and in name in the District of Columbia, by the name and style of the American Hospital of Paris.

(Jan. 30, 1913, ch. 21, § 1, 37 Stat. 654.)

EFFECTIVE DATE

Section 11 of act Jan. 30, 1913 provided: ''That this Act [enacting this chapter] shall take effect immediately.''

§ 4902. Powers of corporation

The said corporation is authorized to take by purchase, gift, grant, devise, and bequest, and to hold, mortgage, lease, transfer, and convey, for the purposes of the said corporation, any real and personal property in the United States of America and in France as may be deemed necessary for the wants or development of the corporation or any of them.

(Jan. 30, 1913, ch. 21, § 2, 37 Stat. 654; June 14, 1929, ch. 23, 46 Stat. 11; Oct. 1, 1965, Pub. L. 89–231, § 1, 79 Stat. 901.)

AMENDMENTS

1965—Pub. L. 89–231 struck out before period at end "; *Provided*, That the total value of the property owned at any one time by the said corporation shall not exceed $8,000,000".

1929—Act June 14, 1929 increased property limitation in proviso from two million to eight million dollars.

§ 4903. Design and purpose of corporation

It shall be the design and purpose of said corporation to establish, maintain, and conduct in the city of Paris, Republic of France, or in its vicinity, a hospital to furnish, gratuitously or otherwise, medical and surgical aid and care to the citizens of the United States of America, and it shall be lawful for the said corporation to demand and receive a reasonable compensation for such care, sustenance, professional treatment, and other services; and all moneys so received shall be applied to the uses and benefits of the said corporation.

(Jan. 30, 1913, ch. 21, § 3, 37 Stat. 654.)

§ 4904. Board of governors; principal office

The direction and management of the affairs of the said corporation shall be vested in a board of governors composed of not less than twelve members. The principal office of the corporation shall be located in the District of Columbia, but offices may be maintained and the meetings of the board of governors and committees held elsewhere.

(Jan. 30, 1913, ch. 21, § 4, 37 Stat. 655; Apr. 12, 1974, Pub. L. 93–266, § 1(a), 88 Stat. 85.)

AMENDMENTS

1974—Pub. L. 93–266 struck out "nor more than twenty" after "twelve".

§ 4905. Composition of initial board

The following persons shall, until the first annual election, be held to constitute the first board of governors: John H. Harjes, John J. Hoff, H. H. Harjes, Henry Cachard, S. F. B. Biddle, W. S. Dalliba, Doctor Edmund L. Gros, L. Huffer, Doctor A. J. Magnin, Frank H. Mason, J. Pierpont Morgan, F. W. Sharon, H. A. van Bergen, and Doctor Crosby Whitman. In case any of the above-named persons shall decline to serve or be ineligible, the vacancy or vacancies may be filled by the remaining governors, and any governor shall be eligible for reelection.

(Jan. 30, 1913, ch. 21, § 5, 37 Stat. 655.)

§ 4906. Completion of organization; officers; tenure

As soon as practicable after January 30, 1913, the said board shall organize and shall, by ballot, elect from the members of the board a president, a vice president, a secretary, and a treasurer, who shall hold their respective offices until the annual meeting in the year nineteen hundred and thirteen. At such meeting for organization the said board shall by lot divide into three classes of equal numbers. The term of office of the first class shall continue until the annual meeting in the year nineteen hundred and fourteen; that of the second class until the annual meeting in the year nineteen hundred and fifteen; and that of the third class until the annual meeting in the year nineteen hundred and sixteen. At the expiration of the term of each class as aforesaid, governors shall be elected by said corporation, at its annual meeting, to fill the same, who shall hold office for the term of three years then next ensuing or until their successors shall be chosen. And at each succeeding annual election thereafter members of said board of governors shall be so elected for said term to fill the class then becoming vacant as aforesaid.

(Jan. 30, 1913, ch. 21, § 6, 37 Stat. 655; Apr. 12, 1974, Pub. L. 93–266, § 1(b), 88 Stat. 85.)

AMENDMENTS

1974—Pub. L. 93–266 struck out "an equal number of" before "governors" in penultimate sentence and "members" in last sentence.

§ 4907. Duties of board

The said board of governors shall have power to conduct and manage all the business and concerns of the said corporation; to fill, until the next annual election thereafter, any vacancy in the board occasioned by death, resignation, or otherwise; and to appoint such attending and resident physicians and surgeons, agents, assistants, and attendants as may be necessary, to fix their compensation, and to discharge them; to make such by-laws as may be necessary and proper and not contrary to law, relative to elections and meetings, the qualifications and duties of governors and officers, the admission and qualifications of members, the management and disposition of the estate, business, and concerns of the said corporation, and to alter or to amend the same.

(Jan. 30, 1913, ch. 21, § 7, 37 Stat. 655.)

§ 4908. Quorum requirement

Five governors shall be a quorum for the transaction of all business, except the sale or alienation of any of the real or personal estate of the said corporation, or the leasing of any real estate thereof for a longer term than one year, for which purposes or any of them the consent of a majority of the said board shall be necessary.

(Jan. 30, 1913, ch. 21, § 8, 37 Stat. 655.)

§ 4909. Duration of corporation

This charter shall continue in perpetuity.

(Jan. 30, 1913, ch. 21, § 9, 37 Stat. 655; Sept. 19, 1962, Pub. L. 87–673, 76 Stat. 557; Oct. 1, 1965, Pub. L. 89–231, § 2, 79 Stat. 901.)

AMENDMENTS

1965—Pub. L. 89–231 struck out before period at end "; *Provided*, That at no time shall said corporation hold real estate except for the necessary use of office and hospital purposes of said hospital", and was executed by striking the quoted material which in the original contained the word "offices" rather than "office".

1962—Pub. L. 87–673 substituted "in perpetuity" for "for the term of fifty years".

§ 4910. Reservation of right to amend or repeal chapter

This chapter shall be subject to alterations, amendment, or repeal.

(Jan. 30, 1913, ch. 21, § 10, 37 Stat. 655.)

CHAPTER 82—MILITARY ORDER OF THE WORLD WARS

Sec.
5001. Recognition as corporation and grant of Federal charter.
5002. Powers of corporation.
5003. Objects and purposes of corporation.
5004. Service of process.
5005. Membership.
5006. Board of directors.
5007. Officers.
5008. Prohibition on discrimination.
5009. Restrictions.
(a) Distribution of income or assets to members.
(b) Loans.
(c) Issuance of stock; dividends.
(d) Claim of approval or authorization.
5010. Liability for acts of officers and agents.
5011. Books and records.
5012. Annual report.
5013. Reservation of right to amend or repeal chapter.
5014. Tax-exempt status.
5015. Failure to comply with restrictions or provisions.
5016. ''State'' defined.

§ 5001. Recognition as corporation and grant of Federal charter

The Military Order of the World Wars, a nonprofit corporation organized under the laws of the District of Columbia, is recognized as such and is granted a Federal charter.

(Pub. L. 102–484, div. A, title XVIII, § 1801, Oct. 23, 1992, 106 Stat. 2581.)

§ 5002. Powers of corporation

The Military Order of the World Wars (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. 102–484, div. A, title XVIII, § 1802, Oct. 23, 1992, 106 Stat. 2581.)

§ 5003. 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 the following:

(1) Promoting military service associations.

(2) Promoting patriotic education and military, naval, and air science.

(3) Defending the honor and integrity of the Federal Government and the Constitution.

(4) Fostering fraternal relations among all branches of the Armed Forces.

(5) Encouraging the adoption of a suitable policy of national security.

(6) Encouraging the commemoration of military service and the establishment of war memorials.

(Pub. L. 102–484, div. A, title XVIII, § 1803, Oct. 23, 1992, 106 Stat. 2582.)

§ 5004. 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. 102–484, div. A, title XVIII, § 1804, Oct. 23, 1992, 106 Stat. 2582.)

§ 5005. Membership

Except as provided in section 5008 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 articles of incorporation and bylaws of the corporation.

(Pub. L. 102–484, div. A, title XVIII, § 1805, Oct. 23, 1992, 106 Stat. 2582.)

§ 5006. Board of directors

Except as provided in section 5008 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. 102–484, div. A, title XVIII, § 1806, Oct. 23, 1992, 106 Stat. 2582.)

§ 5007. Officers

Except as provided in section 5008 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. 102–484, div. A, title XVIII, § 1807, Oct. 23, 1992, 106 Stat. 2582.)

§ 5008. Prohibition on discrimination

In establishing the conditions of membership in the corporation and in determining the requirements 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. 102–484, div. A, title XVIII, § 1808, Oct. 23, 1992, 106 Stat. 2582.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5005, 5006, 5007 of this title.

§ 5009. 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 or 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. 102–484, div. A, title XVIII, § 1809, Oct. 23, 1992, 106 Stat. 2582.)

§ 5010. 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. 102–484, div. A, title XVIII, § 1810, Oct. 23, 1992, 106 Stat. 2583.)

§ 5011. Books and records

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. 102–484, div. A, title XVIII, § 1811, Oct. 23, 1992, 106 Stat. 2583.)

§ 5012. Annual report

The corporation shall report annually to the Congress concerning the activities of the corporation 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. 102–484, div. A, title XVIII, § 1813, Oct. 23, 1992, 106 Stat. 2583.)

§ 5013. 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. 102–484, div. A, title XVIII, § 1814, Oct. 23, 1992, 106 Stat. 2583; amended Pub. L. 103–35, title II, § 202(a)(13), May 31, 1993, 107 Stat. 101.)

AMENDMENTS

1993—Pub. L. 103–35 made technical amendment to reference to this chapter to reflect correction of corresponding provision of original act.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103–35 applicable as if included in the enactment of Pub. L. 102–484, see section 202(b) of Pub. L. 103–35, set out as a note under section 155 of Title 10, Armed Forces.

§ 5014. 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. 102–484, div. A, title XVIII, § 1815, Oct. 23, 1992, 106 Stat. 2583.)

§ 5015. Failure to comply with restrictions or provisions

The charter granted by this chapter shall expire if the corporation fails to comply with—

(1) any restriction or other provision of this chapter;

(2) any provision of its bylaws or articles of incorporation; or

(3) any provision of the laws of the District of Columbia that apply to corporations such as the corporation recognized under this chapter.

(Pub. L. 102–484, div. A, title XVIII, § 1816, Oct. 23, 1992, 106 Stat. 2583.)

§ 5016. "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. 102–484, div. A, title XVIII, § 1817, Oct. 23, 1992, 106 Stat. 2584.)

CHAPTER 83—RETIRED ENLISTED ASSOCIATION, INCORPORATED

Sec.
5101. Recognition as corporation and grant of Federal charter.
5102. Powers of corporation.
5103. Objects and purposes of corporation.
5104. Service of process.
5105. Membership.
5106. Board of directors.
5107. Officers.
5108. Prohibition on discrimination.
5109. Restrictions.
(a) Distribution of income or assets to members.
(b) Loans.
(c) Issuance of stock; dividends.
(d) Claim of approval or authorization.
5110. Liability for acts of officers and agents.
5111. Books and records.
5112. Annual report.
5113. Reservation of right to amend or repeal chapter.
5114. Tax-exempt status.
5115. Exclusive right to names, seals, emblems, and badges.
5116. Failure to comply with restrictions or provisions.
5117. ''State'' defined.

§ 5101. Recognition as corporation and grant of Federal charter

The Retired Enlisted Association, Incorporated, a nonprofit corporation organized

under the laws of the State of Colorado, is recognized as such and is granted a Federal charter.

(Pub. L. 102–484, div. A, title XVIII, § 1821, Oct. 23, 1992, 106 Stat. 2584.)

§ 5102. Powers of corporation

The Retired Enlisted Association, Incorporated (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. 102–484, div. A, title XVIII, § 1822, Oct. 23, 1992, 106 Stat. 2584.)

§ 5103. 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 the following:

(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.

(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. 102–484, div. A, title XVIII, § 1823, Oct. 23, 1992, 106 Stat. 2584.)

§ 5104. 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. 102–484, div. A, title XVIII, § 1824, Oct. 23, 1992, 106 Stat. 2584.)

§ 5105. Membership

Except as provided in section 5108 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 articles of incorporation and bylaws of the corporation.

(Pub. L. 102–484, div. A, title XVIII, § 1825, Oct. 23, 1992, 106 Stat. 2584.)

§ 5106. Board of directors

Except as provided in section 5108 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. 102–484, div. A, title XVIII, § 1826, Oct. 23, 1992, 106 Stat. 2584.)

§ 5107. Officers

Except as provided in section 5108 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. 102–484, div. A, title XVIII, § 1827, Oct. 23, 1992, 106 Stat. 2585.)

§ 5108. Prohibition on discrimination

In establishing the conditions of membership in the corporation and in determining the requirements 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. 102–484, div. A, title XVIII, § 1828, Oct. 23, 1992, 106 Stat. 2585; Pub. L. 103–160, div. A, title XI, § 1182(c)(6), Nov. 30, 1993, 107 Stat. 1772.)

AMENDMENTS

1993—Pub. L. 103–160 substituted ''board of directors'' for ''board of the directors''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5105, 5106, 5107 of this title.

§ 5109. 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. 102–484, div. A, title XVIII, § 1829, Oct. 23, 1992, 106 Stat. 2585.)

§ 5110. 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. 102–484, div. A, title XVIII, § 1830, Oct. 23, 1992, 106 Stat. 2585.)

§ 5111. Books and records

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. 102–484, div. A, title XVIII, § 1831, Oct. 23, 1992, 106 Stat. 2585.)

§ 5112. Annual report

The corporation shall report annually to the Congress concerning the activities of the corporation 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. 102–484, div. A, title XVIII, § 1833, Oct. 23, 1992, 106 Stat. 2586.)

§ 5113. 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. 102–484, div. A, title XVIII, § 1834, Oct. 23, 1992, 106 Stat. 2586; Pub. L. 103–35, title II, § 202(a)(13), May 31, 1993, 107 Stat. 101.)

AMENDMENTS

1993—Pub. L. 103–35 made technical amendment to reference to this chapter to reflect correction of corresponding provision of original act.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103–35 applicable as if included in the enactment of Pub. L. 102–484, see section 202(b) of Pub. L. 103–35, set out as a note under section 155 of Title 10, Armed Forces.

§ 5114. 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. 102–484, div. A, title XVIII, § 1835, Oct. 23, 1992, 106 Stat. 2586.)

§ 5115. Exclusive right to names, seals, emblems, and badges

The corporation shall have the sole and exclusive right to use the names ''The Retired Enlisted Association, Incorporated'', ''The Retired Enlisted Association'', ''Retired Enlisted Association'', and ''TREA'', and such seals, emblems, and badges as the corporation may lawfully adopt. Nothing in this section may be construed to conflict or interfere with rights that are established or vested before October 23, 1992.

(Pub. L. 102–484, div. A, title XVIII, § 1836, Oct. 23, 1992, 106 Stat. 2586.)

§ 5116. Failure to comply with restrictions or provisions

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

(Pub. L. 102–484, div. A, title XVIII, § 1837, Oct. 23, 1992, 106 Stat. 2586.)

§ 5117. "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. 102–484, div. A, title XVIII, § 1838, Oct. 23, 1992, 106 Stat. 2586.)

CHAPTER 84—NATIONAL FALLEN FIREFIGHTERS FOUNDATION

Sec.
5201. Establishment and purposes of Foundation.
(a) Establishment.
(b) Purposes.
5202. Board of Directors.
(a) Establishment and membership.
(b) Appointment and terms.
(c) Vacancy.
(d) Chairman.
(e) Quorum.
(f) Meetings.
(g) General powers.
(h) Officers and employees.
5203. Rights and obligations of Foundation.
(a) In general.
(b) Seal.
(c) Powers.
5204. Administrative services and support.
5205. Volunteer status.
5206. Audits, report requirements, and petition of Attorney General for equitable relief.
(a) Audits.
(b) Report.
(c) Relief for certain Foundation acts or failures to act.
5207. Immunity of United States.

§ 5201. Establishment and purposes of Foundation

(a) Establishment

There is established the National Fallen Firefighters Foundation (hereafter in this chapter referred to as the ''Foundation''). The Foundation is a charitable and nonprofit corporation to be organized under the laws of the State of Maryland and is not an agency or establishment of the United States.

(b) Purposes

The purposes of the Foundation are—

(1) primarily to encourage, accept, and administer private gifts of property for the benefit of the National Fallen Firefighters' Memorial and the annual memorial service associated with it;

(2) to provide financial assistance to families of fallen firefighters for transportation to and lodging at non-Federal facilities during the annual memorial service;

(3) to assist State and local efforts to recognize firefighters who die in the line of duty; and

(4) to provide scholarships and other financial assistance for educational purposes and job training for the spouses and children of fallen firefighters.

(Pub. L. 102–522, title II, § 202, Oct. 26, 1992, 106 Stat. 3417.)

SHORT TITLE

Section 201 of title II of Pub. L. 102–522 provided that: ''This title [enacting this chapter and section 671a of Title 29, Labor] may be cited as the 'National Fallen Firefighters Foundation Act'.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5203, 5206 of this title.

§ 5202. Board of Directors

(a) Establishment and membership

(1) Voting members

The Foundation shall have a governing Board of Directors (hereafter in this chapter referred to as the ''Board''), which shall consist of nine voting members, of whom—

(A) one member shall be an active volunteer firefighter;

(B) one member shall be an active career firefighter;

(C) one member shall be a Federal firefighter; and

(D) six members shall have a demonstrated interest in the fire service.

(2) Nonvoting member

The Administrator of the United States Fire Administration of the Federal Emergency Management Agency (hereafter in this chapter referred to as the ''Administrator'') shall be an ex officio nonvoting member of the Board.

(3) Status of Board members

Appointment to the Board shall not constitute employment by, or the holding of an office of, the United States for the purposes of any Federal law.

(4) Compensation

Members of the Board shall serve without compensation.

(b) Appointment and terms

Within 3 months after October 26, 1992, the Administrator shall appoint the voting members of the Board. The voting members shall be appointed for terms of 6 years, except that the Administrator, in making the initial appointments to the Board, shall appoint—

(1) three members to a term of 2 years;

(2) three members to a term of 4 years; and

(3) three members to a term of 6 years.

(c) Vacancy

A vacancy on the Board shall be filled within 60 days in the manner in which the original appointment was made.

(d) Chairman

The Chairman shall be elected by the Board from its voting members for a 2-year term.

(e) Quorum

A majority of the current membership of the Board shall constitute a quorum for the transaction of business.

(f) Meetings

The Board shall meet at the call of the Chairman at least once a year. If a member of the Board misses three consecutive meetings, that individual may be removed from the Board and that vacancy filled in accordance with subsection (c) of this section.

(g) General powers

(1) Actions by the Board

The Board may complete the organization of the Foundation by—

(A) appointing no more than two officers or employees;

(B) adopting a constitution and bylaws consistent with this chapter; and

(C) undertaking other such acts as may be necessary to carry out this chapter.

(2) Limitation

Officers and employees may not be appointed until the Foundation has sufficient funds to pay for their services.

(h) Officers and employees

(1) Status

Officers and employees of the Foundation shall not be considered Federal employees, shall be appointed without regard to title 5 governing appointments in the competitive service, and may be paid without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(2) Maximum salary

No officer or employee may receive pay in excess of the annual rate of basic pay prescribed for level GS–15 of the General Schedule under section 5107 of title 5.

(Pub. L. 102–522, title II, § 203, Oct. 26, 1992, 106 Stat. 3417.)

REFERENCES IN TEXT

The provisions of title 5 governing appointments in the competitive service, referred to in subsec. (h)(1), are classified generally to section 3301 et seq. of Title 5, Government Organization and Employees.

§ 5203. Rights and obligations of Foundation

(a) In general

The Foundation—

(1) shall have perpetual succession;

(2) may conduct business throughout the several States, territories, and possessions of the United States;

(3) shall have its principal offices in the State of Maryland; and

(4) shall at all times maintain a designated agent authorized to accept service of process for the Foundation.

(b) Seal

The Foundation shall have an official seal selected by the Board which shall be judicially noticed.

(c) Powers

To carry out its purposes under section 5201 of this title, the Foundation shall have, in addition to the powers otherwise given it under this

chapter, the usual powers of a corporation acting as a trustee in the State of Maryland, including the power—

(1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein;

(2) to sue and be sued, and complain and defend itself in any court of competent jurisdiction, except that the members of the Board shall not be personally liable, except for gross negligence;

(3) unless otherwise required by the instrument of transfer, to sell, donate, lease, invest, or otherwise dispose of any property or income therefrom;

(4) to enter into contracts and other arrangements with public agencies and private organizations and persons and to make such payments as may be necessary to carry out its functions; and

(5) to do any and all acts necessary and proper to carry out the purposes of the Foundation.

(Pub. L. 102–522, title II, § 204, Oct. 26, 1992, 106 Stat. 3419.)

§ 5204. Administrative services and support

The Administrator may provide personnel, facilities, and other administrative services to the Foundation and shall require and accept reimbursements for such personnel, facilities, and services that shall be deposited in the Treasury to the credit of the appropriations then current and chargeable for the cost of providing such services. Notwithstanding any other provision of law, Federal personnel and stationery shall not be used to solicit funding for the Foundation.

(Pub. L. 102–522, title II, § 205, Oct. 26, 1992, 106 Stat. 3419.)

§ 5205. Volunteer status

The Administrator may accept, without regard to the Federal civil service classification laws, rules, or regulations, the services of the Foundation, the Board, and the officers and employees of the Board, without compensation from the United States Fire Administration, as volunteers in the performance of the functions authorized under this chapter.

(Pub. L. 102–522, title II, § 206, Oct. 26, 1992, 106 Stat. 3419.)

REFERENCES IN TEXT

The Federal civil service classification laws, referred to in text, probably should refer to civil service and classification laws. The civil service laws are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5. The classification laws are set forth in chapter 51 and subchapter III of chapter 53 of Title 5.

§ 5206. Audits, report requirements, and petition of Attorney General for equitable relief

(a) Audits

For purposes of the Act entitled ''An Act to provide for audit of accounts of private corporations established under Federal law'', approved August 30, 1964 (36 U.S.C. 1101 et seq.), the Foundation shall be treated as a private corporation established under Federal law.

(b) Report

The Foundation shall, within 4 months after the end of each fiscal year, prepare and submit to the appropriate committees of the Congress a report of the Foundation's proceedings and activities during such year, including a full and complete statement of its receipts, expenditures, and investments.

(c) Relief for certain Foundation acts or failures to act

If the Foundation—

(1) engages in, or threatens to engage in, any act, practice, or policy that is inconsistent with the purposes set forth in section 5201(b) of this title; or

(2) refuses, fails, or neglects to discharge its obligations under this chapter, or threatens to do so,

the Attorney General may petition in the United States District Court for the District of Columbia for such equitable relief as may be necessary or appropriate.

(Pub. L. 102–522, title II, § 207, Oct. 26, 1992, 106 Stat. 3420.)

REFERENCES IN TEXT

The Act entitled ''An Act to provide for audit of accounts of private corporations established under Federal law'', referred to in subsec. (a), is Pub. L. 88–504, Aug. 30, 1964, 78 Stat. 635, as amended, which is classified principally to chapter 42 (§ 1101 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

§ 5207. Immunity of United States

The United States shall not be liable for any debts, defaults, acts, or omissions of the Foundation nor shall the full faith and credit of the United States extend to any obligation of the Foundation.

(Pub. L. 102–522, title II, § 208, Oct. 26, 1992, 106 Stat. 3420.)

CHAPTER 85—NATIONAL EDUCATION ASSOCIATION OF THE UNITED STATES

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§ 5301. Corporation created

The following-named persons, who are now the officers and directors and trustees of the Na-

tional Educational Association, a corporation organized in the year eighteen hundred and eighty-six, under the Act of general incorporation of the revised statutes of the District of Columbia, namely: Nathan C. Schaeffer, Eliphalet Oram Lyte, John W. Lansinger, of Pennsylvania; Isaac W. Hill, of Alabama; Arthur J. Matthews, of Arizona; John H. Hinemon, George B. Cook, of Arkansas; Joseph O'Connor, Josiah L. Pickard, Arthur H. Chamberlain, of California; Aaron Gove, Ezekiel H. Cook, Lewis C. Greenlee, of Colorado; Charles H. Keyes, of Connecticut; George W. Twitmyer, of Delaware; J. Ormond Wilson, William T. Harris, Alexander T. Stuart, of the District of Columbia; Clem Hampton, of Florida; William M. Slaton, of Georgia; Frances Mann, of Idaho; J. Stanley Brown, Albert G. Lane, Charles I. Parker, John W. Cook, Joshua Pike, Albert R. Taylor, Joseph A. Mercer, of Illinois; Nebraska Cropsey, Thomas A. Mott, of Indiana; John D. Benedict, of Indian Territory; John F. Riggs, Ashley V. Storm, of Iowa; John W. Spindler, Jasper N. Wilkinson, A. V. Jewett, Luther D. Whittemore, of Kansas; William Henry Bartholomew, of Kentucky; Warren Easton, of Louisiana; John S. Locke, of Maine; M. Bates Stephens, of Maryland; Charles W. Eliot, Mary H. Hunt, Henry T. Bailey, of Massachusetts; Hugh A. Graham, Charles G. White, William H. Elson, of Michigan; William F. Phelps, Irwin Shepard, John A. Cranston, of Minnesota; Robert B. Fulton, of Mississippi; F. Louis Soldan, James M. Greenwood, William J. Hawkins, of Missouri; Oscar J. Craig, of Montana; George L. Towne, of Nebraska; Joseph E. Stubbs, of Nevada; James E. Klock, of New Hampshire; James M. Green, John Enright, of New Jersey; Charles M. Light, of New Mexico; James H. Canfield, Nicholas Murray Butler, William H. Maxwell, Charles R. Skinner, Albert P. Marble, James C. Byrnes, of New York; James Y. Joyner, Julius Isaac Foust, of North Carolina; Pitt Gordon Knowlton, of North Dakota; Oscar T. Corson, Jacob A. Shawan, Wells L. Griswold, of Ohio; Edgar S. Vaught, Andrew R. Hickam, of Oklahoma; Charles Carroll Stratton, Edwin D. Ressler, of Oregon; Thomas W. Bicknell, Walter Ballou Jacobs, of Rhode Island; David B. Johnson, Robert P. Pell, of South Carolina; Moritz Adelbert Lange, of South Dakota; Eugene F. Turner, of Tennessee; Lloyd E. Wolfe, of Texas; David H. Christensen, of Utah; Henry O. Wheeler, Isaac Thomas, of Vermont; Joseph L. Jarman, of Virginia; Edward T. Mathes, of Washington; T. Marcellus Marshall, Lucy Robinson, of West Virginia; Lorenzo D. Harvey, of Wisconsin; Thomas T. Tynan, of Wyoming; Cassia Patton, of Alaska; Frank H. Ball, of Porto Rico; Arthur F. Griffiths, of Hawaii; C. H. Maxson, of the Philippine Islands, and such other persons as now are or may hereafter be associted with them as officers or members of said association, are hereby incorporated and declared to be a body corporate of the District of Columbia by the name of the "National Education Association of the United States," and by that name shall be known and have perpetual succession with the powers, limitations, and restrictions herein contained.

(June 30, 1906, ch. 3929, § 1, 34 Stat. 804.)

§ 5302. Purpose and object of corporation

The purpose and object of the said corporation shall be to elevate the character and advance the interests of the profession of teaching, and to promote the cause of education in the United States. This corporation shall include the National Council of Education and the following departments, and such others as may hereafter be created by organization or consolidation, to wit: The departments, first, of superintendence; second, of normal schools; third, of elementary education; fourth, of higher education; fifth, of manual training; sixth, of art education; seventh, of kindergarten education; eighth, of music education; ninth, of secondary education; tenth, of business education; eleventh, of child study; twelfth, of physical education; thirteenth, of natural science instruction; fourteenth, of school administration; fifteenth, the library department; sixteenth, of special education; seventeenth, of Indian education; the powers and duties and the number and names of these departments and of the National Council of Education may be changed or abolished at the pleasure of the corporation as provided in its bylaws.

(June 30, 1906, ch. 3929, § 2, 34 Stat. 805.)

§ 5303. Powers of corporation

The said corporation shall further have power to have and to use a common seal, and to alter and change the same at its pleasure; to sue or to be sued in any court of the United States, or other court of competent jurisdiction; to make bylaws not inconsistent with the provisions of this chapter or of the Constitution of the United States; to take or receive, whether by gift, grant, devise, bequest, or purchase, any real or personal estate, and to hold, grant, transfer, sell, convey, hire, or lease the same for the purpose of its incorporation; to accept and administer any trust of real or personal estate for any educational purpose within the objects of the corporation; and to borrow money for its corporate purposes, issue bonds therefor, and secure the same by mortgage, deed of trust, pledge, or otherwise.

(June 30, 1906, ch. 3929, § 3, 34 Stat. 805; June 30, 1969, Pub. L. 91–37, § 1[(a)], 83 Stat. 42.)

AMENDMENTS

1969—Pub. L. 91–37 amended section generally. Prior to amendment, section read as follows: "The said corporation shall further have power to have and to use a common seal, and to alter and change the same at its pleasure, to sue or to be sued in any court of the United States, or other court of competent jurisdiction; to make by-laws not inconsistent with the provisions of this chapter or of the Constitution of the United States; to take or receive, whether by gift, grant, devise, bequest, or purchase, any real or personal estate, and to hold, grant, convey, hire, or lease the same for the purposes of its incorporation, and to accept and administer any trust of real or personal estate for any educational purpose within the objects of the corporation."

§ 5304. Tax-exempt status

All real property of the corporation within the District of Columbia, which shall be used by the corporation for the educational or other pur-

poses of the corporation as aforesaid, other than the purposes of producing income, and all personal property and funds of the corporation held, used, or invested for educational purposes aforesaid, or to produce income to be used for such purposes, shall be exempt from taxation: *Provided, however*, That this exemption shall not apply to any property of the corporation which shall not be used for or the income of which shall not be applied to the educational purposes of the corporation: *And provided further*, That the corporation shall annually file with the Secretary of Education a report in writing stating in detail the property, real and personal, held by the corporation, and the expenditure or other use or disposition of the same, or the income thereof, during the preceding year.

(June 30, 1906, ch. 3929, § 4, 34 Stat. 805; Pub. L. 96–88, title III, § 301(a)(1), title V, § 507, Oct. 17, 1979, 93 Stat. 677, 692.)

TRANSFER OF FUNCTIONS

''Secretary of Education'' substituted for ''Commissioner of Education of the United States'' pursuant to sections 301(a)(1) and 507 of Pub. L. 96–88, which are classified to sections 3441(a)(1) and 3507 of Title 20, Education, and which transferred all functions of Commissioner of Education to Secretary of Education.

§ 5305. Membership

The qualifications, classifications, rights, and obligations of members of said corporation shall be prescribed in the bylaws of the corporation.

(June 30, 1906, ch. 3929, § 5, 34 Stat. 805; June 14, 1937, ch. 336, § 1, 50 Stat. 257.)

AMENDMENTS

1937—Act June 14, 1937 amended section generally. Prior to amendment, section read as follows: ''The membership of the said corporation shall consist of three classes of members, namely, active, associate, and corresponding, whose qualifications, terms of membership, rights, and obligations shall be prescribed by the by-laws of the corporation.''

§ 5306. Officers

(a) The officers of the corporation shall be a president, one or more vice presidents, a secretary, a treasurer, a board of directors, an executive committee, and such boards, councils, committees, and other officers as shall be prescribed in the bylaws.

(b) Except as limited by this chapter, the bylaws of the corporation shall prescribe the powers, duties, terms of office, and the manner of election or appointment of the said officers, boards, councils, and committees; and the said corporation may by its bylaws make other and different provisions as to the numbers and names of the officers, boards, councils, and committees.

(June 30, 1906, ch. 3929, § 6, 34 Stat. 805; June 14, 1937, ch. 336, § 2, 50 Stat. 257; June 30, 1969, Pub. L. 91–37, § 1(b), 83 Stat. 43.)

AMENDMENTS

1969—Subsec. (a). Pub. L. 91–37, which directed the amendment of subsec. (a) by striking out ''a Board of Trustees,'', was executed by striking ''a board of trustees,'' after ''executive committee,'' to reflect the probable intent of Congress.

1937—Act June 14, 1937, amended section generally, substituting provisions authorizing corporation officers, boards, councils, and committees, and directing that corporation bylaws prescribe their powers, duties, terms of office, and manner of election or appointment, for provisions delineating officers of corporation and providing further detail into composition and method of electing or appointing a board of directors, an executive committee, and a board of trustees.

§ 5307. Permanent Fund of the National Education Association

(a) Establishment; spending or transfer limitations

The invested fund now known as the ''Permanent Fund of the National Education Association,'' shall be held in such corporation as a Permanent Fund and shall be in charge of the Executive Committee, which shall provide for the safekeeping and investment of such fund, and of all other funds which the corporation may receive by donation, bequest, or devise. No part of the principal of such Permanent Fund or its accretions shall be expended or transferred to the General Fund, except by a two-thirds vote of the Representative Assembly, after the proposed expenditure or transfer has been approved by the Executive Committee and the Board of Directors, and after printed notice of the proposed expenditure or transfer has been printed in the Journal of the National Education Association at least two months prior to the meeting of the Representative Assembly.

(b) Use of income

The income of the Permanent Fund shall be used only to meet the cost of maintaining the organization of the Association and of publishing its annual volume of Proceedings, unless the terms of the donation, bequest, or devise shall otherwise specify or the bylaws of the corporation shall otherwise provide.

(c) Secretary of Association

The Executive Committee shall elect the secretary of the Association, who shall be secretary of the Executive Committee, and shall fix the compensation and the term of his office for a period not to exceed four years.

(June 30, 1906, ch. 3929, § 7, 34 Stat. 806; June 14, 1937, ch. 336, § 3, 50 Stat. 257; June 30, 1969, Pub. L. 91–37, § 1(c), 83 Stat. 43.)

AMENDMENTS

1969—Pub. L. 91–37 amended section generally, redesignating subsecs. (b), (c), and (d) as (a), (b), and (c), respectively, and making the Executive Committee, rather than the board of trustees, in charge of the permanent fund, and striking out former subsec. (a) which made provision for the election and operation of the board of trustees to oversee the investment and safekeeping of the fund.

1937—Act June 14, 1937, amended section generally. Prior to amendment, section provided for establishment of a permanent fund, as well as spending limitations and procedures, use of fund income, payment of bills, and investment of surplus, as well as for the election of a secretary of the association and executive committee by the board of trustees.

TERMINATION OF SECTION

Section 2 of Pub. L. 91–37 provided that: ''Upon the adoption by the Representative Assembly of the Na-

tional Education Association of amended bylaws to provide for the administration of the property of the corporation and for the selection of the secretary of the Association, section 7 of the Act June 30, 1906 (34 Stat. 804) [this section], shall be of no further force and effect.'' [At its Annual Meeting convened on July 1, 1968, the National Education Association adopted a bylaw amendment transferring the duties of the Board of Trustees, including responsibility for the Permanent Fund and selection of the Secretary, to the Executive Committee.]

§ 5308. Principal office

The principal office of the said corporation shall be in the city of Washington, District of Columbia: *Provided*, That the meetings of the corporation, its officers, committees, and departments, may be held, and that its business may be transacted and an office or offices may be maintained elsewhere within the United States, as may be determined, in accordance with the by-laws.

(June 30, 1906, ch. 3929, § 8, 34 Stat. 807; June 14, 1937, ch. 336, § 4, 50 Stat. 258.)

AMENDMENTS

1937—Act June 14, 1937, which directed the amendment of this section by striking out ''by the Board of Directors, or otherwise'', was executed by striking ''by the board of directors, or otherwise'' after ''as may be determined'', to reflect the probable intent of Congress.

§ 5309. Charter

The charter, constitution, and by-laws of the National Educational Association shall continue in full force and effect until the charter granted by this chapter shall be accepted by such association at the next annual meeting of the association, and until new by-laws shall be adopted, and the present officers, directors, and trustees of said association shall continue to hold office and perform their respective duties as such until the expiration of the terms for which they were severally elected or appointed, and until their successors are elected. At such annual meeting the active members of the National Educational Association then present may organize and proceed to accept the charter granted by this chapter and adopt by-laws, to elect officers to succeed those whose terms have expired or are about to expire, and generally to organize the ''National Education Association of the United States,'' and the board of trustees of the corporation hereby incorporated shall thereupon, if the charter granted by this chapter be accepted, receive, take over, and enter into possession, custody, and management of all property, real and personal, of the corporation heretofore known as the National Educational Association, incorporated as aforesaid under the Revised Statutes of the District of Columbia, and all its rights, contracts, claims, and property of every kind and nature whatsoever; and the several officers, directors, and trustees of such last-named association, or any other person having charge of any of the securities, funds, books, or property thereof, real or personal, shall on demand deliver the same to the proper officers, directors, or trustees of the corporation hereby created: *Provided*, That a verified certificate executed by the presiding officer and secretary of such annual meeting, showing the acceptance of the charter granted by this chapter by the National Educational Association shall be legal evidence of the fact, when filed with the recorder of deeds of the District of Columbia: *And provided further*, That in the event of the failure of the association to accept the charter granted by this chapter at said annual meeting, then the charter of the National Educational Association and its corporate existence shall be, and are hereby, extended until the thirty-first day of July, nineteen hundred and eight, and at any time before said date its charter may be extended in the manner and form provided by the general corporation law of the District of Columbia.

(June 30, 1906, ch. 3929, § 9, 34 Stat. 807.)

§ 5310. Rights of creditors

The rights of creditors of the said existing corporation, known as the National Educational Association, shall not in any manner be impaired by the passage of this chapter, or the transfer of the property heretofore mentioned, nor shall any liability or obligation, or the payment of any sum due or to become due, or any claim or demand, in any manner, or for any cause existing against the said existing corporation, be released or impaired; and the corporation hereby incorporated is declared to succeed to the obligations and liabilities, and to be held liable to pay and discharge all of the debts, liabilities, and contracts of the said corporation so existing, to the same effect as if such new corporation had itself incurred the obligation or liability to pay such debt or damages, and no action or proceeding before any court or tribunal shall be deemed to have abated or been discontinued by reason of this chapter.

(June 30, 1906, ch. 3929, § 10, 34 Stat. 807.)

§ 5311. Reservation of right to amend or repeal chapter

Congress may from time to time alter, repeal, or modify this chapter, but no contract or individual right made or acquired shall thereby be divested or impaired.

(June 30, 1906, ch. 3929, § 11, 34 Stat. 808.)