

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 accept-

ance 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, La-grange, 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

A person may not be a member of the corporation created by this chapter unless that person—

(1) served honorably as a member of the Armed Forces of the United States in a foreign war, insurrection, or expedition, which service has been recognized as campaign-medal service and is governed by the authorization of the award of a campaign badge by the Government of the United States; or

(2) while a member of the Armed Forces of the United States, served honorably on the Korean peninsula or in its territorial waters for not less than 30 consecutive days, or a total of 60 days, after June 30, 1949.

(May 28, 1936, ch. 471, § 5, 49 Stat. 1391; May 29, 1953, ch. 85, § 2, 67 Stat. 40; Mar. 7, 1995, Pub. L. 104-3, 109 Stat. 47.)

#### AMENDMENTS

1995—Pub. L. 104-3 amended section generally. Prior to amendment, section read as follows: "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."

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<sup>1</sup> 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 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.  
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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.  
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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.  
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(e) Funding.  
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(g) Fund.  
(h) Authorization of funding.  
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128. Funds received from States, municipalities, or private sources.  
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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.

<sup>1</sup> So in original. Probably should be preceded by "and".