

§ 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 discharge¹ 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

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

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§ 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 memo-

rials 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.