

CHAPTER 217—THE AMERICAN LEGION

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§ 21701. Organization

(a) FEDERAL CHARTER.—The American Legion (in this chapter, the “corporation”) is a federally chartered corporation.

(b) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1297.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|---|---|
| 21701(a) | 36:41. | Sept. 16, 1919, ch. 59, §§ 1, 2, 41 Stat. 284. |
| 21701(b) | 36:42. 36:44 (words before 4th semicolon related to perpetual succession). | Sept. 16, 1919, ch. 59, § 4 (words before 4th semicolon related to perpetual succession), 41 Stat. 285; June 26, 1953, ch. 153, § 1, 67 Stat. 82. |

This section is substituted for the source provisions for consistency in the revised title and to eliminate unnecessary and obsolete language.

§ 21702. Purposes

The purposes of the corporation are—

- (1) to uphold and defend the Constitution of the United States;
- (2) to promote peace and good will among the peoples of the United States and all the nations of the Earth;
- (3) to preserve the memories and incidents of the 2 World Wars and the other great hostilities fought to uphold democracy;
- (4) to cement the ties and comradeship born of service; and
- (5) to consecrate the efforts of its members to mutual helpfulness and service to their country.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1297.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|---|
| 21702 | 36:43. | 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. |

In clause (1), the words “of America” are omitted.

§ 21703. Membership

An individual is eligible for membership in the corporation only if the individual—

- (1) has served in the Armed Forces of—
 - (A) the United States at any time during any period from—

- (i) April 6, 1917, through November 11, 1918;
- (ii) December 7, 1941, through December 31, 1946;
- (iii) June 25, 1950, through January 31, 1955;
- (iv) February 28, 1961, through May 7, 1975;
- (v) August 24, 1982, through July 31, 1984;
- (vi) December 20, 1989, through January 31, 1990; or
- (vii) August 2, 1990, through the date of cessation of hostilities, as decided by the United States Government; or

(B) a government associated with the United States during a period referred to in subclause (A) of this clause and was a citizen of the United States when the individual entered that service; and

(2) was honorably discharged or separated from that service or continues to serve honorably during or after that period.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1297; Pub. L. 105-354, § 1(6), Nov. 3, 1998, 112 Stat. 3244; Pub. L. 107-309, § 1, Dec. 2, 2002, 116 Stat. 2449.)

HISTORICAL AND REVISION NOTES
PUB. L. 105-225

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|--|
| 21703 | 36:45. | 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. |

In clause (1), the words “armed forces” are substituted for “naval or military services” and “military or naval service” for clarity. In subclause (A), the word “through” is substituted for “all dates inclusive” for clarity. In subclause (B), the words “a government associated with the United States during a period referred to in subclause (A) of this clause and was a citizen of the United States when the individual entered that service” are substituted for “who, being a citizen of the United States at the time of entry therein . . . of any governments associated with the United States during said wars or hostilities” for clarity.

In clause (2), the words “after that period” are substituted for “after any of the aforesaid terminal dates” to eliminate unnecessary words.

PUB. L. 105-354

This amends section 21703(1)(A)(iv) of title 36 to reflect changes made by Public Law 105-110 (Nov. 20, 1997, 111 Stat. 2270).

AMENDMENTS

- 2002—Par. (2). Pub. L. 107-309 inserted “during or” after “continues to serve honorably”.
- 1998—Par. (1)(A)(iv). Pub. L. 105-354 substituted “February 28, 1961” for “December 22, 1961”.

§ 21704. Powers

The corporation may—

- (1) adopt a constitution, bylaws, and regulations to carry out the purposes of the corporation;
- (2) adopt and alter a corporate seal;
- (3) establish and maintain offices to conduct its activities;
- (4) establish State and territorial organizations and local chapter or post organizations;
- (5) provide guidance and leadership to organizations and local chapters established under paragraph (4), but may not control or otherwise influence the specific activities and conduct of such organizations and local chapters;
- (6) acquire, own, lease, encumber, and transfer property as necessary to carry out the purposes of the corporation;
- (7) publish a magazine and other publications;
- (8) sue and be sued; and
- (9) do any other act necessary and proper to carry out the purposes of the corporation.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1297; Pub. L. 112-66, §1, Dec. 13, 2011, 125 Stat. 768.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--|--|
| 21704 | 36:44 (words before 4th semicolon less perpetual succession, words after 5th semicolon). | Sept. 16, 1919, ch. 59, §4 (words before 4th semicolon less perpetual succession, words after 5th semicolon), 41 Stat. 285; June 26, 1953, ch. 153, §1, 67 Stat. 82. |
| | 36:47. | Sept. 16, 1919, ch. 59, §7, 41 Stat. 285. |

In this section, the text of 36:47 is omitted as executed and obsolete.

In clause (1), the words “not inconsistent with the laws of the United States or of any State” are omitted as unnecessary.

In clause (2), the words “at pleasure” are omitted as unnecessary.

In clause (3), the word “activities” is substituted for “business” for consistency in the revised title.

Clause (5) is substituted for “to receive, hold, own, use, and dispose of such real estate and personal property as shall be necessary for its corporate purposes” for consistency in the revised title and to eliminate unnecessary words.

In clause (7), the words “in courts of law and equity” are omitted as unnecessary.

In clause (8), the words “do any other act” are substituted for “generally to do any and all such acts and things” for consistency in the revised title and to eliminate unnecessary words.

AMENDMENTS

2011—Pars. (5) to (9). Pub. L. 112-66 added par. (5) and redesignated former pars. (5) to (8) as (6) to (9), respectively.

§ 21705. Exclusive right to name, emblems, and badges

The corporation and its State and local subdivisions have the exclusive right to use the name “The American Legion” or “American Legion”. The corporation has the exclusive right to use, manufacture, and control the right to manufacture, emblems and badges the corporation adopts.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1298.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|---|---|
| 21705 | 36:44 (words between 4th and 5th semicolons). | Sept. 16, 1919, ch. 59, §§4 (words between 4th and 5th semicolons), 8, 41 Stat. 285; June 26, 1953, ch. 153, 67 Stat. 82. |
| | 36:48. | |

The word “sole” is omitted as included in “exclusive”. The words “to have and”, “in carrying out its purposes”, and “in carrying out the purposes of the corporation” are omitted as unnecessary.

§ 21706. Political activities

The corporation shall be nonpolitical and may not promote the candidacy of an individual seeking public office.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1298.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|---|
| 21706 | 36:46. | Sept. 16, 1919, ch. 59, §6, 41 Stat. 285. |

The words “as an organization” are omitted as unnecessary.

§ 21707. Service of process

As a condition to the exercise of any power or privilege granted by this chapter, the corporation shall file, with the secretary of state or other designated official of each State, the name and address of an agent in that State on whom legal process or demands against the corporation may be served.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1298.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|---|
| 21707 | 36:50. | Sept. 16, 1919, ch. 59, §9 1/2, 41 Stat. 285. |

The word “precedent” is omitted as unnecessary. The words “with the secretary of state or other designated official” are substituted for “in the office of the secretary of state” for consistency in the revised title. The words “post-office” and “authorized” are omitted as unnecessary.

§ 21708. Annual report

Not later than January 1 of each year, the corporation shall submit a report to Congress on the activities of the corporation during the prior calendar year. The report may not be printed as a public document.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1298.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|---|
| 21708 | 36:49. | Sept. 16, 1919, ch. 59, §9, 41 Stat. 285; Aug. 30, 1964, Pub. L. 88-504, §4(3), 78 Stat. 636. |

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of reporting provisions in this section, see section 3003 of Pub. L.