

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-398 effective 120 days after Oct. 30, 2000, see section 1 [[div. A], title X, §1090(c)] of Pub. L. 106-398, set out as an Effective Date note under section 9441 of Title 10, Armed Forces.

§ 40304. Powers

The corporation may—

- (1) adopt and amend a constitution, bylaws, and regulations;
- (2) adopt and alter a corporate seal;
- (3) establish and maintain offices in the District of Columbia and the States, territories, and possessions of the United States to conduct its affairs;
- (4) acquire, own, lease, encumber, and transfer property as necessary to carry out the purposes of the corporation;
- (5) sue and be sued; and
- (6) do any other act necessary and proper to carry out the purposes of the corporation.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1332.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
40304 .....	36:205 (less perpetual succession).	July 1, 1946, ch. 527, § 5 (less perpetual succession), 60 Stat. 347.

In clause (1), the word “amend” is substituted for “alter” for consistency in the revised title. The words “not inconsistent with law” are omitted as unnecessary.

In clause (3), the words “States, territories, and possessions” are substituted for “several States and Territories” for consistency in the revised title.

Clause (4) is substituted for “acquire, hold, mortgage, and dispose of such real and personal property as may be necessary for its corporate purposes” and “accept gifts, legacies, and devises which will further the corporate purposes” for consistency in the revised title and to eliminate unnecessary words.

In clause (6), the words “any other act” are substituted for “any and all acts and things” to eliminate unnecessary words. The word “objects” is omitted as unnecessary.

§ 40305. Restrictions

The corporation may not engage in business for profit or issue stock.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1332.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
40305 .....	36:204.	July 1, 1946, ch. 527, § 4, 60 Stat. 347.

This section is substituted for 36:204(a) to eliminate unnecessary words. The text of 36:204(b) is omitted as executed and obsolete.

§ 40306. Exclusive right to name, insignia, copyrights, emblems, badges, marks, and words

The corporation has the exclusive right to use the name “Civil Air Patrol” and all insignia, copyrights, emblems, badges, descriptive or designating marks, words, and phrases the corporation adopts. This section does not affect any vested rights.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1332.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
40306 .....	36:206.	July 1, 1946, ch. 527, § 6, 60 Stat. 347.

The word “sole” is omitted as included in “exclusive”. The words “right to use the name ‘Civil Air Patrol’ and all” are substituted for “right to the name ‘Civil Air Patrol’ and to have and to use, in carrying out its purposes, all” for consistency in the revised title and to eliminate unnecessary words. The words “the corporation adopts” are substituted for “now or heretofore used by the Civil Air Patrol” in section 6 of the Act of July 1, 1946 (ch. 527, 60 Stat. 347) for consistency in the revised title. The words “in carrying out its program” are omitted as unnecessary. The words “This section does not affect any vested rights” are substituted for “Provided, however, That no powers or privileges herein granted shall interfere or conflict with established or vested rights” for consistency in the revised title and to eliminate unnecessary words.

§ 40307. Annual report

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

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1332.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
40307 .....	36:207.	July 1, 1946, ch. 527, § 7, 60 Stat. 347.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of reporting provisions in this section, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 198 of House Document No. 103-7.

CHAPTER 405—CONGRESSIONAL MEDAL OF HONOR SOCIETY OF THE UNITED STATES OF AMERICA

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§ 40501. Organization

(a) FEDERAL CHARTER.—Congressional Medal of Honor Society of the United States of America (in this chapter, the “corporation”) is a federally chartered corporation.

(b) PLACE OF INCORPORATION AND DOMICILE.—The corporation is declared to be incorporated and domiciled in the District of Columbia.

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

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1332.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
40501 .....	36:791. 36:792.	Aug. 14, 1958, Pub. L. 85-642, §§ 1, 2, 72 Stat. 597.

This section is substituted for 36:791 for consistency in the revised title and to eliminate executed and unnecessary language. The text of 36:792 is omitted as executed and obsolete.

§ 40502. Purposes

The purposes of the corporation are—

- (1) to form a bond of friendship and comradeship among all holders of the Medal of Honor as presented by Congress;
- (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 in war;
- (6) to inspire and stimulate our youth to become worthy citizens of our country; and
- (7) to foster and perpetuate Americanism.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1333.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
40502 .....	36:793.	Aug. 14, 1958, Pub. L. 85-642, § 3, 72 Stat. 598.

Before clause (1), the word “objects” is omitted as included in “purposes”.

In clause (5), the words “we did” are omitted to avoid the grammatical construction using the first person.

§ 40503. Membership

(a) ELIGIBILITY.—An individual who has been awarded the Medal of Honor as presented by Congress is eligible for membership in the corporation. An honorary membership may not be granted.

(b) VOTING.—Each member has one vote on each matter submitted to a vote at a meeting of the members. The vote may be cast in person or by proxy.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1333.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
40503(a) .....	36:796(a), (b).	Aug. 14, 1958, Pub. L. 85-642, § 6, 72 Stat. 599.
40503(b) .....	36:796(c).	

§ 40504. Governing body

(a) BOARD OF DIRECTORS.—(1) The board of directors is the governing body of the corporation. The board may exercise, or provide for the exercise of, the powers of the corporation.

(2) The number of directors, their manner of election (including the filling of vacancies), and

their term of office are as provided in the bylaws. However, the board shall have at least 9 directors.

(3) The board shall meet at least annually. Each director has one vote on matters decided by the board.

(4) The president of the corporation is the chairman of the board.

(b) OFFICERS.—(1) The officers of the corporation are a president, an executive vice president, a secretary, a treasurer, and 6 regional vice presidents as provided in the bylaws. The offices of secretary and treasurer may be combined and held by the same individual, but an individual holding those combined offices has only one vote as a director.

(2) The manner of election, term of office, duties, and powers of the officers are as provided in the bylaws.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1333.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
40504(a)(1) ..	36:797(a), (c) (1st sentence words before 3d comma).	Aug. 14, 1958, Pub. L. 85-642, §§ 7, 8, 72 Stat. 599.
40504(a)(2) ..	36:797(b), (c) (1st sentence words between 3d and 4th commas).	
40504(a)(3) ..	36:797(c) (last sentence).	
40504(a)(4) ..	36:797(c) (2d sentence).	
40504(b) .....	36:797(c) (1st sentence words after 4th comma). 36:798.	

In subsection (a)(1), the text of 36:797(a) (12th-last words) is omitted as obsolete.

In subsection (b)(2), the words “duties, and powers” are substituted for “powers” in 36:798(b) and for “duties” in 36:798(c) to eliminate unnecessary words.

§ 40505. Powers

The corporation may—

- (1) adopt and amend a constitution and bylaws for the management of its property and the regulation of its affairs;
- (2) adopt and alter a corporate seal;
- (3) choose officers, managers, and agents as the activities of the corporation require;
- (4) charge and collect membership dues;
- (5) make contracts;
- (6) acquire, own, lease, encumber, and transfer property as necessary or convenient to carry out the purposes of the corporation;
- (7) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property;
- (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. 1333.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
40505 .....	36:794. 36:806.	Aug. 14, 1958, Pub. L. 85-642, §§ 4, 16, 72 Stat. 598, 601.

In this section, the text of 36:806 is omitted as executed and obsolete.