

CHAPTER 217—THE AMERICAN LEGION

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AMENDMENTS

2019—Pub. L. 116-35, §4(b), July 30, 2019, 133 Stat. 1047, added item 21704A.

§ 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—
 - (i) the period from April 6, 1917, through November 11, 1918; or
 - (ii) any time after December 7, 1941; or
 - (B) a government associated with the United States during a period or time 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 or time.

(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; Pub. L. 116-35, §3, July 30, 2019, 133 Stat. 1046.)

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. 26, 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

2019—Par. (1)(A). Pub. L. 116-35, §3(1)(A), substituted “during—” for “during any period from—” in introductory provisions, added cls. (i) and (ii), and struck out former cls. (i) to (vii) which set out specific time periods one had to serve in the United States Armed Forces in order to be eligible for membership in the corporation.

Par. (1)(B). Pub. L. 116-35, §3(1)(B), inserted “or time” after “a period”.

Par. (2). Pub. L. 116-35, §3(2), inserted “or time” after “that period”.

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”.

FINDINGS AND SENSE OF CONGRESS

Pub. L. 116-35, § 2, July 30, 2019, 133 Stat. 1043, provided that:

“(a) FINDINGS.—Congress makes the following findings:

“(1) Since the end of World War II, the Federal Government has designated specific periods of war, the dates of which are important for qualification for certain benefits or membership in veterans organizations established by Congress.

“(2) In between those recognized periods of war, during so-called peacetime eras, the United States military has been involved in not fewer than 12 known eras, which are unrecognized by the United States Government as periods of war, resulting in numerous United States personnel combat casualties.

“(3) Those 12 unrecognized war eras occurred at the direction of the then President of the United States, with full knowledge and consent of the then Congress.

“(4) The first of those 12 unrecognized war eras involving active United States military personnel was the Greek Civil War, fought in Greece from 1946 to 1949 between the army of the Government of Greece, supported by active military personnel of the United States and the United Kingdom, and the Democratic Army of Greece, the military branch of the Communist Party of Greece.

“(5) During the Greek Civil War, one member of the Armed Forces of the United States sacrificed his life in service to the United States, and five others suffered non-combat deaths.

“(6) The second of those unrecognized war eras involving active United States military personnel was the Chinese Civil War, which occurred during the aftermath of World War II.

“(7) During the Chinese Civil War, the United States military equipped, trained, transported, and supplied the Kuomintang-led Government of the Republic of China with approximately \$4,430,000,000 in its resistance to the Communist Party of China.

“(8) During the Chinese Civil War, 14 members of the Armed Forces of the United States sacrificed their lives in service to the United States, 150 non-combatants of the United States lost their lives in the war, and 51 were wounded, resulting in 215 United States military casualties.

“(9) The third unrecognized war era involving active United States military personnel is known as the Cold War.

“(10) The Cold War was a period spanning from approximately 1947 until 1991 when the Soviet Union collapsed.

“(11) Although no direct large-scale military fighting occurred between the militaries of the United States and the Soviet Union, active United States military personnel served in multiple regional conflicts during the Cold War, resulting in the deaths of not fewer than 32 members of the Armed Forces who sacrificed their lives in service to the United States and not fewer than 12 additional casualties.

“(12) The fourth unrecognized war era involving active United States military personnel is known as the China Cold War.

“(13) The China Cold War started when the Kuomintang-led Government of the Republic of China retreated to the island of Taiwan and lasted until 1972, after President Richard Nixon conducted a landmark state visit to China.

“(14) During the military operations of the China Cold War, not fewer than 16 members of the Armed Forces of the United States sacrificed their lives in service to the United States.

“(15) The fifth unrecognized war era involving active United States military personnel was the Lebanon Crisis of 1958, which involved more than 14,000 United States personnel and resulted in the death of one member of the Armed Forces who sacrificed his

life in service to the United States and five non-combat deaths.

“(16) The sixth unrecognized war era involving active United States military personnel was the Bay of Pigs invasion in April 1961.

“(17) The Bay of Pigs invasion was a failed military invasion of Cuba undertaken by a United States military group sponsored by the Central Intelligence Agency that resulted in not fewer than one death of a member of the Armed Forces who sacrificed his life in service to the United States and 19 non-combat deaths.

“(18) The seventh unrecognized war era involving active United States military personnel was the Cuban Missile Crisis, which took place between October 16 and October 28, 1962.

“(19) The Cuban Missile Crisis directly related to homeland protection against the deployment of a Soviet ballistic missile in Cuba.

“(20) During the Cuban Missile Crisis, one member of the Armed Forces sacrificed his life in service to the United States and 19 others died as non-combatants.

“(21) The eighth unrecognized war era involving active United States military personnel was the Dominican Civil War in 1965.

“(22) Operations during the Dominican Civil War resulted in the deaths of 27 members of the Armed Forces who sacrificed their lives in service to the United States, 20 non-combat-related deaths, and 283 wounded.

“(23) The ninth unrecognized war era involving active United States military personnel was the Iran Hostage Crisis, which lasted from November 4, 1979, through January 20, 1981.

“(24) The Iran Hostage Crisis involved military intervention by the United States which resulted in the deaths of 8 members of the Armed Forces who sacrificed their lives in service to [the] United States.

“(25) The tenth unrecognized war era involving active United States military personnel was the Salvadoran Civil War.

“(26) The Salvadoran Civil War lasted more than 12 years, through the terms of two Presidential administrations of the United States, and resulted in the deaths of 22 members of the Armed Forces who sacrificed their lives in service to the United States, 15 non-combat deaths, and 35 other casualties.

“(27) The 11th unrecognized war era involving active United States military personnel started on April 5, 1986, when the La Belle discotheque in West Berlin, Germany, was bombed, killing two United States soldiers and wounding 79 other members of the Armed Forces, which triggered what became known as the Libyan Conflict.

“(28) The military operations of the Libyan Conflict included numerous air strikes by United States military forces and resulted in the deaths of two members of the Armed Forces who sacrificed their lives in service to the United States.

“(29) The Libyan Conflict led to the 12th unrecognized war era involving active United States military personnel, known collectively as the Persian Gulf Conflicts, which lasted from July 24, 1987, through September 26, 1988.

“(30) The Persian Gulf Conflicts involved United States military missions to protect Kuwaiti-owned oil tankers which represented the largest United States naval convoy operation since World War II.

“(31) The Persian Gulf Conflicts resulted in numerous military operations and the deaths of not fewer than 39 members of the Armed Forces who sacrificed their lives in service to the United States and 31 wounded.

“(32) Since the armistice that ended the hostilities of the Korean War on January 31, 1955, nearly 100 active United States military personnel have sacrificed their lives in service to the United States in South Korea, and more than 132 people of the United States have been wounded in-country.

“(33) Since January 1, 1947, through all of the unrecognized war eras involving active United States military personnel, not fewer than 778 combat and non-combat members of the Armed Forces have sacrificed their lives in service to the United States and not fewer than 797 have been wounded.

“(34) Since January 1, 1947, the unrecognized war eras involving active United States military personnel who were wounded and killed serving their country were administered under orders from the commander in chief and with the consent of Congress, proving that the United States has been conducting deadly wartime service to protect the country consistently since December 7, 1941.

“(35) Eligibility for membership in The American Legion is determined by Congress through the establishment of specific dates of declared and officially recognized hostilities in which United States military personnel are on active service.

“(36) The American Legion provides invaluable services to its members and supports the community of veterans who sacrificed in service of the United States.

“(37) Membership in The American Legion allows veterans to engage in public service activities, such as supporting Boys and Girls State and Nation, youth mentorship programs, and benefit assistance, career fairs, and employment assistance for veterans.

“(38) The American Legion has gone on record as supporting the 12 unrecognized war eras involving active United States military personnel since the beginning of World War II.

“(39) The American Legion has aided, assisted, and comforted the families of the men and women who were called to serve or volunteered to serve during all of the unrecognized war eras and continues to provide support to veterans of those eras.

“(40) The American Legion has commended the heroic actions of all military personnel who risked their lives in defense of freedom during each of the unrecognized war eras involving active United States military personnel.

“(b) SENSE OF CONGRESS.—It is the sense of Congress that, in accordance with the history, tradition, and purposes of The American Legion, it is fair, proper, and reasonable that the privilege of membership in The American Legion should be extended to all military personnel who served on active military duty during all of the unrecognized war eras involving active United States military personnel.”

§ 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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
21704	36:44 (words before 4th semicolon less perpetual succession, words after 5th semicolon). 36:47.	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. 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.

§ 21704A. Nondiscrimination

The requirements for holding a staff position in the corporation may not discriminate on the basis of race, color, religion, sex, or national origin.

(Added Pub. L. 116–35, §4(a), July 30, 2019, 133 Stat. 1046.)

§ 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

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

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.