

“(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.