

Public Law 97-234
97th Congress

An Act

To recognize the organization known as American Ex-Prisoners of War.

Aug. 10, 1982

[H.R. 5380]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

American Ex-
Prisoners of
War.
Charter.

CHARTER

36 USC 2101.

SECTION 1. American Ex-Prisoners of War, organized and incorporated under the Washington Nonprofit Corporation Act (Wash. Rev. Code Ann. 24.03.005) of the State of Washington by Charles Morgan, Junior, San Antonio, Texas; Edward Fisher, Fairhaven, Massachusetts; Charles Miller, La Jolla, California; C. Earl Derrington, Jackson, Mississippi; Edward Parks, Middleboro, Massachusetts; Henry Goodall, Houston, Texas; Stanley Sommers, Marshfield, Wisconsin; Edward Allen, N. Olmstead, Ohio; Irving Rittenberg, Brookline, Massachusetts; Edgar Van Valkenberg, Saint Petersburg, Florida; W. C. Musten, Winston-Salem, North Carolina; Clifford Omtvedt, Eau Claire, Wisconsin; Orlo Natvig, Charles City, Iowa; H. C. Griffin, Houston, Texas; Milton Moore, El Paso, Texas; Marie Harre, Fairway, Kansas; Alfred Galloway, Seattle, Washington; Reginald Reed, Bremerton, Washington; Ralph Moulis, Tucson, Arizona; Betty Rodriguez, Albuquerque, New Mexico; Randall Briere, San Antonio, Texas; Joseph G. Schisser, San Leon, Texas; Herman Molen, Las Vegas, Nevada; Joseph B. Upton, Saint Louis, Missouri; Harold Page, Buckley, Washington; D. C. Wimberly, Springhill, Louisiana; Albert Braun, Phoenix, Arizona; Melvin Madero, San Diego, California; Tillman Rutledge, San Antonio, Texas; Benson Guyton, Decatur, Alabama; Frank Hawkins, Oklahoma City, Oklahoma; Melvin Routt, Tracy, California; John Romine, Muskogee, Oklahoma; Christopher Morgan, Old Bridge, New Jersey; Allen Smith, Diana, Texas; and John G. Flynn, San Antonio, Texas, is hereby recognized as such and is granted a charter.

POWERS

SEC. 2. American Ex-Prisoners of War (hereafter in this Act referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States in which it is incorporated and subject to the laws of such State or States.

36 USC 2102.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation are those provided in its articles of incorporation and shall include—

36 USC 2103.

- (1) encouragement of fraternity for the common good;
- (2) fostering patriotism and loyalty;
- (3) assistance to widows and orphans of deceased ex-prisoners of war;

- (4) assistance to ex-prisoners of war who have been injured or handicapped as a result of their service;
- (5) maintenance of allegiance to the United States of America;
- (6) preservation and defense of the United States from all of her enemies; and
- (7) maintenance of historical records.

SERVICE OF PROCESS

- 36 USC 2104. SEC. 4. With respect to service of process, the corporation shall comply with the laws of the States in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

- 36 USC 2105. SEC. 5. Eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the bylaws of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

- 36 USC 2106. SEC. 6. The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

OFFICERS OF CORPORATION

- 36 USC 2107. SEC. 7. The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States wherein it is incorporated.

RESTRICTIONS

- 36 USC 2108. SEC. 8. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.
- (b) The corporation shall not make any loan to any officer, director, or employee of the corporation.
- (c) The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support, or otherwise participate in any political activity or in any manner attempt to influence legislation.
- (d) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.
- (e) The corporation shall not claim congressional approval or Federal Government authority for any of its activities.
- (f) The corporation shall retain and maintain its status as a corporation organized and incorporated under the laws of the State of Washington.

LIABILITY

SEC. 9. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority. 36 USC 2109.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right of vote. All books and records of such corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law. 36 USC 2110.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(57) American Ex-Prisoners of War."

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 11 of this Act. The report shall not be printed as a public document. 36 USC 2111.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 13. The right to alter, amend, or repeal this Act is expressly reserved to the Congress. 36 USC 2112.

DEFINITION OF "STATE"

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States. 36 USC 2113.

TAX-EXEMPT STATUS

SEC. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code. If the corporation fails to maintain such status, the charter granted hereby shall expire. 36 USC 2114.

EXCLUSIVE RIGHT TO NAME, EMBLEMS, SEALS, AND BADGES

SEC. 16. The corporation shall have the sole and exclusive right to use and to allow or refuse to others the use of the terms "American Ex-Prisoners of War", and the official American Ex-Prisoners of War emblem or any colorable simulation thereof. No powers or 36 USC 2115.

privileges hereby granted shall, however, interfere or conflict with established or vested rights.

TERMINATION

36 USC 2116.

SEC. 17. If the corporation shall fail to comply with any of the restrictions or provisions of this Act the charter granted hereby shall expire.

Approved August 10, 1982.

SECTION 11. The first section of the Act entitled "An Act to provide for the establishment of a private corporation established under Federal law," approved August 20, 1961 (85 U.S.C. 1101) is amended by adding at the end thereof the following:

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted to the Senate and as is the report of the audit required by section 11 of this Act. The report shall not be printed as a public document.

RESTRICTIONS ON RIGHT TO AWARD OR HONORARY DESIGNATION

SEC. 13. The right to award, amend, or repeal this Act shall be reserved to the Congress.

DEFINITION OF "STATE"

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

TAX-EXEMPT STATUS

SEC. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code. If the corporation fails to maintain such status, the charter granted hereby shall expire.

LEGISLATIVE HISTORY—H.R. 5380 (S. 2174):

HOUSE REPORT No. 97-643 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 128 (1982):

July 20, considered and passed House.

July 28, considered and passed Senate.