

105TH CONGRESS
2D SESSION

S. 2524

To codify without substantive change laws related to Patriotic and National Observances, Ceremonies, and Organizations and to improve the United States Code.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28, 1998

Mr. HATCH introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To codify without substantive change laws related to Patriotic and National Observances, Ceremonies, and Organizations and to improve the United States Code.

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

3 **SECTION 1. TITLE 36, UNITED STATES CODE.**

4 Title 36, United States Code, is amended as follows:

5 (1) In section 902, strike subsections (b) and (c) and substitute the
6 following:

7 “(b) REQUIRED DISPLAY.—The POW/MIA flag shall be displayed at the
8 locations specified in subsection (d) of this section on POW/MIA flag display days. The display serves—

9
10 (1) as the symbol of the Nation’s concern and commitment to
11 achieving the fullest possible accounting of Americans who, having been
12 prisoners of war or missing in action, still remain unaccounted for; and

13 (2) as the symbol of the Nation’s commitment to achieving the full-
14 est possible accounting for Americans who in the future may become

1 prisoners of war, missing in action, or otherwise unaccounted for as a
2 result of hostile action.

3 “(c) DAYS FOR FLAG DISPLAY.—(1) For purposes of this section, POW/
4 MIA flag display days are the following:

5 “(A) Armed Forces Day, the third Saturday in May.

6 “(B) Memorial Day, the last Monday in May.

7 “(C) Flag Day, June 14.

8 “(D) Independence Day, July 4.

9 “(E) National POW/MIA Recognition Day.

10 “(F) Veterans Day, November 11.

11 “(2) In addition to the days specified in paragraph (1) of this subsection,
12 POW/MIA flag display days include—

13 “(A) in the case of display at medical centers of the Department of
14 Veterans Affairs (required by subsection (d)(7) of this section), any
15 day on which the flag of the United States is displayed; and

16 “(B) in the case of display at United States Postal Service post of-
17 fices (required by subsection (d)(8) of this section), the last business
18 day before a day specified in paragraph (1) that in any year is not
19 itself a business day.

20 “(d) LOCATIONS FOR FLAG DISPLAY.—The locations for the display of
21 the POW/MIA flag under subsection (b) of this section are the following:

22 “(1) The Capitol.

23 “(2) The White House.

24 “(3) The Korean War Veterans Memorial and the Vietnam Veterans
25 Memorial.

26 “(4) Each national cemetery.

27 “(5) The buildings containing the official office of—

28 “(A) the Secretary of State;

29 “(B) the Secretary of Defense;

30 “(C) the Secretary of Veterans Affairs; and

31 “(D) the Director of the Selective Service System.

32 “(6) Each major military installation, as designated by the Secretary
33 of Defense.

34 “(7) Each medical center of the Department of Veterans Affairs.

35 “(8) Each United States Postal Service post office.

36 “(e) COORDINATION WITH OTHER DISPLAY REQUIREMENT.—Display of
37 the POW/MIA flag at the Capitol pursuant to subsection (d)(1) of this sec-
38 tion is in addition to the display of that flag in the Rotunda of the Capitol
39 pursuant to Senate Concurrent Resolution 5 of the 101st Congress, agreed
40 to on February 22, 1989 (103 Stat. 2533).

1 “(f) DISPLAY TO BE IN A MANNER VISIBLE TO THE PUBLIC.—Display
2 of the POW/MIA flag pursuant to this section shall be in a manner de-
3 signed to ensure visibility to the public.

4 “(g) LIMITATION.—This section may not be construed or applied so as
5 to require any employee to report to work solely for the purpose of providing
6 for the display of the POW/MIA flag.”.

7 (2) In section 2102(b), strike “designated personnel” and substitute
8 “personnel made available to the Commission”.

9 (3) In section 2501(2), insert “solicit,” before “accept,”.

10 (4)(A) Insert after chapter 201 the following:

11 **“CHAPTER 202—AIR FORCE SERGEANTS**
12 **ASSOCIATION**

“Sec.

“20201. Definition.

“20202. Organization.

“20203. Purposes.

“20204. Membership.

“20205. Governing body.

“20206. Powers.

“20207. Restrictions.

“20208. Duty to maintain corporate and tax-exempt status.

“20209. Records and inspection.

“20210. Service of process.

“20211. Liability for acts of officers and agents.

“20212. Annual report.

13 **“§ 20201. Definition**

14 “For purposes of this chapter, ‘State’ includes the District of Columbia
15 and the territories and possessions of the United States.

16 **“§ 20202. Organization**

17 “(a) FEDERAL CHARTER.—Air Force Sergeants Association (in this
18 chapter, the ‘corporation’), a nonprofit corporation incorporated in the Dis-
19 trict of Columbia, is a federally chartered corporation.

20 “(b) EXPIRATION OF CHARTER.—If the corporation does not comply with
21 any provision of this chapter, the charter granted by this chapter expires.

22 **“§ 20203. Purposes**

23 “(a) GENERAL.—The purposes of the corporation are as provided in its
24 bylaws and articles of incorporation and include—

25 “(1) helping to maintain a highly dedicated and professional corps
26 of enlisted personnel within the United States Air Force, including the
27 United States Air Force Reserve, and the Air National Guard;

28 “(2) supporting fair and equitable legislation and Department of the
29 Air Force policies and influencing by lawful means departmental plans,
30 programs, policies, and legislative proposals that affect enlisted person-
31 nel of the Regular Air Force, the Air Force Reserve, and the Air Na-
32 tional Guard, its retirees, and other veterans of enlisted services in the
33 Air Force;

1 “(3) actively publicizing the roles of enlisted personnel in the United
2 States Air Force;

3 “(4) participating in civil and military activities, youth programs,
4 and fundraising campaigns that benefit the United States Air Force;

5 “(5) providing for the mutual welfare of members of the corporation
6 and their families;

7 “(6) assisting in recruiting for the United States Air Force;

8 “(7) assembling together for social activities;

9 “(8) maintaining an adequate Air Force for our beloved country;

10 “(9) fostering among the members of the corporation a devotion to
11 fellow airmen; and

12 “(10) serving the United States and the United States Air Force loy-
13 ally, and doing all else necessary to uphold and defend the Constitution
14 of the United States.

15 “(b) CORPORATE FUNCTION.—The corporation shall function as an edu-
16 cational, patriotic, civic, historical, and research organization under the laws
17 of the District of Columbia.

18 **“§ 20204. Membership**

19 “(a) ELIGIBILITY.—Except as provided in this chapter, eligibility for
20 membership in the corporation and the rights and privileges of members are
21 as provided in the bylaws and articles of incorporation.

22 “(b) NONDISCRIMINATION.—The terms of membership may not discrimi-
23 nate on the basis of race, color, religion, sex, disability, age, or national ori-
24 gin.

25 **§ “20205. Governing body**

26 “(a) BOARD OF DIRECTORS.—The board of directors and the responsibil-
27 ities of the board are as provided in the bylaws and articles of incorporation.

28 “(b) OFFICERS.—The officers and the election of officers are as provided
29 in the bylaws and articles of incorporation.

30 “(c) NONDISCRIMINATION.—The requirements for servicing as a director
31 or officer may not discriminate on the basis of race, color, religion, sex, dis-
32 ability, age, or national origin.

33 **“§ 20206. Powers**

34 “The corporation has only the powers provided in its bylaws and articles
35 of incorporation filed in each State in which it is incorporated.

36 **“§ 20207. Restrictions**

37 “(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or
38 declare or pay a dividend.

39 “(b) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the
40 corporation may not inure to the benefit of, or be distributed to, a director,
41 officer, or member during the life of the charter granted by this chapter.

1 This subsection does not prevent the payment of reasonable compensation
 2 to an officer or employee or reimbursement for actual necessary expenses
 3 in amounts approved by the board of directors.

4 “(e) LOANS.—The corporation may not make a loan to a director, officer,
 5 employee, or member.

6 “(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The cor-
 7 poration may not claim congressional approval or the authority of the
 8 United States Government for any of its activities.

9 **“§ 20208. Duty to maintain corporate and tax-exempt status**

10 “(a) CORPORATE STATUS.—The corporation shall maintain its status as
 11 a corporation incorporated under the laws of the District of Columbia.

12 “(b) TAX EXEMPT STATUS.—The corporation shall maintain its status as
 13 an organization exempt from taxation under the Internal Revenue Code of
 14 1986 (26 U.S.C. 1 et seq.).

15 **“§ 20209. Records and inspection**

16 “(a) RECORDS.—The corporation shall keep—

17 “(1) correct and complete records of account;

18 “(2) minutes of the proceedings of its members, board of directors,
 19 and committees having any of the authority of its board of directors;
 20 and

21 “(3) at its principal office, a record of the names and addresses of
 22 its members entitled to vote.

23 “(b) INSPECTION.—A member entitled to vote, or an agent or attorney
 24 of the member, may inspect the records of the corporation for any proper
 25 purpose, at any reasonable time.

26 **“§ 20210. Service of process**

27 “The corporation shall comply with the law on service of process of each
 28 State in which it is incorporated and each State in which it carries on ac-
 29 tivities.

30 **“§ 20211. Liability for acts of officers and agents**

31 “The corporation is liable for the acts of its officers and agents acting
 32 within the scope of their authority.

33 **“§ 20212. Annual report**

34 “The corporation shall submit an annual report to Congress on the activi-
 35 ties of the corporation during the prior fiscal year. The report shall be sub-
 36 mitted at the same time as the report of the audit required by section
 37 10101 of this title. The report may not be printed as a public document.”.

38 (B) In the table of chapters at the beginning of subtitle II, insert
 39 after the item related to chapter 201:

“202. AIR FORCE SERGEANTS ASSOCIATION 20201”.

40 (5)(A) Insert after chapter 209 the following:

1 “(7) fostering and promoting the broader knowledge and apprecia-
2 tion by all United States citizens of their cultural heritage and lan-
3 guage.

4 “(b) CORPORATE FUNCTION.—The corporation shall function as an edu-
5 cational, patriotic, civic, historical, and research organization under the laws
6 of Texas.

7 **“§ 21004. Membership**

8 “(a) ELIGIBILITY.—Except as provided in this chapter, eligibility for
9 membership in the corporation and the rights and privileges of members are
10 as provided in the bylaws and articles of incorporation.

11 “(b) NONDISCRIMINATION.—The terms of membership may not discrimi-
12 nate on the basis of race, color, religion, sex, disability, age, or national ori-
13 gin.

14 **“§ 21005. Governing body**

15 “(a) BOARD OF DIRECTORS.—The board of directors and the responsibil-
16 ities of the board are as provided in the bylaws and articles of incorporation.

17 “(b) OFFICERS.—The officers and the election of officers are as provided
18 in the bylaws and articles of incorporation.

19 “(c) NONDISCRIMINATION.—The requirements for serving as a director or
20 officer may not discriminate on the basis of race, color, religion, sex, disabil-
21 ity, age, or national origin.

22 **“§ 21006. Powers**

23 “The corporation has only the powers provided in its bylaws and articles
24 of incorporation filed in each State in which it is incorporated.

25 **“§ 21007. Restrictions**

26 “(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or
27 declare or pay a dividend.

28 “(b) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the
29 corporation may not inure to the benefit of, or be distributed to, a director,
30 officer, or member during the life of the charter granted by this chapter.
31 This subsection does not prevent the payment of reasonable compensation
32 to an officer or employee or reimbursement for actual necessary expenses
33 in amounts approved by the board of directors.

34 “(c) LOANS.—The corporation may not make a loan to a director, officer,
35 employee, or member.

36 “(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The cor-
37 poration may not claim congressional approval or the authority of the
38 United States Government for any of its activities.

39 **“§ 21008. Duty to maintain corporate and tax-exempt status**

40 “(a) CORPORATE STATUS.—The corporation shall maintain its status as
41 a corporation incorporated under the laws of Texas.

1 “(b) TAX-EXEMPT STATUS.—The corporation shall maintain its status as
 2 an organization exempt from taxation under the Internal Revenue Code of
 3 1986 (26 U.S.C. 1 et seq.).

4 **“§ 21009. Records and inspection**

5 “(a) RECORDS.—The corporation shall keep—

6 “(1) correct and complete records of account;

7 “(2) minutes of the proceedings of its members, board of directors,
 8 and committees having any of the authority of its board of directors;
 9 and

10 “(3) at its principal office, a record of the names and addresses of
 11 its members entitled to vote.

12 “(b) INSPECTION.—A member entitled to vote, or an agent or attorney
 13 of the member, may inspect the records of the corporation for any proper
 14 purpose, at any reasonable time.

15 **“§ 21010. Service of process**

16 “The corporation shall comply with the law on service of process of each
 17 State in which it is incorporated and each State in which it carries on ac-
 18 tivities.

19 **“§ 21011. Liability for acts of officers and agents**

20 “The corporation is liable for the acts of its officers and agents acting
 21 within the scope of their authority.

22 **“§ 21012. Annual report**

23 “The corporation shall submit an annual report to Congress on the activi-
 24 ties of the corporation during the prior fiscal year. The report shall be sub-
 25 mitted at the same time as the report of the audit required by section
 26 10101 of this title. The report may not be printed as a public document.”.

27 (B) In the table of chapters at the beginning of subtitle II, insert
 28 after the item related to chapter 209:

“210. AMERICAN GI FORUM OF THE UNITED STATES 21001”.

29 (6) In section 21703(1)(A)(iv), strike “December 22, 1961” and
 30 substitute “February 28, 1961”.

31 (7) In section 70103(b), strike “the State of”.

32 (8) In section 151303, subsections (f) and (g) are amended to read
 33 as follows:

34 “(f) STATUS.—Appointment to the board does not constitute appointment
 35 as an officer or employee of the United States Government for the purpose
 36 of any law of the United States.

37 “(g) COMPENSATION.—Members of the board serve without compensa-
 38 tion.

39 “(h) LIABILITY.—Members of the board are not personally liable, except
 40 for gross negligence.”.

1 (9) In section 151305(b), strike “the State of”.

2 (10) In section 152903(8), strike “Corporation” and substitute “cor-
3 poration”.

4 **SEC. 2. TECHNICAL AMENDMENTS TO OTHER LAWS.**

5 (a) The provisos in the paragraph under the heading “AMERICAN BAT-
6 TLE MONUMENTS COMMISSION” in the Departments of Veterans Affairs
7 and Housing and Urban Development, and Independent Agencies Appro-
8 priations Act, 1998 (Public Law 105–65, Oct. 27, 1997, 111 Stat. 1368,
9 36 App. U.S.C. 121b, 122, and 122a) are repealed.

10 (b) Paragraph (3) of section 198(s) of the National and Community Serv-
11 ice Act of 1990 (42 U.S.C. 12653(s)(3)) is repealed.

12 (c) Effective August 12, 1998, Public Law 105–225 (Aug. 12, 1998, 112
13 Stat. 1253) is amended as follows:

14 (1) Section 4(b) is amended by striking “2320(d)” and substituting
15 “2320(e)”.

16 (2) Section 7(a), and the amendment made by section 7(a), are re-
17 pealed.

18 **SEC. 3. EFFECTIVE DATE.**

19 The amendment made by section 1(8) of this Act shall take effect as if
20 included in the provisions of Public Law 105–225, as of the date of enact-
21 ment of Public Law 105–225.

22 **SEC. 4. LEGISLATIVE PURPOSE AND CONSTRUCTION.**

23 (a) NO SUBSTANTIVE CHANGE.—(1) Section 1 of this Act restates, with-
24 out substantive change, laws enacted before September 5, 1998, that were
25 replaced by section 1. Section 1 may not be construed as making a sub-
26 stantive change in the laws replaced.

27 (2) Laws enacted after September 4, 1998, that are inconsistent with this
28 Act supersede this Act to the extent of the inconsistency.

29 (b) REFERENCES.—A reference to a law replaced by this Act, including
30 a reference in a regulation, order, or other law, is deemed to refer to the
31 corresponding provision enacted by this Act.

32 (c) CONTINUING EFFECT.—An order, rule, or regulation in effect under
33 a law replaced by this Act continues in effect under the corresponding provi-
34 sion enacted by this Act until repealed, amended, or superseded.

35 (d) ACTIONS AND OFFENSES UNDER PRIOR LAW.—An action taken or
36 an offense committed under a law replaced by this Act is deemed to have
37 been taken or committed under the corresponding provision enacted by this
38 Act.

39 (e) INFERENCES.—An inference of a legislative construction is not to be
40 drawn by reason of the location in the United States Code of a provision
41 enacted by this Act or by reason of a heading of the provision.

1 (f) SEVERABILITY.—If a provision enacted by this Act is held invalid, all
 2 valid provisions that are severable from the invalid provision remain in ef-
 3 fect. If a provision enacted by this Act is held invalid in any of its applica-
 4 tions, the provision remains valid for all valid applications that are severable
 5 from any of the invalid applications.

6 **SEC. 5. REPEALS.**

7 (a) INFERENCES OF REPEAL.—The repeal of a law by this Act may not
 8 be construed as a legislative inference that the provision was or was not in
 9 effect before its repeal.

10 (b) REPEALER SCHEDULE.—The laws specified in the following schedule
 11 are repealed, except for rights and duties that matured, penalties that were
 12 incurred, and proceedings that were begun before the date of enactment of
 13 this Act:

Schedule of Laws Repealed
 Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large		U.S.C. Code	
			Volume	Page	Title	Section
1997 Nov. 18	105-85	1082, 1501-1516	111	1917, 1963.	36 App.	189a, 1101, 5801-5815
Nov. 20	105-110	111	2270	36 App.	45
1998 Aug. 7	105-220	413	112	1241	36 App.	155b
Aug. 13	105-231	1-16	112	1530	36 App.	1101, 5901-5915

