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107TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPORT
107–569

TO AMEND THE CHARTER OF THE AMVETS ORGANIZATION

JULY 12, 2002.—Referred to the House Calendar and ordered to be printed

Mr. SENSENBRENNER, from the Committee on the Judiciary, submitted the following

R E P O R T

[To accompany H.R. 3214]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 3214) to amend the charter of the AMVETS organization, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 3214 would amend the Federal charter for the American Veterans of World War II, Korea, and Vietnam (AMVETS).

BACKGROUND AND NEED FOR THE LEGISLATION

The American Veterans of World War II were founded in 1944. They were federally chartered in 1947. Their charter was amended

by Congress in 1950 to allow Korean War veterans to be members of the organization and in 1966 to allow Vietnam veterans to be members of the organization. In 1970, Congress acted to change the name of the organization to AMVETS—American Veterans of World War II, Korea, and Vietnam. In 1984, the AMVETS charter was amended to allow anyone who served honorably after 1940 to join AMVETS. In 1990, Congress acted to allow the membership for national guardsmen and reservists.

In 1998, at the AMVETS annual convention, the delegates voted for an official name change from American Veterans of World War II, Korea, and Vietnam to American Veterans to more accurately reflect the membership of AMVETS. Additionally, the AMVETS have voted to change the structure of their governing body. H.R. 3214 contains language to reflect the structure change in the statute. Finally, the organization has changed the location of their headquarters from the District of Columbia to Lanham, Maryland. Therefore, the "Headquarters and principal place of business" section of their charter needs to be changed to indicate they are now located in Maryland.

In order for these changes to be recognized by the Department of Veterans Affairs the AMVETS Federal charter must be amended.

HEARINGS

No hearings were held on H.R. 3214.

COMMITTEE CONSIDERATION

On April 17, 2002, the Subcommittee on Immigration and Claims met in open session and ordered favorably reported the bill H.R. 3214, by voice vote, a quorum being present. On July 10, 2002, the Committee met in open session and ordered favorably reported the bill H.R. 3214 without amendment by voice vote, a quorum being present.

VOTE OF THE COMMITTEE

There were no recorded votes taken on H.R. 3214.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

PERFORMANCE GOALS AND OBJECTIVES

The bill would change the name of the organization to American Veterans, the structure of the organization's governing body, and the location of the organization's headquarters.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of House rule XIII is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 3214, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 12, 2002.

Hon. F. JAMES SENSENBRENNER, Jr., *Chairman,*
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3214, a bill to amend the charter of the AMVETS organization.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Melissa E. Zimmerman, who can be reached at 226–2840.

Sincerely,

DAN L. CRIPPEN, *Director.*

Enclosure

cc: Honorable John Conyers, Jr.
Ranking Member

H.R. 3214—A bill to amend the charter of the AMVETS organization.

H.R. 3214 would make several changes to the Federal charter for AMVETS, a veterans association. These changes would confer no Federal benefits. Thus, CBO estimates that enacting this legislation would result in no cost to the Federal Government. Because H.R. 3214 would not affect direct spending or receipts, pay-as-you-go procedures would not apply. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of State, local, or tribal governments.

The CBO staff contact for this estimate is Melissa E. Zimmerman, who can be reached at 226–2840. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article 1, section 8 of the Constitution.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

SECTION 1. AMENDMENTS TO AMVETS CHARTER

Section 1(a) changes the name of the organization from AMVETS (American Veterans of World War II, Korea, and Vietnam) to AMVETS (American Veterans) and also inserts the new name in the heading of chapter 227 of title 36 and the table of chapters at the beginning of subtitle II of title 36.

Section 1(b) changes the structure of the governing body of the organization. The body will consist of a national commander, two national vice commanders, a finance officer, a judge advocate, a chaplain, six national district commanders, and a provost marshal.

Section 1(c) changes the location of the organization's headquarters and principal place of business from the District of Columbia to Maryland.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

TITLE 36, UNITED STATES CODE

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SUBTITLE II—PATRIOTIC AND NATIONAL ORGANIZATIONS

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PART B—ORGANIZATIONS

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[227. AMVETS (AMERICAN VETERANS OF WORLD WAR II, KOREA, AND VIETNAM) ..... 22701]
227. AMVETS (AMERICAN VETERANS) 22701

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PART B—ORGANIZATIONS

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[CHAPTER 227—AMVETS (AMERICAN VETERANS OF WORLD WAR II, KOREA, AND VIETNAM)]

CHAPTER 227—AMVETS (AMERICAN VETERANS)

* * * * * * *

§ 22701. Organization

(a) FEDERAL CHARTER.—[AMVETS (American Veterans of World War II, Korea, and Vietnam)] *AMVETS (American Veterans)*

(in this chapter, the "corporation") is a federally chartered corporation.

* * * * * * *

§ 22704. Governing body

(a) * * *

* * * * * * *

(c) OFFICERS.—(1) The officers of the corporation are a national commander, [seven national vice commanders, one of whom shall be a woman, a finance officer, an adjutant, a judge advocate,] *two national vice commanders, a finance officer, a judge advocate, a chaplain, six national district commanders,* and a provost marshal.

* * * * * * *

§ 22706. Exclusive right to name, seals, emblems, and badges

The corporation and its State, regional, and local subdivisions have the exclusive right to use the name "[AMVETS (American Veterans of World War II, Korea, and Vietnam)] *AMVETS (American Veterans)*" and seals, emblems, and badges the corporation adopts.

* * * * * * *

§ 22708. Headquarters and principal place of business

The headquarters and principal place of business of the corporation shall be in [the District of Columbia] *Maryland*. However, the activities of the corporation are not confined to [the District of Columbia] *Maryland* but may be conducted throughout the States, territories, and possessions of the United States.

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MARKUP TRANSCRIPT

BUSINESS MEETING

WEDNESDAY, JULY 10, 2002

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Committee met, pursuant to notice, at 10:17 a.m., in Room 2141, Rayburn House Office Building, Hon. F. James Sensenbrenner, Jr. [Chairman of the Committee] presiding.

Chairman SENSENBRENNER. The Committee will be in order. A working quorum is present.

It is the intention of the Chair to deal with the three veterans bills en bloc and then the two private bills en bloc before getting to the homeland security bill, H.R. 5005.

The first item on the agenda is the consideration of H.R. 3838, 3214, and 3988, which, without objection, will be considered en bloc. The Chair recognizes the gentleman from Pennsylvania, Mr. Gekas, the Chairman of the Subcommittee on Immigration, Border Security, and Claims, for a motion.

Mr. GEKAS. Mr. Chairman, the Subcommittee on Immigration, Border Security, and Claims reports favorably the bills H.R. 3838,

H.R. 3214, and H.R. 3988, and moves their favorable recommendation to the full House.

Chairman SENSENBRENNER. Without objection, the bills will be considered as read and open for amendment at any point.

[The bill, H.R. 3214, follows:]

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107TH CONGRESS
1ST SESSION

H. R. 3214

To amend the charter of the AMVETS organization.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 1, 2001

Mr. BILIRAKIS (for himself and Mr. EVANS) introduced the following bill; which was referred to the Committee on the Judiciary

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A BILL

To amend the charter of the AMVETS organization.

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

SECTION 1. AMENDMENTS TO AMVETS CHARTER.

(a) NAME OF ORGANIZATION.—(1) Sections 22701(a) and 22706 of title 36, United States Code, are amended by striking "AMVETS (American Veterans of World War II, Korea, and Vietnam)" and inserting "AMVETS (American Veterans)".

(2)(A) The heading of chapter 227 of such title is amended to read as follows:

"CHAPTER 227—AMVETS (AMERICAN VETERANS)".

(B) The item relating to such chapter in the table of chapters at the beginning of subtitle II of such title is amended to read as follows:

"227. AMVETS (AMERICAN VETERANS) ..... 22701".

(b) GOVERNING BODY.—Section 22704(c)(1) of such title is amended by striking "seven national vice commanders" and all that follows through "a judge advocate," and inserting "two national vice commanders, a finance officer, a judge advocate, a chaplain, six national district commanders,".

(c) HEADQUARTERS AND PRINCIPAL PLACE OF BUSINESS.—Section 22708 of such title is amended—

(1) by striking "the District of Columbia" in the first sentence and inserting "Maryland"; and

(2) by striking "the District of Columbia" in the second sentence and inserting "Maryland".

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Chairman SENSENBRENNER. The Chair recognizes the gentleman from Pennsylvania to strike the last word.

Mr. GEKAS. I thank the Chair.

These three bills attend to membership problems that have been encountered by three of our esteemed veterans organizations: the American Legion, the VFW, and AMVETS. In each case, the current language of their charters prevents veterans from succeeding conflicts or wars or battles to be eligible for respective membership in those organizations.

For instance, in the VFW problem, the veterans from the action in Somalia and Kosovo would be ineligible under the current char-

ter language. This would cure that and mean—it would allow those which were actually conflicts and people actually died, those would be cleared up in the language of the new charter.

As to the AMVETS, which was currently—is currently restricted to American veterans of World War II, Korea, and Vietnam, the language is changed to allow people to join who had been in consequent conflicts and wars after those three. So people in Desert Storm and Desert Shield, for instance, otherwise ineligible, would now become eligible for the AMVETS.

In the Legion, by quirk of the current language, the people who are veterans of Desert Shield and Desert Storm again and Iraq, Bosnia, Kosovo, and Afghanistan would not be eligible to join the American Legion. This language, as we propose, would allow them to qualify for those.

I ask for unanimous approval of these three bills.

Chairman SENSENBRENNER. The gentlewoman from Texas, Ms. Jackson Lee.

Ms. JACKSON LEE. Thank you very much. Let me indicate my support for these three bills, which, again, would amend the Federal charter of the American veterans of World War II under H.R. 3214, and would—World War II, Korea, and Vietnam vets, to reflect changes made at their 1998 convention, and in H.R. 3838 would amend the Federal charter of the Veterans of Foreign Wars. This legislation would allow any member of the Armed Forces who received hostile fire or imminent danger pay to be a member of the VFW. And I agree with taking them en bloc, and H.R. 3988, this bill makes a technical amendment to the membership qualifications language of the Federal charter of the American Legion. We're doing as we have been asked and reviewed, and, therefore, I ask my colleagues to unanimously support this legislation as we move forward.

Mr. COBLE. Mr. Chairman?

Chairman SENSENBRENNER. Without objection, all Members may insert opening statements in the record at this point.

Are there amendments? The gentleman from North Carolina.

Mr. COBLE. Mr. Chairman, I move to strike the last word and will not consume my 5 minutes.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. COBLE. I'd like to ask the gentleman from Pennsylvania a question, if I may.

Mr. Gekas, it is my belief that the agencies involved endorse these proposals.

Mr. GEKAS. That's correct. The individual organizations themselves approve, of course, and many of the current members approve, from what we've been able to discern, and future members, of course, would like to see——

Mr. COBLE. I thank you.

Reclaiming my time, Mr. Chairman, I'm a member of the VFW and the American Legion Post back in North Carolina, and I can't speak nationally but I know back home our post continues to suffer the loss of membership of younger members. Most of our members are—I don't mean in the geezer stage, but at least we're advancing in age, and I think—I think these proposals will address that and

probably bring—why is everybody smiling when I say "geezer" and looking at me?

But I yield back, Mr. Chairman, and endorse passage.

Chairman SENSENBRENNER. Without objection, the gentleman from North Carolina's name will be stricken from the roll of geezers.

Are there amendments? [Laughter.]

Chairman SENSENBRENNER. Hearing none, the Chair notes the presence of a reporting quorum. The question occurs on the motion to report H.R. 3838, 3214, and 3988 favorably en bloc. Those in favor will say aye. Opposed, no.

The ayes appear to have it, and the motion to report favorably is adopted.

Without objection, the Chairman is authorized to move to go to conference pursuant to House rules. Without objection, the staff is directed to make any technical and conforming changes, and all Members will be given 2 days, as provided by the rules, in which to submit additional dissenting, supplemental, or minority views.

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