DRAFT CBL AMENDMENT 14-02

SUBJECT: VARIOUS UPDATES TO THE AMVETS NATIONAL CONSTITUTION

SOURCE: AMVETS NATIONAL CBL & POLICY REVIEW COMMITTEE

WHEREAS, AMVETS National Constitution has not been completely reviewed since 2002; and
WHEREAS, several articles have since been amended which affects other articles; and
WHEREAS, some articles need to be updated; now, therefore, be it
RESOLVED that the following amendments be made to AMVETS National Constitution:

Article III: Organization

Section 1.

Existing:
AMVETS shall be organized with a national headquarters located in Maryland, a department in each state, District of Columbia, United States territories, and at such other places and countries as authorized by the national convention or an intervening National Executive Committee (NEC) meeting. Local posts shall be formed within such departments, and intermediate administrative groups may be created by the National Executive Committee and department executive committees to function within their respective jurisdiction where such action is deemed advisable.

Proposed:
AMVETS shall be organized with a national headquarters located in Maryland, a department in each state, District of Columbia, United States territories, and at such other places and countries as authorized by the national convention or an intervening National Executive Committee (NEC) meeting. Local posts shall be formed within these entities, and intermediate administrative groups may be created by the National Executive Committee and department executive committees to function within their respective jurisdiction where such action is deemed advisable.

Comment: Change to cover non-department states.

Section 4. (a)

Existing:
AMVETS is a federally chartered membership corporation created by act of Congress. In accordance with that legislation, AMVETS has issued charters to the AMVETS Auxiliary,
departments and other units, including posts. Pursuant to their charters, those units are bound to pursue the purposes set forth in the Congressional Charter and abide by the Charter and Bylaws of AMVETS. However, each organization is a separate unincorporated association or corporation under the laws of the jurisdiction in which each is located.

Proposed:
AMVETS is a congressionally chartered membership corporation created by act of Congress under U. S. Code Title 36, Subtitle 1.2.2, Chapter 227, July 23, 1947. In accordance with that legislation, AMVETS has issued charters to subsidiary organizations, departments and other units, including posts. Pursuant to their charters, those units are bound to pursue the purposes set forth in the Congressional Charter and abide by the Charter and Bylaws of AMVETS. However, each organization is a separate unincorporated association or corporation under the laws of the jurisdiction in which each is located.

Comment: Add reference to public law establishing AMVETS and cover all subsidiary organizations.

Article IV: Membership

Section 5.

Existing:
Membership shall run from September 1 through August 31. All AMVETS subordinate organizations shall maintain the same calendar year for their membership. Eligibility for membership and the rights and privileges of members shall be as provided in the constitution and by-laws of AMVETS and the terms of membership and requirements for holding office within AMVETS shall not be discriminatory on the basis of race, color, religion, sex or national origin.

Proposed:
Membership shall run from September 1 through August 31. All AMVETS subordinate organizations shall maintain the same calendar year for their membership. Eligibility for membership and the rights and privileges of members shall be as provided in the constitution and by-laws of AMVETS and the terms of membership and requirements for holding office within AMVETS shall not be discriminatory on the basis of race, color, religion, gender, sexual orientation or national origin.

Comment: Adding sexual orientation PC

Article V: National Convention

Section 1.

Existing:
A national convention shall be held annually in the United States of America during the first two weeks of August, at a time and place selected by the delegates present and voting at a national convention not more than five years in advance. In the absence of a selection of a convention site by a convention body, or in the event the date or place selected by a convention body becomes unavailable or any provision of the convention bid is withdrawn, or if bids are not received in advance, then the National Executive Committee shall select the time and place of such convention. The national convention body shall decide in all other situations. The national convention shall constitute the governing body of AMVETS.

Proposed:
A national convention shall be held annually in the United States of America within a chartered department during the first two weeks of August, at a time and place selected by the delegates present and voting at a national convention not more than five years in advance. In the absence of a selection of a convention site by a convention body, or in the event the date or place selected by a convention body becomes unavailable or any provision of the convention bid is withdrawn, or if bids are not received in advance, then the National Executive Committee shall select the time and place of such convention. The national convention body shall decide in all other situations. The national convention shall constitute the governing body of AMVETS.

Comment: Limit conventions to department states.

Article VI: National Officers

Section 1. (a)

Existing:
The national convention shall elect a National Commander, a National First Vice Commander, a National Second Vice Commander, a National Finance Officer, a National Provost Marshal and a National Judge Advocate. The National Judge Advocate must have served at least one term as an AMVETS National, District or Department Commander or be a licensed or retired attorney and must have been in practice for a period of not less than five years.

Proposed:
The national convention shall elect a National Commander, a National First Vice Commander, a National Second Vice Commander, a National Finance Officer, a National Provost Marshal and a National Judge Advocate. The National Judge Advocate must have served at least one term as an AMVETS National, National District or Department Commander or be a licensed or retired attorney and must have been in practice for a period of not less than five years.

Comment: Avoid confusion with department district commanders.

Section 1. (f)
Existing:
The national district commanders of recognized districts are to organize on a district basis as authorized for the express purpose of furthering the aims and purposes of the national organization as set forth in Article II. Each recognized national district shall conduct at least one district executive meeting between the annual meetings. Each recognized national district shall establish and adopt a constitution to govern its own organization. No recognized national district shall have administrative authority over its state departments and local posts; however, a district commander’s duties include acting as a national district deputy inspector general. All duly elected national district commanders shall report, in writing, to each meeting of the National Executive Committee. In the event the duly elected national district commanders fail to submit reports herein required, then such expenses as they may be otherwise authorized to receive under the terms of this constitution and bylaws shall be forfeited.

Proposed:
The state departments of recognized districts are to organize on a district basis as authorized for the express purpose of furthering the aims and purposes of the national organization as set forth in Article II. Each recognized national district shall conduct at least one district executive meeting between the annual meetings. Each recognized national district shall establish and adopt a constitution to govern its own organization. No recognized national district shall have administrative authority over its state departments and local posts; however, a district commander’s duties include acting as a national district deputy inspector general. All duly elected national district commanders shall report, in writing, to each meeting of the National Executive Committee. In the event the duly elected national district commanders fail to submit reports herein required, then such expenses as they may be otherwise authorized to receive under the terms of this constitution and bylaws shall be forfeited.

Comment: Departments organize, not commanders.

Section 3.(a)

Existing:
The national commander, with the consent and approval of the National Executive Committee, shall appoint an executive director, a service director, a deputy service director, a legislative director, a finance director, a program director, a membership director and a public relations director whenever vacancies occur in such offices provided that their compensation, if any, is included in the approved operating budget. The service director, the legislative director, the finance director, the program director, the membership director and the public relations director will report to the executive director.

Proposed:
The national commander, with the consent and approval of the National Executive Committee, shall appoint an executive director, a legislative director, a finance director, a program director, a membership director and a communications director whenever vacancies occur in such offices provided that their compensation, if any, is included in the approved operating budget. The legislative director, the finance director, the program director, the membership director and the communications director will report to the executive director.
Comment: Service Director reports to National Service Foundation; public relations title was changed to communications some time ago.

Section 3.(c)

Existing:
The national commander, with the consent and approval of the National Executive Committee, shall also appoint and have the power to remove a national inspector general, a national chaplain and a deputy national judge advocate who shall possess the same qualifications as the national judge advocate. These appointments shall be made at the post-convention NEC meeting.

Proposed:
The national commander, with the consent and approval of the National Executive Committee, shall also appoint and have the power to remove a national inspector general, a national chaplain and a deputy national judge advocate who must have served at least one term as an AMVETS National, National District or Department Commander or be a licensed or retired attorney and must have been in practice for a period of not less than five years. These appointments shall be made at the post-convention NEC meeting.

Comment: Clarify qualifications for deputy judge advocate.

Section 4. (b)

Existing:
No salaried appointed director may be discharged without the approval of the Personnel Committee. The committee shall be composed of the national commander, who shall be the chairman, and the national district commanders. The national judge advocate shall be an ex-officio non-voting member of said committee. No salaried employee of AMVETS, at any level, shall be eligible to serve on the Personnel Committee. Salaries of elected and appointed officers shall be fixed by the Finance Committee subject to the approval of the National Executive Committee.

Proposed:
No salaried appointed director may be discharged without the approval of the Personnel Committee. The committee shall be composed of the national commander, who shall be the chairman, and the national district commanders. The national judge advocate shall be an ex-officio non-voting member of said committee. No salaried employee of AMVETS, at any level, shall be eligible to serve on the Personnel Committee. Salaries of appointed directors shall be fixed by the Finance Committee subject to the approval of the National Executive Committee.

Comment: Directors are paid, officers are volunteers

Section 4. (c)
Existing:
Hiring, firing and the establishment of salaries within the approved budget of all National Headquarters employees shall be vested in the executive director. An appeal from the decision of the executive director may be taken through the National Commander to the Personnel Committee whose decision shall be final. The service director shall be responsible for the hiring, firing and establishment of all salaries within the approved budget for the service department, subject to the approval of the national executive director and the national commander. An appeal from the decision of the service director shall be taken through the National Commander and the National Executive Director to the Personnel Committee.

Proposed:
Hiring and firing of all National Headquarters employees except directors shall be vested in the executive director. He shall also be responsible for establishment of salaries within the approved budget, subject to the approval of the National Finance Committee. An appeal from the decision of the executive director may be taken through the National Commander to the Personnel Committee whose decision shall be final.

Comment: See Section 4(b) above; service officers are on NSF payroll.

Article VII: National Executive Committee

Section 2.

Existing:
No national executive committeeman, alternate executive committeeman or other representative of a department shall be seated on the National Executive Committee to represent such department at any NEC meeting or have expenses paid by the national department for such meeting unless the individual is fully paid up in all personal accounts with the national headquarters and that all posts within the department shall have complied with all requirements of a post to revalidate its charter and received such Certificate of Revalidation of its charter, or the department shall take disciplinary action against such posts by suspending the charter of the posts until they shall have complied with all such requirements, and the department has presented to National Headquarters copies of the formal written suspension notification.

Proposed:
No national executive committeeman, alternate executive committeeman or other representative of a department shall be seated on the National Executive Committee to represent such department at any NEC meeting or have expenses paid by the national department for such meeting unless the individual is fully paid up in all personal accounts with the national headquarters and that all posts within the department shall have complied with all requirements of a post to revalidate its charter and received such Certificate of Revalidation of its charter, or the department has taken disciplinary action against such posts by suspending the charter of the posts until they shall have complied with all such requirements, and the department has presented to National Headquarters copies of the formal written suspension notification.
Comment: Correcting grammar.

Section 4.

Existing:
Each national executive committeeman and alternate executive committeeman shall take office on adjournment of the department convention at which the committeeman or alternate is elected and serve until a successor is duly elected and qualified. Each such national executive committeeman and alternate national executive committeeman shall serve for a term of two years, with the departments of Alabama through Missouri, including the District of Columbia, selecting in the even-numbered years and Montana through Wyoming selecting in the odd-numbered years.

Proposed:
Each national executive committeeman and alternate executive committeeman shall take office on adjournment of the department convention at which the committeeman or alternate is elected and serve until a successor is duly elected. Each such national executive committeeman and alternate national executive committeeman shall serve for a term of two years, with the departments of Alabama through Missouri, including the District of Columbia, selecting in the even-numbered years and Montana through Wyoming selecting in the odd-numbered years.

Comment: Should be qualified before election.

Article IX: Department Organization

Section 8.(a) (2)

Existing:
file Internal Revenue Form 990 for the department calendar or fiscal year with the Internal Revenue Service if required by current IRS regulations, and indicate on the officer's form that a 990 form has has not been sent to the IRS

Proposed:
file Internal Revenue Form 990 for the department calendar or fiscal year with the Internal Revenue Service, and indicate on the officer's form that a 990 form has been sent to the IRS

Comment: All departments are required to file 990 forms.

Article X: Post Organization

Section 3(b)
Existing:
file Internal Revenue Form 990 for the post calendar or fiscal year with the Internal Revenue Service if required by current IRS regulations, and indicate on the officers' form that a 990 form has/has not been sent to the IRS.

Proposed:
file Internal Revenue Form 990 for the post calendar or fiscal year with the Internal Revenue Service, and indicate on the officers' form that a 990 form has been sent to the IRS.

Comment: All posts are required to file 990 forms.

Article XI. Finances

Section 4.

Existing:
The Finance Committee shall make an annual report to the national convention. Revenue shall be derived from annual dues and such other sources as may be approved by the National Executive Committee.

Proposed:
The Finance Committee shall make an annual report to the national convention. Revenue shall be derived from membership dues and such other sources as may be approved by the National Executive Committee.

Comment: Correct wording.

Section 5

Existing:
The Finance Committee shall submit a provisional annual budget to the National Executive Committee for its approval at its December meeting. Within 60 days thereafter, the national commander, at personal discretion, may reconvene the National Finance Committee for the purpose of preparing and acting on such recommendations for budgetary change as the national commander may propose. The national commander’s proposals for change, however, shall be limited to revisions within departmental budgets. The National Finance Committee may adopt or reject such proposals by majority vote.

Proposed:
The Finance Committee shall submit a provisional annual budget to the National Executive Committee for its approval at its preconvention meeting. Within 60 days thereafter, the national commander, at personal discretion, may reconvene the National Finance Committee for the purpose of preparing and acting on such recommendations for budgetary change as the national commander may propose. The national commander’s proposals for change, however, shall be limited to revisions within departmental budgets. The National Finance Committee may adopt or reject such proposals by majority vote.
Comment: To correspond with new fiscal year.

Article XVII. Service Foundation

New:

Section 4. The AMVETS National Service Foundation shall provide a National Service Director and a Deputy National Service Director.

1. National Service Director. The national service director shall be the service and welfare officer of the national service foundation. The national service director shall be responsible for the proper handling of claims of veterans and their dependents or survivors before the Department of Veterans Affairs; addressing veterans employment problems; the prosecution of rights under all applicable federal statutes concerning veterans affairs; and the answering of individual requests for assistance or information from members, posts and departments. It shall be the duty of the national service director to formulate a rehabilitation program and to direct the activities of staff members charged with implementing the program. A part of this program shall be the formation of a staff of trained national service officers and their assignment to the various regional offices of the Department of Veterans Affairs, subject to the approval of the national service foundation executive director and the Board of Trustees. The national service director shall serve at the pleasure of the AMVETS National Service Foundation Board of Trustees.

2. Deputy National Service Director. The deputy national service director shall be under the supervision of the national service director and shall supervise the operations of the field cadre, ensuring adherence to AMVETS and national service program policies; maintain all records pertinent to the field operation; advise the national service director on all aspects of the field operation; represent AMVETS at appropriate events and meetings; and fulfill other duties as required.

Comment: To clarify that the service director and deputy service director report to the NSF.