

108TH CONGRESS
1ST SESSION

H. R. 1682

To amend title 36, United States Code, to grant a Federal charter to the
Special Operations Warrior Foundation, Inc.

IN THE HOUSE OF REPRESENTATIVES

APRIL 9, 2003

Mr. KIRK (for himself and Mr. LARSEN of Washington) introduced the
following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 36, United States Code, to grant a Federal
charter to the Special Operations Warrior Foundation, Inc.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Special Operations
5 Warrior Foundation Charter Act”.

6 **SEC. 2. CHARTER FOR SPECIAL OPERATIONS WARRIOR**
7 **FOUNDATION.**

8 Part B of subtitle II of title 36, United States Code,
9 is amended by inserting after chapter 2305 the following
10 new chapter:

1 **“CHAPTER 2306—SPECIAL OPERATIONS**
2 **WARRIOR FOUNDATION**

3 **“§ 230601. Definitions**

4 “For the purposes of this chapter—

5 “(1) the term ‘Special Operations personnel’
6 means all military personnel from all services as-
7 signed to the United States Special Operations Com-
8 mand of the Department of Defense or its successor
9 commands or organizations.

10 “(2) the term ‘State’ includes the District of
11 Columbia and the territories and possessions of the
12 United States.

13 **“§ 230602. Organization**

14 “(a) FEDERAL CHARTER.—The Special Operations
15 Warrior Foundation (in this chapter, the ‘corporation’),
16 a nonprofit corporation incorporated in the District of Co-
17 lumbia, is a federally chartered corporation.

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

21 **“§ 230603. Purposes**

22 “‘The purposes of the corporation are as provided in
23 its bylaws and articles of incorporation and include the
24 provision of scholarship grants and family, financial, and
25 educational counseling to the families of Special Oper-

1 ations personnel who have given their lives in patriotic
2 service to their country.

3 **“§ 230604. Governing body**

4 “(a) BOARD OF DIRECTORS.—The board of directors
5 is the governing body of the corporation. The composition
6 of the board and its powers, duties, and responsibilities
7 are as provided in the corporation’s bylaws and articles
8 of incorporation.

9 “(b) OFFICERS.—The officers and the election of offi-
10 cers of the corporation are as provided in its bylaws and
11 articles of incorporation.

12 **“§ 230605. Powers**

13 “The corporation may—

14 “(1) adopt and amend bylaws for the manage-
15 ment of its property and the regulation of its affairs;

16 “(2) adopt and alter the corporate seal;

17 “(3) choose officers, managers, and agents as
18 the activities of the corporation require;

19 “(4) solicit, accept, and use to carry out the
20 purposes of the corporation any appropriations,
21 grants, funds, contributions in cash or in-kind, or
22 property from the government of the United States,
23 State and local governments, charitable or edu-
24 cational organizations, foundations, public and pri-
25 vate corporations, and individuals;

1 “(5) make contracts;

2 “(6) acquire, own, lease, encumber, and trans-
3 fer property as necessary or convenient to carry out
4 the purposes of the corporation;

5 “(7) borrow money, issue instruments of indebt-
6 edness, and secure its obligations by granting secu-
7 rity interests in its property;

8 “(8) sue and be sued; and

9 “(9) do any other act necessary and proper to
10 carry out the purposes of the corporation.

11 **“§ 230606. Support by the Departments of Defense**
12 **and Veterans Affairs**

13 “(a) IN GENERAL.—The Department of Defense, the
14 Department of Veterans Affairs, and any other Federal
15 departments or agencies as may be necessary and appro-
16 priate, may provide such assistance to the corporation as
17 is required to accomplish the purposes of the corporation.

18 “(b) INFORMATION.—The Departments of Defense
19 and Veterans Affairs shall provide such information to the
20 corporation as shall enable the corporation to provide
21 timely benefits to the surviving families of any Special Op-
22 erations personnel killed in the line of duty. The informa-
23 tion shall include all the data recorded on any casualty
24 report on the decedent and the names, addresses, and tele-
25 phone numbers of the decedent’s surviving children and

1 the names, addresses, and telephone numbers of the par-
2 ent or legal guardians of the decedent's surviving children.

3 “(c) LOGISTICS.—The Department of Defense may
4 provide logistical support to the corporation.

5 **“§ 230607. Exclusive right to name, seals, emblems,
6 and badges**

7 “The corporation shall have the exclusive right to use
8 the name ‘Special Operations Warrior Foundation’ and
9 any seals, emblems, and badges the corporation adopts.

10 **“§ 230608. Restrictions**

11 “(a) STOCKS AND DIVIDENDS.—The corporation may
12 not issue stock or declare or pay a dividend.

13 “(b) POLITICAL ACTIVITIES.—The corporation, or a
14 director or officer of the corporation, as such, may not
15 contribute to, support, or participate in any political activ-
16 ity.

17 “(c) DISTRIBUTION OF INCOME OR ASSETS.—The in-
18 come or assets of the corporation may not inure to the
19 benefit of, or be distributed to, a director or officer during
20 the life of the charter granted by this chapter. This sub-
21 section does not prevent the payment of reasonable com-
22 pensation to an officer or director or reimbursement for
23 actual and necessary expenses incurred by an officer or
24 director in amounts approved by the board of directors.

1 “(d) LOANS.—The corporation may not make a loan
2 to any director, officer, or employee.

3 **“§ 230609. Duty to maintain corporate and tax-ex-**
4 **empt status**

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

8 “(b) TAX-EXEMPT STATUS.—The corporation shall
9 maintain its status as an organization exempt from tax-
10 ation under the Internal Revenue Code of 1986 (26 U.S.C.
11 1 et seq.).

12 **“§ 2306010. Records**

13 “The corporation shall keep correct and complete
14 records of account and minutes of the proceedings of its
15 board of directors and committees having any of the au-
16 thority of its board of directors.

17 **“§ 2306011. Liability for acts of officers and agents**

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

20 **“§ 2306012. Annual report**

21 “The corporation shall submit an annual report to
22 Congress on the activities of the corporation during the
23 prior fiscal year. The report shall be submitted at the
24 same time as the report of the audit required by section
25 10101 of this title.”.

1 **SEC. 3. CLERICAL AMENDMENT.**

2 The table of chapters at the beginning of subtitle II
3 of title 36, United States Code, is amended by inserting
4 after the item relating to chapter 2305 the following new
5 item:

“2306. Special Operations Warrior Foundation230601”.

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