

108TH CONGRESS
2D SESSION

S. 2938

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 16, 2004

Referred to the Committee on the Judiciary

AN ACT

To grant a Federal charter to the National American Indian
Veterans, Incorporated.

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

1 **SECTION 1. RECOGNITION AS CORPORATION AND GRANT**
 2 **OF FEDERAL CHARTER FOR NATIONAL**
 3 **AMERICAN INDIAN VETERANS, INCOR-**
 4 **PORATED.**

5 (a) IN GENERAL.—Part B of subtitle II of title 36,
 6 United States Code, is amended by inserting after chapter
 7 1503 the following new chapter:

8 **“CHAPTER 1504—NATIONAL AMERICAN**
 9 **INDIAN VETERANS, INCORPORATED**

“Sec.

- “150401. Organization.
- “150402. Purposes.
- “150403. Membership.
- “150404. Board of directors.
- “150405. Officers.
- “150406. Nondiscrimination.
- “150407. Powers.
- “150408. Exclusive right to name, seals, emblems, and badges.
- “150409. Restrictions.
- “150410. Duty to maintain tax-exempt status.
- “150411. Records and inspection.
- “150412. Service of process.
- “150413. Liability for acts of officers and agents.
- “150414. Failure to comply with requirements.
- “150415. Annual report.

10 **“§ 150401. Organization**

11 “The National American Indian Veterans, Incor-
 12 porated, a nonprofit corporation organized in the United
 13 States (in this chapter referred to as the ‘corporation’),
 14 is a federally chartered corporation.

1 **“§ 150402. Purposes**

2 “The purposes of the corporation are those stated in
3 its articles of incorporation, constitution, and bylaws, and
4 include a commitment—

5 “(1) to uphold and defend the Constitution of
6 the United States while respecting the sovereignty of
7 the American Indian, Alaska Native, and Native Ha-
8 waiian Nations;

9 “(2) to unite under one body all American In-
10 dian, Alaska Native, and Native Hawaiian veterans
11 who served in the Armed Forces of United States;

12 “(3) to be an advocate on behalf of all Amer-
13 ican Indian, Alaska Native, and Native Hawaiian
14 veterans without regard to whether they served dur-
15 ing times of peace, conflict, or war;

16 “(4) to promote social welfare (including edu-
17 cational, economic, social, physical, cultural values,
18 and traditional healing) in the United States by en-
19 couraging the growth and development, readjust-
20 ment, self-respect, self-confidence, contributions, and
21 self-identity of American Indian veterans;

22 “(5) to serve as an advocate for the needs of
23 American Indian, Alaska Native, and Native Hawai-
24 ian veterans, their families, or survivors in their
25 dealings with all Federal and State government
26 agencies;

1 “(6) to promote, support, and utilize research,
2 on a nonpartisan basis, pertaining to the relation-
3 ship between the American Indian, Alaska Native,
4 and Native Hawaiian veterans and American society;
5 and

6 “(7) to provide technical assistance to the 12
7 regional areas without veterans committees or orga-
8 nizations and programs by—

9 “(A) providing outreach service to those
10 Tribes in need; and

11 “(B) training and educating Tribal Vet-
12 erans Service Officers for those Tribes in need.

13 **“§ 150403. Membership**

14 “Subject to section 150406 of this title, eligibility for
15 membership in the corporation, and the rights and privi-
16 leges of members, shall be as provided in the constitution
17 and by-laws of the corporation.

18 **“§ 150404. Board of directors**

19 “Subject to section 150406 of this title, the board
20 of directors of the corporation, and the responsibilities of
21 the board, shall be as provided in the constitution and by-
22 laws of the corporation and in conformity with the laws
23 under which the corporation is incorporated.

1 **“§ 150405. Officers**

2 “Subject to section 150406 of this title, the officers
3 of the corporation, and the election of such officers, shall
4 be as provided in the constitution and bylaws of the cor-
5 poration and in conformity with the laws of the jurisdic-
6 tion under which the corporation is incorporated.

7 **“§ 150406. Nondiscrimination**

8 “In establishing the conditions of membership in the
9 corporation, and in determining the requirements for serv-
10 ing on the board of directors or as an officer of the cor-
11 poration, the corporation may not discriminate on the
12 basis of race, color, religion, sex, national origin, handicap,
13 or age.

14 **“§ 150407. Powers**

15 “The corporation shall have only those powers grant-
16 ed the corporation through its articles of incorporation
17 and its constitution and bylaws which shall conform to the
18 laws of the jurisdiction under which the corporation is in-
19 corporated.

20 **“§ 150408. Exclusive right to name, seals, emblems,
21 and badges**

22 “(a) IN GENERAL.—The corporation shall have the
23 sole and exclusive right to use the names ‘National Amer-
24 ican Indian Veterans, Incorporated’ and ‘National Amer-
25 ican Indian Veterans’, and such seals, emblems, and
26 badges as the corporation may lawfully adopt.

1 “(b) CONSTRUCTION.—Nothing in this section shall
2 be construed to interfere or conflict with established or
3 vested rights.

4 **“§ 150409. Restrictions**

5 “(a) STOCK AND DIVIDENDS.—The corporation shall
6 have no power to issue any shares of stock nor to declare
7 or pay any dividends.

8 “(b) DISTRIBUTION OF INCOME OR ASSETS.—(1) No
9 part of the income or assets of the corporation shall inure
10 to any person who is a member, officer, or director of the
11 corporation or be distributed to any such person during
12 the life of the charter granted by this chapter.

13 “(2) Nothing in this subsection shall be construed to
14 prevent the payment of reasonable compensation to the
15 officers of the corporation, or reimbursement for actual
16 and necessary expenses, in amounts approved by the board
17 of directors.

18 “(c) LOANS.—The corporation shall not make any
19 loan to any officer, director, member, or employee of the
20 corporation.

21 “(d) NO FEDERAL ENDORSEMENT.—The corpora-
22 tion shall not claim congressional approval or Federal
23 Government authority by virtue of the charter granted by
24 this chapter for any of its activities.

1 **“§ 150410. Duty to maintain tax-exempt status**

2 “The corporation shall maintain its status as an or-
3 ganization exempt from taxation as provided in the Inter-
4 nal Revenue Code of 1986.

5 **“§ 150411. Records and inspection**

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

7 “(1) correct and complete books and records of
8 accounts;

9 “(2) minutes of any proceeding of the corpora-
10 tion involving any of its members, the board of di-
11 rectors, or any committee having authority under
12 the board of directors; and

13 “(3) at its principal office, a record of the
14 names and addresses of all members having the
15 right to vote.

16 “(b) INSPECTION.—(1) All books and records of the
17 corporation may be inspected by any member having the
18 right to vote, or by any agent or attorney of such member,
19 for any proper purpose, at any reasonable time.

20 “(2) Nothing in this section shall be construed to con-
21 travene the laws of the jurisdiction under which the cor-
22 poration is incorporated or the laws of those jurisdictions
23 within which the corporation carries on its activities in
24 furtherance of its purposes within the United States and
25 its territories.

1 **“§ 150412. Service of process**

2 “With respect to service of process, the corporation
3 shall comply with the laws of the jurisdiction under which
4 the corporation is incorporated and those jurisdictions
5 within which the corporation carries on its activities in
6 furtherance of its purposes within the United States and
7 its territories.

8 **“§ 150413. Liability for acts of officers and agents**

9 “The corporation shall be liable for the acts of the
10 officers and agents of the corporation when such individ-
11 uals act within the scope of their authority.

12 **“§ 150414. Failure to comply with requirements**

13 “If the corporation fails to comply with any of the
14 restrictions or provisions of this chapter, including the re-
15 quirement under section 150410 of this title to maintain
16 its status as an organization exempt from taxation, the
17 charter granted by this chapter shall expire.

18 **“§ 150415. Annual report**

19 “(a) IN GENERAL.—The corporation shall report an-
20 nually to Congress concerning the activities of the corpora-
21 tion during the preceding fiscal year.

22 “(b) SUBMITTAL DATE.—Each annual report under
23 this section shall be submitted at the same time as the
24 report of the audit of the corporation required by section
25 10101(b) of this title.

1 “(c) REPORT NOT PUBLIC DOCUMENT.—No annual
2 report under this section shall be printed as a public docu-
3 ment.”.

4 (b) CLERICAL AMENDMENT.—The table of chapters
5 at the beginning of subtitle II of title 36, United States
6 Code, is amended by insert after the item relating to chap-
7 ter 1503 the following new item:

“1504. National American Indian Veterans, Incorporated 150401”.

Passed the Senate October 9, 2004.

Attest:

EMILY J. REYNOLDS,

Secretary.