

109TH CONGRESS  
1ST SESSION

# H. R. 933

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

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IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 2005

Ms. HERSETH (for herself and Mr. RENZI) introduced the following bill; which  
was referred to the Committee on the Judiciary

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## A BILL

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,*

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

7 (a) IN GENERAL.—Part B of subtitle II of title 36,  
8 United States Code, is amended by inserting after chapter  
9 1503 the following new chapter:

1     **“CHAPTER 1504—NATIONAL AMERICAN**  
2           **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.

3     **“§ 150401. Organization**

4           “The National American Indian Veterans, Incor-  
5     porated, a nonprofit corporation organized in the United  
6     States (in this chapter referred to as the ‘corporation’),  
7     is a federally chartered corporation.

8     **“§ 150402. Purposes**

9           “The purposes of the corporation are those stated in  
10    its articles of incorporation, constitution, and bylaws, and  
11    include a commitment—

12           “(1) to uphold and defend the Constitution of  
13    the United States while respecting the sovereignty of  
14    the American Indian, Alaska Native, and Native Ha-  
15    waiian Nations;

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

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

8           “(4) to promote social welfare (including edu-  
9           cational, economic, social, physical, cultural values,  
10          and traditional healing) in the United States by en-  
11          couraging the growth and development, readjust-  
12          ment, self-respect, self-confidence, contributions, and  
13          self-identity of American Indian veterans;

14          “(5) to serve as an advocate for the needs of  
15          American Indian, Alaska Native, and Native Hawai-  
16          ian veterans, their families, or survivors in their  
17          dealings with all Federal and State government  
18          agencies;

19          “(6) to promote, support, and utilize research,  
20          on a nonpartisan basis, pertaining to the relation-  
21          ship between the American Indian, Alaska Native,  
22          and Native Hawaiian veterans and American society;  
23          and

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

4                   “(A) providing outreach service to those  
5 Tribes in need; and

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

8 **“§ 150403. Membership**

9           “Subject to section 150406 of this title, eligibility for  
10 membership in the corporation, and the rights and privi-  
11 leges of members, shall be as provided in the constitution  
12 and by-laws of the corporation.

13 **“§ 150404. Board of directors**

14           “Subject to section 150406 of this title, the board  
15 of directors of the corporation, and the responsibilities of  
16 the board, shall be as provided in the constitution and by-  
17 laws of the corporation and in conformity with the laws  
18 under which the corporation is incorporated.

19 **“§ 150405. Officers**

20           “Subject to section 150406 of this title, the officers  
21 of the corporation, and the election of such officers, shall  
22 be as provided in the constitution and bylaws of the cor-  
23 poration and in conformity with the laws of the jurisdic-  
24 tion under which the corporation is incorporated.

1 **“§ 150406. Nondiscrimination**

2 “In establishing the conditions of membership in the  
3 corporation, and in determining the requirements for serv-  
4 ing on the board of directors or as an officer of the cor-  
5 poration, the corporation may not discriminate on the  
6 basis of race, color, religion, sex, national origin, handicap,  
7 or age.

8 **“§ 150407. Powers**

9 “The corporation shall have only those powers grant-  
10 ed the corporation through its articles of incorporation  
11 and its constitution and bylaws which shall conform to the  
12 laws of the jurisdiction under which the corporation is in-  
13 corporated.

14 **“§ 150408. Exclusive right to name, seals, emblems,  
15 and badges**

16 “(a) IN GENERAL.—The corporation shall have the  
17 sole and exclusive right to use the names ‘National Amer-  
18 ican Indian Veterans, Incorporated’ and ‘National Amer-  
19 ican Indian Veterans’, and such seals, emblems, and  
20 badges as the corporation may lawfully adopt.

21 “(b) CONSTRUCTION.—Nothing in this section shall  
22 be construed to interfere or conflict with established or  
23 vested rights.

1 **“§ 150409. Restrictions**

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

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

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

15 “(c) LOANS.—The corporation shall not make any  
16 loan to any officer, director, member, or employee of the  
17 corporation.

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

22 **“§ 150410. Duty to maintain tax-exempt status**

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

1 **“§ 150411. Records and inspection**

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

3 “(1) correct and complete books and records of  
4 accounts;

5 “(2) minutes of any proceeding of the corpora-  
6 tion involving any of its members, the board of di-  
7 rectors, or any committee having authority under  
8 the board of directors; and

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

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

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

22 **“§ 150412. Service of process**

23 “With respect to service of process, the corporation  
24 shall comply with the laws of the jurisdiction under which  
25 the corporation is incorporated and those jurisdictions  
26 within which the corporation carries on its activities in

1 furtherance of its purposes within the United States and  
2 its territories.

3 **“§ 150413. Liability for acts of officers and agents**

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

7 **“§ 150414. Failure to comply with requirements**

8 “If the corporation fails to comply with any of the  
9 restrictions or provisions of this chapter, including the re-  
10 quirement under section 150410 of this title to maintain  
11 its status as an organization exempt from taxation, the  
12 charter granted by this chapter shall expire.

13 **“§ 150415. Annual report**

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

17 “(b) SUBMITTAL DATE.—Each annual report under  
18 this section shall be submitted at the same time as the  
19 report of the audit of the corporation required by section  
20 10101(b) of this title.

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

24 (b) CLERICAL AMENDMENT.—The table of chapters  
25 at the beginning of subtitle II of title 36, United States

- 1 Code, is amended by insert after the item relating to chap-
- 2 ter 1503 the following new item:

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

