

110TH CONGRESS  
1ST SESSION

# H. R. 2852

To grant a Federal charter to Korean War Veterans Association,  
Incorporated.

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IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2007

Mr. HOYER (for himself and Mr. SAM JOHNSON of Texas) 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 Korean War Veterans  
Association, 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. GRANT OF FEDERAL CHARTER TO KOREAN**  
4 **WAR VETERANS ASSOCIATION, INCOR-**  
5 **PORATED.**

6 (a) GRANT OF CHARTER.—Part B of subtitle II of  
7 title 36, United States Code, is amended—

8 (1) by striking the following:

9 **“CHAPTER 1201—[RESERVED]”;**

10 and

1           (2) by inserting after chapter 1103 the fol-  
2           lowing new chapter:

3           **“CHAPTER 1201—KOREAN WAR VETERANS**  
4           **ASSOCIATION, INCORPORATED**

“Sec.

“120101. Organization.

“120102. Purposes.

“120103. Membership.

“120104. Governing body.

“120105. Powers.

“120106. Restrictions.

“120107. Tax-exempt status required as condition of charter.

“120108. Records and inspection.

“120109. Service of process.

“120110. Liability for acts of officers and agents.

“120111. Annual report.

“120112. Definition.

5           **“§ 120101. Organization**

6           “(a) FEDERAL CHARTER.—Korean War Veterans  
7 Association, Incorporated (in this chapter, the ‘corpora-  
8 tion’), a nonprofit organization that meets the require-  
9 ments for a veterans service organization under section  
10 501(c)(19) of the Internal Revenue Code of 1986 and that  
11 is organized under the laws of the State of New York,  
12 is a federally chartered corporation.

13           “(b) EXPIRATION OF CHARTER.—If the corporation  
14 does not comply with the provisions of this chapter, the  
15 charter granted by subsection (a) expires.

16           **“§ 120102. Purposes**

17           “The purposes of the corporation are those provided  
18 in its articles of incorporation and shall include the fol-  
19 lowing:

1           “(1) Organize as a veterans service organization  
2           in order to maintain a continuing interest in the wel-  
3           fare of veterans of the Korean War, and rehabilita-  
4           tion of the disabled veterans of the Korean War to  
5           include all that served during active hostilities and  
6           subsequently in defense of the Republic of Korea,  
7           and their families.

8           “(2) To establish facilities for the assistance of  
9           all veterans and to represent them in their claims  
10          before the Department of Veterans Affairs and other  
11          organizations without charge.

12          “(3) To perpetuate and preserve the comrade-  
13          ship and friendships born on the field of battle and  
14          nurtured by the common experience of service to our  
15          nation during the time of war and peace.

16          “(4) To honor the memory of those men and  
17          women who gave their lives that a free America and  
18          a free world might live by the creation of living me-  
19          morial, monuments, and other forms of additional  
20          educational, cultural, and recreational facilities.

21          “(5) To preserve for ourselves and our posterity  
22          the great and basic truths and enduring principles  
23          upon which this nation was founded.

1 **“§ 120103. Membership**

2 “Eligibility for membership in the corporation, and  
3 the rights and privileges of members of the corporation,  
4 are as provided in the bylaws of the corporation.

5 **“§ 120104. Governing body**

6 “(a) BOARD OF DIRECTORS.—The composition of the  
7 board of directors of the corporation, and the responsibil-  
8 ities of the board, are as provided in the articles of incor-  
9 poration of the corporation.

10 “(b) OFFICERS.—The positions of officers of the cor-  
11 poration, and the election of the officers, are as provided  
12 in the articles of incorporation.

13 **“§ 120105. Powers**

14 “The corporation has only those powers provided in  
15 its bylaws and articles of incorporation filed in each State  
16 in which it is incorporated.

17 **“§ 120106. Restrictions**

18 “(a) STOCK AND DIVIDENDS.—The corporation may  
19 not issue stock or declare or pay a dividend.

20 “(b) POLITICAL ACTIVITIES.—The corporation, or a  
21 director or officer of the corporation as such, may not con-  
22 tribute to, support, or participate in any political activity  
23 or in any manner attempt to influence legislation.

24 “(c) LOAN.—The corporation may not make a loan  
25 to a director, officer, or employee of the corporation.

1       “(d) CLAIM OF GOVERNMENTAL APPROVAL OR AU-  
2 THORITY.—The corporation may not claim congressional  
3 approval, or the authority of the United States, for any  
4 of its activities.

5       “(e) CORPORATE STATUS.—The corporation shall  
6 maintain its status as a corporation incorporated under  
7 the laws of the State of New York.

8       **“§ 120107. Tax-exempt status required as condition of**  
9                               **charter**

10       “If the corporation fails to maintain its status as an  
11 organization exempt from taxation under the Internal  
12 Revenue Code of 1986, the charter granted under this  
13 chapter shall terminate.

14       **“§ 120108. Records and inspection**

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

16               “(1) correct and complete records of account;

17               “(2) minutes of the proceedings of its members,  
18 board of directors, and committees having any of the  
19 authority of its board of directors; and

20               “(3) at its principal office, a record of the  
21 names and addresses of its members entitled to vote  
22 on matters relating to the corporation.

23       “(b) INSPECTION.—A member entitled to vote on  
24 matters relating to the corporation, or an agent or attor-

1 ney of the member, may inspect the records of the cor-  
2 poration for any proper purpose, at any reasonable time.

3 **“§ 120109. Service of process**

4 “The corporation shall have a designated agent in the  
5 District of Columbia to receive service of process for the  
6 corporation. Notice to or service on the agent is notice  
7 to or service on the Corporation.

8 **“§ 120110. Liability for acts of officers and agents**

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

11 **“§ 120111. Annual report**

12 “The corporation shall submit to Congress an annual  
13 report on the activities of the corporation during the pre-  
14 ceding fiscal year. The report shall be submitted at the  
15 same time as the report of the audit required by section  
16 10101 of this title. The report may not be printed as a  
17 public document.

18 **“§ 120112. Definition**

19 “For purposes of this chapter, the term ‘State’ in-  
20 cludes the District of Columbia and the territories and  
21 possessions of the United States.”.

22 (b) CLERICAL AMENDMENT.—The item relating to  
23 chapter 1201 in the table of chapters at the beginning of  
24 subtitle II of title 36, United States Code, is amended to  
25 read as follows:

“1201. Korean War Veterans Association, Incorporated ..... 120101”.

