

106TH CONGRESS
1ST SESSION

H. R. 2354

To grant a Federal charter to the Association of American State Geologists.

IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 1999

Mr. RAHALL (for himself and Mr. GIBBONS) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To grant a Federal charter to the Association of American
State Geologists.

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 AND GRANT OF FEDERAL CHAR-**
4 **TER.**

5 The Association of American State Geologists, a non-
6 profit corporation organized under the laws of the State
7 of Delaware, is recognized and granted a Federal charter.

8 **SEC. 2. POWERS.**

9 The Association of American State Geologists (in this
10 Act referred to as the “association”) shall have only those
11 powers granted to it through its constitution, bylaws and

1 article of incorporation filed in the State of Delaware and
2 subject to the laws of the State of Delaware.

3 **SEC. 3. PURPOSES.**

4 The purposes of the association are those provided
5 in its constitution, bylaws and article of incorporation and
6 shall include the following:

7 (1) To promote, advance and protect the com-
8 mon good, welfare and security of the Nation
9 through the application of geology and related earth
10 sciences to—

11 (A) foster wise and responsible stewardship
12 of the Nation's natural resources;

13 (B) foster the creation of national wealth,
14 general prosperity and a high quality of life in
15 the United States;

16 (C) foster appropriate and sustainable eco-
17 nomic development;

18 (D) foster prudent exploration, develop-
19 ment, utilization, management and conservation
20 of the Nation's land, seas and seabeds including
21 energy, mineral, water, environmental and eco-
22 logical resources;

23 (E) avoid, reduce and mitigate hazards re-
24 lated to geology, earthquakes, volcanoes, land-
25 slides and other natural hazards through public

1 awareness and coordination with appropriate
 2 local, State, regional and Federal agencies; and
 3 (F) educate the general public concerning
 4 the critical importance of geology to society, civ-
 5 ilization, culture, economy and national secu-
 6 rity.

7 (2) To advance the science and practical appli-
 8 cation of geology and related earth sciences in the
 9 United States and its possessions.

10 (3) To improve the effectiveness of State geo-
 11 logical surveys through the interchange of ideas per-
 12 taining to their administrative organization, pro-
 13 grams, and applications to economic changes and
 14 other geologically related issues.

15 (4) To improve methods of assembling and dis-
 16 seminating data and information to mining, energy,
 17 agriculture, utility, construction, insurance and
 18 banking industries; educational institutions; civic
 19 and professional organizations; legislators; govern-
 20 mental agencies; and the public.

21 (5) To effectively coordinate activities with Fed-
 22 eral and State agencies working in related fields.

23 **SEC. 4. SERVICE OF PROCESS.**

24 With respect to service of process, the association
 25 shall comply with the law of the State of Delaware and

1 those States in which it carries on its activities in further-
2 ance of the purposes of the association.

3 **SEC. 5. MEMBERSHIP.**

4 Except as provided in section (8)(g), eligibility for
5 membership in the association and the rights and privi-
6 leges of members shall be as provided in the constitution,
7 bylaws and articles of incorporation of the association.

8 **SEC. 6. BOARD OF DIRECTORS.**

9 Except as provided in section 8(g), the composition
10 of the board of directors of the association and the respon-
11 sibilities of the board shall be as provided in the constitu-
12 tion, bylaws and articles of incorporation of the associa-
13 tion.

14 **SEC. 7. OFFICERS.**

15 Except as provided in section 8(g), the positions of
16 officers of the association and the election of members to
17 such positions shall be as provided in the constitution, by-
18 laws and articles of incorporation of the association.

19 **SEC. 8. RESTRICTIONS.**

20 (a) INCOME AND COMPENSATION.—No part of the in-
21 come or assets of the association may insure to the benefit
22 of any member, officer, or director of the association or
23 be distributed to any such individual during the life of this
24 charter. Nothing in this subsection may be construed to
25 prevent the payment of reasonable compensation to the

1 officers and employees of the association or reimburse-
2 ment for actual and necessary expenses in amounts ap-
3 proved by the board of directors.

4 (b) LOANS.—The association may not make any loan
5 to any member, officer, director or employee of the asso-
6 ciation.

7 (c) ISSUANCE OF STOCK AND PAYMENT OF DIVI-
8 DENDS.—The association may not issue any shares of
9 stock or declare or pay any dividends.

10 (d) DISCLAIMER OF CONGRESSIONAL OR FEDERAL
11 APPROVAL.—The association may not claim the approval
12 of Congress or the authorization of the Federal Govern-
13 ment for any of its activities by virtue of this Act.

14 (e) ASSOCIATION STATUS.—The association shall
15 maintain its status as an entity organized and incor-
16 porated under the laws of the State of Delaware.

17 (f) ASSOCIATION FUNCTION.—The association shall
18 function as an educational, patriotic, civic, historical and
19 research organization under the laws of the State of Dela-
20 ware.

21 (g) NONDISCRIMINATION.—In establishing the condi-
22 tions of membership in the association and in determining
23 the requirements for serving on the board of directors or
24 as an officer of the association, the association may not

1 discriminate on the basis of race, color, religion, sex, dis-
2 ability, age or national origin.

3 **SEC. 9. LIABILITY.**

4 The association shall be liable for the acts of its offi-
5 cers, directors, employees and agents whenever such indi-
6 viduals act within the scope of their authority.

7 **SEC. 10. MAINTENANCE AND INSPECTION OF BOOKS AND**
8 **RECORDS.**

9 (a) BOOKS AND RECORDS OF ACCOUNT.—The asso-
10 ciation shall keep correct and complete books and records
11 of account and minutes of any proceeding of the associa-
12 tion involving any of its members, the board of directors,
13 or any committee having authority under the board of di-
14 rectors.

15 (b) NAMES AND ADDRESSES OF MEMBERS.—The as-
16 sociation shall keep at its principal office a record of the
17 names and addresses of all members having the right to
18 vote in any proceeding of the association.

19 (c) RIGHT TO INSPECT BOOKS AND RECORDS.—All
20 books and records of the association may be inspected by
21 any member having the right to vote in any proceeding
22 of the association, or by any agent or attorney of such
23 member, for any proper purpose at any reasonable time.

24 (d) APPLICATION OF STATE LAW.—This section may
25 not be construed to contravene any applicable State law.

1 **SEC. 11. AUDIT OF FINANCIAL TRANSACTIONS.**

2 The first section of the Act entitled “An Act to pro-
3 vide for audit of accounts of private corporations estab-
4 lished under Federal law”, approved August 30, 1964 (36
5 U.S.C. 1101), is amended by adding at the end the fol-
6 lowing:

7 “(80) Association of American State Geolo-
8 gists.”.

9 **SEC. 12. ANNUAL REPORT.**

10 The association shall annually submit to Congress a
11 report concerning the activities of the association during
12 the preceding fiscal year. The annual report shall be sub-
13 mitted on the same date as the report of the audit required
14 by reason of the amendment made in section 11. The an-
15 nual report shall not be printed as a public document.

16 **SEC. 13. RESERVATION OF RIGHT TO ALTER, AMEND, OR**
17 **REPEAL CHARTER.**

18 The right to alter, amend, or repeal this Act is ex-
19 pressly reserved to Congress.

20 **SEC. 14. TAX-EXEMPT STATUS REQUIRED AS CONDITION OF**
21 **CHARTER.**

22 If the association fails to maintain its status as an
23 entity exempt from taxation as provided in the Internal
24 Revenue Code of 1986 the charter granted in this Act
25 shall terminate.

1 **SEC. 15. TERMINATION.**

2 The charter granted in this Act shall expire if the
3 association fails to comply with any of the provisions of
4 this Act.

5 **SEC. 16. DEFINITION OF STATE.**

6 For the purposes of this Act, the term “State” in-
7 cludes the District of Columbia, the Commonwealth of
8 Puerto Rico, the Commonwealth of the Northern Mariana
9 Islands and the territories and possessions of the United
10 States.

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