

108TH CONGRESS
1ST SESSION

H. R. 2866

To amend title 36, United States Code, to grant a Federal charter to the Sons and Daughters of Pearl Harbor Survivors, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2003

Mr. COLLINS 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 Sons and Daughters of Pearl Harbor Survivors, and for other purposes.

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 “Sons and Daughters
5 of Pearl Harbor Survivors Charter Act”.

6 **SEC. 2. CHARTER FOR SONS AND DAUGHTERS OF PEARL**
7 **HARBOR SURVIVORS.**

8 (a) IN GENERAL.—Part B of subtitle II of title 36,
9 United States Code, is amended by inserting after chapter
10 1703 the following new chapter:

1 **“CHAPTER 1704—SONS AND DAUGHTERS**
 2 **OF PEARL HARBOR SURVIVORS**

“170401. Organization.

“170402. Purposes.

“170403. Membership.

“170404. Governing body.

“170405. Powers.

“170406. Exclusive Right to Name, Seals, Emblems, and Badges.

“170407. Restrictions.

“170408. Duty to Maintain Corporate and Tax-Exempt Status.

“170409. Records and Inspection.

“170410. Service of Process.

“170411. Liability for acts of officers and agents.

“170412. Annual report.

“170413. Definitions.

3 **“§ 170401. Organization**

4 “(a) FEDERAL CHARTER.—The Sons and Daughters
 5 of Pearl Harbor Survivors, a nonprofit corporation orga-
 6 nized under the laws of the State of Florida, is a federally
 7 chartered corporation.

8 “(b) EXPIRATION OF CHARTER.—If the corporation
 9 does not comply with any provision of this chapter, the
 10 charter granted by subsection (a) expires.

11 **“§ 170402. Purposes**

12 “The purposes of the corporation are fraternal, patri-
 13 otic, historical, and educational as provided in its bylaws
 14 and articles of incorporation and shall include the fol-
 15 lowing:

16 “(1) To preserve, teach, and promote true pa-
 17 triotism and loyalty to the United States of America.

1 “(2) To perpetuate the memory of the service-
2 men and servicewomen and the events pertaining to
3 that Day of Infamy, 7 December 1941.

4 “(3) To assist in the preservation and encour-
5 age the study of documents and chronicles of service
6 performed by the Pearl Harbor survivors and non-
7 survivors.

8 “(4) To celebrate the anniversary of the bomb-
9 ing of Pearl Harbor, the island of Oahu, on 7 De-
10 cember 1941.

11 “(5) To unite and promote comradeship among
12 descendants.

13 “(6) To encourage in all people an under-
14 standing of 7 December 1941, which will guard
15 against future attacks on American soil.

16 **“§ 170403. Membership**

17 “Eligibility for membership in the corporation, and
18 the rights and privileges of the members of the corpora-
19 tion, are as provided in the bylaws of the corporation.

20 **“§ 170404. Governing body**

21 “(a) BOARD OF DIRECTORS.—The board of directors
22 of the corporation and the responsibilities of the board are
23 as provided in the bylaws and articles of incorporation of
24 the corporation.

1 “(b) OFFICERS.—The officers and the election of offi-
2 cers of the corporation are as provided in the bylaws and
3 articles of incorporation of the corporation.

4 **“§ 170405. Powers**

5 “The corporation has only the powers provided in its
6 bylaws and articles of incorporation filed in each State in
7 which it is incorporated.

8 **“§ 170406. Exclusive right to name, seals, emblems,**
9 **and badges**

10 “The corporation shall have the exclusive right to use
11 the name ‘Sons and Daughters of Pearl Harbor Survivors’
12 and any seals, emblems, and badges the corporation
13 adopts.

14 **“§ 170407. Restrictions**

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

17 “(b) POLITICAL ACTIVITIES.—The corporation, or
18 any director or officer of the corporation, acting as such
19 director or officer, may not contribute to, support, or oth-
20 erwise participate in any political activity or in any man-
21 ner attempt to influence legislation.

22 “(c) DISTRIBUTION OF INCOME OR ASSETS.—No
23 part of the income or assets of the corporation may inure
24 to the benefit of, or be distributed to, any director, officer,
25 or employee of the corporation during the life of the char-

1 ter granted by this chapter. Nothing in this subsection
2 may be construed to prevent the payment of reasonable
3 compensation to the officers and employees of the corpora-
4 tion or the reimbursement of actual necessary expenses
5 in the amounts approved by the board of directors of the
6 corporation.

7 “(d) LOAN.—The corporation may not make a loan
8 to any director, officer, or employee of the corporation.

9 “(e) CLAIM OF GOVERNMENT APPROVAL OR AU-
10 THORITY.—The corporation may not claim the approval
11 of Congress or the authorization of the United States Gov-
12 ernment for any of its activities.

13 **“§ 170408. Duty to maintain corporate and tax-ex-**
14 **empt status**

15 “(a) CORPORATE STATUS.—The corporation shall
16 maintain its status as a corporation incorporated under
17 the laws of the State of Florida.

18 “(b) TAX-EXEMPT STATUS.—The corporation shall
19 maintain its status as an organization exempt from tax-
20 ation under the Internal Revenue Code of 1986.

21 **“§ 170409. Records and inspection**

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

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

1 “(2) minutes of the proceedings of its members,
2 board of directors, and committees having any of the
3 authority of its board of directors; and

4 “(3) at its principal office, a record of the
5 names and addresses of its members entitled to vote,
6 if any.

7 “(b) INSPECTION.—A member entitled to vote on
8 matters relating to the corporation, or an agent or attor-
9 ney of the member, may inspect the records of the cor-
10 poration for any proper purpose, at any reasonable time.

11 **“§ 170410. Service of process**

12 “The corporation shall comply with the law on service
13 of process of the State of Florida and in each State in
14 which it carries on activities.

15 **“§ 170411. Liability for acts of officers and agents**

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

18 **“§ 170412. Annual report**

19 “The corporation shall submit to Congress an annual
20 report on the activities of the corporation during the pre-
21 ceding fiscal year. The report shall be submitted at the
22 same time as the report of the audit required by section
23 10101 of this title. The report may not be printed as a
24 public document.

1 **“§ 170413. Definitions**

2 “For the purposes of this chapter:

3 “(1) The term ‘corporation’ means the Sons
4 and Daughters of Pearl Harbor Survivors.

5 “(2) The term ‘State’ includes the District of
6 Columbia and the territories and possessions of the
7 United States.”.

8 (b) CLERICAL AMENDMENT.—The table of chapters
9 at the beginning of subtitle II of title 36, United States
10 Code, is amended by inserting after the item relating to
11 chapter 1703 the following new item:

“1704. Sons and Daughters of Pearl Harbor Sur-
vivors.....170401.”.

