

108TH CONGRESS
2D SESSION

H. R. 5318

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

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2004

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

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;

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

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

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

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

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

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

24 “(A) providing outreach service to those
25 Tribes in need; and

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

3 **“§ 150403. Membership**

4 “Subject to section 150406 of this title, eligibility for
5 membership in the corporation, and the rights and privi-
6 leges of members, shall be as provided in the constitution
7 and by-laws of the corporation.

8 **“§ 150404. Board of directors**

9 “Subject to section 150406 of this title, the board
10 of directors of the corporation, and the responsibilities of
11 the board, shall be as provided in the constitution and by-
12 laws of the corporation and in conformity with the laws
13 under which the corporation is incorporated.

14 **“§ 150405. Officers**

15 “Subject to section 150406 of this title, the officers
16 of the corporation, and the election of such officers, shall
17 be as provided in the constitution and bylaws of the cor-
18 poration and in conformity with the laws of the jurisdic-
19 tion under which the corporation is incorporated.

20 **“§ 150406. Nondiscrimination**

21 “In establishing the conditions of membership in the
22 corporation, and in determining the requirements for serv-
23 ing on the board of directors or as an officer of the cor-
24 poration, the corporation may not discriminate on the

1 basis of race, color, religion, sex, national origin, handicap,
2 or age.

3 **“§ 150407. Powers**

4 “The corporation shall have only those powers grant-
5 ed the corporation through its articles of incorporation
6 and its constitution and bylaws which shall conform to the
7 laws of the jurisdiction under which the corporation is in-
8 corporated.

9 **“§ 150408. Exclusive right to name, seals, emblems,**
10 **and badges**

11 “(a) IN GENERAL.—The corporation shall have the
12 sole and exclusive right to use the names ‘National Amer-
13 ican Indian Veterans, Incorporated’ and ‘National Amer-
14 ican Indian Veterans’, and such seals, emblems, and
15 badges as the corporation may lawfully adopt.

16 “(b) CONSTRUCTION.—Nothing in this section shall
17 be construed to interfere or conflict with established or
18 vested rights.

19 **“§ 150409. Restrictions**

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

23 “(b) DISTRIBUTION OF INCOME OR ASSETS.—(1) No
24 part of the income or assets of the corporation shall inure
25 to any person who is a member, officer, or director of the

1 corporation or be distributed to any such person during
 2 the life of the charter granted by this chapter.

3 “(2) Nothing in this subsection shall be construed to
 4 prevent the payment of reasonable compensation to the
 5 officers of the corporation, or reimbursement for actual
 6 and necessary expenses, in amounts approved by the board
 7 of directors.

8 “(c) LOANS.—The corporation shall not make any
 9 loan to any officer, director, member, or employee of the
 10 corporation.

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

15 **“§ 150410. Duty to maintain tax-exempt status**

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

19 **“§ 150411. Records and inspection**

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

21 “(1) correct and complete books and records of
 22 accounts;

23 “(2) minutes of any proceeding of the corpora-
 24 tion involving any of its members, the board of di-

1 rectors, or any committee having authority under
2 the board of directors; and

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

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

10 “(2) Nothing in this section shall be construed to con-
11 travene the laws of the jurisdiction under which the cor-
12 poration is incorporated or the laws of those jurisdictions
13 within which the corporation carries on its activities in
14 furtherance of its purposes within the United States and
15 its territories.

16 **“§ 150412. Service of process**

17 “With respect to service of process, the corporation
18 shall comply with the laws of the jurisdiction under which
19 the corporation is incorporated and those jurisdictions
20 within which the corporation carries on its activities in
21 furtherance of its purposes within the United States and
22 its territories.

1 **“§ 150413. Liability for acts of officers and agents**

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

5 **“§ 150414. Failure to comply with requirements**

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

11 **“§ 150415. Annual report**

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

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

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

22 (b) CLERICAL AMENDMENT.—The table of chapters
23 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, Incorporated150401”.

