

109TH CONGRESS  
1ST SESSION

# S. 1512

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

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## IN THE SENATE OF THE UNITED STATES

JULY 27, 2005

Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. BIDEN, Mrs. CLINTON, Ms. MURKOWSKI, Mrs. MURRAY, Mr. WYDEN, Mr. LAUTENBERG, Mr. SCHUMER, and Mr. DURBIN) introduced the following bill; which was read twice and 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:

1 **“CHAPTER 1201—[RESERVED]”;**

2 and

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

5 **“CHAPTER 1201—KOREAN WAR VETERANS**  
 6 **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.

7 **“§ 120101. Organization**

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

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

1   **“§ 120102. Purposes**

2           “The purposes of the corporation are those provided  
3 in its articles of incorporation and shall include the fol-  
4 lowing:

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

12           “(2) To establish facilities for the assistance of  
13 all veterans and to represent them in their claims  
14 before the Department of Veterans Affairs and other  
15 organizations without charge.

16           “(3) To perpetuate and preserve the comrade-  
17 ship and friendships born on the field of battle and  
18 nurtured by the common experience of service to our  
19 nation during the time of war and peace.

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

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

4   **“§ 120103. Membership**

5           “Eligibility for membership in the corporation, and  
6           the rights and privileges of members of the corporation,  
7           are as provided in the bylaws of the corporation.

8   **“§ 120104. Governing body**

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

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

16   **“§ 120105. Powers**

17          “The corporation has only those powers provided in  
18          its bylaws and articles of incorporation filed in each State  
19          in which it is incorporated.

20   **“§ 120106. Restrictions**

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

23          “(b) POLITICAL ACTIVITIES.—The corporation, or a  
24          director or officer of the corporation as such, may not con-

1   tribute to, support, or participate in any political activity  
 2   or in any manner attempt to influence legislation.

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

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

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

12   **“§ 120107. Tax-exempt status required as condition of**  
 13                   **charter**

14       “If the corporation fails to maintain its status as an  
 15   organization exempt from taxation under the Internal  
 16   Revenue Code of 1986, the charter granted under this  
 17   chapter shall terminate.

18   **“§ 120108. Records and inspection**

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

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

21           “(2) minutes of the proceedings of its members,  
 22   board of directors, and committees having any of the  
 23   authority of its board of directors; and

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

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

8           **“§ 120109. Service of process**

9           “The corporation shall have a designated agent in the  
10          District of Columbia to receive service of process for the  
11          corporation. Notice to or service on the agent is notice  
12          to or service on the Corporation.

13          **“§ 120110. Liability for acts of officers and agents**

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

16          **“§ 120111. Annual report**

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

1 **“§ 120112. Definition**

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

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

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

