

111TH CONGRESS
2D SESSION

H. R. 5739

To amend title 36, United States Code, to grant a Federal charter to the American Military Retirees Association, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 14, 2010

Mr. ROONEY 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 American Military Retirees Association, 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. GRANT OF FEDERAL CHARTER TO AMERICAN**
4 **MILITARY RETIREES ASSOCIATION.**

5 (a) GRANT OF CHARTER.—Part B of subtitle II of
6 title 36, United States Code, is amended by inserting after
7 chapter 1403 the following new chapter:

8 **“CHAPTER 1404—AMERICAN MILITARY**
9 **RETIREES ASSOCIATION**

“Sec.

- “140401. Organization.
- “140402. Purposes.
- “140403. Membership.
- “140404. Governing body.
- “140405. Powers.
- “140406. Restrictions.
- “140407. Tax-exempt status required as condition of charter.
- “140408. Records and inspection.
- “140409. Service of process.
- “140410. Liability for acts of officers and agents.
- “140411. Annual report.
- “140412. Definition.

1 **“§ 140401. Organization**

2 “(a) FEDERAL CHARTER.—American Military Retir-
 3 ees Association (in this chapter, the ‘corporation’), a non-
 4 profit organization that meets the requirements for a vet-
 5 erans service organization under section 501(c)(19) of the
 6 Internal Revenue Code of 1986 and is organized under
 7 the laws of the State of New York, is a federally chartered
 8 corporation.

9 “(b) EXPIRATION OF CHARTER.—If the corporation
 10 does not comply with the provisions of this chapter, the
 11 charter granted by subsection (a) shall expire.

12 **“§ 140402. Purposes**

13 “(a) GENERAL.—The purposes of the corporation are
 14 as provided in its bylaws and articles of incorporation and
 15 include—

16 “(1) encouraging military retirees to band to-
 17 gether to protect earned benefits by educating on
 18 benefits available; and

19 “(2) advocating for the protection of earned
 20 benefits through active monitoring of legislation in

1 Congress and the policies and proposals of the De-
2 partment of Defense and the Department of Vet-
3 erans Affairs.

4 **“§ 140403. 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 **“§ 140404. 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 and bylaws 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 and bylaws.

16 **“§ 140405. 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 **“§ 140406. Restrictions**

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

23 “(b) DISTRIBUTION OF INCOME OR ASSETS.—The in-
24 come or assets of the corporation may not inure to the
25 benefit of, or be distributed to, a director, officer, or mem-

ber of the corporation during the life of the charter granted by this chapter. This subsection does not prevent the payment of reasonable compensation to an officer or employee of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

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

“(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

“(e) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of the Commonwealth of Virginia.

“§ 140407. Tax-exempt status required as condition of charter

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

“§ 140408. Records and inspection

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

“(1) correct and complete records of account;

1 “(2) minutes of the proceedings of the mem-
2 bers, board of directors, and committees of the cor-
3 poration having any of the authority of the board of
4 directors of the corporation; and

5 “(3) at the principal office of the corporation,
6 a record of the names and addresses of the members
7 of the corporation entitled to vote on matters relat-
8 ing to the corporation.

9 “(b) INSPECTION.—A member entitled to vote on any
10 matter relating to the corporation, or an agent or attorney
11 of the member, may inspect the records of the corporation
12 for any proper purpose at any reasonable time.

13 **“§ 140409. Service of process**

14 “The corporation shall comply with the law on service
15 of process of each State in which it is incorporated and
16 each State in which it carries on activities.

17 **“§ 140410. Liability for acts of officers and agents**

18 “The corporation is liable for any act of any officer
19 or agent of the corporation acting within the scope of the
20 authority of the corporation.

21 **“§ 140411. Annual report**

22 “The corporation shall submit to Congress an annual
23 report on the activities of the corporation during the pre-
24 ceding fiscal year. The report shall be submitted at the
25 same time as the report of the audit required by section

1 10101(b) of this title. The report may not be printed as
 2 a public document.

3 **“§ 140412. Definition**

4 “In this chapter, the term ‘State’ includes the Dis-
 5 trict of Columbia and the territories and possessions of
 6 the United States.”.

7 (b) CLERICAL AMENDMENT.—The table of chapters
 8 at the beginning of subtitle II of title 36, United States
 9 Code, is amended by inserting after the item relating to
 10 chapter 1403 the following new item:

“1404. American Military Retirees Association 140401”.

