

113TH CONGRESS
2D SESSION

H. R. 4953

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2014

Mrs. NOEM 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 “(a) FEDERAL CHARTER.—The National American
 5 Indian Veterans, Incorporated, a nonprofit corporation or-
 6 ganized in the United States (in this chapter referred to
 7 as the ‘corporation’), is a federally chartered corporation.

8 “(b) INDEPENDENT STATUS OF CORPORATION.—The
 9 corporation is not an agency or instrumentality of the
 10 Federal Government.

11 **“§ 150402. Purposes**

12 “‘The purposes of the corporation are those stated in
 13 its articles of incorporation, constitution, and bylaws, and
 14 include a commitment—

15 “(1) to uphold and defend the Constitution of
 16 the United States while respecting the sovereignty of
 17 the American Indian, Alaska Native, and Native Ha-
 18 waiian Nations;

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

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

8 “(4) to be an advocate for all veterans suffering
9 from service-connected disabilities;

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

16 “(6) to serve as an advocate for the needs of
17 American Indian, Alaska Native, and Native Hawai-
18 ian veterans, their families, or survivors in their
19 dealings with all Federal and State Government
20 agencies;

21 “(7) to promote, support, and use research, on
22 a nonpartisan basis, pertaining to the relationship
23 between the American Indian, Alaska Native, and
24 Native Hawaiian veterans and American society; and

1 “(8) to provide technical assistance to all re-
2 gional areas without veterans committees or organi-
3 zations and programs by—

4 “(A) providing outreach service to those
5 tribes in need; and

6 “(B) training and educating Tribal Vet-
7 erans Service Officers for those tribes in need.

8 **“§ 150403. Membership**

9 “(a) IN GENERAL.—Subject to subsection (b) and
10 section 150406 of this title, eligibility for membership in
11 the corporation, and the rights and privileges of members,
12 shall be as provided in the constitution and bylaws of the
13 corporation.

14 “(b) LIMITATION.—Eligibility for membership in the
15 corporation and the rights and privileges of members shall
16 not be determined by the Federal Government.

17 **“§ 150404. Board of directors**

18 “Subject to section 150406 of this title, the board
19 of directors of the corporation, and the responsibilities of
20 the board, shall be as provided in the constitution and by-
21 laws of the corporation and in conformity with the laws
22 under which the corporation is incorporated.

23 **“§ 150405. Officers**

24 “Subject to section 150406 of this title, the officers
25 of the corporation, and the election of such officers, shall

1 be as provided in the constitution and bylaws of the cor-
2 poration and in conformity with the laws of the jurisdic-
3 tion under which the corporation is incorporated.

4 **“§ 150406. Nondiscrimination**

5 “In establishing the conditions of membership in the
6 corporation, and in determining the requirements for serv-
7 ing on the board of directors or as an officer of the cor-
8 poration, the corporation may not discriminate on the
9 basis of race, color, religion, sex, national origin, handicap,
10 or age.

11 **“§ 150407. Powers**

12 “The corporation shall have only those powers grant-
13 ed the corporation through its articles of incorporation
14 and its constitution and bylaws, which shall conform to
15 the laws of the jurisdiction under which the corporation
16 is incorporated.

17 **“§ 150408. Exclusive right to name, seals, emblems,**
18 **and badges**

19 “(a) IN GENERAL.—The corporation shall have the
20 sole and exclusive right to use the names ‘National Amer-
21 ican Indian Veterans, Incorporated’ and ‘National Amer-
22 ican Indian Veterans’, and such seals, emblems, and
23 badges as the corporation may lawfully adopt.

1 “(b) CONSTRUCTION.—Nothing in this section shall
2 be construed to interfere or conflict with established or
3 vested rights.

4 **“§ 150409. Restrictions**

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

8 “(b) DISTRIBUTION OF INCOME OR ASSETS.—

9 “(1) No part of the income or assets of the cor-
10 poration shall inure to any person who is a member,
11 officer, or director of the corporation or be distrib-
12 uted to any such person during the life of the char-
13 ter granted by this chapter.

14 “(2) Nothing in this subsection shall be con-
15 strued to prevent the payment of reasonable com-
16 pensation to the officers of the corporation, or reim-
17 bursement for actual and necessary expenses, in
18 amounts approved by the board of directors.

19 “(c) LOANS.—The corporation shall not make any
20 loan to any officer, director, member, or employee of the
21 corporation.

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

1 **“§ 150410. Duty to maintain tax-exempt status**

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

5 **“§ 150411. Records and inspection**

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

7 “(1) correct and complete books and records of
8 accounts;

9 “(2) minutes of any proceeding of the corpora-
10 tion involving any of its members, the board of di-
11 rectors, or any committee having authority under
12 the board of directors; and

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

16 “(b) INSPECTION.—

17 “(1) All books and records of the corporation
18 may be inspected by any member having the right
19 to vote, or by any agent or attorney of such member,
20 for any proper purpose, at any reasonable time.

21 “(2) Nothing in this section shall be construed
22 to contravene the laws of the jurisdiction under
23 which the corporation is incorporated or the laws of
24 those jurisdictions within which the corporation car-
25 ries on its activities in furtherance of its purposes
26 within the United States and its territories.

1 **“§ 150412. Service of process**

2 “With respect to service of process, the corporation
3 shall comply with the laws of the jurisdiction under which
4 the corporation is incorporated and those jurisdictions
5 within which the corporation carries on its activities in
6 furtherance of its purposes within the United States and
7 its territories.

8 **“§ 150413. Liability for acts of officers and agents**

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

12 **“§ 150414. Failure to comply with requirements**

13 “If the corporation fails to comply with any of the
14 restrictions or provisions of this chapter, including the re-
15 quirement under section 150410 of this title to maintain
16 its status as an organization exempt from taxation, the
17 charter granted by this chapter shall expire.

18 **“§ 150415. Annual report**

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

22 “(b) SUBMITTAL DATE.—Each annual report under
23 this section shall be submitted at the same time as the
24 report of the audit of the corporation required by section
25 10101(b) of this title.”.

1 (b) CLERICAL AMENDMENT.—The table of chapters
 2 at the beginning of subtitle II of title 36, United States
 3 Code, is amended by inserting after the item relating to
 4 chapter 1503 the following new item:

“1504. National American Indian Veterans, Incorporated150401”.

