

responsibilities of the board, shall be as provided in the constitution and bylaws of the corporation and in conformity with the laws under which the corporation is incorporated.

#### “§ 150405. Officers

“Subject to section 150406 of this title, the officers of the corporation, and the election of such officers, shall be as provided in the constitution and bylaws of the corporation and in conformity with the laws of the jurisdiction under which the corporation is incorporated.

#### “§ 150406. Nondiscrimination

“In establishing the conditions of membership in the corporation, and in determining the requirements for serving on the board of directors or as an officer of the corporation, the corporation may not discriminate on the basis of race, color, religion, sex, national origin, handicap, or age.

#### “§ 150407. Powers

“The corporation shall have only those powers granted the corporation through its articles of incorporation and its constitution and bylaws which shall conform to the laws of the jurisdiction under which the corporation is incorporated.

#### “§ 150408. Exclusive right to name, seals, emblems, and badges

“(a) IN GENERAL.—The corporation shall have the sole and exclusive right to use the names ‘National American Indian Veterans, Incorporated’ and ‘National American Indian Veterans’, and such seals, emblems, and badges as the corporation may lawfully adopt.

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

#### “§ 150409. Restrictions

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

“(b) DISTRIBUTION OF INCOME OR ASSETS.—(1) No part of the income or assets of the corporation shall inure to any person who is a member, officer, or director of the corporation or be distributed to any such person during the life of the charter granted by this chapter.

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

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

“(d) NO FEDERAL ENDORSEMENT.—The corporation shall not claim congressional approval or Federal Government authority by virtue of the charter granted by this chapter for any of its activities.

#### “§ 150410. Duty to maintain tax-exempt status

“The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986.

#### “§ 150411. Records and inspection

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

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

“(2) minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors; and

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

“(b) INSPECTION.—(1) All books and records of the corporation may be inspected by any member having the right to vote, or by any

agent or attorney of such member, for any proper purpose, at any reasonable time.

“(2) Nothing in this section shall be construed to contravene the laws of the jurisdiction under which the corporation is incorporated or the laws of those jurisdictions within which the corporation carries on its activities in furtherance of its purposes within the United States and its territories.

#### “§ 150412. Service of process

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

#### “§ 150413. Liability for acts of officers and agents

“The corporation shall be liable for the acts of the officers and agents of the corporation when such individuals act within the scope of their authority.

#### “§ 150414. Failure to comply with requirements

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

#### “§ 150415. Annual report

“(a) IN GENERAL.—The corporation shall report annually to Congress concerning the activities of the corporation during the preceding fiscal year.

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

“(c) REPORT NOT PUBLIC DOCUMENT.—No annual report under this section shall be printed as a public document.”

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

“1504. National American Indian Veterans, Incorporated 150401”.

### MEASURE PLACED ON THE CALENDAR—S. 2949

Mr. FRIST. Mr. President, I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (S. 2949) to amend the Low-Income Home Energy Assistance Act of 1981 to reauthorize the Act, and for other purposes.

Mr. FRIST. Mr. President, I object to further proceedings on the measure at this time in order to place the bill on the calendar under the provisions of rule XIV.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

### ORDERS FOR SUNDAY, OCTOBER 10, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10:30 a.m. on Sunday, October 10. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved, and the Senate resume consideration of the conference report to accompany H.R. 4520, the FSC/ETI JOBS bill; provided that the time until 1 p.m. be equally divided between the two managers, with the exception of 20 minutes under the control of Senator BYRD, who will speak as in morning business.

Mr. REID. Mr. President, if I could ask the majority leader to modify his request to the Chair and include therein that Senators GRASSLEY and BAUCUS would be recognized from 12:30 to 1 o'clock, and Senator BYRD from 12:10 to 12:30, Senator LANDRIEU from 11:40 to 12:10, and that the remaining time be allocated to the minority, with Senator HARKIN for 5 minutes, Senator KENNEDY for 5 minutes, and Senator DORGAN for 5 minutes.

Mr. FRIST. Yes. And provided further that if cloture is invoked, Senator LANDRIEU be recognized immediately following the vote to speak for up to 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

### PROGRAM

Mr. FRIST. Mr. President, tomorrow the Senate will resume consideration, in an unusual session on Sunday, of the FSC/ETI JOBS conference report. Under the previous order, we will vote at 1 p.m. on cloture of the FSC bill. I hope cloture is invoked and that we could then reach an agreement for a time certain for passage.

In addition, moments ago I filed cloture on two appropriations matters: Military Construction and Homeland Security. Both are very important bills. It was necessary to file cloture because of the obstruction that has played out over the last 2 days from the other side of the aisle. The votes will likely occur on Monday.

We have those three remaining issues prior to our adjournment. When we complete action on the FSC/ETI bill and the two appropriations bills, then we will have concluded our work that was set out by the Democratic leader and myself days ago; we will be finished.

It has been a tough several days, with a very unusual session today, a full day on Saturday, with votes. Because of these cloture votes, which have certain time limits, we are really forced to come back tomorrow in order to complete our business. It looks like we will be going into the holiday on Monday as well, which is mutually agreed upon between both sides of the aisle in order to complete our business. The bills before us, such as Homeland Security, we need to get through this body. A lot of people watching are wondering, why in the world can't the Senate move more quickly? I hope we can do so.

Right now, we will stay on course and we will enter tomorrow with the schedule that we have outlined, and I think we can make continued progress and complete our work, hopefully, Monday morning. We will continue to consider other legislative or executive items that can be cleared as we go forward.

Again, I thank Members for their participation over the course of yesterday, today, and tomorrow. This is all vitally important work. That is why we were here all day today and well into the evening tonight, and that is

why we will be here tomorrow morning in this very unusual session.

I understand that the Chair has an announcement.

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CORRECTING THE ENROLLMENT  
OF H.R. 5107

The PRESIDING OFFICER. Pursuant to the previous order, the Senate having received from the House H. Con. Res. 519, to correct the enrollment of H.R. 5107, that concurrent resolution is agreed to, and the motion to reconsider is laid on the table.

The concurrent resolution (H. Con. Res. 519) was agreed to.

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ADJOURNMENT UNTIL 10:30 A.M.  
TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:43 p.m., adjourned until Sunday, October 10, 2004, at 10:30 a.m.