

116TH CONGRESS
2D SESSION

S. 4715

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24, 2020

Mr. ROUNDS (for himself and Mr. THUNE) introduced the following bill; which
was read twice and 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:

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 (referred to in this chapter the ‘corporation’), is
 7 a federally chartered corporation.

8 **“§ 150402. Purposes**

9 “The purposes of the corporation are those stated in
 10 the articles of incorporation, constitution, and bylaws of
 11 the corporation, and 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 Nations;

15 “(2) to unite under one body all American In-
 16 dian veterans who served in the Armed Forces of
 17 United States;

1 “(3) to be an advocate on behalf of all Amer-
2 ican Indian veterans without regard to whether they
3 served during times of peace, conflict, or war;

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

10 “(5) to serve as an advocate for the needs of
11 American Indian veterans and their families and
12 survivors in their dealings with all Federal and State
13 government agencies;

14 “(6) to promote, support, and utilize research,
15 on a nonpartisan basis, pertaining to the relation-
16 ship between American Indian veterans and Amer-
17 ican society; and

18 “(7) to provide technical assistance to the Bu-
19 reau of Indian Affairs regional areas that are not
20 served by any veterans committee or organization or
21 program by—

22 “(A) providing outreach service to Indian
23 Tribes in need; and

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

4 **“§ 150403. Membership**

5 “Subject to section 150406, eligibility for member-
6 ship in the corporation, and the rights and privileges of
7 members, shall be as provided in the constitution and by-
8 laws of the corporation.

9 **“§ 150404. Board of directors**

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

15 **“§ 150405. Officers**

16 “Subject to section 150406, the officers of the cor-
17 poration, and the election of such officers, shall be as pro-
18 vided in the constitution and bylaws of the corporation and
19 in conformity with the laws of the jurisdiction under which
20 the corporation is incorporated.

21 **“§ 150406. Nondiscrimination**

22 “In establishing the conditions of membership in the
23 corporation, and in determining the requirements for serv-
24 ing on the board of directors or as an officer of the cor-
25 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 constitution, and bylaws, which shall conform to the laws
 7 of the jurisdiction under which the corporation is incor-
 8 porated.

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) EFFECT.—Nothing in this section interferes or
 17 conflicts with any established or vested rights.

18 **“§ 150409. Restrictions**

19 “(a) STOCK AND DIVIDENDS.—The corporation may
 20 not—

21 “(1) issue any shares of stock; or

22 “(2) declare or pay any dividends.

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

24 “(1) IN GENERAL.—The income or assets of the
 25 corporation may not—

1 “(A) inure to any person who is a member,
2 officer, or director of the corporation; or

3 “(B) be distributed to any such person
4 during the life of the charter granted by this
5 chapter.

6 “(2) EFFECT.—Nothing in this subsection pre-
7 vents the payment of reasonable compensation to the
8 officers of the corporation, or reimbursement for ac-
9 tual and necessary expenses, in amounts approved
10 by the board of directors.

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

14 “(d) NO FEDERAL ENDORSEMENT.—The corpora-
15 tion may not claim congressional approval or Federal Gov-
16 ernment authority by virtue of the charter granted by this
17 chapter for any of the activities of the corporation.

18 **“§ 150410. Duty to maintain tax-exempt status**

19 “The corporation shall maintain its status as an or-
20 ganization exempt from taxation under the Internal Rev-
21 enue Code of 1986.

22 **“§ 150411. Records and inspection**

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

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

1 “(2) minutes of any proceeding of the corpora-
 2 tion involving any of member of the corporation, the
 3 board of directors, or any committee having author-
 4 ity under the board of directors; and

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

8 “(b) INSPECTION.—

9 “(1) IN GENERAL.—All books and records of
 10 the corporation may be inspected by any member
 11 having the right to vote, or by any agent or attorney
 12 of such a member, for any proper purpose, at any
 13 reasonable time.

14 “(2) EFFECT.—Nothing in this section con-
 15 travenes—

16 “(A) the laws of the jurisdiction under
 17 which the corporation is incorporated; or

18 “(B) the laws of those jurisdictions within
 19 the United States and its territories within
 20 which the corporation carries out activities in
 21 furtherance of the purposes of the corporation.

22 **“§ 150412. Service of process**

23 “With respect to service of process, the corporation
 24 shall comply with the laws of—

1 “(1) the jurisdiction under which the corpora-
2 tion is incorporated; and

3 “(2) those jurisdictions within the United
4 States and its territories within which the corpora-
5 tion carries out activities in furtherance of the pur-
6 poses of the corporation.

7 **“§ 150413. Liability for acts of officers and agents**

8 “The corporation shall be liable for the acts of the
9 officers and agents of the corporation acting within the
10 scope of their authority.

11 **“§ 150414. Failure to comply with requirements**

12 “If the corporation fails to comply with any of the
13 requirements of this chapter, including the requirement
14 under section 150410 to maintain its status as an organi-
15 zation exempt from taxation, the charter granted by this
16 chapter shall expire.

17 **“§ 150415. Annual report**

18 “(a) IN GENERAL.—The corporation shall submit to
19 Congress an annual report describing the activities of the
20 corporation during the preceding fiscal year.

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

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

4 (b) CLERICAL AMENDMENT.—The table of chapters
 5 for subtitle II of title 36, United States Code, is amended
 6 by inserting after the item relating to chapter 1503 the
 7 following:

“1504. National American Indian Veterans, Incorporated150401”.

