

117TH CONGRESS  
2D SESSION

# H. R. 6402

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

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 13, 2022

Mr. JOHNSON of South Dakota (for himself, Mr. O'HALLERAN, Mr. COLE,  
and Ms. DAVIDS of Kansas) introduced the following bill; which was re-  
ferred to the Committee on the Judiciary

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## 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 as the ‘corporation’),  
 7     is 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, Incorporated .....150401”.

