

RESOLUTION OF THE
NAABIK'ÍYÁTI' STANDING COMMITTEE
24th NAVAJO NATION COUNCIL -- Third Year, 2021

AN ACTION RELATING TO THE HEALTH, EDUCATION AND HUMAN SERVICES AND NAABIK'ÍYÁTI' COMMITTEE; SUPPORTING UNITED STATES SENATE BILL S. 4715 TITLED "TO GRANT A FEDERAL CHARTER TO THE NATIONAL AMERICAN INDIAN VETERANS, INCORPORATED (INC.)"

WHEREAS:

- A. The Navajo Nation established the Naabik'íyáti' Committee as a Navajo Nation Council standing committee and as such empowered the Naabik'íyáti' Committee to coordinate all request for information, appearances and testimony relating to proposed country, state and federal legislation impacting the Navajo Nation. See 2 N.N.C. §§ 700(A), 701(A)(6) and also CO-45-12.
- B. The Health, Education and Human Services Committee is a standing committee of the Navajo Nation Council empowered to represent that Navajo Nation at local, state and federal levels in other actions affecting health, environmental health, social services, education, veteran's services, employment, training and labor. See 2 N.N.C. § 401(B)(7).
- C. The Navajo Nation has a government-to-government relationship with the United States of America, Treaty of 1868, Aug. 12, 1868, 15 Stat. 667.
- D. On September 24, 2020, U.S. Senator Mike Rounds (R-SD) introduced United States Senate Bill S. 4715 titled, "To Grant a Federal Charter to the National American Indian Veterans, Incorporated (Inc.)." 116 Cong. Rec. S. 4715 (2020) attached as **Exhibit A**.
- E. A congressional or federal charter is a federal statute that establishes a corporation. Congress has issued charters since 1791, although most charters were issued after the start of the 20th century. Congress has used charters to create a variety of corporate entities, such as banks, government-sponsored enterprises, commercial corporations, venture capital funds, and quasi-governmental entities.
- F. Congressionally chartered corporations have raised diverse issues for Congress, including (1) Title 36 corporations' membership practices; (2) prohibitions on Title 36 corporations engaging in "political activities"; (3) confusion

over which corporations are governmental and which are private; and (4) federal management of these corporations.

- G. The National American Indian Veterans, Inc. is a non-profit corporation ("corporation") organized in the United States seeking a federal charter.
- H. The purposes of the corporation, as stated in the articles of incorporation, constitution, and bylaws of the corporation, and commitment are to-
 - 1. uphold and defend the Constitution of the United States while respecting the sovereignty of the American Indian Nations;
 - 2. unite under one body all American Indian veterans who served in the Armed Forces of the United States;
 - 3. be an advocate on behalf of all American Indian veterans without regard to whether they served during times of peace, conflict, or war;
 - 4. promote social welfare (including educational, economic, social, physical, and cultural values and traditional healing) in the United States by encouraging the growth and development, readjustment, self-respect, self-confidence, contributions, and self-identity of American veterans;
 - 5. serve as an advocate for the needs of American Veterans and their families and survivors in their dealings with all Federal and State government agencies;
 - 6. promote, support, and utilize research, on a nonpartisan basis, pertaining to the relationship between American Indian veterans and American Society; and
 - 7. provide technical assistance to the Bureau of Indian Affairs regional areas that are not served by any veteran's committee or organization or program by-
 - a. providing outreach service to Indian Tribes; and
 - b. training and educating Tribal Veterans Service Officers for Indian Tribes in need.
- I. This bill has received support from the National Military Veterans Alliance (NMVA), a nonpartisan consortium of more than

thirty (30) veterans and military service organizations and experts. See Letter of Support dated December 7, 2020, as **Exhibit B**.


- J. This bill provides a service-connection to all American Indian veterans including Navajo veterans who served in all branches of the United States Armed Forces.
- K. It is in the best interest of the Navajo Nation to support United States Senate Bill S. 4715, in that Navajo Nation veterans who served in the United States Armed Forces receive representation within the federal charter of National American Indian Veterans, Inc.

NOW THEREFORE BE IT RESOLVED:

- A. The Navajo Nation hereby supports United States Senate Bill S. 4715 titled, "To Grant a Federal Charter to the National American Indian Veterans, Incorporated" attached hereto as **Exhibit A**.
- B. The Navajo Nation hereby authorizes the Speaker of the Navajo Nation Council, President of the Navajo Nation, and their designees, to support United States Senate Bill S. 4715, To Grant a federal charter to the National American Indian Veterans, Incorporated.

CERTIFICATION

I, hereby certify that the foregoing resolution was duly considered by the Naabik'íyáti' Committee of the 24th Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 18 in Favor, and 00 Opposed, on this 12th day of August 2021.


Honorable Seth Damon, Chairman
Naabik'íyáti' Committee

Aug 17, 2021
Date

Motion: Honorable Eugenia Charles-Newton
Second: Honorable Otto Tso

Chairman Seth Damon not voting

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”.



The Honorable John Thune
United States Senate
Washington, DC 20510

7 December 2020
The Honorable Mike Rounds
United States Senate
Washington, DC 20510

Dear Senators Thune and Rounds:

The **National Military Veterans Alliance (NMVA)**, a non-partisan consortium of more than 30 veterans and military service organizations and experts, writes to express our support for the bipartisan language being advanced to S. 4715, the *National American Indian Veterans, Inc. (NAIV)*, as written on 24 September 2020. This comprehensive legislation represents the culmination of nearly 16 years of collaboration and consensus building by many veterans and military service organizations to provide a Congressional charter.

Despite an often-troubled relationship with the government of the United States, Native American warriors have played an important role in the military history of the nation, with service stretching back as far as the Revolutionary and Civil Wars. An estimated 12,000 Native Americans served in WWI (despite not being recognized as American citizens), 44,000 Native Americans served in World War II, including 800 women Native American women (when the entire population of Native Americans was less than 350,000 at the time), and 42,000 Native Americans served in the Vietnam War (90% of them volunteers). Since 9/11, nearly 19 percent of Native Americans have served in the armed forces, compared to an average of 14 percent of all other ethnicities. Today 11.5% of living Native American veterans are female, compared to 8% of other ethnicities.

Among the 573 federally recognized tribes - each with their own cultures, traditions, belief systems, and stances on war - military service remains remarkably consistent. Currently, there are more than 140,000 and according to tribal leaders the true number likely approaches 200,000 American Indian and Alaska Native men and women on active duty today, serving in Iraq, Afghanistan, and elsewhere around the world. Statistics show that they have volunteered and served in higher percentages than any other ethnicity, and their special skills and warrior culture have resulted in pivotal benefits and victories for the US Armed Forces, along with a long list of honors and medals. Today, there are an estimated 140,000 Native American veterans living, many of whom are Purple Heart recipients, Bronze Star medal honorees, and even Congressional Medal of Honor recipients, the highest military award of the United States.

We believe that this organization will provide representation for our Native American Indian brothers and sisters within the congressional community. This organization will provide a voice for those Veterans whose unique needs are not represented adequately by other organizations through education. This has been evident more so during this period of COVID-19. Maybe if we can understand each other's culture, we can continue our humanitarian aspect amongst ourselves.

We look forward to continuing to work with you to secure the passage of this important legislation.

Sincerely,

Kenneth Greenberg
Director, Veterans & Military Policy TREA: The Enlisted Association
Co-Director, NMVA
kgreenberg@trea.org

Mervyn L. Jones II
Director of Government Relations, The Independence Fund
Co-Director, NMVA
m.jones@independencefund.org

Jeff Brodeur
President, Korean War Veterans Association (KWVA)
kvwamane@aol.com

Michele Margulis Bretz
KWVA, National Director (2020-2023)
KWVA, Legislative Representative (2020-2023)

National American Indian Veterans, Inc. (NAIV)

This bill seeks to provide a congressional charter to the National American Indian Veterans (NAIV).

- The NAIV was chartered under the laws of South Dakota, in 2004, with its headquarters located at the Cheyenne River Sioux Tribe, SD.
- The National Commander is Mr. Don Loudner, who resides in Mitchell, SD. There are four national vice commanders; Bryce In the Woods (Cheyenne River Sioux Reservation, SD), Greg Richardson (Raleigh, NC), Chris Cornelius (Oneida Indian Reservation, WI) Cecilia Sandoval (Navajo Indian Reservation, AZ)
- The NAIV is a non-profit, non-partisan organization.
 - NAIV formed as a result of a request by Senators Akaka, Inouye, and Nighthorse-Campbell during a Senate Veterans Affairs Committee hearing in 2004.
 - The national leadership was elected at a meeting of 59 tribes in Phoenix, AZ in 2004.
 - NAIV has testified before Congress multiple times and often is the only National Native Indian Veterans Organization invited to testify before Congress on issues facing Native Veterans nationwide.
- The NAIV serves the interests and needs of Native veterans in all 50 states. It conducts activities in collaboration with its national leadership and its 14 regional offices.
 - Tribes rotate to host regional and state NAIV meetings.
- The NAIV is organized and operates solely for charitable, literary, educational, scientific, patriotic, and civil improvement purposes.
 - NAIV provides a voice to Native American Veterans whose unique needs are not represented adequately by other organizations.
 - NAIV works closely with Tribal Veterans Services Officers to assure benefits, compensation, and resources – that have been earned by Native American Veterans – are provided.
 - NAIV provided critical support for construction of an American Indian Veterans Memorial at the Riverside National Cemetery, March Air Reserve Base, CA (Groundbreaking - 25 SEP 2020).
 - NAIV has distributed over 300,000 facemasks to Native American Veterans, nationwide, since the beginning of the COVID-19 crisis.
 - The large number of COVID-19 cases on reservations remains a critical concern.
 - NAIV provides significant support to the National Native American Museum in Washington, DC, which is part of the Smithsonian Institution.
- According to 2020 VA statistics, there are over 140,000 Native American Veterans across the nation. Discussions with tribal leaders indicate that this number is most likely an undercount – and the true number likely approaches 200,000.
- **As of September 2020, no Native American veterans' organization has ever received a congressional charter.**

NAIV Regions

NAIV Region 1 – ND, SD, NE

NAIV Region 2 – MN, IA, WI, IL

NAIV Region 3 – MT, WY

NAIV Region 4 – CO, NM

NAIV Region 5 – TX, OK, KS, MO, AR

NAIV Region 6 – LA, MS, AL, GA, FL

NAIV Region 7 – WA, OR, ID

NAIV Region 8 – Navajo Nation (AZ and NM)

NAIV Region 9 – NV, UT, AZ

NAIV Region 10 – CA, HI

NAIV Region 11 – AK

NAIV Region 12 – NY, NJ, PA, CT, RI, MA, VT, NH, ME

NAIV Region 13 – MI, IN, OH, TN, KY, WV

NAIV Region 14 – VA, MD, DC, DE, NC, SC

NAVAJO NATION

1033

8/12/2021

Naa'bik'iyati' Committee Regular Meeting

11:20:53 AM

| | | |
|--------------------|------------------------------|--------|
| Amd# to Amd# | Consent Agenda: Legislations | PASSED |
| MOT Charles-Newton | 0117-21; 0118-21; 0121-21; | |
| SEC Tso, O | 0122-21 and 0107-21 | |

Yeas : 18

Nays : 0

Excused : 3

Not Voting : 2

Yea : 18

| | | | |
|----------------|-------------|--------|------------|
| Begay, K | Daniels | Smith | Tso, O |
| Begay, P | Freeland, M | Tso, C | Wauneka, E |
| Brown | Henio, J | Tso, D | Yazzie |
| Charles-Newton | Nez, R | Tso, E | Yellowhair |
| Crotty | Slater, C | | |

Nay : 0

Excused : 3

| | | |
|-----------|------------|-----------|
| Walker, T | Stewart, W | Halona, P |
|-----------|------------|-----------|

Not Voting : 2

| | |
|----------|----------|
| James, V | Begay, E |
|----------|----------|

Presiding Speaker: Damon