

109TH CONGRESS  
1ST SESSION

# H. R. 3638

To amend title 36, United States Code, to grant a Federal charter to the Irish American Cultural Institute.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2005

Mr. WALSH introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 36, United States Code, to grant a Federal charter to the Irish American Cultural Institute.

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. CHARTER FOR IRISH AMERICAN CULTURAL IN-**  
4       **STITUTE.**

5       Part B of subtitle II of title 36, United States Code,  
6 is amended—

7           (1) by redesignating chapter 1001 as chapter  
8       1003;

9           (2) by redesignating sections 100101 through  
10       100110, and the items relating thereto in the table

1 of sections, as sections 100301 through 100310, re-  
 2 spectively; and

3 (3) by inserting after chapter 901 the following  
 4 new chapter:

5 **“CHAPTER 1001—IRISH AMERICAN**  
 6 **CULTURAL INSTITUTE**

“Sec.

“100101. Organization.

“100102. Purposes.

“100103. Membership.

“100104. Governing body.

“100105. Powers.

“100106. Exclusive right to name, seals, emblems, and badges.

“100107. Restrictions.

“100108. Duty to maintain tax-exempt status.

“100109. Principal office.

“100110. Records and inspection.

“100111. Service of process.

“100112. Liability for acts of officers and agents.

“100113. Annual report.

7 **“§ 100101. Organization**

8 “(a) FEDERAL CHARTER.—The Irish American Cul-  
 9 tural Institute (in this chapter, the ‘corporation’), incor-  
 10 porated in New Jersey, is a federally chartered corpora-  
 11 tion.

12 “(b) EXPIRATION OF CHARTER.—If the corporation  
 13 does not comply with any provision of this chapter, the  
 14 charter granted by this chapter expires.

15 **“§ 100102. Purposes**

16 “The purposes of the corporation are as provided in  
 17 the articles of incorporation and include—

1           “(1) establishing the Museum of Irish America  
2           in Washington, D.C., as the center of Irish Amer-  
3           ican thought, dialogue, debate, and reflection;

4           “(2) recognizing and recording a living memo-  
5           rial to the contributions of Irish-born and Irish  
6           Americans to the development of the United States;

7           “(3) providing a focal point for all Irish Ameri-  
8           cans, who make up 17 percent of the United States  
9           population, according to the 2000 census;

10          “(4) exploring past, current, and future events  
11          in Ireland and the United States, as they relate to  
12          Irish Americans and society as a whole;

13          “(5) documenting the tremendous contributions  
14          of Irish immigrants to the United States in the  
15          areas of architecture, military, politics, religion,  
16          labor, sports, literature, and art;

17          “(6) providing ongoing studies to ensure that  
18          the experiences of the past will benefit the future of  
19          both Ireland and the United States; and

20          “(7) establishing an Irish American Studies  
21          Program for students from both Ireland and the  
22          United States.

1 **“§ 100103. Membership**

2 “Eligibility for membership in the corporation and  
3 the rights and privileges of membership are as provided  
4 in the bylaws.

5 **“§ 100104. Governing body**

6 “(a) BOARD OF DIRECTORS.—The board of directors  
7 and the responsibilities of the board are as provided in  
8 the articles of incorporation.

9 “(b) OFFICERS.—The officers and the election of offi-  
10 cers are as provided in the articles of incorporation.

11 **“§ 100105. Powers**

12 “The corporation shall have only the powers provided  
13 in its bylaws and articles of incorporation filed in each  
14 State in which it is incorporated.

15 **“§ 100106. Exclusive right to name, seals, emblems,  
16 and badges**

17 “The corporation has the exclusive right to use the  
18 name ‘Irish American Cultural Institute’ and any seals,  
19 emblems, and badges relating thereto that the corporation  
20 adopts.

21 **“§ 100107. Restrictions**

22 “(a) STOCK AND DIVIDENDS.—The corporation may  
23 not issue stock or declare or pay a dividend.

24 “(b) POLITICAL ACTIVITIES.—The corporation or a  
25 director or officer as such may not contribute to, support,

1 or participate in any political activity or in any manner  
2 attempt to influence legislation.

3 “(c) DISTRIBUTION OF INCOME OR ASSETS.—The in-  
4 come or assets of the corporation may not inure to the  
5 benefit of, or be distributed to, a director, officer, or mem-  
6 ber during the life of the charter granted by this chapter.  
7 This subsection does not prevent the payment of reason-  
8 able compensation to an officer or member in an amount  
9 approved by the board of directors.

10 “(d) LOANS.—The corporation may not make any  
11 loan to a director, officer, or employee.

12 “(e) CLAIM OF GOVERNMENTAL APPROVAL OR AU-  
13 THORIZATION.—The corporation may not claim congres-  
14 sional approval or the authority of the United States Gov-  
15 ernment for any of its activities.

16 **“§ 100108. Duty to maintain tax-exempt status**

17 “The corporation shall maintain its status as an or-  
18 ganization exempt from taxation under the Internal Rev-  
19 enue Code of 1986 (26 U.S.C. 1 et seq.).

20 **“§ 100109. Principal office**

21 “The principal office of the corporation shall be in  
22 Morristown, New Jersey, or another place decided by the  
23 board of directors.

24 **“§ 100110. Records and inspection**

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

1           “(1) correct and complete books and records of  
2           account;

3           “(2) minutes of the proceedings of its members,  
4           board of directors, and committees having any of the  
5           authority of its board of directors; and

6           “(3) at its principal office, a record of the  
7           names and addresses of its members entitled to vote.

8           “(b) INSPECTION.—A member entitled to vote, or an  
9           agent or attorney of the member, may inspect the records  
10          of the corporation for any proper purpose, at any reason-  
11          able time.

12          **“§ 100111. Service of process**

13          “The corporation shall comply with the law on service  
14          of process of each State in which it is incorporated and  
15          each State in which it carries on activities.

16          **“§ 100112. Liability for acts of officers and agents**

17          “The corporation is liable for the acts of its officers  
18          and agents acting within the scope of their authority.

19          **“§ 100113. Annual report**

20          “The corporation shall submit an annual report to  
21          Congress on the activities of the corporation during the  
22          prior fiscal year. The report shall be submitted at the  
23          same time as the report of the audit required by section  
24          10101 of this title. The report shall not be printed as a  
25          public document.”.

1 **SEC. 2. CLERICAL AMENDMENTS.**

2 The table of chapters at the beginning of subtitle II  
 3 of title 36, United States Code, is amended—

4 (1) in the item relating to chapter 1001, by  
 5 striking “1001” and inserting “1003” and by strik-  
 6 ing “100101” and inserting “100301”; and

7 (2) by inserting after the item relating to chap-  
 8 ter 901 the following new item:

**“1001. Irish American Cultural Institute .....100101”.**

