

Public Law 85-642

AN ACT

To incorporate the Congressional Medal of Honor Society of the United States of America.

August 14, 1958
[S. 1857]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following named persons: Major General David M. Shoup, United States Marine Corps, Virginia; Joel T. Boone, Washington, District of Columbia; Samuel I. Parker, New Jersey; Nicholas Oresko, New Jersey; Luther Skaggs, Maryland; Rufus G. Herring, North Carolina; Nathan Gordon, Arkansas; Joseph J. McCarthy, Illinois; Pierpont M. Hamilton, California; Daniel W. Lee, Alabama; Walter D. Ehlers, California; David E. Hayden, California; William R. Huber, California; Robert S. Kennemore, California; Jackson C. Pharris, California; William J. Crawford, Colorado; Hugh C. Frazer, Washington, District of Columbia; Robert E. Galer, Washington, District of Columbia; Edouard V. M. Izac, Washington, District of Columbia; Leon W. Johnson, Washington, District of Columbia; Keith L. Ware, Washington, District of Columbia; John C. Latham, Connecticut; Homer L. Wise, Connecticut; Charles P. Murray, Georgia; Robert E. Gerstung, Illinois; Jake Alex Mandusich, Illinois; John L. Barkley, Kansas; Charles E. Kelly, Kentucky; John D. Bulkeley, Maryland; Justice M. Chambers, Maryland; Lawson P. Ramage, Washington, District of Columbia; Charles A. MacGillivray, Massachusetts; Everett P. Pope, Massachusetts; Russell E. Dunham, Missouri; Arthur J. Forrest, Missouri; M. Waldo Hatler, Missouri; Carl L. Sitter, North Carolina; Max Thompson, North Carolina; Francis X. Burke, New Jersey; Thomas J. Hudner, New Jersey; Samuel M. Sampler, New Jersey; Charles Henry Willey, New Hampshire; Frank L. Anders, North Dakota; Ernest Childers, Oklahoma; John R. Crews, Oklahoma; Jack C. Montgomery, Oklahoma; Robert D. Maxwell, Oregon; Gino J. Merli, Pennsylvania; Oscar Schmidt, Pennsylvania; Thomas Eadie, Rhode Island; Charles H. Coolidge, Tennessee; Carlton W. Barrett, Virginia; Raymond G. Davis, Virginia; Paul F. Foster, Virginia; James R. Hendrix, Virginia; John Mihalowski, Virginia; Louis H. Wilson, Virginia; Orville E. Bloch, Washington; Robert E. Bonney, Washington; Einar H. Ingman, Wisconsin; Herschel W. Williams, West Virginia; and their successors are created and declared to be a body corporate of the District of Columbia, where its legal domicile shall be by the name of the Congressional Medal of Honor Society of the United States of America (hereafter referred to as the "corporation") and by such name shall be known and have perpetual succession and the powers, limitations, and restrictions herein contained.

Congressional
Medal of Honor
Society.
Incorporation.

COMPLETION OF ORGANIZATION

SEC. 2. A majority of the persons named in the first section of this Act are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption, amendment, and revision of a constitution and bylaws not inconsistent with the provisions of this chapter and the doing of such other acts as may be necessary for such purpose.

OBJECTS AND PURPOSES OF THE CORPORATION

SEC. 3. The objects and purposes of the corporation are as follows:

- (1) To form a bond of friendship and comradeship among all holders of the Congressional Medal of Honor.
- (2) To protect, uphold, and preserve the dignity and honor of the medal at all times and on all occasions.
- (3) To protect the name of the medal, and individual holders of the medal from exploitation.
- (4) To provide appropriate aid to all persons to whom the medal has been awarded, their widows or their children.
- (5) To serve our country in peace as we did in war.
- (6) To inspire and stimulate our youth to become worthy citizens of our country.
- (7) To foster and perpetuate Americanism.

POWERS OF THE CORPORATION

SEC. 4. The corporation shall have power—

- (1) to sue and be sued, complain and defend in any court of competent jurisdiction;
- (2) to adopt, alter, and use a corporate seal;
- (3) to choose officers, managers, and agents as the business of the corporation may require;
- (4) to charge and collect membership dues;
- (5) to adopt, amend, apply, and alter a constitution and by-laws not inconsistent with the laws of the United States of America or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;
- (6) to contract and be contracted with;
- (7) to take and hold by lease, gift, purchase, grant, devise, bequest or otherwise any property real, personal, or mixed, necessary or convenient for attaining the objects of the corporation, subject, however, to applicable provisions of law of any State, (a) governing the amount or kind of real and personal property which may be held by, or, (b) otherwise limiting or controlling the ownership of real and personal property by, a corporation operating in such State;
- (8) to transfer, lease, or convey real or personal property;
- (9) to borrow money for the purposes of the corporation and issue bonds or other evidences of indebtedness therefor and secure the same by mortgage or pledge subject to applicable Federal or State laws; and
- (10) to do any and all acts necessary and proper to carry out the purposes of the corporation.

PRINCIPAL OFFICE; TERRITORIAL SCOPE OF ACTIVITIES; RESIDENT AGENT

SEC. 5. (a) The principal office of the corporation shall be located in Washington, District of Columbia, or in such other place as may later be determined by the board of directors but the activities of the corporation shall not be confined to that place and may be conducted throughout the various Territories and possessions of the United States.

(b) The corporation shall have in the District of Columbia at all times a designated agent authorized to accept service and process for the corporation; and notice to or service upon such agent or mailed to the business address of such agent shall be deemed as service to or notice on the corporation.

MEMBERSHIP RIGHTS

SEC. 6. (a) Any person who has been awarded the Medal of Honor is eligible for membership in the society.

(b) Honorary memberships shall not be granted.

(c) Each member of the corporation shall have the right to one vote either in person or by proxy on each matter submitted to a vote at all meetings of the members of the corporation.

GOVERNING BODY; COMPOSITION; TENURE

SEC. 7. (a) The governing body of the corporation is its board of directors which during the year 1958 will comprise the following: President, David M. Shoup; executive vice president, Joel T. Boone; secretary-treasurer, Samuel I. Parker; first regional vice president, Nicholas Oresko; second regional vice president, Luther Skaggs; third regional vice president, Rufus G. Herring; fourth regional vice president, Nathan Gordon; fifth regional vice president, Joseph J. McCarthy; sixth regional vice president, Pierpont M. Hamilton; who currently hold such offices in the Congressional Medal of Honor Society of the United States of America.

(b) Thereafter the board of directors of the corporation shall consist of such number (not less than nine), shall be elected in such manner (including the filling of vacancies) and shall serve their terms as may be prescribed in the bylaws of the corporation.

(c) The board of directors may exercise, or provide for the exercise of, the powers herein granted to the corporation, and each member of the board shall have one vote upon all matters determined, except that if the offices of secretary and treasurer are combined and are held by one person, he shall have only one vote as a member of the board of directors. The board shall meet at least annually. The president of the corporation shall act as chairman of the board.

OFFICERS; POWERS; ELECTION; TENURE

SEC. 8. (a) The officers of the corporation shall consist of a president, executive vice president, secretary, treasurer, and six regional vice presidents as may be provided in the bylaws. The office of secretary may be combined with the office of treasurer and the combined offices may be held by one person.

(b) The officers shall have such powers consistent with this charter, as may be determined by the bylaws.

(c) The officers of the corporation shall be elected in such manner and have such terms and with such duties as may be prescribed in the bylaws of the corporation.

DISTRIBUTION OF INCOME OR ASSETS TO MEMBERS; LOANS

SEC. 9. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director as such, or be distributed to any of them during the life of the corporation or upon its dissolution or final liquidation, nor shall any member or private individual be liable for the obligations of the corporation. Nothing in this section, however, shall be construed to prevent—

(1) the payment of bona fide expenses of officers of the corporation in amounts approved by the board or directors; or

(2) the payment of appropriate aid to persons to whom the Medal of Honor has been awarded, their widows or their children pursuant to the objects of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any officer or director who votes for or assents to the making of a loan to an officer, director, or employee of the corporation and any officer who participates in the making of such loan shall be jointly and severally liable to the corporation for the amount of such loan until the payment thereof.

NONPOLITICAL NATURE OF CORPORATION

SEC. 10. The corporation and its officers and directors as such shall not contribute to or participate in, directly or indirectly, local or national political activity or in any manner attempt to influence legislation.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 11. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

PROHIBITION AGAINST ISSUANCE OF STOCK OR ISSUANCE OF DIVIDENDS

SEC. 12. The corporation shall have no power to issue any shares of stock or declare or pay dividends.

BOOKS AND RECORDS ; INSPECTION

SEC. 13. The corporation shall keep correct and complete books and records of account. It shall also keep minutes of the proceedings of its membership and of the board of directors or committees having authority under the board of directors. It shall also keep at its principal office a record giving the names and addresses of its members, directors, and officers. All books and records of the corporation may be inspected by any member or his agent or attorney for any proper purpose at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS ; REPORT TO CONGRESS

SEC. 14. (a) The financial transactions of the corporation shall be audited annually by an independent certified accountant in accordance with the principles and procedures applicable to commercial corporate transactions. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such audit shall be made by the corporation to the Congress not later than March 1 of each year. The report shall set forth the scope of the audit and shall include a verification by the person or persons conducting the audit of statements of (1) assets and liabilities; (2) capital and surplus or deficit; (3) surplus or deficit analyses; (4) income and expense; and (5) sources and application of funds. The report shall not be printed as a public document.

USE OF ASSETS UPON DISSOLUTION OR LIQUIDATION

SEC. 15. Upon final dissolution or liquidation of the corporation and after discharge or satisfaction of all outstanding obligations and liabilities the remaining assets of the corporation may be distributed in

accordance with the determination of the board of directors of the corporation and in compliance with the bylaws of the corporation and all Federal and State laws applicable thereto.

TRANSFER OF ASSETS FROM PRIOR CORPORATION

SEC. 16. The corporation may acquire the assets of the Congressional Medal of Honor Society of the United States, Incorporated, a body corporate organized under the laws of the State of New York, upon discharge or satisfactorily providing for the payment and discharge of all of the liabilities of such State corporation and upon complying with all the laws of the State of New York applicable thereto.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 17. The right to alter, amend, or repeal this Act is expressly reserved.

Approved August 14, 1958.

Public Law 85-643.

AN ACT

To provide for a survey of the Coosawhatchie and Broad Rivers in South Carolina, upstream to the vicinity of Dawson Landing.

August 14, 1958
[S. 3833]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is hereby authorized and directed to cause a survey in the interest of navigation, to be made under the direction of the Chief of Engineers, of the Coosawhatchie and the Broad Rivers in South Carolina, upstream to the vicinity of Dawson Landing, subject to all applicable provisions of section 110 of the River and Harbor Act of 1950.

Coosawhatchie
and Broad Rivers,
S.C.
Survey.

64 Stat. 168.

SEC. 2. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Appropriation.

Approved August 14, 1958.

Public Law 85-644

AN ACT

To amend the Act of July 1, 1948 (62 Stat. 1215) to authorize the furnishing of headstones or markers in memory of members of the Armed Forces dying in the service, whose remains have not been recovered or identified or were buried at sea.

August 14, 1958
[H. R. 4381]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of July 1, 1948 (62 Stat. 1215; 24 U. S. C. 279a) is amended:

Armed Forces.
Memorial mark-
ers.

(1) By adding the following sentence after the first sentence of section 1 thereof: "The Secretary of the Army is authorized and directed to furnish, when requested, an appropriate memorial headstone or marker to commemorate any member of the armed forces of the United States dying in the service, whose remains have not been recovered or identified or were buried at sea, for placement by the applicant in a national cemetery or in any private or local cemetery."