Public Law 85-769

August 27, 1958
[H. R. 13518]

AN ACT

To incorporate the Blinded Veterans Association.

Blinded Veterans Association, incorporation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following persons, to wit: John E. Mattingly, New Britain, Connecticut; Robert A. Bottenberg, San Antonio, Texas; Norbert L. Cormier, Newington, Connecticut; Michael I. Bernay, El Monte, California; Durham D. Hail, Reedsport, Oregon; James H. Butler, Miami Springs, Florida; Melvin J. Maas, Chevy Chase, Maryland; Julius D. Morris, New Britain, Connecticut; David L. Schnair, Bronx, New York; W. Marshall Smith, Springfield, Virginia; Guy Stone, Champaign, Illinois; Walter F. Stromer, Mount Vernon, Iowa; Raymond T. Frey, Lebanon, Pennsylvania; Henry Masse, West Medford, Massachusetts; Joseph Smietanowski, Rochester, New York;

Edward J. Hoyczyk, Snyder, New York; Russell C. Williams, Maywood, Illinois; H. Smith Shumway, Cheyenne, Wyoming; H. P. Adams, Sommerville, South Carolina; Thomas C. Hasbrook, Indianapolis, Indiana; Leonard E. Shelhamer, North Caldwell, New Jersey; Thomas J. Broderick, Chicago, Illinois; George M. Gillispie, Gardena, California; Peter J. McKenna, Minneapolis, Minnesota; William A. Miller, San Antonio, Texas; Phillip N. Harrison, Harrisburg, Pennsylvania; Vasco de Gama Hale, Bloomfield, Connecticut; William W. Thompson, Bethesda, Maryland; Gordon H. Damery, Brighton, Massachusetts; Irvin P. Schloss, Washington, District of Columbia; Darwin W. Niles, Hammond, Indiana; Curtis F. Weygand, Gadsden, Alabama; Alfous Vaughan, Camden, Arkansas;

Walter R. Andrews, Roseda, California; Clarence C. Carlson, Lynwood, California; Jesse S. Castillo, Los Angeles, California; James Harris, Los Angeles, California; Sanji Kimoto, Long Beach, California; Jose Reyes, Lynwood, California; Neftali Sanchez, Los Angeles, California; Derald W. Stange, Los Angeles, California; Paul U. Brower, Oakland, California; Clarence Costello, Oakland, California; Herbert P. Oakes, Denver, Colorado; Robert W. Taylor, Pueblo, Colorado; Ernest M. Bowen, Granby, Connecticut; Dominic Buonocore, Waterbury, Connecticut; Edward Cousineau, Windsor Locks, Connecticut; Theodore Wysocki, West Hartford, Connecticut; Francisco de la Cruz, Washington, District of Columbia; Raymond N. Goldstein, Washington, District of Columbia; John H. Jones, Washington, District of Columbia; John S. Nadeau, Washington, District of Columbia; Adolph E. Anglan, Daytona Beach, Florida;

LaRue S. Milne, Largo, Florida; Robert L. Robinson, Orlando, Florida; Charles H. Monroe, Savannah, Georgia; Hisatomi Hiyasaka, Sugar City, Idaho; Fay Anderson, Pocatonia, Illinois; Irvin J. Edwards, Lee, Illinois; Marvin Halladay, Bensenville, Illinois; Vincent Ortiz, Senior, Blue Island, Illinois; Raymond D. McCarty, La Porte, Indiana; Gerald J. Miller, Rensselaer, Indiana; Charles T. Rachels, Mount Vernon, Indiana; John W. Stalcup, Indianapolis, Indiana; William E. Cassell, Cumberland, Maryland; Frank L. Bavin, Wilmington, Massachusetts; Jerome F. Bowen, Chelsea, Massachusetts; Walter F. Branlund, Braintree, Massachusetts; Daniel B. Carveth, Annisquam, Massachusetts;

Adolfo Cenci, Somerville, Massachusetts; Nathan Cohen, Winthrop, Massachusetts; John F. Crowson, Petersham, Massachusetts; Michael Carl Dec, Chester, Massachusetts; Joseph D. DeLaura, Worcester, Massachusetts; Albert de Simone, Revere, Massachusetts; John W.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Feeley, Worcester, Massachusetts; Francis V. Hammersley, Malden, Massachusetts; Francis Hennessey, Hyde Park, Massachusetts; H. F. le Blanc, Haverhill, Massachusetts; Edward J. Leslie, Lynn, Massachusetts; John Lundgren, Malden, Massachusetts; Phillip Malatesta, Malden, Massachusetts; William McFayden, Ludlow, Massachusetts; Kenneth A. Meister, Amesbury, Massachusetts; J. H. Schuster, Holbrook, Massachusetts;

Chester J. Sweeney, Dorchester, Massachusetts; John C. Taylor, Boston, Massachusetts; Alfred J. Therrien, Lawrence, Massachusetts; Otto Huwe, New Haven, Michigan; Ernest M. Wiedyk, Auburn, Michigan; Ralph H. Sather, North Branch, Minnesota; Wesley E. Burney, Kansas City, Missouri; James A. Schelich, Washington, Missouri; Raymond T. Auprey, Penacock, New Hampshire; John A. Clarke, New Brunswick, New Jersey; Edward Heimrich, Belleville, New Jersey; Frederich Koch, Paramus, New Jersey; Michael A. Spencer, Belleville, New Jersey; John Abrams, New York, New York; Walter Biedrzycki, Mineola, New York; Francis J. Chambers, New York, New York; Roger P. Conant, New York, New York; Jerome E. Dompierre, Buffalo, New York;

Anthony Duino, Dunkirk, New York; Salvatore Iadanza, Central Islip, New York; Michael J. Kralovich, Jackson Heights, New York; Michael A. Lettiere, Brooklyn, New York; Joseph A. Martone, Syracuse, New York; Robert I. McGinnis, Poughkeepsie, New York; Harry J. Owens, Cassville, New York; Alrid Plaskett, South Ozone Park, New York; Jack Shapiro, Jackson Heights, New York; Andrew G. Tomanek, Jackson Heights, New York; Paul Viviano, Sunnyside, New York; Michael Weber, Watertown, New York; Narcus Zetkin, New York, New York; John Henry Edge, Rocky Mount, North Carolina; Henry C. Riggins, Asheville, North Carolina; George H. Williams, Rocky Mount, North Carolina; John C. Smallbeck, Aneta, North Dakota;

A. W. Brent, Cleveland, Ohio; Floyd H. Miller, Louisville, Ohio; Carl Mock, Logan, Ohio; James L. Park, Middlefield, Ohio; John Bernabo, Bolivar, Pennsylvania; Richard G. Brooks, Philadelphia, Pennsylvania; Charles P. Hogan, Pittsburgh, Pennsylvania; Richard A. Neiman, Lancaster, Pennsylvania; Steve T. Olesnanlk, Lake City, Pennsylvania; Curtis W. Sechrist, East York, Pennsylvania; Edward A. Zelonis, Harrisburg, Pennsylvania; Herman W. Nodine, Greenville, South Carolina; Emil M. Larson, Sioux Falls, South Dakota; Randolph H. Greene, Lubbock, Texas; Alfred Poe, El Paso, Texas; James A. H. Brown, Lynchburg, Virginia; Harold A. Bussey, Norfolk, Virginia; Bernie C. Lear, Chesterfield, Virginia; Charles F. MacFarlane, Seattle, Washington; John A. Veith, Lost Creek, West Virginia; Richard J. Hunt, Madison, Wisconsin;

Alvin R. Johnson, Milwaukee, Wisconsin; Leo A. Urbaniak, Troy Center, Wisconsin; Julio C. Galarza Torres, Rio Piedras, Puerto Rico; John P. Collins, West Monroe, Louisiana; Gerald J. DuBois, Morgan City, Louisiana; James L. Womack, Winnfield, Louisiana; Blaise Angelico, New Orleans, Louisiana; Tom Byrnes, Shreveport, Louisiana; Reynolds T. Liner, Houma, Louisiana; David Martin, Lafayette, Louisiana; Joseph Emile DuPont, Plaquemine, Louisiana; Joseph C. Hattier, Metarie, Louisiana; Steve Champagne, Saint Martinville, Louisiana; Stephen Carra, New Orleans, Louisiana; Clarence Clark, West Monroe, Louisiana; Bernard J. Cramer, Crowley, Louisiana; Vernon Parenton, Baton Rouge, Louisiana; Daniel Pinchera, Shreveport, Louisiana; Joseph Roth, Gonzales, Louisiana; James Turner, Varnado, Louisiana; Edwin Westrate, Port Allen, Louisiana; Preston Wyatts, Natchitoches, Louisiana; and each other person who, on the date of enactment of this Act, is a member in good standing of

Blinded Veterans Association, Incorporated, a corporation organized and existing under the membership corporation law of the State of New York, and their successors, are hereby created and declared to be a body corporate by the name of Blinded Veterans Association (referred to in this Act as the "corporation") and by such name shall be known and have perpetual succession of the powers, limitations, and restrictions contained in this Act.

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 shall be as follows:

(1) To promote the welfare of blinded veterans so that, notwithstanding their disabilities, they may take their rightful place in the community and work with their fellow citizens toward the creation of a peaceful world.

(2) To preserve and strengthen a spirit of fellowship among blinded veterans so that they may give mutual aid and assistance to one another.

(3) To maintain and extend the institutions of American freedom and to encourage loyalty to the Constitution and laws of the United States and of the States in which they reside.

(4) To be organized and operated as a corporation not for profit, no part of the income or assets of which shall inure to the benefit of any of its members, directors, or officers, nor be distributable thereto otherwise than upon dissolution or final liquidation; and such corporation is organized and shall be operated exclusively for charitable, educational, patriotic, and civic improvement purposes.

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 bylaws 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. Any person who was enlisted, drafted, inducted, or commissioned in the Armed Forces of the United States and who, in the line of duty in such service, has sustained a substantial impairment of sight or vision, as such is defined from time to time by the bylaws of the corporation, shall be eligible for general membership in the corporation. In addition to the general membership, there shall be special classes of honorary and associate membership, qualification or eligibility for which, and rights and obligations of which, shall be as provided from time to time by the bylaws of the corporation. All persons who are members of any class of Blinded Veterans Association, Incorporated, on the effective date of this Act shall be members of such class of the corporation.

GOVERNING BODY; COMPOSITION; TENURE

SEC. 7. (a) The number of directors shall be not less than three nor more than fifteen said directors shall be divided into a specified number of classes, each class holding office for a definite period of years, as shall be provided from time to time by the bylaws of the corporation, except that the directors of Blinded Veterans Association, Incorporated, on the effective date of this Act shall be the first directors of the corporation.

(b) Any director of the corporation may be removed at any time for just and proper cause by a vote of a majority of a quorum of directors present at a meeting called for that purpose.

(c) If a vacancy occurs in the office of director of the corporation, a majority of a quorum of the remaining directors present at a meeting duly called for that purpose may elect a director to fill such vacancy until the next annual meeting of the corporation.

(d) A majority of the directors shall be present at any meeting of directors in order to constitute a quorum and the votes of a majority of the directors so present shall be necessary for the transaction of any business.

OFFICERS

SEC. 8. (a) The corporation shall have such officers as may be provided for in the bylaws.

(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 of directors; or

(2) the payment of appropriate aid to blinded veterans, 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 otherwise support or assist any political party or candidate for elective public office.

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 shall be transferred to the Veterans' Administration to be applied to the care and comfort of blinded veterans.

TRANSFER OF ASSETS FROM PRIOR CORPORATION

SEC. 16. The corporation may acquire the assets of the Blinded Veterans Association, 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.

EXCLUSIVE RIGHT TO NAME: CORPORATE SEALS, EMBLEMS, AND BADGES

SEC. 17. The corporation and its duly authorized regional groups and other local subdivisions shall have the sole and exclusive right to have and use in carrying out its purposes the name Blinded Veterans Association and such seals, emblems, and badges as the corporation may lawfully adopt.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 18. The right to alter, amend, or repeal this Act is expressly reserved.

Approved August 27, 1958.

Public Law 85-770

AN ACT

August 27, 1958
[S. 2592]

To amend the law relating to the execution of contracts with Indian tribes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2103 of the Revised Statutes (25 U. S. C. 81), is amended (i) by deleting from the paragraph numbered "Second" the words "be executed before a judge of the court of record, and", and (ii) by deleting all of the paragraph numbered "Sixth".

Approved August 27, 1958.

98395-59-PT. I—59