

PVA ARTICLES OF INCORPORATION

112 STAT. 1253 PUBLIC LAW 105-225—AUG. 12, 1998

Public Law 105-225
105th Congress

An Act

To revise, codify, and enact without substantive change certain general and permanent laws, related to patriotic and national observances, ceremonies, and organizations, as title 36, United States Code, "Patriotic and National Observances, Ceremonies, and Organizations".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TITLE 36, UNITED STATES CODE.

Certain general and permanent laws of the United States, related to patriotic and national observances, ceremonies, and organizations, are revised, codified, and enacted as title 36, United States Code, "Patriotic and National Observances, Ceremonies, and Organizations", as follows:

TITLE 36—PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES, AND ORGANIZATIONS

112 STAT. 1442 PUBLIC LAW 105-225—AUG. 12, 1998

CHAPTER 1701—PARALYZED VETERANS OF AMERICA

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§ 170101. Organization

- (a) FEDERAL CHARTER.—Paralyzed Veterans of America (in this chapter, the "corporation") is a federally chartered corporation.
- (b) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

§ 170102. Purposes

The purposes of the corporation are—

- (1) to preserve the great and basic truths and enduring principles on which this Nation was founded;
- (2) to form a national association for the benefit of individuals who have suffered injuries or diseases of the spinal cord;
- (3) to acquaint the public with the needs and problems of paraplegics;
- (4) to promote medical research in the several fields connected with injuries and diseases of the spinal cord, including research in neurosurgery and orthopedics and in genitourinary and orthopedic appliances; and
- (5) to advocate and foster complete and effective reconditioning programs for paraplegics, including a thorough physical reconditioning program, physiotherapy, competent walking instructions, adequate guidance (both vocational and educational), academic and vocational education (both in hospitals and in educational

institutions), psychological orientation and readjustment to family and friends, and occupational therapy (both functional and diversional).

§ 170103. Membership

An individual is eligible for membership in the corporation if the individual—

- (1) is a citizen of the United States;
- (2) was regularly enlisted, inducted, or commissioned, and was accepted for or on active duty, in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States or an ally of the United States;
- (3)(A) was separated from service in the Armed Forces under conditions other than dishonorable; or
(B) is on active duty or must continue to serve after the cessation of hostilities; and
- (4) has suffered a spinal cord injury or disease, whether or not service connected in origin.

§ 170104. Powers

(a) **SPECIFIC POWERS.**—The corporation may—

- (1) adopt and amend a constitution and bylaws;
- (2) adopt and alter a corporate seal, emblems, and badges;
- (3) choose officers, representatives, and agents as necessary to carry out the purposes of the corporation;
- (4) make contracts;
- (5) accept gifts, legacies, and devises that will further the purposes of the corporation;
- (6) acquire, own, lease, encumber, and transfer property as necessary to carry out the purposes of the corporation;
- (7) borrow money, issue instruments of indebtedness, and secure its obligations by granting security interests in its property;
- (8) establish, regulate, and discontinue subordinate State and regional organizations and local chapters or posts;
- (9) establish and maintain offices to conduct the affairs of the corporation;
- (10) publish a magazine, newspaper, and other publications;
- (11) sue and be sued; and
- (12) do any other act necessary and proper to carry out the purposes of the corporation.

(b) **PRIVILEGES OF OTHER NATIONAL VETERANS' ORGANIZATIONS.**

—Privileges granted to other national veterans' organizations as a result of their being incorporated by Congress are also granted to the corporation.

§ 170105. Exclusive right to name, seals, emblems, and badges

The corporation and its State and regional organizations and local chapters or posts have the exclusive right to use the name "Paralyzed Veterans of America" and seals, emblems, and badges the corporation lawfully adopts.

§ 170106. Restrictions

- (a) **PROFIT.**—The corporation may not engage in business for profit.
- (b) **STOCK.**—The corporation may not issue stock.
- (c) **POLITICAL ACTIVITIES.**—The corporation shall be nonpolitical and may not provide financial aid to, or otherwise promote the candidacy of, an individual seeking public office.
- (d) **DISTRIBUTION OF INCOME OR ASSETS.**—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, member, or employee during the life of the corporation or on its dissolution or final liquidation. This subsection does not prevent the payment of reasonable compensation to an officer or employee or reimbursement for actual necessary expenses in amounts approved by the board of directors.
- (e) **LOANS.**—The corporation may not make a loan to a director, officer, member, or employee. Directors who vote for or assent to making such a loan, and officers who participate in making the loan, are jointly and severally liable to the corporation for the amount of the loan until it is repaid.

§ 170107. Headquarters and principal place of business

The headquarters and principal place of business of the corporation shall be in the District of Columbia. However, the activities of the corporation are not confined to the District of Columbia but may be conducted throughout the States, territories, and possessions of the United States.

§ 170108. Records and inspection

- (a) **RECORDS.**—The corporation shall keep—
 - (1) correct and complete records of account;

- (2) minutes of the proceedings of its members, executive committee, and committees having any of the authority of its executive committee; and
- (3) at its principal office, a record of the names and addresses of its members entitled to vote.
- (b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

§ 170109. Service of process

As a condition to the exercise of any power or privilege granted by this chapter, the corporation shall file, with the secretary of state or other designated official of each State, territory, or possession of the United States in which an organization, chapter, or post is organized, the name and address of an agent in that State, territory, or possession on whom legal process or demands against the corporation may be served.

§ 170110. Liability for acts of officers and agents

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

§ 170111. Distribution of assets on dissolution or final liquidation

On dissolution or final liquidation of the corporation, any assets remaining after the discharge or satisfactory provision for discharge of all liabilities shall be transferred to the Secretary of Veterans Affairs to be applied to the care and comfort of paralyzed veterans.

(P.L. 105-225, 112 STAT. 1253, 1439-1442; 36 U.S.C. § 170101 *et seq.*)



Public Law 92-93
92nd Congress, H. R. 2894
August 11, 1971

An Act

85 STAT. 317

To incorporate the Paralyzed Veterans of America.

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: Burton Little, Chickasaw, Alabama; Tom Goggin, Phoenix, Arizona; Leonard Chrysler, Los Altos, California; Wayne L. Capson, Garden Grove, California; George Bochet, Silver Spring, Maryland; Robert Classon, New York, New York; Edward G. Maxwell, Miami, Florida; Claude C. Beckham, Irmo, South Carolina; Benny Tschetter, Sioux Falls, South Dakota; Frederick T. Gill, Valley Station, Kentucky; Lee M. Gresham, Wixom, Michigan; Conrad M. Standinger, Memphis, Tennessee; Curley Gullet, Denver, Colorado; Charles Swartz, Marblehead, Massachusetts; Bolivar Rivera, Rio Piedras, Puerto Rico; James Schwiam, Pasadena, Texas; Robert T. Kiggins, Pittsburgh, Pennsylvania; Glenn E. Mayer, Hines, Illinois; John Novak, Richmond, Virginia; and such other persons as are members of the Paralyzed Veterans of America, and their associates and successors, are hereby created and declared to be a body corporate by the name of Paralyzed Veterans of America (hereinafter referred to as the "corporation").

Paralyzed
Veterans of
America.
Incorporation.

SEC. 2. The persons named in the first section of this Act, or their successors, are hereby authorized to complete the organization of the corporation by the selection of officers, the adoption of a constitution and bylaws, and the doing of such other acts as may be necessary for such purpose.

SEC. 3. The objects and purposes of the corporation shall be— Purpose.

- (a) to preserve the great and basic truths and enduring principles upon which this Nation was founded;
- (b) to form a national association for the benefit of persons who have suffered injuries or diseases of the spinal cord;
- (c) to acquaint the public with the needs and problems of paraplegics;
- (d) to promote medical research in the several fields connected with injuries and diseases of the spinal cord, including research in neurosurgery and orthopedics and in genitourinary and orthopedic appliances; and
- (e) to advocate and foster complete and effective reconditioning programs for paraplegics, including a thorough physical reconditioning program, physiotherapy, competent walking instructions, adequate guidance (both vocational and educational), academic and vocational education (both in hospitals and in educational institutions), psychological orientation and readjustment to family and friends, and occupational therapy (both functional and diversional).

SEC. 4. The corporation shall have perpetual succession and shall have power— Powers.

- (a) to sue and be sued;
- (b) to acquire, hold, and dispose of such real and personal property as may be necessary to carry out the corporate purposes;
- (c) to make and enter into contracts;
- (d) to accept gifts, legacies, and devises which will further the corporate purposes;
- (e) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, subject in every case to all applicable provisions of Federal and State law;
- (f) to adopt and alter a corporate seal;

- (g) to establish, regulate, and discontinue subordinate State and regional organizations and local chapters or posts;
- (h) to choose such officers, representatives, and agents as may be necessary to carry out the corporate purposes;
- (i) to establish and maintain offices for the conduct of the affairs of the corporation;
- (j) to adopt and alter a constitution and bylaws not inconsistent with law;
- (k) to publish a newspaper, magazine, or other publications;
- (l) to adopt and alter emblems and badges; and
- (m) to do any and all acts and things necessary and proper to accomplish the objects and purposes of the corporation.

SEC. 5. The corporation shall have no power to issue capital stock or engage in business for pecuniary profit or gain.

SEC. 6. The corporation shall be nonpolitical and, as an organization, shall not furnish financial aid to, or otherwise promote the candidacy of, any person seeking public office.

Membership,
eligibility.

SEC. 7. Any American citizen shall be eligible for membership in the corporation who was regularly enlisted, inducted, or commissioned, and who was accepted for, or was on, active duty in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States, or our allies. Service with the Armed Forces must have been terminated by discharge or separation from service under conditions other than dishonorable: *Provided, however,* That persons otherwise eligible for membership who are on active duty or who must continue to serve after the cessation of hostilities are also eligible for membership: *And provided further,* That membership shall be limited to such persons as have suffered spinal cord injuries or diseases whether service connected or nonservice connected in origin.

SEC. 8. The headquarters and principal place of business of said corporation shall be located in the District of Columbia, but the activities of said organization, as set out herein, shall not be confined to said city, but shall be conducted throughout the several States and any territory or possession of the United States.

SEC. 9. In the event of a final dissolution or liquidation of such corporation, and after the discharge or satisfactory provisions for the discharge of all its liabilities, the remaining assets of the said corporation shall be transferred to the Veterans' Administration to be applied to the care and comfort of paralyzed veterans.

"Paralyzed
Veterans of
America",
exclusive
rights.

SEC. 10. The corporation and its State and regional organizations and local chapters or posts shall have the sole and exclusive right to have and use in carrying out its purposes the name "Paralyzed Veterans of America," and such seals, emblems, and badges as the corporation may lawfully adopt.

Records,
availability.

SEC. 11. The corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its members, executive committee, and committee, having any of the authority of the executive committee; and shall keep at its registered office or principal office a record giving the names and addresses of its members entitled to vote; and permit all books and records of the corporation to be inspected by any member or his agent or his attorney for any proper purpose at any reasonable time.

SEC. 12. As a condition precedent to the exercise of any power or privilege herein granted or conferred, the corporation shall file in the office of the Secretary of each State or of any territory or possession of the United States, in which organizations, chapters, or posts may be organized, the name and post office address of an authorized agent upon whom local process or demands against the corporation may be served.

Sec. 13. Such provisions, privileges, and prerogatives as have been granted heretofore to other national veterans' organizations by virtue of their being incorporated by Congress are hereby granted and accrue to the Paralyzed Veterans of America.

Sec. 14. (a) No part of the income or assets of the corporation shall inure to any member, director, officer, or employee of the corporation or be distributable to any person during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of reasonable compensation to officers and employees of the corporation or to prevent their reimbursement for actual necessary expenses in amounts approved by the corporation's board of directors.

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

Sec. 15. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority. *Liability.*

Sec. 16. The provisions of sections 2 and 3 of the Act of August 30, 1964 (86 U.S.C. 1102, 1103), entitled "An Act to provide for audit of accounts of private corporations established under Federal law" 78 Stat. 636. shall apply with respect to the corporation.

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

Approved August 11, 1971.

Speaker of the House of Representatives.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 92-129 (Comm. on the District of Columbia).
SENATE REPORT No. 92-323 (Comm. on the District of Columbia).
CONGRESSIONAL RECORD, Vol. 117 (1971):
Apr. 27, considered and passed House.
Aug. 2, considered and passed Senate.

PVA'S KEY OBJECTIVE

The Key Objective of the Paralyzed Veterans of America is to take those actions necessary to restore spinal cord injured or diseased veterans' bodies and life potentials as closely as is humanly possible to those Americans not suffering spinal cord dysfunction. This will be accomplished by the coordinated efforts of the PVA organization through programs:

- To advocate for and monitor the delivery of high quality and appropriate health care benefits and services.
- To assist in identifying and securing veterans' benefits and other benefits for spinal cord injured and diseased veterans and others as appropriate.
- To promote medical research to cure spinal cord dysfunction and other related problems.
- To educate society on the attitudinal, physical and legal barriers which confront persons with disabilities and to influence the removal of those barriers.
- To provide information to and opportunities for health promotion, recreation, employment, sports, services and camaraderie for spinal cord injured and diseased veterans and others as appropriate.
- To provide for cooperation with and seek the support of other groups and individuals who share PVA's objectives.
- To acquaint the public with the current and ongoing needs and current and past contributions of America's veterans.
- To acquaint the public with simple and effective means for reducing the risk of or preventing spinal cord injury.
- To promote involvement of the public in national and local activities that support PVA's mission.