Public Law 85-87

July 10, 1957
[H. R. 3400]

AN ACT

To provide full and fair disclosure of the character of charitable, benevolent, patriotic, or other solicitations in the District of Columbia; and for other purposes.

District of Columbia Charitable Solicitation Act.
Definitions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "District of Columbia Charitable Solicitation Act".

SEC. 2. As used in this Act—

(a) The term "Commissioners" means the Commissioners of the District of Columbia, sitting as a board, or any agent or agency designated by them to perform any function vested in the Commissioners by this Act.

(b) The term "registrant" means the holder of a valid certificate of registration duly issued under the terms of this Act.

(c) "Solicit" and "solicitation" mean the request directly or indirectly for any contribution on the plea or representation that such contribution will or may be used for any charitable purpose, and also mean and include any of the following methods of securing contributions:

(1) Oral or written request;

(2) The distribution, circulation, mailing, posting, or publishing of any handbill, written advertisement, or publication;

(3) The making of any announcement to the press, over the radio, by television, by telephone, or telegraph concerning an appeal, assemblage, athletic or sports event, bazaar, benefit, campaign, contest, dance, drive, entertainment, exhibition, exposition, party, performance, picnic, sale, or social gathering, which the public is requested to patronize or to which the public is requested to make a contribution;

(4) The sale of, offer, or attempt to sell, any advertisement, advertising space, book, card, magazine, merchandise, subscription, ticket of admission, or any other thing, or where the name of any charitable person is used or referred to in any such appeal as an inducement or reason for making any such sale, or when or where in connection with any such sale, any statement is made that the whole or any part of the proceeds from any such sale will go or be donated to any charitable purpose.

A "solicitation" as defined herein shall be deemed completed when made, whether or not the person making the same receives any contribution or makes any such sale.

(d) "Charitable" means and includes philanthropic, social service, patriotic, welfare, benevolent, or educational (except religious education), either actual or purported.

(e) "Contribution" means and includes alms, food, clothing, money, subscription, credit, property, financial assistance, or donations under the guise of a loan of money or property.

(f) "Person" means any individual, firm, copartnership, corporation, company, association, or joint stock association, church, religious sect, religious denomination, society, organization, or league, and includes any trustee, receiver, assignee, agent, or other similar representative thereof.

Powers.

SEC. 3. (a) The Commissioners are authorized and empowered—

(1) to administer and enforce the provisions of this Act;

(2) to investigate the allegations of any application for a certificate of registration;

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

(3) to have access to and inspect and make copies of all the financial books, records, and papers of any person making any solicitation or on whose behalf any solicitation is made;

(4) to investigate at any time the methods of making or conducting any solicitation;

(5) to issue a certificate of registration to any person filing an application pursuant to this Act;

(6) to suspend or revoke any certificate of registration or solicitor information card, on the ground that the holder of such certificate or card has violated any provision of this Act or any regulation promulgated pursuant thereto. The Commissioners shall give to the interested person or persons an opportunity for a hearing after reasonable notice thereof before suspending or revoking any such certificate or card;

(7) to prescribe by regulation the form of and the information to be contained in the solicitor information cards required by this Act, and to prescribe the manner of reproduction and authentication of such cards; and

(8) to publish, in any manner they deem appropriate, the results of any investigation authorized by this Act. The Commissioners shall, in publishing the results of any such investigation, have power to publish information concerning the officers and members of the governing board of any organization coming within the purview of this Act: *Provided*, That such information shall not include membership and contribution lists of any such organization.

Fees.

(b) The Commissioners are authorized to prescribe and collect fees for the filing of applications, issuance of certificates of registration, and any other service which this Act authorizes to be performed by the Commissioners. The Commissioners shall fix such fees in such amounts as will, in their judgment, approximate the cost to the District of Columbia of such services. In fixing such fees the Commissioners may, in their discretion, prescribe either uniform fees or varying schedules of fees based on actual or estimated amounts solicited or to be solicited by registrants or applicants for certificates of registration. No fees may be fixed pursuant to this section until after a public hearing has been held thereon pursuant to reasonable notice thereof.

Public hearing.

Certificate of registration.

SEC. 4. (a) No person shall solicit in the District of Columbia unless he holds a valid certificate of registration authorizing such solicitation.

Educational or religious groups.

(b) The provisions of this Act shall not apply to any person making solicitations, including solicitations for educational purposes, solely for a church or a religious corporation or a corporation or an unincorporated association under the supervision and control of any such church or religious corporation: *Provided*, That such church, religious corporation, corporation or unincorporated association is an organization which has been granted exemption from taxation under the provisions of section 501 of the Internal Revenue Code of 1954: *Provided further*, That such exemption from the provisions of this Act shall be in effect only so long as such church, religious corporation, corporation or unincorporated association shall be exempt from taxation under the provisions of section 501 of the Internal Revenue Code of 1954.

68A Stat. 163.

American Red Cross.

(c) The provisions of subsection (a) of this section and sections 5, 6, 7, and 9 shall not apply to any person making solicitations (1) solely for the American National Red Cross or (2) exclusively among the membership of the soliciting agency.

Terms and conditions.

(d) The Commissioners may by regulation prescribe the terms and conditions under which solicitations in addition to those enumerated in subsection (b) of this section may be exempted from the provisions of subsection (a) of this section and sections 6 and 7: *Provided*, That no exemption granted under authority of this subsection (d) shall exceed for any calendar year $1,500 in money or property.

Exemption.

Application.

SEC. 5. (a) Application for such certificate of registration shall be made upon such form or forms as shall be prescribed by the Commissioners, shall be sworn to and shall be filed with the Commissioners at least fifteen days prior to the time when the certificate of registration applied for shall become effective. Each such application shall contain such information as the Commissioners shall by regulation require.

Alteration.

(b) If, while any application is pending, or during the term of any certificate of registration granted thereon, there is any change in fact, policy, or method from the information given in the application, the applicant or registrant shall within ten days after such change report the same in writing to the Commissioners.

Issuance of certificate.

(c) The Commissioners shall issue a certificate of registration within ten days after the filing of an application therefor: *Provided*, That, whenever in the opinion of the Commissioners the application does not disclose sufficient information required by this Act or the regulations made pursuant thereto, to be stated in such application, then the applicant shall file in writing, within 48 hours, exclusive of Sundays and legal holidays, after a demand therefor made by the Commissioners, such additional information as may be required by said Commissioners: *Provided further*, That the Commissioners, for good cause shown by the applicant, may extend the time for filing such additional information: *Provided further*, That the Commissioners may withhold the issuance of a certificate of registration until such additional information is furnished. Each certificate of registration shall be valid for such period of time as shall be specified therein.

Prohibitions.

SEC. 6. (a) No individual shall solicit in the District of Columbia unless he exhibits a solicitor information card or a copy thereof, produced and authenticated as provided in regulations made pursuant to this Act, and reads it to the person solicited, or presents it to said person for his perusal, allowing him sufficient opportunity to read such card before accepting any contribution so solicited.

(b) No individual shall solicit in the District of Columbia by printed matter or published article, or over the radio, television, telephone, or telegraph, unless such publicity shall contain the data and information required to be set forth on the solicitor information card: *Provided*, That when any solicitation is made by telephone, the solicitor shall present to each person who consents or indicates a willingness to contribute, prior to accepting a contribution from said person, such solicitor information card or a copy thereof produced and authenticated as provided in regulations made pursuant to this Act.

Report.

SEC. 7. Each registrant shall, within thirty days after the period for which a certificate of registration has been issued, and within thirty days after a demand therefor by the Commissioners, file a report with the Commissioners, stating the contributions secured as a result of any solicitation authorized by such certificate and in detail all expenses of or connected with such solicitation, and showing exactly for what use and in what manner all such contributions were or are intended to be dispensed or distributed.

SEC. 8. No person shall make or cause to be made any representation that the issuance of a certificate of registration or of a solicitor information card is a finding by the Commissioners (1) that the statements contained in the registrant's application are true and accurate, (2) that the application does not omit a material fact, or (3) that the Commissioners have in any way passed upon the merits or given approval to such solicitation.

Telephone solicitation.

SEC. 9. No person shall for pecuniary compensation or consideration conduct or make any solicitation by telephone for or on behalf of any actual or purported charitable use, purpose, association, corporation, or institution.

Advisory committee.

SEC. 10. The Commissioners may appoint an advisory committee to advise the Commissioners in respect to any matter related to the enforcement of this Act, and the members thereof shall serve without compensation. Such committee shall consist of not less than five nor more than nine members, whose terms shall be fixed by the Commissioners. The Commissioners are authorized to assign an employee of the District of Columbia to serve as secretary for the committee.

Regulations.

SEC. 11. The Commissioners are authorized to promulgate regulations to carry out the purposes of this Act: *Provided*, That no such regulation shall be put in effect until after a public hearing has been held thereon.

Hearing.

Use of names.

SEC. 12. (a) No person who is required to obtain a certificate of registration under this Act shall, for the purpose of soliciting contributions, use the name of any other person, except that of an officer, director, or trustee of the organization for which contributions are solicited, without the written consent of such other person.

(b) A person shall be deemed to have used the name of another person for the purpose of soliciting contributions if such latter person's name is listed on any stationery, advertisement, brochure, or correspondence in or by which a contribution is solicited by or on behalf of a charitable organization or his name is listed or referred to in connection with a request for a contribution as one who has contributed to, sponsored, or endorsed the charitable organization or its activities.

(c) Nothing contained in this section shall prevent the publication of names of contributors without their written consents, in an annual or other periodic report issued by a charitable organization for the purpose of reporting on its operations and affairs to its membership or for the purpose of reporting contributions to contributors.

Penalties.

SEC. 13. (a) Any person violating any provision of this Act, or regulation made pursuant thereto, or filing, or causing to be filed, an application or report pursuant to this Act, or regulation made pursuant thereto, containing any false or fraudulent statement, shall be punished by a fine of not more than $500, or by imprisonment of not more than sixty days, or by both such fine and imprisonment.

(b) Prosecutions for violations of this Act, or the regulations made pursuant thereto, shall be conducted in the name of the District of Columbia by the Corporation Counsel or any of his assistants.

(c) The Corporation Counsel of the District of Columbia or any of his assistants is hereby empowered to maintain an action or actions in the United States District Court for the District of Columbia in the name of the District of Columbia to enjoin any person from soliciting in violation of this Act or in violation of any regulation made pursuant to this Act.

SEC. 14. Where any provision of this Act refers to an office or agency abolished by Reorganization Plan Number 5 of 1952 (66 Stat. 824), such reference shall be deemed to be the office, agency, or officer now or hereafter exercising the functions of the office or agency so

D. C. Code title 1 app.

abolished. Nothing contained in this Act shall be construed as a limitation on the authority vested in the Commissioners by Reorganization Plan Number 5 of 1952.

Separability.

SEC. 15. If any provision of this Act, or the application thereof to any persons or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Appropriations.

SEC. 16. Such appropriations as may be necessary to carry out the purposes of this Act are authorized.

Effective dates.

SEC. 17. The provisions of sections 10, 11, and 16 of this Act shall take effect upon approval of this Act and the remainder thereof shall take effect sixty days after the promulgation of the first regulations made pursuant to section 11 of this Act.

Approved July 10, 1957.

Public Law 85-88

July 10, 1957
[H. R. 3477]

AN ACT

Relating to moneys received from mineral lands in Alaska.

Alaska.
Mineral lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last sentence of section 9 of the Act entitled "An Act to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes", approved October 20, 1914 (48 U. S. C. 439), is hereby amended to read as follows: "All net profits from operation of Government mines, and all bonuses, royalties, and rentals under leases as herein provided and all other payments received under this Act shall be distributed as follows as soon as practicable after December 31 and June 30 of each year: (1) 90 per centum thereof shall be paid by the Secretary of the Treasury to the Territory of Alaska for disposition by the legislature of the Territory of Alaska; and (2) 10 per centum shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts."

38 Stat. 744.

SEC. 2. Section 35 of the Act entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain", approved February 25, 1920, as amended (30 U. S. C. 191), is hereby amended by inserting immediately before the colon preceding the first proviso thereof the following: ", and of those from Alaska 52½ per centum thereof shall be paid to the Territory of Alaska for disposition by the Legislature of the Territory of Alaska".

41 Stat. 450.

Approved July 10, 1957.

Public Law 85-89

July 10, 1957
[H. R. 3837]

AN ACT

To amend the Act of August 24, 1912, as amended, with reference to educational leave to employees of the Bureau of Indian Affairs.

Indian Affairs.
Teachers educational leave.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso of the Act of August 24, 1912 (37 Stat. 519, 25 U. S. C. 275), as amended by the Act of August 24, 1922 (42 Stat. 829, 25 U. S. C. 275), and by the Act of May 8, 1928 (45 Stat. 493, 25 U. S. C. 275), is hereby amended to read: "*Provided*, That hereafter teachers in schools operated by the Bureau of Indian Affairs may be allowed, in addition to annual leave, educational leave not to exceed thirty workdays per calendar year, or sixty workdays in every alternate year, for attend-