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CONGRESSIONAL CHARTER OF THE AMERICAN NATIONAL RED CROSS

Section 1—Organization

(a) FEDERAL CHARTER. The American National Red Cross (in this chapter, the "corporation") is a Federally chartered instrumentality of the United States and a body corporate and politic in the District of Columbia.

(b) NAME. The name of the corporation is "The American National Red Cross". The corporation may conduct its business and affairs, and otherwise hold itself out, as the 'American Red Cross' in any jurisdiction.

(c) PERPETUAL EXISTENCE. Except as otherwise provided, the corporation has perpetual existence.

Section 2—Purposes

The purposes of the corporation are:

(1) to provide volunteer aid in time of war to the sick and wounded of the armed forces, in accordance with the spirit and conditions of:

(A) the conference of Geneva of October, 1863;

(B) the treaties of the Red Cross, or the treaties of Geneva, of August 22, 1864, July 27, 1929, and August 12, 1949, to which the United States of America has given its adhesion; and

(C) any other treaty, convention, or protocol similar in purpose to which the United States of America has given or may give its adhesion;

(2) in carrying out the purposes described in clause (1) of this section, to perform all the duties devolved on a national society by each nation that has acceded to any of those treaties, conventions, or protocols;

(3) to act in matters of voluntary relief and in accordance with the military authorities as a medium of communication between the people of the United States and the armed forces of the United States and to act in those matters between similar national societies of governments of other countries through the International Committee of the Red Cross and the Government, the people, and the armed forces of the United States;

(4) to carry out a system of national and international relief in time of peace, and apply that system in mitigating the suffering caused by pestilence, famine, fire, floods, and other great national calamities, and to devise and carry out measures for preventing those calamities; and

(5) to conduct other activities consistent with the foregoing purposes.

Section 3—Membership and Chapters

(a) MEMBERSHIP. Membership in the corporation is open to all the people of the United States and its territories and possessions, on payment of an amount specified, or as otherwise provided, in the bylaws.

(b) CHAPTERS.

(1) The chapters of the corporation are the local units of the corporation. The corporation shall prescribe policies and regulations related to:

(A) granting charters to the chapters and revoking those charters;

(B) territorial jurisdiction of the chapters;

(C) the relationship of the chapters to the corporation; and

(D) compliance by the chapters with the policies and regulations of the corporation.

(2) The policies and regulations shall require that each chapter adhere to the democratic principles of election specified in the bylaws in electing the governing body of the chapter and selecting delegates to the annual meeting of the corporation.

Section 4—Board of Governors

(a) BOARD OF GOVERNORS--

(1) IN GENERAL.—The board of governors is the governing body of the corporation with all powers of governing and directing, and of overseeing the management of the business and affairs of, the corporation.

(2) NUMBER.—The board of governors shall fix by resolution, from time to time, the number of members constituting the entire board of governors, provided that—

(A) as of March 31, 2009, and thereafter, there shall be no fewer than 12 and no more than 25 members; and

(B) as of March 31, 2012, and thereafter, there shall be no fewer than 12 and no more than 20 members constituting the entire board. Procedures to implement the preceding sentence shall be provided in the bylaws.

(3) APPOINTMENT.—The governors shall be appointed or elected in the following manner:

(A) CHAIRMAN.—

(i) IN GENERAL.—The board of governors, in accordance with procedures provided in the bylaws, shall recommend to the President an individual to serve as chairman of the board of governors. If such recommendation is approved by the President, the President shall appoint such individual to serve as chairman of the board of governors.

(ii) VACANCIES.—Vacancies in the office of the chairman, including vacancies resulting from the resignation, death, or removal by the President of the chairman, shall be filled in the same manner described in clause (i)

(iii) DUTIES.—the chairman shall be a member of the board of governors and, when present, shall preside at meetings of the board of governors and shall have such other duties and responsibilities as may be provided in the bylaws or a resolution of the board of governors.

(B) OTHER MEMBERS.—

(i) IN GENERAL.—Members of the board of governors other than the chairman shall be elected at the annual meeting of the corporation in accordance with such procedures as may be provided in the bylaws.

(ii) VACANCIES.—Vacancies in any such elected board position and in any newly created board position may be filled by a vote of the remaining members of the board of governors in accordance with such procedures as may be provided in the bylaws.

(b) TERMS OF OFFICE.—

(1) IN GENERAL.—The term of office of each member of the board of governors shall be 3 years, except that—

(A) the board of governors may provide under the bylaws that the terms of office of members of the board of governors elected to the board of governors before March 31, 2012, may be less than 3 years in order to implement the provisions of subparagraphs (A) and (B) of subsection (a)(2); and

(B) any member of the board of governors elected by the board to fill a vacancy in a board position arising before the expiration of its term may, as determined by the board, serve for the remainder of that term or until the next annual meeting of the corporation.

(2) STAGGERED TERMS.—The terms of office of members of the board of governors (other than the chairman) shall be staggered such that, by March 31, 2012, and thereafter, 1/3 of the entire board (or as near to

1/3 as practicable) shall be elected at each successive annual meeting of the corporation with the term of office of each member of the board of governors elected at an annual meeting expiring at the third annual meeting following the annual meeting at which such member was elected.

(3) TERM LIMITS.—No person may serve as a member of the board of governors for more than such number of terms of office or years as may be provided in the bylaws.

(c) COMMITTEES AND OFFICERS.—The board—

(1) may appoint, from its own members, an executive committee to exercise such powers of the board when the board is not in session as may be provided in the bylaws;

(2) may appoint such other committees or advisory councils with such powers as may be provided in the bylaws or a resolution of the board of governors;

(3) shall appoint such officers of the corporation, including a chief executive officer, with such duties, responsibilities, and terms of office as may be provided in the bylaws or a resolution of the board of governors; and

(4) may remove members of the board of governors (other than the chairman), officers, and employees under such procedures as may be provided in the bylaws or a resolution of the board of governors.

(d) ADVISORY COUNCIL.—

(1) ESTABLISHMENT.—There shall be an advisory council to the board of governors.

(2) MEMBERSHIP; APPOINTMENT BY PRESIDENT.—

(A) IN GENERAL.—The advisory council shall be composed of no fewer than 8 and no more than 10 members, each of whom shall be appointed by the President from principal officers of the executive departments and senior officers of the Armed Forces whose positions and interests qualify them to contribute to carrying out the programs and purposes of the corporation.

(B) MEMBERS FROM THE ARMED FORCES.—At least 1, but not more than 3, of the members of the advisory council shall be selected from the Armed Forces.

(3) DUTIES.—The advisory council shall advise, report directly to, and meet, at least 1 time per year with the board of governors, and shall have such name, functions and be subject to such procedures as may be provided in the bylaws.

(e) ACTION WITHOUT MEETING.—Any action required or permitted to be taken at any meeting of the board of governors or of any committee thereof may be taken without a meeting if all members of the board or committee, as the case may be, consent thereto in writing, or by electronic transmission and the writing or writings or electronic transmission or transmissions are filed with the minutes of proceedings of the board or committee. Such filing shall be in paper form if the minutes are maintained in paper form and shall be in electronic form if the minutes are maintained in electronic form.

(f) VOTING BY PROXY.—

(1) IN GENERAL.—Voting by proxy is not allowed at any meeting of the board, at the annual meeting, or at any meeting of a chapter.

(2) EXCEPTION.—The board may allow the election of governors by proxy during any emergency.

(g) BYLAWS.—

(1) IN GENERAL.—The board of governors may—

(A) at any time adopt bylaws; and

(B) at any time adopt bylaws to be effective only in an emergency.

(2) EMERGENCY BYLAWS.—Any bylaws adopted pursuant to paragraph (1)(B) may provide special procedures necessary for managing the corporation during the emergency. All provisions of the regular bylaws consistent with the emergency bylaws remain effective during the emergency.

(h) DEFINITIONS.—For purposes of this section—

(1) the term ‘entire board’ means the total number of members of the board of governors that the corporation would have if there were no vacancies; and

(2) the term ‘emergency’ shall have such meaning as may be provided in the bylaws.

Section 5—Powers

(a) GENERAL. The Corporation may:

(1) adopt policies and regulations;

(2) adopt, alter and destroy a seal;

(3) own and dispose of property to carry out the purposes of the corporation;

(4) accept gifts, devises, and bequests of property to carry out the purposes of the corporation;

(5) sue and be sued in courts of law and equity, State or Federal, within the jurisdiction of the United States; and

(6) do any other act necessary to carry out this chapter and promote the purposes of the corporation.

(b) DESIGNATION. The corporation is designated as the organization which is authorized to act in matters of relief under the treaties of Geneva, August 22, 1864, July 27, 1929, and August 12, 1949.

Section 6—Emblem, Badge, and Brassard

(a) EMBLEM AND BADGE. In carrying out its purposes under this chapter, the corporation may have and use, as an emblem and badge, a Greek red cross on a white ground, as described in the treaties of Geneva, August 22, 1864, July 27, 1929, and August 12, 1949, and adopted by the nations acceding to those treaties.

(b) DELIVERY OF BRASSARD. In accordance with those treaties, the delivery of the brassard allowed for individuals neutralized in time of war shall be left to military authority.

Section 7—Annual Meeting

(a) IN GENERAL.—The annual meeting of the corporation is the annual meeting of delegates of the chapters.

(b) TIME OF MEETING.—The annual meeting shall be held as determined by the board of governors.

(c) PLACE OF MEETING.—The board of governors is authorized to determine that the annual meeting shall not be held at any place, but may instead be held solely by means of remote communication subject to such procedures as are provided in the bylaws.

(d) VOTING.—

(1) IN GENERAL.—In matters requiring a vote at the annual meeting, each chapter is entitled to at least 1 vote, and voting on all matters may be conducted by mail, telephone, telegram, cablegram, electronic mail, or any other means of electronic or telephone transmission, provided that the person voting shall state, or submit information from which it can be determined, that the method of voting chosen was authorized by such person.

(2) ESTABLISHMENT OF NUMBER OF VOTES.—

(A) IN GENERAL.—The board of governors shall determine on an equitable basis the number of votes that each chapter is entitled to cast, taking into consideration the size of the membership of the chapters, the populations served by the chapters, and such other factors as may be determined by the board.

(B) PERIODIC REVIEW.—The board of governors shall review the allocation of votes at least every 5 years.

Section 8—Buildings

(a) **OWNERSHIP.** The United States Government shall retain ownership of the corporation's permanent headquarters, comprised of buildings erected on square 172 in the District of Columbia, including:

(1) the memorial building to commemorate the service and sacrifice of the women of the United States, North and South, during the Civil War, erected for the use of the corporation;

(2) the memorial building to commemorate the service and sacrifice of the patriotic women of the United States, its territories and possessions, and the District of Columbia during World War I, erected for the use of the corporation; and

(3) the permanent building erected for the use of the corporation in connection with its work in cooperation with the Government.

(b) **MAINTENANCE AND EXPENSES.** Those buildings shall remain under the supervision of the Administrator of General Services. However, the corporation shall care for and maintain the buildings without expense to the Government.

Section 9—Endowment Fund

The endowment fund of the corporation shall be kept and invested under the management and control of a board of trustees elected by the board of governors. The corporation shall prescribe policies and regulations on terms and tenure of office, accountability, and expenses of the board of trustees.

Section 10—Annual Report and Audit

(a) **SUBMISSION OF REPORT.**—As soon as practicable after the end of the corporation's fiscal year, which may be changed from time to time by the board of governors, the corporation shall submit a report to the Secretary of Defense on the activities of the corporation during such fiscal year, including a complete, itemized report of all receipts and expenditures.

(b) **AUDITING OF REPORT AND SUBMISSION TO CONGRESS.** The Secretary shall audit the report and submit a copy of the audited report to Congress.

(c) **PAYMENT OF AUDIT EXPENSES.** The corporation shall reimburse the Secretary each year for auditing its accounts. The amount paid shall be deposited in the Treasury of the United States as a miscellaneous receipt.

Section 11—Authority of the Comptroller General of the United States

The Comptroller General of the United States is authorized to review the corporation's involvement in any Federal program or activity the Government carries out under law.

Section 12—Office of the Ombudsman

(a) ESTABLISHMENT.—The corporation shall establish an Office of the Ombudsman with such duties and responsibilities as may be provided in the bylaws or a resolution of the board of governors.

(b) REPORT.—

(1) IN GENERAL.—The Office of the Ombudsman shall submit annually to the appropriate Congressional committees a report concerning any trends and systemic matters that the Office of the Ombudsman has identified as confronting the corporation.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—For purposes of paragraph (1), the appropriate Congressional committees are the following committees of Congress:

(A) SENATE COMMITTEES.—The appropriate Congressional committees of the Senate are—

- (i) the Committee on Finance;
- (ii) the Committee on Foreign Relations;
- (iii) the Committee on Health, Education, Labor, and Pensions;
- (iv) the Committee on Homeland Security and Governmental Affairs; and
- (v) the Committee on the Judiciary.

(B) HOUSE COMMITTEES.—The appropriate Congressional committees of the House of Representatives are—

- (i) the Committee on Energy and Commerce;
- (ii) the Committee on Foreign Affairs;
- (iii) the Committee on Homeland Security;

- (iv) the Committee on the Judiciary; and
- (v) the Committee on Ways and Means.’’.

Section 13—Reservation of Right to Amend or Repeal

Congress reserves the right to amend or repeal the provisions of this chapter.

[The Act approved January 5, 1905 (33 Stat. 599), as amended by the Acts approved June 23, 1910 (36 Stat. 604), December 10, 1912 (37 Stat. 647), February 27, 1917 (39 Stat. 946), March 3, 1921 (41 Stat. 1354), June 7, 1924 (43 Stat. 665), February 7, 1930 (46 Stat. 66), May 8, 1947 (61 Stat. 80), June 25, 1948 (62 Stat. 862), July 17, 1953 (67 Stat. 179), August 12, 1998 (112 Stat. 1494.), and May 11, 2007.]

Related Provisions of the United States Criminal Code

Whoever wears or displays the sign of the Red Cross or any insignia colored in imitation thereof for the fraudulent purpose of inducing the belief that he is a member of or an agent for the American National Red Cross; or

Whoever, whether a corporation, association, or person, other than the American National Red Cross and its duly authorized employees and agents and the sanitary and hospital authorities of the armed forces of the United States, uses the emblem of the Greek red cross on a white ground, or any sign or insignia made or colored in imitation thereof or the words "Red Cross" or "Geneva Cross" or any combination of these words—

Shall be fined not more than \$250 or imprisoned not more than six months, or both.

This section shall not make unlawful the use of any such emblem, sign, insignia, or words which was lawful on the date of enactment of this title. [Sec. 706, Title 18, U.S.C.]

Whoever, within the United States, falsely or fraudulently holds himself out as or represents or pretends himself to be a member of or an agent for the American National Red Cross for the purpose of soliciting, collecting, or receiving money or material, shall be fined not more than \$500 or imprisoned not more than one year, or both. [Sec. 917, Title 18, U.S.C.]

Use of the American National Red Cross in Aid of the Armed Forces

(a) Whenever the President finds it necessary, he may accept the cooperation and assistance of the American National Red Cross, and employ it under the armed forces under regulations to be prescribed by the Secretary of Defense.

(b) Personnel of the American National Red Cross who are performing duties in connection with its cooperation and assistance under subsection (a) may be furnished—

(1) transportation, at the expense of the United States, while traveling to and from, and while performing, those duties, in the same manner as civilian employees of the armed forces;

(2) meals and quarters, at their expense or at the expense of the American National Red Cross, except that where civilian employees of the armed forces are quartered without charge, employees of the American National Red Cross may also be quartered without charge; and

(3) available office space, warehousing, wharfage, and means of communication, without charge.

(c) No fee may be charged for a passport issued to an employee of the American National Red Cross for travel outside the United States to assume or perform duties under this section.

(d) Supplies of the American National Red Cross, including gifts for the use of the armed forces, may be transported at the expense of the United States, if it is determined under regulations prescribed under subsection (a) that they are necessary to the cooperation and assistance accepted under this section.

(e) For the purposes of this section, employees of the American National Red Cross may not be considered as employees of the United States. [Sec. 2602, Title 10, U.S.C.]

Note: As contemplated by the above-quoted statutes, the assistance of the American National Red Cross was tendered to and formally accepted by the President of the United States as of July 17, 1953.