

In subsection (b), the words “as such” are substituted for “thereof” for consistency in the revised title.

In subsection (c), the words “inure to the benefit of” are substituted for “inure” for consistency in the revised title. The words “This subsection does not prevent” are substituted for “Nothing in this subsection shall be construed to prevent” for consistency in the revised title and to eliminate unnecessary words.

§ 240108. Duty to maintain tax-exempt status

The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1489.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
240108	36:3114 (1st sentence).	Oct. 30, 1984, Pub. L. 98-584, §15 (1st sentence), 98 Stat. 3099.

§ 240109. Records and inspection

(a) RECORDS.—The corporation shall keep—

- (1) correct and complete records of account;
- (2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; 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.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1489.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
240109	36:3110.	Oct. 30, 1984, Pub. L. 98-584, §10, 98 Stat. 3098.

In this section, the word “records” is substituted for “books and records” for consistency in the revised title and with other titles of the United States Code. The words “Nothing in this section shall be construed to contravene any applicable State law” are omitted as unnecessary.

In subsection (a)(3), the words “in any proceeding of the corporation” are omitted as unnecessary.

In subsection (b), the words “in any corporation proceeding” are omitted as unnecessary.

§ 240110. Service of process

The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1490.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
240110	36:3104.	Oct. 30, 1984, Pub. L. 98-584, §4, 98 Stat. 3097.

The words “in furtherance of its corporate purposes” are omitted as unnecessary.

§ 240111. Liability for acts of officers and agents

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

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1490.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
240111	36:3109.	Oct. 30, 1984, Pub. L. 98-584, §9, 98 Stat. 3098.

§ 240112. Annual report

The corporation shall submit an annual report to Congress on the activities of the corporation during the prior fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1490.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
240112	36:3111.	Oct. 30, 1984, Pub. L. 98-584, §12, 98 Stat. 3099.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of reporting provisions in this section, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 208 of House Document No. 103-7.

CHAPTER 2501—[RESERVED]

CHAPTER 2601—[RESERVED]

CHAPTER 2701—[RESERVED]

Subtitle III—Treaty Obligation Organizations

Chapter _____ Sec. _____

3001. The American National Red Cross 300101

CHAPTER 3001—THE AMERICAN NATIONAL RED CROSS

- 300101. Organization.
- 300102. Purposes.
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- 300105. Powers.
- 300106. Emblem, badge, and brassard.
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- 300110. Annual report and audit.
- 300111. Authority of the Comptroller General of the United States.
- 300112. Office of the Ombudsman.
- 300113. Reservation of right to amend or repeal.

AMENDMENTS

2007—Pub. L. 110-26, §11(b), May 11, 2007, 121 Stat. 110, added items 300111 to 300113 and struck out former item 300111 “Reservation of right to amend or repeal”.

§ 300101. Organization

(a) FEDERAL CHARTER.—The American National Red Cross (in this chapter, the “corpora-

tion”) 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.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1490; Pub. L. 110–26, § 3, May 11, 2007, 121 Stat. 105.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
300101	36:1. 36:1a. 36:2 (1st sentence words before 2d comma).	Jan. 5, 1905, ch. 23, § 1, 33 Stat. 599. May 8, 1947, ch. 50, § 8, 61 Stat. 83. Jan. 5, 1905, ch. 23, § 2 (1st sentence words before 2d comma), 33 Stat. 600; May 8, 1947, ch. 50, § 3, 61 Stat. 81.

This section is substituted for the source provisions to eliminate unnecessary and obsolete language.

AMENDMENTS

2007—Subsec. (a). Pub. L. 110–26, § 3(1), inserted “a Federally chartered instrumentality of the United States and” before “a body corporate and politic”.

Subsec. (b). Pub. L. 110–26, § 3(2), inserted at end “The corporation may conduct its business and affairs, and otherwise hold itself out, as the ‘American Red Cross’ in any jurisdiction.”

FINDINGS; SENSE OF CONGRESS

Pub. L. 110–26, § 2, May 11, 2007, 121 Stat. 103, provided that:

“(a) FINDINGS.—Congress makes the following findings:

“(1) Substantive changes to the Congressional Charter of The American National Red Cross have not been made since 1947.

“(2) In February 2006, the board of governors of The American National Red Cross (the ‘Board of Governors’) commissioned an independent review and analysis of the Board of Governors’ role, composition, size, relationship with management, governance relationship with chartered units of The American National Red Cross, and whistle blower and audit functions.

“(3) In an October 2006 report of the Board of Governors, entitled ‘American Red Cross Governance for the 21st Century’ (the ‘Governance Report’), the Board of Governors recommended changes to the Congressional Charter, bylaws, and other governing documents of The American National Red Cross to modernize and enhance the effectiveness of the Board of Governors and governance structure of The American National Red Cross.

“(4) It is in the national interest to create a more efficient governance structure of The American National Red Cross and to enhance the Board of Governors’ ability to support the critical mission of The American National Red Cross in the 21st century.

“(5) It is in the national interest to clarify the role of the Board of Governors as a governance and strategic oversight board and for The American National Red Cross to amend its bylaws, consistent with the recommendations described in the Governance Report, to clarify the role of the Board of Governors and to outline the areas of its responsibility, including—

“(A) reviewing and approving the mission statement for The American National Red Cross;

“(B) approving and overseeing the corporation’s strategic plan and maintaining strategic oversight of operational matters;

“(C) selecting, evaluating, and determining the level of compensation of the corporation’s chief executive officer;

“(D) evaluating the performance and establishing the compensation of the senior leadership team and providing for management succession;

“(E) overseeing the financial reporting and audit process, internal controls, and legal compliance;

“(F) holding management accountable for performance;

“(G) providing oversight of the financial stability of the corporation;

“(H) ensuring the inclusiveness and diversity of the corporation;

“(I) ensuring the chapters of the corporation are geographically and regionally diverse;

“(J) providing oversight of the protection of the brand of the corporation; and

“(K) assisting with fundraising on behalf of the corporation.

“(6)(A) The selection of members of the Board of Governors is a critical component of effective governance for The American National Red Cross, and, as such, it is in the national interest that The American National Red Cross amend its bylaws to provide a method of selection consistent with that described in the Governance Report.

“(B) The new method of selection should replace the current process by which—

“(i) 30 chartered unit-elected members of the Board of Governors are selected by a non-Board committee which includes 2 members of the Board of Governors and other individuals elected by the chartered units themselves;

“(ii) 12 at-large members of the Board of Governors are nominated by a Board committee and elected by the Board of Governors; and

“(iii) 8 members of the Board of Governors are appointed by the President of the United States.

“(C) The new method of selection described in the Governance Report reflects the single category of members of the Board of Governors that will result from the implementation of this Act [see Short Title of 2007 Amendment note set out under section 101 of this title]:

“(i) All Board members (except for the chairman of the Board of Governors) would be nominated by a single committee of the Board of Governors taking into account the criteria outlined in the Governance Report to assure the expertise, skills, and experience of a governing board.

“(ii) The nominated members would be considered for approval by the full Board of Governors and then submitted to The American National Red Cross annual meeting of delegates for election, in keeping with the standard corporate practice whereby shareholders of a corporation elect members of a board of directors at its annual meeting.

“(7) The United States Supreme Court held The American National Red Cross to be an instrumentality of the United States, and it is in the national interest that the Congressional Charter confirm that status and that any changes to the Congressional Charter do not affect the rights and obligations of The American National Red Cross to carry out its purposes.

“(8) Given the role of The American National Red Cross in carrying out its services, programs, and activities, and meeting its various obligations, the effectiveness of The American National Red Cross will be promoted by the creation of an organizational ombudsman who—

“(A) will be a neutral or impartial dispute resolution practitioner whose major function will be to provide confidential and informal assistance to the many internal and external stakeholders of The American National Red Cross;

“(B) will report to the chief executive officer and the audit committee of the Board of Governors; and
 “(C) will have access to anyone and any documents in The American National Red Cross.

“(b) SENSE OF CONGRESS.—It is the sense of Congress that—

“(1) charitable organizations are an indispensable part of American society, but these organizations can only fulfill their important roles by maintaining the trust of the American public;

“(2) trust is fostered by effective governance and transparency, which are the principal goals of the recommendations of the Board of Governors in the Governance Report and this Act;

“(3) Federal and State action play an important role in ensuring effective governance and transparency by setting standards, rooting out violations, and informing the public;

“(4) while The American National Red Cross is and will remain a Federally chartered instrumentality of the United States, and it has the rights and obligations consistent with that status, The American National Red Cross nevertheless should maintain appropriate communications with State regulators of charitable organizations and should cooperate with them as appropriate in specific matters as they arise from time to time; and

“(5) while The American National Red Cross is and will remain a Federally chartered instrumentality of the United States, and it has the rights and obligations consistent with that status, The American National Red Cross nevertheless should maintain appropriate communications and collaborations with local, community, and faith-based non-profit organizations, including those organizations that work within minority communities.”

§ 300102. 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, 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 paragraph (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 to 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.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1490; Pub. L. 110–26, § 4, May 11, 2007, 121 Stat. 105.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
300102	36:3.	Jan. 5, 1905, ch. 23, § 3, 33 Stat. 600; May 8, 1947, ch. 50, § 4, 61 Stat. 81; July 17, 1953, ch. 222, § 4(a), (b), 67 Stat. 179.

In this section, the text of 36:3 (“Third” par.) is omitted as executed.

In clause (1)(B), the date “August 12, 1949” is added to include the reference to a subsequent treaty.

In clause (2), the words “in carrying out the purposes described in clause (1) of this section” are substituted for “And for said purposes” for clarity.

In clause (3), the words “International Committee of the Red Cross” are substituted for “Comité International de Secours” because the name has been changed.

In clause (4), the word “continue” is omitted as included in “carry out”.

AMENDMENTS

2007—Par. (5). Pub. L. 110–26 added par. (5).

§ 300103. 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) the 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.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1491; Pub. L. 110–26, § 5, May 11, 2007, 121 Stat. 106.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
300103(a)	36:4a (1st par.).	Jan. 5, 1905, ch. 23, § 4a, as added May 8, 1947, ch. 50, § 5, 61 Stat. 81.
300103(b)	36:4a (last par.).	

In subsection (a), the word “possessions” is substituted for “dependencies” for clarity and consistency in the revised title. The words “from time to time” are omitted as unnecessary.