

Third. To succeed to all the rights and property which were prior to January 5, 1905, held and to all the duties which were prior to January 5, 1905, performed by the American National Red Cross as a corporation duly incorporated by Act of Congress June 6, 1900, which Act is repealed and the organization created thereby is dissolved.

Fourth. To act in matters of voluntary relief and in accord with the military authorities as a medium of communication between the people of the United States of America and their Armed Forces, and to act in such matters between similar national societies of other governments through the "Comité International de Secours", and the Government and the people and the Armed Forces of the United States of America.

Fifth. And to continue and carry on a system of national and international relief in time of peace and apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other great national calamities, and to devise and carry on measures for preventing the same.

(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.)

REFERENCES IN TEXT

Act of Congress June 6, 1900, referred to in text, is act June 6, 1900, ch. 784, 31 Stat. 277, which is not classified to the Code.

AMENDMENTS

1953—Act July 17, 1953, in first par. substituted "Armed Forces" for "armies" and, in fourth par. substituted "Armed Forces" for "Army and Navy" and struck out "and naval" after "military".

1947—Act May 8, 1947, included the treaty of July 27, 1929, in first and second pars.

CROSS REFERENCES

Cooperation and assistance to armed forces, see section 2602 of Title 10, Armed Forces.

Operation of American Red Cross vessels under Neutrality Act of 1939, see section 444 of Title 22, Foreign Relations and Intercourse.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1a, 2, 8 of this title.

§ 4. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862

Section, acts Jan. 5, 1905, ch. 23, § 4, 33 Stat. 600; June 23, 1910, ch. 372, § 1, 36 Stat. 604, related to fraudulent representation or use of insignia. See sections 1, 706 and 917 of Title 18, Crimes and Criminal Procedure.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 1, 1948, see section 20 of act June 25, 1948, set out as an Effective Date note preceding section 1 of Title 18, Crimes and Criminal Procedure.

§ 4a. Membership; status of chapters; rules and regulations governing chapters; election of officers

Membership in the American National Red Cross shall be open to all the people of the United States, its Territories, and dependencies,

upon payment of the sums specified from time to time in the bylaws.

The chapters of the American National Red Cross shall be the local units of the corporation within the States and Territories of the United States. The regulations with respect to the granting of charters to the chapters and the revocation of the same, the territorial jurisdiction of the chapters, the relationship of the chapters to the corporation and compliance by the chapters with the policies and rules of the corporation, shall be as determined from time to time by the Board of Governors. Such regulations shall require that each chapter shall, in the election of the governing body of the chapter and in the selection of delegates to the national convention of the corporation, adhere to democratic principles of election as specified in the bylaws.

(Jan. 5, 1905, ch. 23, § 4a, as added May 8, 1947, ch. 50, § 5, 61 Stat. 81.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1a, 2, 8 of this title.

§ 5. Board of Governors; number; election; tenure; filling vacancies; annual meetings; voting by proxy

The governing body of the corporation in which all powers of government, direction, and management of the corporation shall be lodged, shall consist of a Board of Governors numbering fifty persons, to be appointed or elected in the manner following, namely:

(a) Eight Governors shall be appointed by the President of the United States. Of the Governors so appointed, one shall be designated by the President of the United States to act as the principal officer of the corporation with such title and such functions as may from time to time be prescribed in the bylaws; and the remainder shall be officials of departments and agencies of the Federal Government, whose positions and interests are such as to qualify them to contribute toward the accomplishment of Red Cross programs and objectives. Of these at least one and not more than three shall be selected from the armed forces.

(b) Thirty Governors shall be elected by the chapters. The Governors so elected shall be elected at the national convention under procedures for nomination and election which shall be such as to insure equitable representation of all the chapters, having regard to geographical considerations, to the size of the chapters and to the size of the populations served by the chapters.

(c) Twelve Governors shall be elected by the Board of Governors as members-at-large. The Governors so elected shall be individuals who are representative of the national interests which it is the function of the Red Cross to serve, and with which it is desirable that the corporation shall have close association.

The term of office of all Governors shall be three years, except that the term of office of any Governor appointed by the President of the United States (other than the principal officer of the corporation) shall expire if and when such

Governor shall retire, prior to the date on which his term as Governor would otherwise expire, from the official position held at the time of his appointment as Governor.

Of the first Board of Governors to be selected hereunder, those Governors to be elected pursuant to subsection (b) of this section shall be elected at the first national convention following May 8, 1947, those Governors to be elected pursuant to subsection (c) of this section shall be elected as soon as practicable following such first national convention, and those Governors to be appointed pursuant to subsection (a) of this section shall be appointed so as to take office at the same time. The Governors so elected pursuant to subsections (b) and (c) of this section shall be divided by lot into three classes, the terms of which shall expire at the end of one, two, and three years, respectively, so that thereafter one-third of the members of the Board of Governors elected pursuant to subsections (b) and (c) of this section will be chosen at the time of each national convention, and shall take office at such time or as soon as practicable thereafter.

The President of the United States shall fill as soon as may be any vacancy that may occur by death, resignation, or otherwise in the office of the principal officer of the corporation or in the membership of the Board of Governors appointed by him. Any vacancy that may occur in the Governors elected by the chapters pursuant to subsection (b) of this section or in the Governors-at-large elected by the Board of Governors pursuant to subsection (c) of this section, shall be temporarily filled by appointment made by the Board of Governors, such appointees to serve until the next national convention.

The Board of Governors shall have power (i) to appoint from its own members an executive committee of not less than eleven persons, who, when the Board of Governors is not in session, shall have and exercise all the powers of the Board of Governors, and (ii) to appoint and remove, or provide for the appointment and removal of, all officers and employees of the corporation, except the principal officer designated by the President of the United States.

The annual meeting of the corporation shall be the national convention of delegates of the chapters, which shall be held annually on such date and at such place as may be specified by the Board of Governors. In all matters requiring a vote at the national convention, each chapter shall be entitled to not less than one vote. The number of votes which each chapter shall be entitled to cast shall be determined according to allocation by the Board of Governors, which shall be established on an equitable basis giving consideration both to the size of the membership of the chapters and to the size of the populations in the territories served by the chapters. Such allocations shall be reviewed at least every five years.

Voting by proxy shall not be allowed at any meeting of the Board of Governors, or at the national convention, or at any meeting of the chapters: *Provided, however*, That in the event of any national emergency which in the opinion of the Board of Governors makes attendance at the national convention impossible, the Board of

Governors may permit the election of Governors by proxy at the national convention.

(Jan. 5, 1905, ch. 23, § 5, 33 Stat. 601; Dec. 10, 1912, ch. 1, § 1, 37 Stat. 647; Mar. 3, 1921, ch. 131, § 1, 41 Stat. 1354; May 8, 1947, ch. 50, § 6, 61 Stat. 82.)

AMENDMENTS

1947—Act May 8, 1947, amended section generally, enlarging the governing board and making the method of selection of its members more democratic.

1921—Act Mar. 3, 1921, provided that the executive committee of the central committee should consist of nine instead of seven persons, five of whom should be a quorum.

1912—Act Dec. 10, 1912, changed date of annual meeting from first Tuesday after first Monday in December to Wednesday preceding second Thursday in December.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1a, 2, 8 of this title.

§ 6. Annual report; audit of financial transactions

The American National Red Cross shall as soon as practicable after the first day of July of each year make and transmit to the Secretary of Defense a report of its proceedings for the fiscal year ending June 30, next preceding, including a full, complete, and itemized report of receipts and expenditures of whatever kind, which report shall be duly audited by the Department of Defense, and a copy of said report shall be transmitted to Congress by the Department of Defense.

(Jan. 5, 1905, ch. 23, § 6, 33 Stat. 602; Feb. 27, 1917, ch. 137, 39 Stat. 946; July 17, 1953, ch. 222, § 4(c), 67 Stat. 179.)

AMENDMENTS

1953—Act July 17, 1953, substituted "Secretary of Defense" and "Department of Defense" for "Secretary of War" and "Department of War", respectively.

1917—Act Feb. 27, 1917, required reports of the preceding fiscal year to be made as soon as practicable after first of July of each year instead of on January first of each year.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1a, 2, 8 of this title.

§ 7. Reimbursement of Department of Defense for auditing expenses

The American National Red Cross annually shall reimburse the Department of Defense for auditing its accounts, and the sum so paid shall be covered into the Treasury of the United States as a miscellaneous receipt.

(May 29, 1920, ch. 214, § 1, 41 Stat. 659; July 17, 1953, ch. 222, § 5, 67 Stat. 179.)

CODIFICATION

Section is based upon provision appearing in act May 29, 1920, popularly known as the Executive, Legislative and Judicial Appropriation Act for fiscal year ending June 30, 1921.

AMENDMENTS

1953—Act July 17, 1953, substituted "Department of Defense" for "War Department".