

934; Pub. L. 100-674, §2(a), Nov. 17, 1988, 102 Stat. 3996; Pub. L. 101-525, §3, Nov. 6, 1990, 104 Stat. 2305; Pub. L. 103-329, title VI, §637, Sept. 30, 1994, 108 Stat. 2431.)

#### REFERENCES IN TEXT

Section 806(g)(1) of this title, referred to in subsec. (e)(4), was redesignated section 806(h)(1) of this title by Pub. L. 100-674, §2(c)(2)(A), Nov. 17, 1988, 102 Stat. 3997, and section 806(i)(1) of this title by Pub. L. 101-525, §7(b)(2), Nov. 6, 1990, 104 Stat. 2307.

#### AMENDMENTS

1994—Subsec. (a). Pub. L. 103-329, §637(1), struck out “gold, silver, and bronze” after “Under the program” and substituted last sentence for former last sentence which read as follows: “The medals shall be of such design and materials as the Board may determine.”

Subsec. (f). Pub. L. 103-329, §637(2), added subsec. (f).  
1990—Subsec. (e). Pub. L. 101-525 substituted “April 1” for “March 1”.

1988—Subsec. (e)(6) to (8). Pub. L. 100-674 added pars. (6) and (7) and redesignated former par. (6) as (8).

1985—Subsec. (b). Pub. L. 99-161, §4(a), inserted provision limiting salaries established by Board under par. (3) to \$75,000 per annum, such limit after 1986 being increased in proportion to Consumer Price Index.

Subsec. (d). Pub. L. 99-161, §4(b), inserted reference to Silver and Bronze Medals.

Subsec. (e)(4). Pub. L. 99-161, §4(c), inserted “for each member, officer, employee, and consultant of the Board (or of the Corporation established pursuant to section 806(g)(1) of this title)”.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 801 of this title.

### § 803. Board organization

#### (a) Membership; composition; appointment criteria; derivation of appointment

(1) The Board shall consist of 25 members, as follows:

(A) Six members appointed by the majority leader of the Senate, 1 of whom shall be a member of the Congressional Award Association.

(B) Six members appointed by the minority leader of the Senate, 1 of whom shall be a representative of a local Congressional Award Council.

(C) Six members appointed by the Speaker of the House of Representatives, 1 of whom shall be a representative of a local Congressional Award Council.

(D) Six members appointed by the minority leader of the House of Representatives, 1 of whom shall be a member of the Congressional Award Association.

(E) The Director of the Board, who shall serve as a nonvoting member.

(2) In making appointments to the Board, the congressional leadership shall consider recommendations submitted by any interested party, including any member of the Board. One of the members appointed under each of subparagraphs (A) through (D) of paragraph (1) shall be a member of the Congress.

(3) Individuals appointed to the Board shall have an interest in one or more of the fields of concern of the Congressional Award Program.

(4) For the purpose of determining the derivation of the appointment of any person appointed to the Board under this section, if there is a

change in the status of majority and minority between the parties of the House or the Senate, each person appointed under this section shall be deemed to have been appointed by the leadership position set out in subsection (a)(1) of this section of the party of the individual who made the initial appointment of such person.

#### (b) Terms of appointed members; reappointment

(1) Appointed members of the Board shall continue to serve at the pleasure of the officer by whom they are appointed, and (unless reappointed under paragraph (3)) shall serve for a term of 4 years.

(2) For the purpose of adjusting the terms of Board members to allow for staggered appointments, the following distribution of Board terms shall take effect at the first meeting of the Board occurring after November 6, 1990:

(A) Those members who have served 10 years or more, as of the date of such meeting, shall have an appointment expiring on a date 2 years from October 1, 1990.

(B) Those members who have served for 6 months or less, as of the date of such meeting, shall have an appointment expiring on a date 6 years from October 11, 1990.

(C) All other members shall apportion the remaining Board positions between equal numbers of 2 and 4 year terms (providing that if there are an unequal number of remaining members, there shall be a predominance of 4 year terms), such apportionment to be made by lot.

(3)(A) Subject to the limitations in subparagraphs (B) and (C) of this paragraph, members of the Board may be reappointed, provided that no member may serve more than 2 consecutive terms.

(B) Members of the Board covered under paragraph (2)(A) of this section<sup>1</sup> shall not be eligible for reappointment to the Board. Members of the Board covered under subparagraphs (B) and (C) of paragraph (2) of this section<sup>1</sup> may be reappointed for 1 additional consecutive 4 year term.

(C) Members of the Board who serve as chairman of the Board shall not have the time during which they serve as chairman used in the computation of their period of service for purposes of this paragraph and paragraph (2).

#### (c) Vacancies in membership

(1) Any vacancy in the Board shall be filled in the same manner in which the original appointment was made.

(2) Any appointed member of the Board may continue to serve after the expiration of his term until his successor has taken office.

(3) Vacancies in the membership of the Board shall not affect its power to function if there remain sufficient members to constitute a quorum under subsection (d) of this section.

#### (d) Notice; quorum

(1) A meeting of the Board may be convened only if—

(A) notice of the meeting was provided to each member in accordance with the bylaws; and

<sup>1</sup> So in original. Probably should be “subsection”.

(B) not less than 11 members are present for the meeting at the time given in the notice.

(2) A majority of the members present when a meeting is convened shall constitute a quorum for the remainder of the meeting.

**(e) Compensation for travel expenses of members**

Members of the Board shall serve without pay but may be compensated for reasonable travel expenses incurred by them in the performance of their duties as members of the Board.

**(f) Meetings**

The Board shall meet at least twice a year at the call of the Chairman (with at least one meeting in the District of Columbia) and at such other times as the Chairman may determine to be appropriate. The Chairman shall call a meeting of the Board whenever one-third of the members of the Board submit written requests for such a meeting.

**(g) Chairman and Vice Chairman**

The Chairman and the Vice Chairman of the Board shall be elected from among the members of the Board by a majority vote of the Board for such terms as the Board determines. The Vice Chairman shall perform the duties of the Chairman in his absence.

**(h) Appointment, functions, etc., of committees; membership**

(1) The Board may appoint such committees, and assign to the committees such functions, as may be appropriate to assist the Board in carrying out its duties under this chapter. Members of such committees may include the members of the Board or such other qualified individuals as the Board may select.

(2) Any employee or officer of the Federal Government may serve as a member of a committee created by the Board, but may not receive compensation for services performed for such a committee.

**(i) Bylaws and regulations; contents; transmittal to Congress**

The Board shall establish such bylaws and other regulations as may be appropriate to enable the Board to carry out its functions under this chapter. Such bylaws and other regulations shall include provisions to prevent any conflict of interest, or the appearance of any conflict of interest, in the procurement and employment actions taken by the Board or by any officer or employee of the Board. Such bylaws shall include appropriate fiscal control, funds accountability, and operating principles to ensure compliance with the provisions of section 806 of this title. A copy of such bylaws shall be transmitted to each House of Congress not later than 90 days after November 25, 1985, and not later than 10 days after any subsequent amendment or revision of such bylaws.

**(j) Removal from Board**

Any member of the Board who fails to attend 4 consecutive Board meetings scheduled pursuant to the bylaws of the Board and for which proper notice has been given under such bylaws, or to send a designee of such member (approved in advance by the Board under provisions of its bylaws), is, by operation of this subsection, re-

moved, for cause, from the Board as of the date of the last meeting from which they are absent. The Chairman of the Board shall take such steps as are necessary to inform members who have 3 absences of this subsection. The Chairman shall notify the House and the Senate, including the appropriate committees of each body, whenever there is a vacancy created by the operation of this subsection.

(Pub. L. 96-114, §4, Nov. 16, 1979, 93 Stat. 852; Pub. L. 98-33, §1, May 25, 1983, 97 Stat. 194; Pub. L. 99-161, §§2, 4(d), (e), Nov. 25, 1985, 99 Stat. 934, 935; Pub. L. 100-674, §2(b), Nov. 17, 1988, 102 Stat. 3996; Pub. L. 101-525, §§4-6, Nov. 6, 1990, 104 Stat. 2305, 2306.)

AMENDMENTS

1990—Subsec. (a)(4). Pub. L. 101-525, §4, added par. (4).  
Subsec. (b). Pub. L. 101-525, §5, designated existing provision as par. (1) and substituted “and (unless reappointed under paragraph (3)) shall serve for a term of 4 years” for “but (unless reappointed) shall not serve for more than four years”, and added pars. (2) and (3).

Subsec. (j). Pub. L. 101-525, §6, added subsec. (j).  
1988—Subsec. (a)(1). Pub. L. 100-674, §2(b)(1), in introductory provisions, substituted “25” for “thirty-three”, in subpars. (A) to (D), substituted “Six members” for “Eight members”, in subpars. (A) and (D), inserted “, 1 of whom shall be a member of the Congressional Award Association”, and in subpars. (B) and (C), inserted “, 1 of whom shall be a representative of a local Congressional Award Council”.

Subsec. (d). Pub. L. 100-674, §2(b)(2), amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: “A majority of the members of the Board shall constitute a quorum.”

1985—Subsec. (a)(2). Pub. L. 99-161, §2(1), inserted “One of the members appointed under each of subparagraphs (A) through (D) of paragraph (1) shall be a member of the Congress.”

Subsec. (b). Pub. L. 99-161, §2(2), amended subsec. (b) generally, substituting provisions for continuance of service of appointed members at pleasure of appointing officer, but unless reappointed, for not more than four years, for provisions limiting term of service to six years with exceptions for first appointed members and individuals appointed to Board after March 31, 1983, whose terms were limited.

Subsec. (c)(2) to (4). Pub. L. 99-161, §2(3), struck out par. (2) limiting term of service of any member appointed to fill out an unexpired term to remainder of that term and redesignated pars. (3) and (4) as (2) and (3), respectively.

Subsec. (f). Pub. L. 99-161, §4(d), substituted “meet at least twice a year at the call of the Chairman (with at least one meeting in the District of Columbia)” for “meet annually at the call of the Chairman”.

Subsec. (i). Pub. L. 99-161, §4(e), inserted requirement that bylaws and other regulations include provisions preventing conflict of interest, and include appropriate fiscal control, funds accountability, etc., to comply with section 806 of this title, and inserted provisions requiring transmittal of a copy of such bylaws to each House of Congress within specified periods of time.

1983—Subsec. (a)(1). Pub. L. 98-33, §1(a)(1), (2), substituted “thirty-three” for “seventeen” in the matter preceding subpar. (A), and substituted “Eight” for “Four” in each of subpars. (A) through (D).

Subsec. (a)(2). Pub. L. 98-33, §1(a)(3), struck out “or the Committee for the Establishment and Promotion of the Congressional Award” after “member of the Board”.

Subsec. (b). Pub. L. 98-33, §1(b), designated existing provisions as par. (1); in par. (1), as so designated, redesignated pars. (1) to (3) as subpars. (A) to (C), respectively, and substituted “Except as provided in paragraph (2), appointed” for “Appointed”; and added par. (2).

## TRANSITION PROVISIONS

Section 3 of Pub. L. 100-674 provided that: “Not later than 120 days after the date of the enactment of this Act [Nov. 17, 1988], the congressional leadership shall appoint members to fill vacancies on the Congressional Award Board in accordance with section 4(a) of the Congressional Award Act [2 U.S.C. 803(a)] (as amended by section 2(b)). In filling such vacancies, the congressional leadership shall first appoint members from the Congressional Award Association and local Congressional Award Councils in accordance with section 4(a) of the Congressional Award Act (as amended by section 2(b)).”

## EXCEPTIONAL TERMS FOR CERTAIN BOARD MEMBERS

Section 2 of Pub. L. 98-33, relating to exceptional terms for certain individuals appointed to the Congressional Award Board, was repealed by Pub. L. 99-161, § 5, Nov. 25, 1985, 99 Stat. 936.

**§ 804. Administration****(a) Director; status; appointment and term; removal**

In the administration of the Congressional Award Program, the Board shall be assisted by a Director, who shall be the principal executive of the program and who shall supervise the affairs of the Board. The Director shall be appointed by a majority vote of the Board, and shall serve for such term as the Board may determine. The Director may be removed by a majority vote of the Board.

**(b) Functions of Director**

The Director shall, in consultation with the Board—

- (1) formulate programs to carry out the policies of the Congressional Award Program;
- (2) establish such divisions within the Congressional Award Program as may be appropriate; and
- (3) employ and provide for the compensation of such personnel as may be necessary to carry out the Congressional Award Program, subject to such policies as the Board shall prescribe under its bylaws.

**(c) Requirements regarding financial operations; noncompliance with requirements**

(1) The Director shall, in consultation with the Board, ensure that appropriate procedures for fiscal control and fund accounting are established for the financial operations of the Congressional Award Program, and that such operations are administered by personnel with expertise in accounting and financial management. Such personnel may be retained under contract. In carrying out this paragraph, the Director shall ensure that the liabilities of the Board do not, for any calendar year, exceed the assets of the Board.

(2)(A) The Comptroller General of the United States shall determine, for calendar years 1993<sup>1</sup> 1994, 1995, 1996, 1997, and 1998, whether the Director has substantially complied with paragraph (1). The findings made by the Comptroller General under the preceding sentence shall be included in the first report submitted under section 807(b) of this title after December 31, 1994.

(B) If the Director fails to substantially comply with paragraph (1), the Board shall take

such actions as may be necessary to prepare, pursuant to section 808 of this title, for the orderly cessation of the activities of the Board.

(Pub. L. 96-114, § 5, Nov. 16, 1979, 93 Stat. 853; Pub. L. 102-457, § 2, Oct. 23, 1992, 106 Stat. 2265; Pub. L. 104-208, div. A, title V, § 5401(a), Sept. 30, 1996, 110 Stat. 3009-511.)

## AMENDMENTS

1996—Subsec. (c)(2)(A). Pub. L. 104-208 substituted “1994, 1995, 1996, 1997, and 1998” for “and 1994”.

1992—Subsec. (c). Pub. L. 102-457 added subsec. (c).

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 802 of this title.

**§ 805. Regional award directors of program; appointment criteria**

Regional award directors may be appointed by the Board, upon recommendation of the Director, for any State or other appropriate geographic area of the United States. The Director shall make such recommendations with respect to a State or geographic area only after soliciting recommendations regarding such appointments from public and private youth organizations within such State or geographic area.

(Pub. L. 96-114, § 6, Nov. 16, 1979, 93 Stat. 853.)

**§ 806. Powers, functions, and limitations****(a) General operating and expenditure authority**

Subject to such limitations as may be provided for under this section, the Board may take such actions and make such expenditures as may be necessary to carry out the Congressional Award Program, except that—

- (1) the Board shall carry out its functions and make expenditures with only such resources as are available to the Board from sources other than the Federal Government; and
- (2) the Board shall not take any actions which would disqualify the Board from treatment (for tax purposes) as an organization described in section 501(c)(3) of title 26.

**(b) Mandatory functions**

(1) The Board shall establish such functions and procedures as may be necessary to carry out the provisions of this chapter.

(2) The functions established by the Board under paragraph (1) shall include—

(A) communication with local Congressional Award Councils concerning the Congressional Award Program;

(B) provision, upon the request of any local Congressional Award Council, of such technical assistance as may be necessary to assist such council with its responsibilities, including the provision of medals, the preparation and provision of applications, guidance on disposition of applications, arrangements with respect to local award ceremonies, and other responsibilities of such council;

(C) conduct of outreach activities to establish new local Congressional Award Councils, particularly in inner-city areas and rural areas;

(D) in addition to those activities authorized under subparagraph (C), conduct of outreach

<sup>1</sup> So in original. Probably should be followed by a comma.