

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 L. 98-33, relating to exceptional terms for certain individuals appointed to the Congressional Award Board, was repealed by Pub.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 1993¹ 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

¹ So in original. Probably should be followed by a comma.

activities to encourage, where appropriate, the establishment and development of Statewide Congressional Award Councils;

(E) fundraising;

(F) conduct of an annual Gold Medal Awards ceremony in the District of Columbia;

(G) consideration of implementation of the provisions of this chapter relating to scholarships; and

(H) carrying out of duties relating to management of the national office of the Congressional Award Program, including supervision of office personnel and of the office budget.

(c) Statewide Congressional Award Councils; establishment, purposes, duties, etc.

(1) In carrying out its functions with respect to Statewide Congressional Award Councils (hereinafter in this subsection referred to as Statewide Councils) under subsection (b) of this section, the Board shall develop guidelines, criteria, and standards for the formation of Statewide Councils. In order to create a Statewide Council, Members of Congress and Senators from each respective State are encouraged to work jointly with the Board.

(2) The establishment of Statewide Councils is intended to—

(A) facilitate expanded public participation and involvement in the program; and

(B) promote greater opportunities for involvement by members of the State congressional delegation.

(3) The duties and responsibilities of each Statewide Council established pursuant to this section shall include, but not be limited to, the following:

(A) promoting State and local awareness of the Congressional Award Program;

(B) review of participant records and activities;

(C) review and verification of information on, and recommendation of, candidates to the national board for approval;

(D) planning and organization of bronze and silver award ceremonies;

(E) assisting gold award recipients with travel to and from the national gold award ceremony; and

(F) designation of a Statewide coordinator to serve as a liaison between the State and local boards and the national board.

(4) Each Statewide Council established pursuant to this section is authorized to receive public monetary and in-kind contributions, which may be made available to local boards to supplement or defray operating expenses. The Board shall adopt appropriate financial management methods in order to ensure the proper accounting of these funds.

(5) Each Statewide Council established pursuant to this section shall comply with the standard charter requirements of the national board of directors.

(d) Contracting authority

The Board may enter into and perform such contracts as may be appropriate to carry out its business, but the Board may not enter into any contract which would obligate the Board to expend an amount greater than the amount avail-

able to the Board for the purpose of such contract during the fiscal year in which the expenditure is made.

(e) Obtaining and acceptance of non-Federal funds and resources; indirect resources

(1) Subject to the provisions of paragraph (2), the Board may seek and accept funds and other resources to carry out its activities. The Board may not accept any funds or other resources which are—

(A) donated with a restriction on their use unless such restriction merely provides that such funds or other resources be used in furtherance of the Congressional Award Program or a specific regional or local program; and

(B) donated subject to the condition that the identity of the donor of the funds or resources shall remain anonymous.

The Board may permit donors to use the name of the Board or the name "Congressional Award Program" in advertising.

(2) Except as otherwise provided in this chapter, the Board may not receive any Federal funds or resources. The Board may benefit from in-kind and indirect resources provided by Offices of Members of Congress or the Congress. Further, the Board is not prohibited from receiving indirect benefits from efforts or activities undertaken in collaboration with entities which receive Federal funds or resources.

(f) Acceptance and utilization of services of voluntary, uncompensated personnel

The Board may accept and utilize the services of voluntary, uncompensated personnel.

(g) Lease, etc., of real or personal property

The Board may lease (or otherwise hold), acquire, or dispose of real or personal property necessary for, or relating to, the duties of the Board.

(h) Fiscal authority

The Board shall have no power—

(1) to issue bonds, notes, debentures, or other similar obligations creating long-term indebtedness;

(2) to issue any share of stock or to declare or pay any dividends; or

(3) to provide for any part of the income or assets of the Board to inure to the benefit of any director, officer, or employee of the Board except as reasonable compensation for services or reimbursement for expenses.

(i) Establishment, functions, etc., of private nonprofit corporation; articles of incorporation of corporation; compensation, etc., for director, officer, or employee of corporation

(1) The Board shall provide for the establishment of a private nonprofit corporation for the sole purpose of assisting the Board to carry out the Congressional Award Program, and shall delegate to the corporation such duties as it considers appropriate.

(2) The articles of incorporation of the corporation established under this subsection shall provide that—

(A) the members of the Board of Directors of the corporation shall be the members of the Board, and the Director of the corporation shall be the Director of the Board; and

(B) the extent of the authority of the corporation shall be the same as that of the Board.

(3) No director, officer, or employee of any corporation established under this subsection may receive compensation, travel expenses, or benefits from both the corporation and the Board.

(Pub. L. 96-114, § 7, Nov. 16, 1979, 93 Stat. 854; Pub. L. 99-161, § 4(f), Nov. 25, 1985, 99 Stat. 935; Pub. L. 99-514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 100-674, § 2(c), Nov. 17, 1988, 102 Stat. 3996; Pub. L. 101-525, § 7, Nov. 6, 1990, 104 Stat. 2306.)

AMENDMENTS

1990—Subsec. (a). Pub. L. 101-525, § 7(a), which directed the insertion of “(a)” after the section designation, was not executed in view of existing subsec. (a) designation.

Subsec. (b)(2)(C). Pub. L. 101-525, § 7(b)(1)(A), substituted “conduct” for “conducting” and struck out “State and” after “new”.

Subsec. (b)(2)(D), (E). Pub. L. 101-525, § 7(b)(1)(B), added subpar. (D) and redesignated former subpar. (D) as (E). Former subpar. (E) redesignated (F).

Subsec. (b)(2)(F). Pub. L. 101-525, § 7(b)(1)(B), (C), redesignated subpar. (E) as (F) and substituted “conduct” for “conducting”. Former subpar. (F) redesignated (G).

Subsec. (b)(2)(G), (H). Pub. L. 101-525, § 7(b)(1)(B), redesignated subpars. (F) and (G) as (G) and (H), respectively.

Subsecs. (c), (d). Pub. L. 101-525, § 7(b)(2), added subsec. (c). Former subsecs. (c) and (d) redesignated (d) and (e), respectively.

Subsec. (e). Pub. L. 101-525, § 7(b)(2), (c), redesignated subsec. (d) as (e) and amended it generally. Prior to amendment, subsec. (e) read as follows: “The Board may seek and accept, from sources other than the Federal Government, funds and other resources to carry out its activities. The Board may not accept any funds or other resources which are—

“(1) donated with a restriction on their use unless such restriction merely provides that such funds or other resources be used in furtherance of the Congressional Award Program; or

“(2) donated subject to the condition that the identity of the donor of the funds or resources shall remain anonymous.

The Board may permit donors to use the name of the Board or the name ‘Congressional Award Program’ in advertising.” Former subsec. (e) redesignated (f).

Subsecs. (f) to (i). Pub. L. 101-525, § 7(b)(2), redesignated subsecs. (e) to (h) as (f) to (i), respectively.

1988—Pub. L. 100-674, § 2(c)(1), substituted “Powers, functions, and limitations” for “Powers and limitations of Board” in section catchline.

Subsecs. (b) to (h). Pub. L. 100-674, § 2(c)(2), added subsec. (b) and redesignated former subsecs. (b) to (g) as (c) to (h), respectively.

1986—Subsec. (a)(2). Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”, which for purposes of codification was translated as “title 26” thus requiring no change in text.

1985—Subsec. (c). Pub. L. 99-161 inserted at end “The Board may permit donors to use the name of the Board or the name ‘Congressional Award Program’ in advertising.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 802, 803, 807 of this title.

§ 807. Audits and evaluation

(a) Annual audits by Comptroller General; access to books, documents, papers, and records

The financial records of the Board and of any corporation established under section 806(i) of

this title shall be audited annually by the Comptroller General of the United States (hereinafter in this section referred to as the “Comptroller General”). The Comptroller General, or any duly authorized representative of the Comptroller General, shall have access for the purpose of audit to any books, documents, papers, and records of the Board or such corporation (or any agent of the Board or such corporation) which, in the opinion of the Comptroller General, may be pertinent to the Congressional Award Program.

(b) Annual report to Congress on audit results

The Comptroller General shall submit to appropriate officers, committees, and subcommittees of the Congress, by May 15th of each calendar year, a report on the results of the audit of the financial records and on any such additional areas as the Comptroller General determines deserve or require evaluation.

(Pub. L. 96-114, § 8, Nov. 16, 1979, 93 Stat. 855; Pub. L. 99-161, § 4(g), Nov. 25, 1985, 99 Stat. 935; Pub. L. 100-674, § 2(e), Nov. 17, 1988, 102 Stat. 3998; Pub. L. 101-525, § 8, Nov. 6, 1990, 104 Stat. 2308.)

AMENDMENTS

1990—Subsec. (a). Pub. L. 101-525, § 8(1), substituted “section 806(i) of this title” for “section 806(h) of this title” and “annually” for “at least biennially”.

Subsec. (b). Pub. L. 101-525, § 8(2), added subsec. (b) and struck out former subsec. (b) which required audit to assess adequacy of fiscal control and funds accountability procedures and propriety of expenses.

Subsecs. (c), (d). Pub. L. 101-525, § 8(2), struck out subsec. (c) which required the Comptroller General to include in report on first audit performed after Nov. 25, 1985, an evaluation of programs and activities under this chapter and specified contents of such evaluation, and subsec. (d) which directed that report on first audit performed after Nov. 25, 1985, was to be submitted on or before May 15, 1988.

1988—Subsec. (a). Pub. L. 100-674 substituted “section 806(h)” for “section 806(g)”.

1985—Pub. L. 99-161, § 4(g)(1), inserted “and evaluation” after “Audits” in section catchline.

Subsec. (a). Pub. L. 99-161, § 4(g)(2)-(4), designated existing provisions as subsec. (a), substituted “shall be audited at least biennially” for “may be audited”, and struck out “at such times as the Comptroller General may determine to be appropriate” after “referred to as the ‘Comptroller General’”.

Subsecs. (b) to (d). Pub. L. 99-161, § 4(g)(5), added subsecs. (b) to (d).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 804 of this title.

§ 808. Termination

The Board shall terminate October 1, 1999.

(Pub. L. 96-114, § 9, Nov. 16, 1979, 93 Stat. 855; Pub. L. 99-161, § 3, Nov. 25, 1985, 99 Stat. 934; Pub. L. 100-674, § 2(d), Nov. 17, 1988, 102 Stat. 3997; Pub. L. 101-525, § 2(a), Nov. 6, 1990, 104 Stat. 2305; Pub. L. 102-457, § 3, Oct. 23, 1992, 106 Stat. 2266; Pub. L. 104-208, div. A, title V, § 5401(b), Sept. 30, 1996, 110 Stat. 3009-511.)

AMENDMENTS

1996—Pub. L. 104-208 substituted “1999” for “1995”.

1992—Pub. L. 102-457 substituted “1995” for “1992”.

1990—Pub. L. 101-525 amended section generally, substituting present provision for provisions which had: in subsec. (a) directed that the Board terminate on Nov.