

REFERENCES IN TEXT

Section 501 of the Internal Revenue Code of 1986, referred to in subsec. (a)(3), is classified to section 501 of Title 26, Internal Revenue Code.

AMENDMENTS

2014—Pub. L. 113-237 renumbered section 152602 of this title as this section.

§ 90103. Board of directors

(a) GENERAL.—The board of directors is the governing body of the foundation.

(b) MEMBERS AND APPOINTMENT.—(1) The board consists of 12 directors, who shall be appointed not later than 60 days after the date of the enactment of this chapter as follows:

(A) Four directors (of whom not more than two may be members of the same political party) shall be appointed by the President.

(B) Two directors shall be appointed by the Speaker of the House of Representatives.

(C) Two directors shall be appointed by the Minority Leader of the House of Representatives.

(D) Two directors shall be appointed by the Majority Leader of the Senate.

(E) Two directors shall be appointed by the Minority Leader of the Senate.

(2) In addition to the directors described in paragraph (1), the chair and ranking minority member of the Committee on House Administration of the House of Representatives (or their designees) and the chair and ranking minority member of the Committee on Rules and Administration of the Senate (or their designees) shall each serve as an ex officio nonvoting member of the board.

(3) A director is not an employee of the Federal Government and appointment to the board does not constitute appointment as an officer or employee of the United States Government for the purpose of any law of the United States (except as may otherwise be provided in this chapter).

(4) The terms of office of the directors are 4 years.

(5) A vacancy on the board shall be filled in the manner in which the original appointment was made.

(c) CHAIR.—The directors shall select one of the directors as the chair of the board. The individual selected may not be a current or former holder of any partisan elected office or a current or former officer of any national committee of a political party.

(d) QUORUM.—The number of directors constituting a quorum of the board shall be established under the bylaws of the foundation.

(e) MEETINGS.—The board shall meet at the call of the chair of the board for regularly scheduled meetings, except that the board shall meet not less often than annually.

(f) REIMBURSEMENT OF EXPENSES.—Directors shall serve without compensation but may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5.

(g) LIABILITY OF DIRECTORS.—Directors are not personally liable, except for gross negligence.

(Added Pub. L. 107-252, title VI, § 601(a), Oct. 29, 2002, 116 Stat. 1718, § 152603; renumbered § 90103, Pub. L. 113-237, § 3(c)(6)(B), Dec. 18, 2014, 128 Stat. 2840.)

REFERENCES IN TEXT

The date of the enactment of this chapter, referred to in subsec. (b), is the date of enactment of Pub. L. 107-252, which was approved Oct. 29, 2002.

AMENDMENTS

2014—Pub. L. 113-237 renumbered section 152603 of this title as this section.

§ 90104. Officers and employees

(a) APPOINTMENT OF OFFICERS AND EMPLOYEES.—The board of directors appoints, removes, and replaces officers and employees of the foundation.

(b) STATUS AND COMPENSATION OF EMPLOYEES.—

(1) IN GENERAL.—Officers and employees of the foundation—

(A) are not employees of the Federal Government (except as may otherwise be provided in this chapter);

(B) shall be appointed and removed without regard to the provisions of title 5 governing appointments in the competitive service; and

(C) may be paid without regard to chapter 51 and subchapter III of chapter 53 of title 5.

(2) AVAILABILITY OF FEDERAL EMPLOYEE RATES FOR TRAVEL.—For purposes of any schedules of rates negotiated by the Administrator of General Services for the use of employees of the Federal Government who travel on official business, officers and employees of the foundation who travel while engaged in the performance of their duties under this chapter shall be deemed to be employees of the Federal Government.

(Added Pub. L. 107-252, title VI, § 601(a), Oct. 29, 2002, 116 Stat. 1719, § 152604; renumbered § 90104, Pub. L. 113-237, § 3(c)(6)(B), Dec. 18, 2014, 128 Stat. 2840.)

AMENDMENTS

2014—Pub. L. 113-237 renumbered section 152604 of this title as this section.

§ 90105. Powers

(a) IN GENERAL.—The foundation may—

(1) adopt a constitution and bylaws;

(2) adopt a seal which shall be judicially noticed; and

(3) do any other act necessary to carry out this chapter.

(b) POWERS AS TRUSTEE.—To carry out its purposes, the foundation has the usual powers of a corporation acting as a trustee in the District of Columbia, including the power—

(1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of property or any income from or other interest in property;

(2) to acquire property or an interest in property by purchase or exchange;

(3) unless otherwise required by an instrument of transfer, to sell, donate, lease, invest,

or otherwise dispose of any property or income from property;

(4) to borrow money and issue instruments of indebtedness;

(5) to make contracts and other arrangements with public agencies and private organizations and persons and to make payments necessary to carry out its functions;

(6) to sue and be sued; and

(7) to do any other act necessary and proper to carry out the purposes of the foundation.

(c) ENCUMBERED OR RESTRICTED GIFTS.—A gift, devise, or bequest may be accepted by the foundation even though it is encumbered, restricted, or subject to beneficial interests of private persons, if any current or future interest is for the benefit of the foundation.

(d) CONTRACTS.—The foundation may enter into such contracts with public and private entities as it considers appropriate to carry out its purposes.

(e) ANNUAL CONFERENCE IN WASHINGTON METROPOLITAN AREA.—During each year (beginning with 2003), the foundation may sponsor a conference in the Washington, D.C. metropolitan area to honor secondary school students and other individuals who have served (or plan to serve) as poll workers and assistants and who have otherwise participated in the programs and activities of the foundation.

(Added Pub. L. 107-252, title VI, § 601(a), Oct. 29, 2002, 116 Stat. 1720, § 152605; renumbered § 90105, Pub. L. 113-237, § 3(c)(6)(B), Dec. 18, 2014, 128 Stat. 2840.)

AMENDMENTS

2014—Pub. L. 113-237 renumbered section 152605 of this title as this section.

§ 90106. Principal office

The principal office of the foundation shall be in the District of Columbia unless the board of directors determines otherwise. However, the foundation may conduct business throughout the States, territories, and possessions of the United States.

(Added Pub. L. 107-252, title VI, § 601(a), Oct. 29, 2002, 116 Stat. 1720, § 152606; renumbered § 90106, Pub. L. 113-237, § 3(c)(6)(B), Dec. 18, 2014, 128 Stat. 2840.)

AMENDMENTS

2014—Pub. L. 113-237 renumbered section 152606 of this title as this section.

§ 90107. Service of process

The foundation shall have a designated agent to receive service of process for the foundation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the foundation.

(Added Pub. L. 107-252, title VI, § 601(a), Oct. 29, 2002, 116 Stat. 1721, § 152607; renumbered § 90107, Pub. L. 113-237, § 3(c)(6)(B), Dec. 18, 2014, 128 Stat. 2840.)

AMENDMENTS

2014—Pub. L. 113-237 renumbered section 152607 of this title as this section.

§ 90108. Annual audit

The foundation shall enter into a contract with an independent auditor to conduct an annual audit of the foundation.

(Added Pub. L. 107-252, title VI, § 601(a), Oct. 29, 2002, 116 Stat. 1721, § 152608; renumbered § 90108, Pub. L. 113-237, § 3(c)(6)(B), Dec. 18, 2014, 128 Stat. 2840.)

AMENDMENTS

2014—Pub. L. 113-237 renumbered section 152608 of this title as this section.

§ 90109. Civil action by Attorney General for equitable relief

The Attorney General may bring a civil action in the United States District Court for the District of Columbia for appropriate equitable relief if the foundation—

(1) engages or threatens to engage in any act, practice, or policy that is inconsistent with the purposes in section 90102 of this title; or

(2) refuses, fails, or neglects to carry out its obligations under this chapter or threatens to do so.

(Added Pub. L. 107-252, title VI, § 601(a), Oct. 29, 2002, 116 Stat. 1721, § 152609; renumbered § 90109 and amended Pub. L. 113-237, § 3(c)(6)(B), (C), Dec. 18, 2014, 128 Stat. 2840.)

AMENDMENTS

2014—Pub. L. 113-237, § 3(c)(6)(B), renumbered section 152609 of this title as this section.

Par. (1). Pub. L. 113-237, § 3(c)(6)(C), substituted “section 90102” for “section 152602”.

§ 90110. Immunity of United States Government

The United States Government is not liable for any debts, defaults, acts, or omissions of the foundation. The full faith and credit of the Government does not extend to any obligation of the foundation.

(Added Pub. L. 107-252, title VI, § 601(a), Oct. 29, 2002, 116 Stat. 1721, § 152610; renumbered § 90110, Pub. L. 113-237, § 3(c)(6)(B), Dec. 18, 2014, 128 Stat. 2840.)

AMENDMENTS

2014—Pub. L. 113-237 renumbered section 152610 of this title as this section.

§ 90111. Authorization of appropriations

There are authorized to be appropriated to the foundation for carrying out the purposes of this chapter—

(1) \$5,000,000 for fiscal year 2003; and

(2) such sums as may be necessary for each succeeding fiscal year.

(Added Pub. L. 107-252, title VI, § 601(a), Oct. 29, 2002, 116 Stat. 1721, § 152611; renumbered § 90111, Pub. L. 113-237, § 3(c)(6)(B), Dec. 18, 2014, 128 Stat. 2840.)

AMENDMENTS

2014—Pub. L. 113-237 renumbered section 152611 of this title as this section.