

(c) Requirements regarding financial operations; noncompliance with requirements

(1) The Director shall, in consultation with the Board, ensure that appropriate policies and procedures for fiscal control and 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 in any fiscal year exceed the assets of the Board.

(2)(A) The independent public accountant conducting the annual audit of the financial records of the Board pursuant to section 807(a) of this title shall determine for each fiscal year whether the Director has substantially complied with paragraph (1). The findings made by the independent public accountant under the preceding sentence shall be included in the reports submitted under section 807(b) of this title.

(B) If the Director fails to substantially comply with paragraph (1), the Board shall instruct the Director to take such actions as may be necessary to correct such deficiencies, and shall remove and replace the Director if such deficiencies are not promptly corrected.

(Pub. L. 96–114, title I, §104, formerly §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; Pub. L. 106–63, §1(c), Oct. 1, 1999, 113 Stat. 510; renumbered title I, §104, Pub. L. 106–533, §1(b)(1), (2), Nov. 22, 2000, 114 Stat. 2553; Pub. L. 109–143, §1(a), (c)(2), Dec. 22, 2005, 119 Stat. 2659; Pub. L. 111–200, §2(c), July 7, 2010, 124 Stat. 1369; Pub. L. 113–188, title IX, §902(c)(2), Nov. 26, 2014, 128 Stat. 2021.)

Editorial Notes

AMENDMENTS

2014—Subsec. (c)(1). Pub. L. 113–188, §902(c)(2)(A), inserted “policies and” before “procedures” and struck out “fund” before “accounting are established”.

Subsec. (c)(2)(A). Pub. L. 113–188, §902(c)(2)(B), substituted “The independent public accountant conducting the annual audit of the financial records of the Board pursuant to section 807(a) of this title” for “The Comptroller General of the United States” and “the independent public accountant” for “the Comptroller General”.

2010—Subsec. (c)(1). Pub. L. 111–200, §2(c)(1), which directed substitution of “in any fiscal year” for “, in any calendar year,” in third sentence, was executed by making the substitution for “, for any calendar year,” to reflect the probable intent of Congress.

Subsec. (c)(2). Pub. L. 111–200, §2(c)(2), added par. (2) and struck out former par. (2) which read as follows:

“(2)(A) The Comptroller General of the United States shall determine, for calendar years 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, and 2009, 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.”

2005—Subsec. (c)(2)(A). Pub. L. 109–143 inserted comma after “1993” and substituted “2004, 2005, 2006, 2007, 2008, and 2009” for “and 2004”.

1999—Subsec. (c)(2)(A). Pub. L. 106–63 substituted “1998, 1999, 2000, 2001, 2002, 2003, and 2004” for “and 1998”.

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).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2014 AMENDMENT

Pub. L. 113–188, title IX, §902(c)(3), Nov. 26, 2014, 128 Stat. 2022, provided that: “The amendments made by this subsection [amending this section and section 807 of this title] shall take effect on October 1, 2014.”

§ 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, title I, §105, formerly §6, Nov. 16, 1979, 93 Stat. 853; renumbered title I, §105, Pub. L. 106–533, §1(b)(1), (2), Nov. 22, 2000, 114 Stat. 2553.)

§ 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—

(A) such resources as are available to the Board from sources other than the Federal Government; and

(B) funds awarded in any grant program administered by a Federal agency in accordance with the law establishing that grant program.

(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 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), 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 under this section may receive contributions, and use such contributions for the purposes of the Program. The Board shall adopt appropriate financial management methods in order to ensure the proper accounting of these funds. Each Statewide Council shall comply with subsections (a), (d), (e), and (h) governing the Board.

(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 available to the Board for the purpose of such contract during the fiscal year in which the expenditure is to be 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 or for scholarships; 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) Congressional Award Foundation

(1) The Board shall provide for the incorporation of a nonprofit corporation to be known as the Congressional Award Foundation (together with any subsidiary nonprofit corporations determined desirable by the Board, collectively referred to in this subchapter as the “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, including the employment of personnel, expenditure of funds,

and the incurrence of financial or other contractual obligations.

(2) The articles of incorporation of the Congressional Award Foundation shall provide that—

(A) the members of the Board of Directors of the Foundation shall be the members of the Board, with up to 24 additional voting members appointed by the Board, and the Director who shall serve as a nonvoting member; and

(B) the extent of the authority of the Foundation 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, title I, § 106, formerly § 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; renumbered title I, § 106, Pub. L. 106-533, § 1(b)(1), (2), Nov. 22, 2000, 114 Stat. 2553; Pub. L. 111-200, § 2(d)-(g), July 7, 2010, 124 Stat. 1369.)

Editorial Notes

AMENDMENTS

2010—Subsec. (a)(1). Pub. L. 111-200, § 2(d), added par. (1) and struck out former par. (1) which read as follows: “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”.

Subsec. (c)(4). Pub. L. 111-200, § 2(e), added par. (4) and struck out former par. (4) which read as follows: “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.”

Subsec. (d). Pub. L. 111-200, § 2(f)(1), inserted “to be” after “expenditure is”.

Subsec. (e)(1)(A). Pub. L. 111-200, § 2(f)(2), inserted “or for scholarships” after “local program”.

Subsec. (i). Pub. L. 111-200, § 2(g), added subsec. (i) and struck out former subsec. (i) which read as follows:

“(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.”

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.”

§ 807. Audits

(a) Contracts with independent public accountant

The Board shall enter into a contract with an independent public accountant to conduct an annual audit in accordance with generally accepted government auditing standards, of the financial records of the Board and of any corporation established under section 806(i) of this title, and shall ensure that the independent public accountant has access for the purpose of the audit to any books, documents, papers, and records of the Board or such corporation (or any agent of the Board or such corporation) which the independent public accountant reasonably determines to be pertinent to the Congressional Award Program.

(b) Annual report to Congress on audit results

Not later than May 15 of each calendar year, the Board shall submit to appropriate officers, committees, and subcommittees of Congress and to the Comptroller General of the United States a report on the results of the most recent audit conducted pursuant to this section, and shall include in the report information on any such additional areas as the independent public accountant who conducted the audit determines deserve or require evaluation.

(c) Review by the Comptroller General of annual audit

(1) The Comptroller General of the United States shall review each annual audit conducted under subsection (a).