

one shall be designated by the Minority Leader of the Senate;

“(C) the Librarian of Congress;

“(D) a private individual with expertise in international exchange programs, designated by the Librarian of Congress; and

“(E) an officer or employee of the administering agency, designated by the head of the administering agency.

“(3) TERMS.—Each member appointed under paragraph (2) shall serve for a term of 3 years. Any vacancy shall be filled in the same manner as the original appointment and the individual so appointed shall serve for the remainder of the term.

“(f) REPORTING.—The head of the administering agency shall, not later than 3 months following the close of each fiscal year for which such agency administered the program, report to Congress with respect to the conduct of such program during such fiscal year. Such report shall include information with respect to the number of participants in the program and the cost of the program, and any recommendations on improvements necessary to enable the program to carry out the purposes of this section.

“(g) FUNDING.—

“(1) FISCAL YEAR 1999.—

“(A) IN GENERAL.—Of funds made available under the heading ‘SENATE’ under title I of the Legislative [Branch] Appropriations Act, 1999 (Public Law 105–275; 112 Stat. 2430 et seq.) [see Tables for classification], \$10,000,000 shall be made available, subject to the approval of the Committee on Appropriations of the Senate, to the administering agency to carry out the program.

“(B) USE OF FUNDS AT CLOSE OF FISCAL YEAR.—Funds made available under this paragraph which are unexpended and unobligated as of the close of fiscal year 1999 shall no longer be available for such purpose and shall be available for the purpose originally appropriated.

“(2) FISCAL YEAR 2000 AND SUBSEQUENT FISCAL YEARS.—

“(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the administering agency for fiscal years 2000 and thereafter such sums as may be necessary to carry out the program.

“(B) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subparagraph (A) are authorized to remain available until expended.

“(h) DEFINITIONS.—In this section:

“(1) ADMINISTERING AGENCY.—The term ‘administering agency’ means—

“(A) for fiscal years 2000 and 2001, the Library of Congress; and

“(B) for fiscal year 2002, and subsequent fiscal years, the Executive agency designated by the President of the United States under subsection (a)(2).

“(2) ELIGIBLE RUSSIAN.—The term ‘eligible Russian’ means a Russian national who is an emerging political leader at any level of government.

“(3) PROGRAM.—The term ‘program’ means the grant program established under this section.

“(4) PROGRAM PARTICIPANT.—The term ‘program participant’ means an eligible Russian selected for participation in the program.”

CHAPTER 22B—HUNGER FELLOWSHIP PROGRAM

Sec.

1161. Hunger fellowship program.

- (a) Short title; findings.
- (b) Establishment.
- (c) Board of Trustees.
- (d) Purposes; authority of program.
- (e) Trust Fund.
- (f) Expenditures; audits.
- (g) Staff; powers of program.

Sec.

(h) Report.

(i) Authorization of appropriations.

(j) Definition.

§ 1161. Hunger fellowship program

(a) Short title; findings

(1) Short title

This section may be cited as the “Congressional Hunger Fellows Act of 2002”.

(2) Findings

The Congress finds as follows:

(A) There is a critical need for compassionate individuals who are committed to assisting people who suffer from hunger as well as a need for such individuals to initiate and administer solutions to the hunger problem.

(B) Bill Emerson, the distinguished late Representative from the 8th District of Missouri, demonstrated his commitment to solving the problem of hunger in a bipartisan manner, his commitment to public service, and his great affection for the institution and the ideals of the United States Congress.

(C) George T. (Mickey) Leland, the distinguished late Representative from the 18th District of Texas, demonstrated his compassion for those in need, his high regard for public service, and his lively exercise of political talents.

(D) The special concern that Mr. Emerson and Mr. Leland demonstrated during their lives for the hungry and poor was an inspiration for others to work toward the goals of equality and justice for all.

(E) These two outstanding leaders maintained a special bond of friendship regardless of political affiliation and worked together to encourage future leaders to recognize and provide service to others, and therefore it is especially appropriate to honor the memory of Mr. Emerson and Mr. Leland by creating a fellowship program to develop and train the future leaders of the United States to pursue careers in humanitarian service.

(b) Establishment

There is established as an independent entity of the legislative branch of the United States Government the Congressional Hunger Fellows Program (hereinafter in this section referred to as the “Program”).

(c) Board of Trustees

(1) In general

The Program shall be subject to the supervision and direction of a Board of Trustees.

(2) Members of the Board of Trustees

(A) Appointment

The Board shall be composed of 6 voting members appointed under clause (i) and one nonvoting ex officio member designated in clause (ii) as follows:

(i) Voting members

(I) The Speaker of the House of Representatives shall appoint two members.

(II) The minority leader of the House of Representatives shall appoint one member.

(III) The majority leader of the Senate shall appoint two members.

(IV) The minority leader of the Senate shall appoint one member.

(ii) Nonvoting member

The Executive Director of the program shall serve as a nonvoting ex officio member of the Board.

(B) Terms

Members of the Board shall serve a term of 4 years.

(C) Vacancy

(i) Authority of Board

A vacancy in the membership of the Board does not affect the power of the remaining members to carry out this section.

(ii) Appointment of successors

A vacancy in the membership of the Board shall be filled in the same manner in which the original appointment was made.

(iii) Incomplete term

If a member of the Board does not serve the full term applicable to the member, the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

(D) Chairperson

As the first order of business of the first meeting of the Board, the members shall elect a Chairperson.

(E) Compensation

(i) In general

Subject to clause (ii), members of the Board may not receive compensation for service on the Board.

(ii) Travel

Members of the Board may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the program.

(3) Duties

(A) Bylaws

(i) Establishment

The Board shall establish such bylaws and other regulations as may be appropriate to enable the Board to carry out this section, including the duties described in this paragraph.

(ii) Contents

Such bylaws and other regulations shall include provisions—

(I) for appropriate fiscal control, funds accountability, and operating principles;

(II) 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 and in the selection and placement of individuals in the fellowships developed under the program;

(III) for the resolution of a tie vote of the members of the Board; and

(IV) for authorization of travel for members of the Board.

(iii) Transmittal to Congress

Not later than 90 days after the date of the first meeting of the Board, the Chairperson of the Board shall transmit to the appropriate congressional committees a copy of such bylaws.

(B) Budget

For each fiscal year the program is in operation, the Board shall determine a budget for the program for that fiscal year. All spending by the program shall be pursuant to such budget unless a change is approved by the Board.

(C) Process for selection and placement of fellows

The Board shall review and approve the process established by the Executive Director for the selection and placement of individuals in the fellowships developed under the program.

(D) Allocation of funds to fellowships

The Board of Trustees shall determine the priority of the programs to be carried out under this section and the amount of funds to be allocated for the Emerson and Leland fellowships.

(d) Purposes; authority of program

(1) Purposes

The purposes of the program are—

(A) to encourage future leaders of the United States to pursue careers in humanitarian service, to recognize the needs of people who are hungry and poor, and to provide assistance and compassion for those in need;

(B) to increase awareness of the importance of public service; and

(C) to provide training and development opportunities for such leaders through placement in programs operated by appropriate organizations or entities.

(2) Authority

The program is authorized to develop such fellowships to carry out the purposes of this section, including the fellowships described in paragraph (3).

(3) Fellowships

(A) In general

The program shall establish and carry out the Bill Emerson Hunger Fellowship and the Mickey Leland Hunger Fellowship.

(B) Curriculum

(i) In general

The fellowships established under subparagraph (A) shall provide experience and training to develop the skills and understanding necessary to improve the humanitarian conditions and the lives of individuals who suffer from hunger, including—

(I) training in direct service to the hungry in conjunction with community-based organizations through a program of field placement; and

(II) experience in policy development through placement in a governmental entity or nonprofit organization.

(ii) Focus of Bill Emerson Hunger Fellowship

The Bill Emerson Hunger Fellowship shall address hunger and other humanitarian needs in the United States.

(iii) Focus of Mickey Leland Hunger Fellowship

The Mickey Leland Hunger Fellowship shall address international hunger and other humanitarian needs.

(iv) Workplan

To carry out clause (i) and to assist in the evaluation of the fellowships under paragraph (4), the program shall, for each fellow, approve a work plan that identifies the target objectives for the fellow in the fellowship, including specific duties and responsibilities related to those objectives.

(C) Period of fellowship

(i) Emerson Fellow

A Bill Emerson Hunger Fellowship awarded under this paragraph shall be for no more than 1 year.

(ii) Leland Fellow

A Mickey Leland Hunger Fellowship awarded under this paragraph shall be for no more than 2 years. Not less than 1 year of the fellowship shall be dedicated to fulfilling the requirement of subparagraph (B)(i)(I).

(D) Selection of fellows

(i) In general

A fellowship shall be awarded pursuant to a nationwide competition established by the program.

(ii) Qualification

A successful applicant shall be an individual who has demonstrated—

- (I) an intent to pursue a career in humanitarian service and outstanding potential for such a career;
- (II) leadership potential or actual leadership experience;
- (III) diverse life experience;
- (IV) proficient writing and speaking skills;
- (V) an ability to live in poor or diverse communities; and
- (VI) such other attributes as determined to be appropriate by the Board.

(iii) Amount of award

(I) In general

Each individual awarded a fellowship under this paragraph shall receive a living allowance and, subject to subclause (II), an end-of-service award as determined by the program.

(II) Requirement for successful completion of fellowship

Each individual awarded a fellowship under this paragraph shall be entitled to

receive an end-of-service award at an appropriate rate for each month of satisfactory service as determined by the Executive Director.

(iv) Recognition of fellowship award

(I) Emerson Fellow

An individual awarded a fellowship from the Bill Emerson Hunger Fellowship shall be known as an “Emerson Fellow”.

(II) Leland Fellow

An individual awarded a fellowship from the Mickey Leland Hunger Fellowship shall be known as a “Leland Fellow”.

(4) Evaluation

The program shall conduct periodic evaluations of the Bill Emerson and Mickey Leland Hunger Fellowships. Such evaluations shall include the following:

- (A) An assessment of the successful completion of the work plan of the fellow.
- (B) An assessment of the impact of the fellowship on the fellows.
- (C) An assessment of the accomplishment of the purposes of the program.
- (D) An assessment of the impact of the fellow on the community.

(e) Trust Fund

(1) Establishment

There is established the Congressional Hunger Fellows Trust Fund (hereinafter in this section referred to as the “Fund”) in the Treasury of the United States, consisting of amounts appropriated to the Fund under subsection (i) of this section, amounts credited to it under paragraph (3), and amounts received under subsection (g)(3)(A) of this section.

(2) Investment of funds

The Secretary of the Treasury shall invest the full amount of the Fund. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Secretary in consultation with the Board, has a maturity suitable for the Fund.

(3) Return on investment

Except as provided in subsection (f)(2) of this section, the Secretary of the Treasury shall credit to the Fund the interest on, and the proceeds from the sale or redemption of, obligations held in the Fund.

(f) Expenditures; audits

(1) In general

The Secretary of the Treasury shall transfer to the program from the amounts described in subsection (e)(3) of this section and subsection (g)(3)(A) of this section such sums as the Board determines are necessary to enable the program to carry out the provisions of this section.

(2) Limitation

The Secretary may not transfer to the program the amounts appropriated to the Fund under subsection (i) of this section.

(3) Use of funds

Funds transferred to the program under paragraph (1) shall be used for the following purposes:

(A) Stipends for fellows

To provide for a living allowance for the fellows.

(B) Travel of fellows

To defray the costs of transportation of the fellows to the fellowship placement sites.

(C) Insurance

To defray the costs of appropriate insurance of the fellows, the program, and the Board.

(D) Training of fellows

To defray the costs of preservice and midservice education and training of fellows.

(E) Support staff

Staff described in subsection (g) of this section.

(F) Awards

End-of-service awards under subsection (d)(3)(D)(iii)(II) of this section.

(G) Additional approved uses

For such other purposes that the Board determines appropriate to carry out the program.

(4) Audit by GAO**(A) In general**

The Comptroller General of the United States shall conduct an annual audit of the accounts of the program.

(B) Books

The program shall make available to the Comptroller General all books, accounts, financial records (including records of salaries of the Executive Director and other personnel), reports, files, and all other papers, things, or property belonging to or in use by the program and necessary to facilitate such audit.

(C) Report to Congress

The Comptroller General shall submit a copy of the results of each such audit to the appropriate congressional committees.

(g) Staff; powers of program**(1) Executive Director****(A) In general**

The Board shall appoint an Executive Director of the program who shall administer the program. The Executive Director shall carry out such other functions consistent with the provisions of this section as the Board shall prescribe.

(B) Restriction

The Executive Director may not serve as Chairperson of the Board.

(C) Compensation

The Executive Director shall be paid at a rate not to exceed the rate of basic pay pay-

able for level V of the Executive Schedule under section 5316 of title 5.

(2) Staff**(A) In general**

With the approval of a majority of the Board, the Executive Director may appoint and fix the pay of additional personnel as the Executive Director considers necessary and appropriate to carry out the functions of the provisions of this section.

(B) Compensation

An individual appointed under subparagraph (A) shall be paid at a rate not to exceed the rate of basic pay payable for level GS-15 of the General Schedule.

(3) Powers

In order to carry out the provisions of this section, the program may perform the following functions:

(A) Gifts

The program may solicit, accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the program. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Fund and shall be available for disbursement upon order of the Board.

(B) Experts and consultants

The program may procure temporary and intermittent services under section 3109 of title 5, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for GS-15 of the General Schedule.

(C) Contract authority

The program may contract, with the approval of a majority of the members of the Board, with and compensate Government and private agencies or persons without regard to section 5 of title 41.

(D) Other necessary expenditures

The program shall make such other expenditures which the program considers necessary to carry out the provisions of this section, but excluding project development.

(h) Report

Not later than December 31 of each year, the Board shall submit to the appropriate congressional committees a report on the activities of the program carried out during the previous fiscal year, and shall include the following:

(1) An analysis of the evaluations conducted under subsection (d)(4) of this section (relating to evaluations of the Emerson and Leland fellowships and accomplishment of the program purposes) during that fiscal year.

(2) A statement of the total amount of funds attributable to gifts received by the program in that fiscal year (as authorized under subsection (g)(3)(A) of this section), and the total amount of such funds that were expended to carry out the program that fiscal year.

(i) Authorization of appropriations

There are authorized to be appropriated \$18,000,000 to carry out the provisions of this section.

(j) Definition

In this section, the term “appropriate congressional committees” means—

- (1) the Committee on Agriculture and the Committee on International Relations of the House of Representatives; and
- (2) the Committee on Agriculture, Nutrition, and Forestry and the Committee on Foreign Relations of the Senate.

(Pub. L. 107–171, title IV, § 4404, May 13, 2002, 116 Stat. 335.)

REFERENCES IN TEXT

GS–15 of the General Schedule, referred to in subsec. (g)(2)(B), (3)(B), is set out under section 5332 of Title 5, Government Organization and Employees.

EFFECTIVE DATE

Pub. L. 107–171, title IV, § 4405, May 13, 2002, 116 Stat. 341, provided that: “Except as otherwise provided in this title [see Short Title of 2002 Amendment note set out under section 2011 of Title 7, Agriculture], the amendments made by this title take effect on October 1, 2002.”

CHAPTER 23—GOVERNMENT EMPLOYEE RIGHTS

§§ 1201, 1202. Transferred

CODIFICATION

Section 1201, Pub. L. 102–166, title III, § 301, Nov. 21, 1991, 105 Stat. 1088; Pub. L. 103–283, title III, § 312(f)(1), July 22, 1994, 108 Stat. 1446; Pub. L. 104–1, title V, § 504(a)(1), Jan. 23, 1995, 109 Stat. 40, which provided for short title of chapter as the “Government Employee Rights Act of 1991”, provided purpose of chapter as establishing procedures to protect the rights of certain government employees with respect to their public employment, and defined “violation” for purposes of chapter, was transferred to section 2000e–16a of Title 42, The Public Health and Welfare.

Section 1202, Pub. L. 102–166, title III, § 302, Nov. 21, 1991, 105 Stat. 1088; Pub. L. 104–1, title V, § 504(a)(1), Jan. 23, 1995, 109 Stat. 40, which prohibited certain discriminatory practices affecting State employees, and provided for remedies, was transferred to section 2000e–16b of Title 42, The Public Health and Welfare.

§§ 1203 to 1218. Repealed. Pub. L. 104–1, title V, § 504(a)(2), (5), Jan. 23, 1995, 109 Stat. 41

Section 1203, Pub. L. 102–166, title III, § 303, Nov. 21, 1991, 105 Stat. 1088, related to establishment of Office of Senate Fair Employment Practices.

Section 1204, Pub. L. 102–166, title III, § 304, Nov. 21, 1991, 105 Stat. 1090, related to Senate procedure for consideration of alleged violations of employee rights.

Section 1205, Pub. L. 102–166, title III, § 305, Nov. 21, 1991, 105 Stat. 1090; Pub. L. 103–283, title III, § 312(f)(2), July 22, 1994, 108 Stat. 1446, related to counseling of Senate employees alleging violations of rights.

Section 1206, Pub. L. 102–166, title III, § 306, Nov. 21, 1991, 105 Stat. 1091, related to mediation of disputes between Senate employees and employing offices.

Section 1207, Pub. L. 102–166, title III, § 307, Nov. 21, 1991, 105 Stat. 1091, related to formal complaints by Senate employees and hearings.

Section 1207a, Pub. L. 103–50, ch. XII, § 1205, July 2, 1993, 107 Stat. 269; Pub. L. 103–211, title II, § 2001(a)–(c), Feb. 12, 1994, 108 Stat. 22, related to Settlements and Awards Reserve appropriation account.

Section 1208, Pub. L. 102–166, title III, § 308, Nov. 21, 1991, 105 Stat. 1092, related to review by Select Committee on Ethics of decisions on violations of rights of Senate employees.

Section 1209, Pub. L. 102–166, title III, § 309, Nov. 21, 1991, 105 Stat. 1093; Pub. L. 102–392, title III, § 316(a), Oct. 6, 1992, 106 Stat. 1724; Pub. L. 103–50, ch. XII, § 1204(a), July 2, 1993, 107 Stat. 268, related to judicial review of decisions regarding violations of rights of Senate employees.

Section 1210, Pub. L. 102–166, title III, § 310, Nov. 21, 1991, 105 Stat. 1094, related to resolution of complaints for violations of rights of Senate employees.

Section 1211, Pub. L. 102–166, title III, § 311, Nov. 21, 1991, 105 Stat. 1094, related to costs of attending hearings on violations of Senate employee rights.

Section 1212, Pub. L. 102–166, title III, § 312, Nov. 21, 1991, 105 Stat. 1094; Pub. L. 103–283, title III, § 312(f)(3), July 22, 1994, 108 Stat. 1446, prohibited intimidation or reprisal against Senate employees for exercising rights under this chapter.

Section 1213, Pub. L. 102–166, title III, § 313, Nov. 21, 1991, 105 Stat. 1095, related to confidentiality of proceedings under this chapter.

Section 1214, Pub. L. 102–166, title III, § 314, Nov. 21, 1991, 105 Stat. 1095, provided that this chapter was enacted as an exercise of rulemaking power of Senate.

Section 1215, Pub. L. 102–166, title III, § 316, Nov. 21, 1991, 105 Stat. 1095, related to consideration of political affiliation and place of residence in Senate employment decisions.

Section 1216, Pub. L. 102–166, title III, § 317, Nov. 21, 1991, 105 Stat. 1096, related to exclusiveness of this chapter as remedy for discriminatory practices relative to Senate employment.

Section 1217, Pub. L. 102–166, title III, § 318, Nov. 21, 1991, 105 Stat. 1096, expressed sense of Senate that legislation be enacted giving employees of other instrumentalities of Congress rights comparable to those granted in this chapter.

Section 1218, Pub. L. 102–166, title III, § 319, Nov. 21, 1991, 105 Stat. 1096, reaffirmed Senate’s commitment to Rule XLII of Standing Rules of the Senate, relating to employment discrimination on basis of race, color, religion, sex, national origin, age, or state of physical handicap.

SAVINGS PROVISION

Section 504(a)(2), (5) of Pub. L. 104–1 provided in part that sections 1203 to 1218 of this title are repealed, except as provided in section 1435 of this title.

§ 1219. Repealed. Pub. L. 104–331, § 5(a), Oct. 26, 1996, 110 Stat. 4072

Section, Pub. L. 102–166, title III, § 303, formerly § 320, Nov. 21, 1991, 105 Stat. 1096; renumbered § 303 and amended Pub. L. 104–1, title V, § 504(a)(3), (4), Jan. 23, 1995, 109 Stat. 41, provided protection from discriminatory practices with respect to employment of Presidential appointees.

A prior section 303 of Pub. L. 102–166 was classified to section 1203 of this title prior to repeal by Pub. L. 104–1.

EFFECTIVE DATE OF REPEAL

Section 5(b) of Pub. L. 104–331 provided that: “This section [repealing this section and enacting provisions set out as a note below] shall take effect on October 1, 1997.”

SAVINGS PROVISION

Section 5(c) of Pub. L. 104–331 provided that: “The repeal under this section [repealing this section] shall not affect proceedings under such section 303 in which a complaint was filed before the effective date of this section [Oct. 1, 1997], and orders shall be issued in such proceedings and appeals shall be taken therefrom as if this section had not been enacted.”