



## APPENDIX

# Commission Quorums

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The *Stanford Law Review* is publishing this Appendix to support Nicholas R. Bednar & Todd Phillips, *Commission Quorums*, 78 STAN. L. REV. 1125 (2026). This Appendix has only been lightly edited for formatting and style, and the *Stanford Law Review* has not independently reviewed the data and analysis herein.

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## Methodology

### A. Agency Sample

Our goal was to assemble a sample of multimember commissions that are representative of the federal government's most significant independent regulatory and adjudicatory bodies. To assemble this sample, we began with the list provided in the *Sourcebook of United States Executive Agencies*.<sup>1</sup> The *Sourcebook* provides an ideal starting place because it includes statutory citations to many of the relevant structural characteristics of interest. We then supplemented this list with other commissions studied by recent research on independent agencies.<sup>2</sup>

We removed some agencies that were abolished since the publication of the *Sourcebook*, such as the Overseas Private Investment Corporation.<sup>3</sup> We excluded from our analysis any commission whose membership consists predominantly of governors and secretaries serving ex officio plus a chair appointed by the President. Examples of these commissions include the Appalachian Regional Commission,<sup>4</sup> the Delta Regional Authority,<sup>5</sup> the Great Lakes Authority,<sup>6</sup> the Northern Border Regional Commission,<sup>7</sup> the Northern Great Plains Regional Authority,<sup>8</sup> the Pension Benefit Guaranty Corporation,<sup>9</sup> the Southeast Crescent Regional Commission,<sup>10</sup> and the Southwest Border Regional Commission.<sup>11</sup> We made this decision because these commissions are unlikely to experience a lapse in quorum requirements.

### B. Data

The following list describes the variables coded in our dataset. Whenever possible, we sought to identify any statutory and regulatory citations related to these variables. In some cases, we contacted the agency for additional information about the agency's procedural rules.

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1. See JENNIFER L. SELIN & DAVID E. LEWIS, SOURCEBOOK OF UNITED STATES EXECUTIVE AGENCIES 42 (2d ed. 2018).
  2. See Neal Devins & David E. Lewis, *The Independent Agency Myth*, 108 CORN. L. REV. 1305, 1327 (2023); Todd Phillips, *Commission Chairs*, 40 YALE J. REG. 277, 334-338 (2023).
  3. Pub. L. 115-254, Div. F, Title VI, § 1464(2), 132 Stat. 3513 (Oct. 5, 2018).
  4. 40 U.S.C. § 14301(b)(1).
  5. 7 U.S.C. § 2009aa-1(a)(2).
  6. 40 U.S.C. § 15301(b).
  7. 40 U.S.C. § 15301(b).
  8. 7 U.S.C. § 2009bb-1(a)(2).
  9. 29 U.S.C. § 1302(d)(1).
  10. 40 U.S.C. § 15301(b).
  11. 40 U.S.C. § 15301(b).

**Number of Members (Numeric)<sup>12</sup>**

The total number of voting members on the commission.

**Number of Members Appointed by the President (Numeric)<sup>13</sup>**

The total number of voting members appointed by the President, excluding any ex officio members appointed by the President.

**Number of Voting, Ex officio Members (Numeric)<sup>14</sup>**

The total number of ex officio members with voting powers on the commission. This variable excludes any ex officio appointees who lack voting power.

**Ex officio Members (Character)<sup>15</sup>**

A list of ex officio members with voting powers on the commission. This variable excludes any ex officio appointees who lack voting power.

**Number of Members Appointed by Other Entities (Character)<sup>16</sup>**

The total number of voting members appointed by other entities, such as the House of Representatives or the Senate.

**Members Appointed by Other Entities (Character)<sup>17</sup>**

A list of voting members appointed by other entities, such as the House of Representatives or the Senate.

**Non-Voting Members (Character)<sup>18</sup>**

A list of members without voting powers on the commission.

**Removal Protections for Members (Binary)<sup>19</sup>**

Whether the statute explicitly provides for “for cause” removal protections for voting members of the commission. This variable takes a value of “Yes” if *any* voting members have for cause removal protections. If the statute does not provide for removal protections, this is coded as “No.”

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12. Variable coded as “NUM” in the dataset.

13. Variable coded as “NUM\_PRES” in the dataset.

14. Variable coded as “NUM\_EXOFFICIO” in the dataset.

15. Variable coded as “EXOFFICIO” in the dataset. Different members separated by semicolons.

16. Variable coded as “NUM\_OTHER” in the dataset.

17. Variable coded as “OTHER” in the dataset. Different members separated by semicolons.

18. Variable coded as “NONVOTING” in the dataset. Different members separated by semicolons.

19. Variable coded as “FOR\_CAUSE” in the dataset. A value of “1” indicates that the agency’s statute contains for-cause removal protections. Otherwise, this variable takes a value of “0.”

**Serve at the Pleasure of the President (Binary)<sup>20</sup>**

Whether the statute explicitly provides that voting members serve at the pleasure of the President. If the statute does not state that members serve at the pleasure of the President, this is coded as “No.”

**Term Length (Numeric)<sup>21</sup>**

The term length for members of the Commission. Does not include the Chair’s term length or the term length of ex officio members if different from other members.

**Partisan Balancing (Binary)<sup>22</sup>**

Whether the statute provides that a certain number of voting members must come from different political parties. This variable takes a value of “Yes” if partisan balancing requirements are imposed on *any* voting members of the commission. If the statute does not state that the commission is subject to partisan balancing requirements, this is coded as “No.”

**Continuation of Service During Vacancy (Categorical)<sup>23</sup>**

Whether the statute provides that members may continue to serve following the expiration of their terms:

- Yes: The statute provides that members may continue to serve until their successors are appointed. For example, the Railroad Retirement Board provides, “Upon the expiration of his term of office a member shall continue to serve until his successor is appointed and shall have qualified.”<sup>24</sup>
- Yes with limitations: The statute provides that members may continue to serve until their successors are appointed, subject to temporal limitations. For example, members of the Consumer Product Safety Commission may not serve for longer than one year after the expiration of their term.<sup>25</sup>
- No: The statute does not specify that members may continue to serve following the expiration of their terms.

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20. Variable coded as “SERVE\_PRES” in the dataset. A value of “1” indicates that the agency’s statute contains a provision providing that members serve at the pleasure of the President. Otherwise, this variable takes a value of “0.”

21. Variable coded as “TERM\_MEMBERS” in the dataset.

22. Variable coded as “BALANCING” in the dataset. A value of “1” indicates that the agency’s statute contains partisan balancing requirements. Otherwise, this variable takes a value of “0.”

23. Variable coded as “CONTINUATION” in the dataset. The variable takes three values corresponding to the categories: “YES,” “LIMITED,” or “NO.”

24. 45 U.S.C. § 231f(a).

25. See 15 U.S.C. § 2053 2053(b)(2) (“A Commissioner may continue to serve after the expiration of this term until his successor has taken office, except that he may not so continue to serve more than one year after the date on which his term would otherwise expire under this subsection.”).

**Time Limit on Vacancies (Binary)<sup>26</sup>**

Whether the statute specifies that the appointing authority must fill vacancies within a specified period of time.

**Vacancies Do Not Impair Functions (Binary)<sup>27</sup>**

Whether the statute specifies that vacancies do not impair the functions of the commission.

**Quorum Rules (Statute-Based) (Categorical)<sup>28</sup>**

The style of quorum adopted by the commission's organic statute:

- Fixed-Numerosity Quorum: A quorum rule that requires a specific number of members to be present at the meeting, regardless of the commission's size or vacancies within its membership.
- Absolute-Majority Quorum: A quorum rule that requires a majority of the total members (including vacant seats) to be present at the meeting.
- Appointed-Majority Quorum: A quorum rule that requires a majority of currently appointed members to be present at the meeting. A quorum is still coded as an "Appointed-Majority Quorum" even if the statute or regulations prohibit a single member from exercising the authority of the commission.
- Unspecified Majority: A quorum rule requiring "a majority of members" without specifying whether it means an absolute majority or an appointed majority.
- Mixed: The statute uses multiple styles of quorum depending on the specific action taken by the agency.
- None Specified: The statute does not provide any information on quorum rules.

**Quorum Rules (Rule-Based) (Categorical)<sup>29</sup>**

The style of quorum adopted by the commission's procedural rules:

- Fixed-Numerosity Quorum: A quorum rule that requires a specific number of members to be present at the meeting, regardless of the commission's size or vacancies within its membership.

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26. Variable coded as "VACANCY\_TIME" in the dataset. A value of "1" indicates that the agency's statute contains a provision providing that the President must fill vacancies within a specified period of time. Otherwise, this variable takes a value of "0."

27. Variable coded as "VACANCY\_NOIMPAIR" in the dataset. A value of "1" indicates that the agency's statute contains a provision specifying that vacancies do not impair the functions of the commission. Otherwise, this variable takes a value of "0."

28. Variable coded as "QUORUM\_STAT" in the dataset. The variable takes five values corresponding to the categories: "SPECIFIED," "SERVING," "UNSPECIFIED," "MIXED," or "NONE."

29. Variable coded as "QUORUM\_RULE" in the dataset. The variable takes five values corresponding to the categories: "SPECIFIED," "SERVING," "UNSPECIFIED," "MIXED," or "NONE."

- **Appointed-Majority Quorum:** A quorum rule that requires a majority of currently appointed members to be present at the meeting. A quorum is still coded as an “Appointed-Majority Quorum” even if the statute or regulations prohibit a single member from exercising the authority of the commission.
- **Unspecified Majority:** A quorum rule requiring “a majority of members” without specifying whether it means an absolute majority or an appointed majority.
- **Mixed:** The procedural rules use multiple styles of quorum depending on the specific action taken by the agency.
- **None Specified:** The procedural rules do not provide any information on quorum rules.

**Voting Rules (Statute-Based):**

The style of voting rules adopted by the commission’s organic statute:

- **Fixed-Numerosity Voting Rule:** A voting rule that requires a specific number of members to adopt a proposal.
- **Appointed-Majority Voting Rule:** A voting rule that requires a majority of currently appointed members to adopt a proposal.
- **Present-Majority Voting Rule:** A voting rule that requires a majority of currently appointed members to adopt a proposal.
- **Present-Majority Voting Rule:** A voting rule that requires a majority of those present at the meeting to adopt a proposal.
- **Unspecific Majority:** A voting rule requiring a “majority of members” without specifying whether it means an absolute majority, an appointed majority, or a present majority.
- **Mixed:** The statute uses multiple styles voting rules depending on the specific action taken by the commission.
- **None Specified:** The statute does not provide any information on voting rules.

**Voting Rules (Rule-Based):**

The style of voting rules adopted by the commission’s procedural rules:

- **Fixed-Numerosity Voting Rule:** A voting rule that requires a specific number of members to adopt a proposal.
- **Absolute-Majority Voting Rule:** A voting rule that requires a majority of the total members (including vacant seats) to adopt a proposal.
- **Appointed-Majority Voting Rule:** A voting rule that requires a majority of currently appointed members to adopt a proposal.
- **Present-Majority Voting Rule:** A voting rule that requires a majority of those present at the meeting to adopt a proposal.
- **Unspecific Majority:** A voting rule requiring a “majority of members” without specifying whether it means an absolute majority, an appointed majority, or a present majority.

- **Mixed:** The statute uses multiple styles voting rules depending on the specific action taken by the commission.
- **None Specified:** The statute does not provide any information on voting rules.

**Number of Members For Quorum (Numeric)<sup>30</sup>**

If the agency has a fixed-numerosity quorum rule, the number of members that must be present for purposes of a quorum.

**Number of Members For Approval (Numeric)<sup>31</sup>**

If the agency has a fixed-numerosity voting rule, the number of members that must vote to approve an action.

**Required Members for Quorum (Binary)<sup>32</sup>**

Whether the agency’s statute or rules require a specific member or category of members to be present at the meeting in order to establish a quorum.

**Required Members to Approve (Binary)<sup>33</sup>**

Whether the agency’s statute or rules require a specific member or category of members to vote in favor of a particular action.

**Single-Member Restrictions (Binary)<sup>34</sup>**

Whether the agency’s organic statute or rules prohibit a single member of the commission from exercising the authority of the commission. For example, the Chemical Safety and Hazard Investigation Board’s regulations prohibit a single member from “transact[ing] Board business or tak[ing] any action that requires approval by the Board.”<sup>35</sup>

**Actions Without Quorum Due to Vacancies (Binary)<sup>36</sup>**

Whether the agency’s organic statute or rules permit the commission to take specific actions if the agency lacks a quorum. This does not include mere adjournment, recess, or other procedural actions related to the lack of a quorum. This variable only examines

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30. Variable coded as “NUM\_QUORUM” in the dataset.

31. Variable coded as “NUM\_QUORUM” in the dataset.

32. Variable coded as “REQUIRED\_MEM” in the dataset. A value of “1” indicates that certain members must be present at the meeting in order to establish a quorum. Otherwise, this variable takes a value of “0.”

33. Variable coded as “REQUIRED\_MEM” in the dataset. A value of “1” indicates that certain members must be present at the meeting in order to establish a quorum. Otherwise, this variable takes a value of “0.”

34. Variable coded as “SINGLE\_MEM” in the dataset. A value of “1” indicates that a single member cannot exercise the authority of the commission. Otherwise, this variable takes a value of “0.”

35. *See* 40 C.F.R. § 1600.5(a) (2025).

36. Variable coded as “NOQUORUM\_VAC” in the dataset. A value of “1” indicates that the statute allows the agency to take specific actions when the agency lacks a quorum due to vacancies on the commission. Otherwise, this variable takes a value of “0.”

explicit references to what happens if the agency lacks the number of members needed to satisfy its quorum requirements. It does not capture delegations that may allow the agency to operate without a quorum.

**Actions Without a Quorum Due to Emergencies (Binary)<sup>37</sup>**

Whether the agency’s organic statute or rules permit the commission to operate without a quorum in the event of an emergency. For example, the procedural rules adopted by the Securities and Exchange Commission permits a single member to exercise the authority of the Commission when, “in the opinion of the duty officer, action is required to be taken which, by reason of its urgency, cannot practicably be scheduled for consideration at a Commission meeting.”<sup>38</sup>

**Delegation Authority (Categorical)<sup>39</sup>**

Whether the agency’s statute or rules permit the commission to broadly delegate its authority to specific members, employees, the Chair, other agencies, or any other actor. This does not include the delegation of the chair’s authority. This does not include provisions permitting the delegation of a single function. This does not include regulations permitting the commission to delegate compliant investigations under the Rehabilitation Act of 1973.<sup>40</sup>

- Yes: The commission has broad authority to delegate its powers to other actors.
- Yes with limitations: The agency has authority to delegate some of its powers to other actors but certain actions are reserved exclusively for the commission. For example, the Railroad Retirement Board’s statute specifies, “The Board is authorized to delegate to any member, officer, or employee of the Board any of the powers conferred upon the Board by this subchapter, excluding only the power to prescribe rules and regulations, including the power to make decisions on applications for annuities or other benefits.”<sup>41</sup>
- No: The statute does not contain any provision specifically authorizing delegation of the commission’s authority.

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37. Variable coded as “NOQUORUM\_EMERG” in the dataset. A value of “1” indicates that the statute allows the agency to take specific actions when the agency lacks a quorum due to an emergency. Otherwise, this variable takes a value of “0.”

38. 17 C.F.R. § 200.43(b)(1).

39. Variable coded as “DELEGATION\_EMP” in the dataset. The variable takes three values corresponding to the categories: “YES,” “LIMITED,” or “NO.”

40. *See, e.g.*, 12 C.F.R. § 606.670 (“The agency may delegate its authority for conducting complaint investigations to other Federal agencies, except that the authority for making the final determination may not be delegated to another agency.”).

41. 45 U.S.C. § 231f(b)(3).

## Prohibitions of Delegations

Whether the agency's statute or rules expressly prohibit the agency from delegating its authority to other actors.<sup>42</sup>

## II. Agency Appendix

### Administrative Conference of the United States (Council)

Number of Members: 11.<sup>43</sup>  
Number of Members Appointed by the President: 11.<sup>44</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Entities: None.  
Non-Voting Members: None.  
Removal Protections for Members: No.  
Serve at the Pleasure of the President: No.  
Term Length: 3 years.<sup>45</sup>  
Partisan Balancing: No.  
Continuation of Service During Vacancy: Yes.<sup>46</sup>  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: No.  
Quorum Rules (Statute-Based): None Specified.  
Quorum Rules (Rule-Based): Unspecified Majority.<sup>47</sup>  
Voting Rules (Statute-Based): None Specified.  
Voting Rules (Rule-Based): None Specified.

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42. Variable coded as "PROHIBIT\_STAT" in the dataset. A value of "1" indicates that the statute prohibits the agency from delegating its authority. Otherwise, this variable takes a value of "0."

43. See 5 U.S.C. § 595(b) ("The Conference includes a Council composed of the Chairman of the Conference, who is Chairman of the Council, and 10 other members appointed by the President, of whom not more than one-half shall be employees of Federal regulatory agencies or Executive departments.").

44. See *id.*; *id.* § 593(b)(1) ("[A] full-time Chairman appointed for a 5-year term by the President, by and with the advice and consent of the Senate.").

45. *Id.* § 595(b) ("The term of each member, except the Chairman, is 3 years.").

46. *Id.* ("When the term of a member ends, he may continue to serve until a successor is appointed.").

47. ADMINISTRATIVE CONFERENCE OF THE UNITED STATES, BYLAWS OF THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES § 302.6(b) (June 16, 2023), <https://perma.cc/57J8-YVBG> ("A majority of the members of the Conference shall constitute a quorum of the Assembly; a majority of the Council shall constitute a quorum of the Council.").

Number of Members for Quorum: N/A.  
Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: Yes.<sup>48</sup>  
Prohibitions on Delegation: No.

**AMTRAK (National Railroad Passenger Corporation) (Board of Directors)**

Number of Members: 9.<sup>49</sup>  
Number of Members Appointed by the President: 8.<sup>50</sup>  
Number of Voting, Ex Officio Members: 1.<sup>51</sup>  
Ex Officio Members: Secretary of Transportation.<sup>52</sup>  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Entities: None.  
Non-Voting Members: Chief Executive Officer of Amtrak.<sup>53</sup>  
Removal Protections for Members: No.  
Serve at the Pleasure of the President: No.  
Term Length: 5 years.<sup>54</sup>

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48. *Id.* § 595(c)(15) (“The Chairman is the chief executive of the Conference. In that capacity he has the power to . . . exercise such additional authority as the Council or Assembly delegates to him . . .”).

49. 49 U.S.C. § 24302(a)(1) (“The Amtrak Board of Directors (referred to in this section as the ‘Board’) is composed of the following 10 directors[.]”).

50. *Id.* § 24302(a)(1)(C) (“8 individuals appointed by the President of the United States, by and with the advice and consent of the Senate, with general business and financial experience, experience or qualifications in transportation, freight and passenger rail transportation, travel, hospitality, cruise line, or passenger air transportation businesses, or representatives of employees or users of passenger rail transportation or a State government, at least 1 of whom shall be an individual with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)) who has a demonstrated history of, or experience with, accessibility, mobility, and inclusive transportation in passenger rail or commuter rail.”).

51. *Id.* § 24302(a)(1)(A).

52. *Id.* (“The Secretary of Transportation.”).

53. *Id.* § 24302(a)(1)(B) (“The Chief Executive Officer of Amtrak, who shall serve as a nonvoting member of the Board.”).

54. *Id.* § 24302(a)(3) (“An individual appointed under paragraph (1)(C) of this subsection shall be appointed for a term of 5 years.”).

Partisan Balancing: Yes.<sup>55</sup>  
Continuation of Service During Vacancy: Yes.<sup>56</sup>  
Time Limit on Vacancies: Yes.<sup>57</sup>  
Vacancies Do Not Impair Functions: No.  
Quorum Rules (Statute-Based): Appointed Majority.<sup>58</sup>  
Quorum Rules (Rule-Based): Appointed Majority.<sup>59</sup>  
Voting Rules (Statute-Based): None Specified.  
Voting Rules (Rule-Based): Present Majority.<sup>60</sup>  
Number of Members for Quorum: N/A.  
Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: No.  
Prohibitions on Delegation: No.

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55. *Id.* § 24302(a)(3) (“Not more than 5 individuals appointed under paragraph (1)(C) may be members of the same political party.”).
56. *Id.* § 24302(a)(3) (“Such term may be extended until the individual’s successor is appointed and qualified.”).
57. *Id.* § 24302(d) (“A vacancy required to be filled by appointment under subsection (a)(1)(C) must be filled not later than 120 days after the vacancy occurs.”).
58. *Id.* § 24302(e) (“A majority of the members serving who are eligible to vote shall constitute a quorum for doing business.”).
59. NATIONAL RAILROAD PASSENGER CORPORATION, AMENDED AND RESTATED BYLAWS § 4.08 (Jan. 28, 2021), <https://perma.cc/276X-928L> (“A majority of the Directors serving who are eligible to vote shall constitute a quorum for the purpose of conducting the business of the Board. Except as otherwise specifically provided by statute, the Articles of Incorporation or these Bylaws, the acts of a majority of the Directors who are eligible to vote and are present at a meeting at which a quorum exists shall be the acts of the Board. A majority of the Directors who are eligible to vote and are present at any meeting may adjourn the meeting from time to time. Each Director who is eligible to vote shall be entitled to one vote.”).
60. *Id.* § 4.08 (“A majority of the Directors serving who are eligible to vote shall constitute a quorum for the purpose of conducting the business of the Board. Except as otherwise specifically provided by statute, the Articles of Incorporation or these Bylaws, the acts of a majority of the Directors who are eligible to vote and are present at a meeting at which a quorum exists shall be the acts of the Board. A majority of the Directors who are eligible to vote and are present at any meeting may adjourn the meeting from time to time. Each Director who is eligible to vote shall be entitled to one vote.”).

**Architectural and Transportation Barriers Compliance Board (Access Board)**

Number of Members: 25.<sup>61</sup>

Number of Members Appointed by the President: 13.<sup>62</sup>

Number of Voting, Ex Officio Members: 12.<sup>63</sup>

Ex Officio Members: Secretary of Health and Human Services;<sup>64</sup> Secretary of Transportation;<sup>65</sup> Secretary of Housing and Urban Development;<sup>66</sup> Secretary of Labor;<sup>67</sup> Secretary of the Interior.<sup>68</sup> Secretary of Defense;<sup>69</sup> Attorney General;<sup>70</sup> Administrator of the General Services Administration;<sup>71</sup> Secretary of Veterans Affairs;<sup>72</sup> Postmaster General;<sup>73</sup> Secretary of Education;<sup>74</sup> Secretary of Commerce.<sup>75</sup>

Number of Members Appointed by Other Entities: 0.

Members Appointed by Other Entities: None.

Non-Voting Members: None.

Removal Protections for Members: No.

Serve at the Pleasure of the President: No.

Term Length: 4 years.<sup>76</sup>

Partisan Balancing: No.

Continuation of Service During Vacancy: Yes.<sup>77</sup>

Time Limit on Vacancies: No.

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61. 29 U.S.C. § 792(a)(1).

62. *Id.* § 792(a)(1)(A) (“Thirteen members shall be appointed by the President from among members of the general public of whom at least a majority shall be individuals with disabilities.”).

63. *Id.* § 792(a)(1)(B).

64. *Id.* § 792(a)(1)(B)(i).

65. *Id.* § 792(a)(1)(B)(ii).

66. *Id.* § 792(a)(1)(B)(iii).

67. *Id.* § 792(a)(1)(B)(iv).

68. *Id.* § 792(a)(1)(B)(v).

69. *Id.* § 792(a)(1)(B)(vi).

70. *Id.* § 792(a)(1)(B)(vii).

71. *Id.* § 792(a)(1)(B)(viii).

72. *Id.* § 792(a)(1)(B)(ix).

73. *Id.* § 792(a)(1)(B)(x).

74. *Id.* § 792(a)(1)(B)(xi).

75. *Id.* § 792(a)(1)(B)(xii).

76. *Id.* § 792(a)(2)(A)(i) (“The term of office of each appointed member of the Access Board shall be 4 years, except as provided in clause (ii).”).

77. *Id.* § 792(a)(2)(B) (“A member whose term has expired may continue to serve until a successor has been appointed.”).

Vacancies Due Not Impair Functions: No.  
Quorum Rules (Statute-Based): None Specified.<sup>78</sup>  
Quorum Rules (Rule-Based): Fixed Numerosity.<sup>79</sup>  
Voting Rules (Statute-Based): None Specified.  
Voting Rules (Rule-Based): Present Majority.<sup>80</sup>  
Number of Members for Quorum: 13.<sup>81</sup>  
Number of Members for Approval: N/A.  
Required Members for Quorum: Yes.<sup>82</sup>  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: Yes.<sup>83</sup>  
Prohibitions on Delegation: No.

### **Barry Goldwater Scholarship and Excellence in Education Foundation**

Number of Members: 13.<sup>84</sup>  
Number of Members Appointed by the President: 8.<sup>85</sup>

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78. *Id.* § 792(a)(6)(B) (“The bylaws shall include quorum requirements.”).

79. 36 C.F.R. § 1151.6(j) (“A quorum shall be the majority of the membership of the Board (as fixed by statute). A majority of the members required for a quorum shall be public members. A majority of the members required for a quorum shall be public members.”).

80. *Id.* § 1151.6(k) (“Except as otherwise prescribed in the bylaws in this part, a majority vote of the members present and any proxies is necessary for action by the Board.”).

81. *See id.* § 1151.6(j).

82. 29 U.S.C. § 792(a)(6)(B) (“The quorum requirements shall provide that (i) a proxy may not be counted for purposes of establishing a quorum, and (ii) not less than half the members required for a quorum shall be members of the general public appointed under paragraph (1)(A).”).

83. 36 C.F.R. § 1151.5(a) (“The Board may delegate to the Executive Committee (provided for in § 1151.7(a)) authority to implement its decisions by a majority vote of the members present at a meeting and any proxies. To the extent permitted by law, the Board may delegate to the Executive Committee any other of its authorities by two-thirds vote of the members present at a meeting and any proxies. A separate delegation is necessary for each action the Board desires the Executive Committee to implement.”); *id.* § 1151.5(b) (“To the extent permitted by law, the Board may delegate other duties to its officers or committees by a vote of two-thirds of the members present at a meeting and any proxies.”); *id.* § 1151.5(c) (“Unless expressly prohibited in the original delegation, an officer or committee may redelegate authority.”).

84. 20 U.S.C. § 4703(b) (“The Board shall be composed of 13 members . . .”).

85. *Id.* § 4703(b)(3) (“Eight members, not more than four of whom shall be of the same political party, to be appointed by the President, by and with the advice and consent of the Senate.”).

Number of Voting, Ex Officio Members: 1.<sup>86</sup>  
Ex Officio Members: Secretary of Education.<sup>87</sup>  
Number of Members Appointed by Other Entities: 4.<sup>88</sup>  
Members Appointed by Other Entities: 1 member of the Senate appointed by the Senate majority leader;<sup>89</sup> 1 member of the Senate appointed by the Senate minority leader;<sup>90</sup> 1 member of the House of Representatives appointed by the House majority leader;<sup>91</sup> 1 member of the House of Representatives appointed by the House minority leader.<sup>92</sup>  
Non-Voting Members: None.  
Removal Protections for Members: No.  
Serve at the Pleasure of the President: No.  
Term Length: 6 years.<sup>93</sup>  
Partisan Balancing: Yes.<sup>94</sup>  
Continuation of Service During Vacancy: Yes.<sup>95</sup>  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: No.  
Quorum Rules (Statute-Based): None Specified.  
Quorum Rules (Rule-Based): Unspecified Majority.<sup>96</sup>  
Voting Rules (Statute-Based): None Specified.

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86. *Id.* § 4703(b)(4) (“The Secretary of Education, or his designee, who shall serve ex officio as a member of the Board but shall not be eligible to serve as Chairman.”).

87. *Id.*

88. *Id.* §§ 4703(b)(1)-4703(b)(2).

89. *Id.* § 4703(b)(1) (“Two members from the Senate, one appointed by the majority leader and one appointed by the minority leader of the Senate.”).

90. *Id.*

91. *Id.* § 4703(b)(2) (“Two members from the House of Representatives, one appointed by the majority leader and one appointed by the minority leader of the House of Representatives.”).

92. *Id.*

93. *Id.* § 4703(c)(1) (“The term of office of each member of the Board shall be six years . . .”).

94. *Id.* § 4703(b)(3) (“Eight members, not more than four of whom shall be of the same political party, to be appointed by the President, by and with the advice and consent of the Senate.”).

95. *Id.* § 4703(c)(1)(C) (“[N]otwithstanding the term limitation provided for under this paragraph, a member appointed under subsection (b) may continue to serve under such appointment until the successor to the member is appointed.”).

96. BY-LAWS OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION § 2.11 (on file with authors) (“The physical/virtual presence of a majority of the trustees shall constitute a quorum for the transaction of business at any meeting. Ex Officio members of the Board are not included in the count when determining the number needed for a quorum and are not counted when determining whether a quorum is present.”).

Voting Rules (Rule-Based): Present Majority.<sup>97</sup>  
Number of Members for Quorum: N/A.  
Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: Yes.<sup>98</sup>  
Prohibitions on Delegation: No.

### **Chemical Safety and Hazard Investigations Board**

Number of Members: 5.<sup>99</sup>  
Number of Members Appointed by the President: 5.<sup>100</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Entities: None.  
Non-Voting Members: None.  
Removal Protections for Members: Yes.<sup>101</sup>  
Serve at the Pleasure of the President: No.  
Term Length: 5 years.<sup>102</sup>  
Partisan Balancing: No.  
Continuation of Service During Vacancy: No.

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97. *Id.* § 2.12 (“The requirements of section 1411 (a) (6) of P.L. 99- 661 shall be interpreted to mean that two-thirds of the members of the Board at a meeting at which a quorum is present are required to concur only when major decisions are made, such as the initial award of a major contract or the establishment of the scholarship program. For all other decisions, a simple majority of such trustees voting at a meeting at which a quorum is present is required. Trustees may vote by proxy.”).

98. *Id.* § 3.02 (“The duties of the officers shall be such as usually attach to such officers, and in addition thereto, such further duties as may be designated from time to time by the Board.”); *id.* § 2.10 (on file with authors) (“The Chair of the Board shall have such powers and perform such duties as the Board may prescribe and shall serve at the pleasure of the Board.”).

99. 42 U.S.C. § 7412(r)(6)(B) (“The Board shall consist of 5 members, including a Chairperson, who shall be appointed by the President, by and with the advice and consent of the Senate.”).

100. *Id.*

101. *Id.* § 7412(r)(6)(B) (“Any member of the Board, including the Chairperson, may be removed for inefficiency, neglect of duty, or malfeasance in office.”).

102. *Id.* § 7412(r)(6)(B) (“The terms of office of members of the Board shall be 5 years.”).

*Commission Quorums: Appendix*  
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Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: No.  
Quorum Rules (Statute-Based): None Specified.  
Quorum Rules (Rule-Based): Appointed Majority.<sup>103</sup>  
Voting Rules (Statute-Based): None Specified.  
Voting Rules (Rule-Based): Present Majority.<sup>104</sup>  
Number of Members for Quorum: N/A.  
Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: Yes.<sup>105</sup>  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: No.  
Prohibitions on Delegation: No.

**Commission on Civil Rights**

Number of Members: 8.<sup>106</sup>  
Number of Members Appointed by the President: 4.<sup>107</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 4.<sup>108</sup>

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103. 40 C.F.R. § 1600.5(a) (“A quorum of the Board for the transaction of business shall consist of three Members; provided, however, that if the number of Board Members in office is fewer than three, a quorum shall consist of the number of Members in Office, subject to the limitations on the authority of a single-Member Board set forth in this section and in Board Orders adopted by the Board; and provided further that on any matter of business as to which the number of Members in office, minus the number of Members who have disqualified themselves from consideration of such matter is two, two Members shall constitute a quorum for purposes of such matter.”).
104. *Id.* § 1600.5(a) (“Once a quorum is constituted, a simple majority of voting Members is required to approve an item of the Board’s business. A tie vote results in no action.”).
105. *Id.* (“If the Board consists of only a single Member (whether the Chairperson or another Member), that single Member may not transact Board business or take any action that requires approval by the Board, except as provided in Board Orders adopted by the Board.”).
106. 42 U.S.C. § 1975(b) (“The Commission shall be composed of 8 members.”).
107. *Id.* § 1975(b)(1) (“4 members of the Commission shall be appointed by the President.”).
108. *Id.* §§ 1975(b)(2)-1975(b)(3).

*Commission Quorums: Appendix*  
78 STAN. L. REV. 1125 app. 1 (2026)

Members Appointed by Other Entities: 2 members appointed by the President pro tempore of the Senate;<sup>109</sup> 2 members of the Commission appointed by the Speaker of the House of Representatives.<sup>110</sup>

Non-Voting Members: None.

Removal Protections for Members: Yes.<sup>111</sup>

Serve at the Pleasure of the President: No.

Term Length: 6 years.<sup>112</sup>

Partisan Balancing: Yes.<sup>113</sup>

Continuation of Service During Vacancy: No.

Time Limit on Vacancies: No.

Vacancies Do Not Impair Functions: No.<sup>114</sup>

Quorum Rules (Statute-Based): Fixed Numerosity.<sup>115</sup>

Quorum Rules (Rule-Based): Fixed Numerosity.<sup>116</sup>

Voting Rules (Statute-Based): Mixed.<sup>117</sup>

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109. *Id.* § 1975(b)(2) (“2 members of the Commission shall be appointed by the President pro tempore of the Senate, upon the recommendations of the majority leader and the minority leader, and of the members appointed not more than one shall be appointed from the same political party.”).
110. *Id.* § 1975(b)(3) (“2 members of the Commission shall be appointed by the Speaker of the House of Representatives upon the recommendations of the majority leader and the minority leader, and of the members appointed not more than one shall be appointed from the same political party.”).
111. *Id.* § 1975(e) (“The President may remove a member of the Commission only for neglect of duty or malfeasance in office.”).
112. *Id.* § 1975(c) (“The term of office of each member of the Commission shall be 6 years.”).
113. *Id.* § 1975(b) (“Not more than 4 of the members shall at any one time be of the same political party.”); *id.* § 1975(b)(2) (“2 members of the Commission shall be appointed by the President pro tempore of the Senate, upon the recommendations of the majority leader and the minority leader, and of the members appointed not more than one shall be appointed from the same political party.”); 42 U.S.C. § 1975(b)(3) (“2 members of the Commission shall be appointed by the Speaker of the House of Representatives upon the recommendations of the majority leader and the minority leader, and of the members appointed not more than one shall be appointed from the same political party.”).
114. *But see* 45 C.F.R. § 701.10(c) (“No vacancy in the Commission affects its powers and any vacancy is filled in the same manner and is subject to the same limitations with respect to party affiliations as previous appointments.”).
115. 42 U.S.C. § 1975(f) (“5 members of the Commission constitute a quorum of the Commission.”).
116. 45 C.F.R. § 701.10(d) (“Five members of the Commission constitute a quorum.”).
117. 42 U.S.C. § 1975(e)(1) (“The holding of a hearing by the Commission or the appointment of a subcommittee to hold a hearing pursuant to this paragraph must be approved by a majority of the Commission, or by a majority of the members present at a meeting when a quorum is present.”).

Voting Rules (Rule-Based): Mixed.<sup>118</sup>  
Number of Members for Quorum: 5.<sup>119</sup>  
Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergency: No.  
Delegation Authority: Yes.<sup>120</sup>  
Prohibitions on Delegation: No.

### Commodity Credit Corporation

Number of Members: 8.<sup>121</sup>  
Number of Members Appointed by the President: 7.<sup>122</sup>  
Number of Voting, Ex Officio Members: 1.<sup>123</sup>  
Ex Officio Members: Secretary of Agriculture.<sup>124</sup>  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Entities: None.  
Non-Voting Members: None.  
Removal Protections for Members: No.  
Serve at the Pleasure of the President: No.  
Term Length: None Specified.  
Partisan Balancing: No.  
Continuation of Service During Vacancy: No.

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118. 45 C.F.R. § 702.2 (“The holding of hearings by the Commission or the appointment of a subcommittee to hold hearings pursuant to this section must be approved by a majority of the Commission or by a majority of the members present at a meeting at which at least a quorum of five members is present.”).

119. *Id.*

120. *Id.* § 703.6(d)(5) (“The Chairperson . . . shall . . . Perform such other functions as the Committee may authorize or the Commission may request.”). The precise scope of the Chairperson’s authority is uncertain from the statute and regulation. The regulations envision that the Chairperson will perform functions assigned to them by the Commission. No provision, however, specifies limitations on the functions that can be delegated to the Chairperson.

121. 15 U.S.C. § 714g(a) (“The Board shall consist of seven members (in addition to the Secretary), who shall be appointed by the President.”).

122. *Id.*

123. *Id.* (“The Secretary shall be an ex officio director and shall serve as Chairman of the Board.”).

124. *Id.*

Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: No.  
Quorum Rules (Statute-Based): Unspecified Majority.<sup>125</sup>  
Quorum Rules (Rule-Based): Fixed Numerosity.<sup>126</sup>  
Voting Rules (Statute-Based): Present Majority.<sup>127</sup>  
Voting Rules (Rule-Based): Present Majority.<sup>128</sup>  
Number of Members for Quorum: 5.<sup>129</sup>  
Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: Yes.<sup>130</sup>  
Prohibitions on Delegation: No.

### Commodity Futures Trading Commission

Number of Members: 5.<sup>131</sup>

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125. *Id.* (“A majority of the directors shall constitute a quorum of the Board and action shall be taken only by a majority vote of those present.”).
126. COMMODITY CREDIT CORPORATION, BYLAWS OF THE CORPORATION ¶ 5 (May 3, 2022), <https://perma.cc/VA6G-E5BD> (“At any meeting of the Board, a quorum shall consist of five members (present in person or by telephone or video). The act of a majority of the members present at any meeting at which there is a quorum shall be the act of the Board.”).
127. 15 U.S.C. § 714g(a) (“A majority of the directors shall constitute a quorum of the Board and action shall be taken only by a majority vote of those present.”).
128. COMMODITY CREDIT CORPORATION, *supra* note 126, at ¶ 5 (“At any meeting of the Board, a quorum shall consist of five members (present in person or by telephone or video). The act of a majority of the members present at any meeting at which there is a quorum shall be the act of the Board.”).
129. *Id.*
130. 15 U.S.C. § 714h (“The Secretary shall appoint such officers and employees as may be necessary for the conduct of the business of the Corporation, define their authority and duties, delegate to them such of the powers vested in the Corporation as he may determine.”). The Secretary of Agriculture acts as the chair and has significant control over the actions of the Board. For example, the Corporation’s bylaws specify, “The actions of the Board shall be subject to the approval of the Secretary Agriculture.” COMMODITY CREDIT CORPORATION, BYLAWS OF THE CORPORATION ¶ 15 (May 3, 2022), <https://perma.cc/VA6G-E5BD>.
131. 7 U.S.C. § 2(a)(2)(A) (“The Commission shall be composed of five Commissioners who shall be appointed by the President, by and with the advice and consent of the Senate.”).

Commission Quorums: Appendix  
78 STAN. L. REV. 1125 app. 1 (2026)

Number of Members Appointed by the President: 5.<sup>132</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Entities: None.  
Non-Voting Members: None.  
Removal Protections for Members: Yes.<sup>133</sup>  
Serve at the Pleasure of the President: No.  
Term Length: 5 years.<sup>134</sup>  
Partisan Balancing: Yes.<sup>135</sup>  
Continuation of Service During Vacancy: Yes with limitations.<sup>136</sup>  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: Yes.<sup>137</sup>  
Quorum Rules (Statute-Based): None Specified.  
Quorum Rules (Rule-Based): Unspecified Majority.<sup>138</sup>  
Voting Rules (Statute-Based): None Specified.  
Voting Rules (Rule-Based): None Specified.  
Number of Members for Quorum: N/A.  
Number of Members for Approval: No.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: Yes.<sup>139</sup>

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132. *Id.*

133. *Id.* § 2(a)(15)(B)(ii) (“Members shall be appointed to 3-year terms, but may be removed for cause by vote of the Commission.”).

134. *Id.* § 2(a)(2)(A). (“Each Commissioner shall hold office for a term of five years . . .”).

135. *Id.* (“Not more than three of the members of the Commission shall be members of the same political party.”).

136. *Id.* (“Each Commissioner shall hold office . . . until his successor is appointed and has qualified, except that he shall not so continue to serve beyond the expiration of the next session of Congress subsequent to the expiration of said fixed term of office.”).

137. *Id.* § 2(a)(3) (“A vacancy in the Commission shall not impair the right of the remaining Commissioners to exercise all the powers of the Commission.”).

138. The general counsel of the CFTC has said that the agency can still operate with two members. Lydia Beyond, *CFTC to Dwindle to Two Members After Goldsmith Romero Departure*, BLOOMBERG (May 16, 2026), <https://perma.cc/B9WX-2XPP>.

139. 17 C.F.R. § 140.11(a) (“When it is not feasible to convene a quorum of the Commission, the Senior Commissioner present at the Commission headquarters (or, during non-business hours, available in the Washington, DC area) may take emergency action on behalf of and in the name of the Commission in accordance with the procedures set forth in this section. Members of the Commission shall be considered senior in the following  
*footnote continued on next page*”)

Actions Without a Quorum Due to Emergencies: Yes.<sup>140</sup>  
Delegation Authority: No.  
Prohibitions on Delegation: Yes.<sup>141</sup>

### Consumer Product Safety Commission

Number of Members: 5.<sup>142</sup>  
Number of Members Appointed by the President: 5.<sup>143</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Entities: None.  
Non-Voting Members: None.  
Removal Protections for Members: Yes.<sup>144</sup>  
Serve at the Pleasure of the President: No.  
Term Length: 7 years.<sup>145</sup>  
Partisan Balancing: Yes.<sup>146</sup>

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order: the Chairman and other Commissioners in order of their length of service on the Commission. Where two or more Commissioners have commenced their service on the same date, the Commissioner whose unexpired term in office is the longest will be considered senior.”).

140. *Id.*

141. *Id.* § 40.2(c) (“The Commission may stay the listing of a contract pursuant to paragraph (a) of this section during the pendency of Commission proceedings for filing a false certification or during the pendency of a petition to alter or amend the contract terms and conditions pursuant to Section 8a(7) of the Act. The decision to stay the listing of a contract in such circumstances shall not be delegable to any employee of the Commission.”); *id.* § 40.6(c)(4) (“The Commission may stay the effectiveness of an implemented rule during the pendency of Commission proceedings for filing a false certification or during the pendency of a petition to alter or amend the rule pursuant to section 8a(7) of the Act. The decision to stay the effectiveness of a rule in such circumstances shall not be delegable to any employee of the Commission.”).

142. 15 U.S.C. § 2053(a) (“An independent regulatory commission is hereby established, to be known as the Consumer Product Safety Commission, consisting of five Commissioners who shall be appointed by the President, by and with the advice and consent of the Senate.”).

143. *Id.*

144. *Id.* (“Any member of the Commission may be removed by the President for neglect of duty or malfeasance in office but for no other cause.”).

145. *Id.* § 2053(b)(1) (“[E]ach of their successors shall be appointed for a term of seven years from the date of the expiration of the term for which his predecessor was appointed.”).

146. *Id.* § 2053(c) (“Not more than three of the Commissioners shall be affiliated with the same political party.”).

Continuation of Service During Vacancy: Yes with limitations.<sup>147</sup>

Time Limit on Vacancies: No.

Vacancies Do Not Impair Functions: Yes.<sup>148</sup>

Quorum Rules (Statute-Based): Mixed.<sup>149</sup>

Quorum Rules (Rule-Based): Mixed.<sup>150</sup>

Voting Rules (Statute-Based): None Specified.

Voting Rules (Rule-Based): None Specified.<sup>151</sup>

Number of Members for Quorum: 3.<sup>152</sup>

Number of Members for Approval: N/A.

Required Members for Quorum: No.

Required Members for Approval: No.

Single-Member Restrictions: No.

Actions Without a Quorum Due to Vacancies: No.

Actions Without a Quorum Due to Emergencies: No.

Delegation Authority: Yes.<sup>153</sup>

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147. *Id.* § 2053(b)(2) (“A Commissioner may continue to serve after the expiration of this term until his successor has taken office, except that he may not so continue to serve more than one year after the date on which his term would otherwise expire under this subsection.”).

148. *Id.* § 2053(d) (“No vacancy in the Commission shall impair the right of the remaining Commissioners to exercise all the powers of the Commission . . .”).

149. *Id.* (“No vacancy in the Commission shall impair the right of the remaining Commissioners to exercise all the powers of the Commission, but three members of the Commission shall constitute a quorum for the transaction of business, except that if there are only three members serving on the Commission because of vacancies in the Commission, two members of the Commission shall constitute a quorum for the transaction of business, and if there are only two members serving on the Commission because of vacancies in the Commission, two members shall constitute a quorum for the six month period beginning on the date of the vacancy which caused the number of Commission members to decline to two.”).

150. 16 C.F.R. § 1000.9 (“Three members of the Commission constitute a quorum for the transaction of business. If there are only three members serving on the Commission, two members constitute a quorum. If there are only two members serving on the Commission because of vacancies, two members constitute a quorum, but only for six months from the time the number of members was reduced to two.”).

151. *But see id.* § 1009.8(b) (“It is the general policy of the Commission that priorities for Commission action will be established by a majority vote of its members.”).

152. 15 U.S.C. § 2053(d).

153. 15 U.S.C. § 2076(b)(9) (“[T]o delegate to the general counsel of the Commission the authority to issue subpoenas solely to Federal, State, or local government agencies for evidence described in paragraph (3).); *id.* § 2076(b)(10) (“[T]o delegate any of its functions or powers, other than the power to issue [subpoenas] under paragraph (3) (except as provided in paragraph (9)), to any officer or employee of the Commission.”). The Commission has used this provision to delegate its authority to employees when it has lacked a quorum. *See e.g.*, U.S. CONSUMER PRODUCT SAFETY COMMISSION, INTERIM

*footnote continued on next page*

Prohibitions on Delegation: No.

### Corporation for National and Community Service

Number of Members: 15.<sup>154</sup>

Number of Members Appointed by the President: 15.<sup>155</sup>

Number of Voting, Ex Officio Members: 0.

Ex Officio Members: None.

Number of Members Appointed by Other Entities: 0.

Members Appointed by Other Entities: None.

Non-Voting Members: Secretary of Education; Secretary of Health and Human Services; Secretary of Labor; Secretary of the Interior; Secretary of Agriculture; Secretary of Housing and Urban Development; Secretary of Defense; Attorney General; Director of the Peace Corps; Administrator of the Environmental Protection Agency; Chief Executive Officer.<sup>156</sup>

Removal Protections for Members: No.<sup>157</sup>

Serve at the Pleasure of the President: No.

Term Length: 5 years.<sup>158</sup>

Partisan Balancing: Yes.<sup>159</sup>

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DELEGATION OF AUTHORITY IN THE ABSENCE OF A QUORUM (Feb. 1, 2008), <https://perma.cc/ZEH8-ZFNM>.

154. 42 U.S.C. § 12651a(a)(1) (“There shall be in the Corporation a Board of Directors (referred to in this division as the “Board”) that shall be composed of . . . 15 members, including an individual between the ages of 16 and 25 who—(i) has served in a school-based or community-based service-learning program; or (ii) is or was a participant or a supervisor in a program; to be appointed by the President, by and with the advice and consent of the Senate.”).
155. *Id.*
156. *Id.* § 12651a(a)(3) (“The Secretary of Education, the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Housing and Urban Development, the Secretary of Defense, the Attorney General, the Director of the Peace Corps, the Administrator of the Environmental Protection Agency, and the Chief Executive Officer shall serve as ex officio nonvoting members of the Board.”).
157. The Bylaws specify that the President may remove members from the board. BYLAWS OF THE BOARD OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE § 1.06(b) (on file with author) (Apr. 29, 2011), (“Only the President shall have the power to remove a Member from the Board.”).
158. *Id.* § 3.03(a) (“The Chairperson’s term of service shall be two years, with no limit on the number of terms an individual may serve as Chairperson.”).
159. 42 U.S.C. § 12651a(a)(2)(E) (“To the maximum extent practicable, the President shall appoint members . . . so that no more than 50 percent of the appointed members of the Board, plus 1 additional appointed member, are from a single political party.”).

Continuation of Service During Vacancy: Yes with limitations.<sup>160</sup>  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: Yes.<sup>161</sup>  
Quorum Rules (Statute-Based): Appointed Majority.<sup>162</sup>  
Quorum Rules (Rule-Based): Appointed Majority.<sup>163</sup>  
Voting Rules (Statute-Based): Unspecified Majority.  
Voting Rules (Rule-Based): Present Majority.<sup>164</sup>  
Number of Members for Quorum: N/A.  
Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: Yes.<sup>165</sup>  
Prohibitions on Delegation: No.

### Corporation for Public Broadcasting

Number of Members: 9.<sup>166</sup>

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160. *Id.* § 12651a(e) (“A voting member of the Board whose term has expired may continue to serve on the Board until the date on which the member’s successor takes office, which period shall not exceed 1 year.”).
161. *Id.* § 12651a(d) (“The vacancy shall not affect the power of the remaining members to execute the duties of the Board.”).
162. *Id.* § 12651b(b) (“A majority of the appointed members of the Board shall constitute a quorum.”).
163. BYLAWS OF THE BOARD OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE, *supra* note 157, at § 2.08(a) (“A majority of the appointed Board Members shall constitute a quorum for the transaction of business at any meeting of the Board.”); *id.* at § 2.09(a) (“If a quorum is present when a vote is taken, the affirmative vote of a majority of Members present is the act of the Board.”).
164. *Id.* § 2.09(a) (“If a quorum is present when a vote is taken, the affirmative vote of a majority of Members present is the act of the Board.”).
165. *Id.* § 1.01(c)(1) (Apr. 29, 2011), (“The Board may, by formal resolution, delegate responsibilities to the Chief Executive Officer upon determining that such a delegation would strengthen and make more effective its oversight of the management and operation of the Corporation.”); *id.* at § 3.03(d) (“The Chairperson shall exercise and perform such other powers and duties as may be from time to time assigned by the Board or prescribed by these by-laws.”).
166. 47 U.S.C. § 396(c)(1) (“The Corporation for Public Broadcasting shall have a Board of Directors . . . consisting of 9 members appointed by the President, by and with the advice and consent of the Senate.”).

Number of Members Appointed by the President: 9.<sup>167</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 0.  
Non-Voting Members: None.  
Removal Protections for Members: No.<sup>168</sup>  
Serve at the Pleasure of the President: No.  
Term Length: 6 years.<sup>169</sup>  
Partisan Balancing: Yes.<sup>170</sup>  
Continuation of Service During Vacancy: Yes with limitations.<sup>171</sup>  
Vacancy Time Limit: Yes.<sup>172</sup>  
Vacancies Do Not Impair Functions: Yes.<sup>173</sup>  
Quorum Rules (Statute-Based): None Specified.  
Quorum Rules (Rule-Based): Appointed Majority.<sup>174</sup>

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167. *Id.*

168. The statute does not contain removal protections. The bylaws of the Corporation, however, specify that the President may not remove members of the Board. *See* CORPORATION FOR PUBLIC BROADCASTING, BY-LAWS OF THE CORPORATION FOR PUBLIC BROADCASTING § 2.11 (May 15, 2025), <https://perma.cc/43JJ-7WXJ> (“No Director may be removed from the Board by any person or authority, including the President of the United States, without a two-thirds vote of the other Directors confirming such removal. In the event the Corporation’s President appoints one or more members of the Designated Body, such members may not be removed from the Designated Body by any person or authority, including the President of the United States, without a two-thirds vote of the other Directors and serving members of the Designated Body confirming such removal.”).

169. 47 U.S.C. § 396(c)(5) (“The term of office of each member of the Board appointed by the President shall be 6 years, except as provided in section 5(c) of the Public Telecommunications Act of 1992.”).

170. *Id.* § 396(c)(1) (“No more than 5 members of the Board appointed by the President may be members of the same political party.”).

171. *Id.* § 396(c)(5) (“Any member whose term has expired may serve until such member’s successor has taken office, or until the end of the calendar year in which such member’s term has expired, whichever is earlier.”).

172. *Id.* § 396(c)(7) (“Members of the Board shall attend not less than 50 percent of all duly convened meetings of the Board in any calendar year. A member who fails to meet the requirement of the preceding sentence shall forfeit membership and the President shall appoint a new member to fill such vacancy not later than 30 days after such vacancy is determined by the Chairman of the Board.”).

173. *Id.* § 396(c)(6) (“Any vacancy in the Board shall not affect its power, but shall be filled in the manner consistent with this chapter.”).

174. *See* CORPORATION FOR PUBLIC BROADCASTING, *supra* note 168, at § 2.10 (“At each regular meeting or special meeting of the Board, the presence or participation of a simple majority of the Directors then serving pursuant to law shall be necessary to constitute a quorum for the transaction of business. Except as otherwise specifically provided by  
*footnote continued on next page*

Voting Rules (Statute-Based): None Specified.  
Voting Rules (Rule-Based): Present Majority.<sup>175</sup>  
Number of Members for Quorum: N/A.  
Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: Yes.<sup>176</sup>  
Delegation Authority: Yes.<sup>177</sup>  
Prohibitions on Delegation: No.

### Council of Economic Advisers

Number of Members: 3.<sup>178</sup>  
Number of Members Appointed by the President: 3.<sup>179</sup>

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statute, the Articles of Incorporation, or these By-Laws, the acts of a majority of the Directors present at or participating in a regular meeting or special meeting, at which a quorum is present, shall be the acts of the Board. A Director who is present at or participating in a regular or special meeting of the Board, but who abstains from participation in the vote upon any matter whether he or she remains in the meeting or withdraws therefrom during the vote, may be counted for purposes of determining whether or not a quorum is present or participating, and if a quorum is present or participating, the acts with respect to any such matter of a majority of the Directors present or participating who do not abstain shall be the acts of the Board.”)

175. *Id.*

176. *See id.* § 2.10 (“Notwithstanding the foregoing, during an emergency period following a national, regional or local catastrophe, a majority of the surviving members of the Board of Directors who have not been rendered incapable of attending or participating shall constitute a quorum.”).

177. *See id.* (“The Board may assign and delegate to the Chair, Vice Chair, President and other officers of the Corporation additional duties and authority not conferred pursuant to these By-Laws only by resolution of the Board, which resolution shall be set forth in the minutes of the meeting at which it was adopted.”); *id.* at § 4.03 (“Each such officer shall have such authority and shall perform such duties as may be determined, from time to time, by the Board, or by the President, acting under the expressed delegated authority of the Board.”); *id.* at § 4.07 (“The President of the Corporation shall be its Chief Executive Officer and shall have the responsibility and authority for the day-to-day administration of the affairs of the Corporation under the general supervision of the Board and shall have such other powers and perform such other duties as the Board may from time to time prescribe.”); *id.* at § 4.08 (“Each Vice President shall have such powers and perform such duties as the Board or the President and Chief Executive Officer, under expressed authority delegated by the Board, may from time to time prescribe.”).

178. 15 U.S.C. § 1023(a)(2) (“The Council shall be composed of three members . . .”).

179. *Id.* § 1023(a)(2)(A) (“1 shall be the chairman who shall be appointed by the President by and with the advice and consent of the Senate . . . .”); *id.* § 1023(a)(2)(B) (“2 shall be appointed by the President.”).

Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Entities: None.  
Non-Voting Members: 0.  
Removal Protections for Members: No.  
Serve at the Pleasure of the President: No.  
Term Length: N/A.  
Partisan Balancing: No.  
Continuation of Service During Vacancy: No.  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: No.  
Quorum Rules (Statute-Based): None Specified.  
Quorum Rules (Rule-Based): None Specified.<sup>180</sup>  
Voting Rules (Statute-Based): None Specified.  
Voting Rules (Rule-Based): None Specified.  
Number of Members for Quorum: N/A.  
Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Vacancies: No.  
Delegation Authority: No.  
Prohibitions on Delegation: No.

### **Council on Environmental Quality**

Number of Members: 3.<sup>181</sup>  
Number of Members Appointed by the President: 3.<sup>182</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Entities: None.

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180. We contacted the Council of Economic Advisers, requesting any information on their quorum requirements and voting procedures. We have not received a response.

181. 42 U.S.C. § 4342 (“The Council shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate.”).

182. *Id.*

Non-Voting Members: None.  
Removal Protections for Members: No.  
Serve at the Pleasure of the President: Yes.<sup>183</sup>  
Term Length: N/A.  
Chair Term Length: N/A.  
Partisan Balancing: No.  
Continuation of Service During Vacancy: No.  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: No.  
Quorum Rules (Statute-Based): None Specified.  
Quorum Rules (Rule-Based): None Specified.<sup>184</sup>  
Voting Rules (Statute-Based): None Specified.  
Quorum Rules (Rule-Based): None Specified.  
Number of Members for Quorum: N/A.  
Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: No.  
Prohibitions on Delegation: No.

### **Defense Nuclear Facilities Safety Board**

Number of Members: 5.<sup>185</sup>  
Number of Members Appointed by the President: 5.<sup>186</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Entities: None.

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183. *Id.*

184. We contacted the Council of Environmental Quality, requesting any information on their quorum requirements and voting procedures. The Council responded informing us that it had no quorum or voting rules on record.

185. 42 U.S.C. § 2286(b)(1) (“The Board shall be composed of five members appointed from civilian life by the President, by and with the advice and consent of the Senate, from among United States citizens who are respected experts in the field of nuclear safety with a demonstrated competence and knowledge relevant to the independent investigative and oversight functions of the Board.”).

186. *Id.*

Non-Voting Members: None.  
Removal Protections for Members: No.  
Serve at the Pleasure of the President: No.  
Term Length: 5 years.<sup>187</sup>  
Partisan Balancing: Yes.<sup>188</sup>  
Continuation of Service During Vacancy: Yes with limitations.<sup>189</sup>  
Time Limit on Vacancies: Yes.<sup>190</sup>  
Vacancies Do Not Impair Functions: No.  
Quorum Rules (Statute-Based): Fixed Numerosity.<sup>191</sup>  
Quorum Rules (Rule-Based): None Specified.  
Voting Rules (Statute-Based): None Specified.  
Voting Rules (Rule-Based): None Specified.  
Number of Members for Quorum: 3.<sup>192</sup>  
Number of Members for Approval: N/A  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without Quorum Due to Vacancies: Yes.<sup>193</sup>  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: No.  
Prohibitions on Delegation: No.

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187. *Id.* § 2286(d)(1) (“Except as provided under paragraph (2), the members of the Board shall serve for terms of five years.”).

188. *Id.* § 2286(b)(1) (“Not more than three members of the Board shall be of the same political party.”).

189. *Id.* § 2286(d)(3)(B) (“A member may not serve after the expiration of the member’s term, unless the departure of the member would result in the loss of a quorum for the Board. If more than one member is serving after the expiration of the member’s term and a new member is appointed to the Board so that one of the members serving after the expiration of the member’s term is no longer necessary to maintain a quorum, the member whose term expired first may no longer serve on the Board.”).

190. *Id.* § 2286(d)(4)(A) (“Not later than 180 days after the expiration of the term of a member of the Board, the President shall (i) submit to the Senate the nomination of an individual to fill the vacancy; or (ii) submit to the Committee on Armed Services of the Senate a report that includes (I) a description of the reasons the President did not submit such a nomination; and (II) a plan for submitting such a nomination during the 90-day period following the submission of the report.”).

191. *Id.* § 2286(e)(1) (“Three members of the Board shall constitute a quorum, but a lesser number may hold hearings.”).

192. *Id.*

193. *Id.* § 2286(e)(2) (“In accordance with paragraph (4), during a covered period, the Chairperson, in consultation with an eligible member, may carry out the functions and powers of the Board under sections 2286a through 2286e of this title, notwithstanding that a quorum does not exist.”).

**Election Assistance Commission**

Number of Members: 4.<sup>194</sup>  
Number of Members Appointed by the President: 4.<sup>195</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Entities: None.  
Non-Voting Members: None.  
Removal Protections for Members: No.  
Serve at the Pleasure of the President: No.  
Term Length: 4 years.<sup>196</sup>  
Partisan Balancing: Yes.<sup>197</sup>  
Continuation of Service During Vacancy: Yes.<sup>198</sup>  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: No.  
Quorum Rules (Statute-Based): None Specified.  
Quorum Rules (Rule-Based): None Specified.  
Voting Rules (Statute-Based): Fixed Numerosity.<sup>199</sup>  
Voting Rules (Rule-Based): None Specified.  
Number of Members for Quorum: N/A.  
Number of Members for Approval: 3.<sup>200</sup>  
Required Members for Quorum: No.  
Required Members for Approval: No.

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194. 52 U.S.C. § 20923(a)(1) (“The Commission shall have four members appointed by the President, by and with the advice and consent of the Senate.”).

195. *Id.*

196. *Id.* § 20923(b)(1) (“Except as provided in paragraphs (2) and (3), members shall serve for a term of 4 years and may be reappointed for not more than one additional term.”).

197. *Id.* § 20923(b)(2) (As designated by the President at the time of nomination, of the members first appointed (A) two of the members (not more than one of whom may be affiliated with the same political party) shall be appointed for a term of 2 years; and (B) two of the members (not more than one of whom may be affiliated with the same political party) shall be appointed for a term of 4 years.; *id.* § 20932(b)(3)(A) (“A vacancy on the Commission shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.”).

198. *Id.* § 20923(b)(3)(B) (“A member of the Commission shall serve on the Commission after the expiration of the member’s term until the successor of such member has taken office as a member of the Commission.”).

199. *Id.* § 20928 (“Any action which the Commission is authorized to carry out under this chapter may be carried out only with the approval of at least three of its members.”).

200. *Id.*

Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: Yes with limitations.<sup>201</sup>  
Prohibitions on Delegation: No.

### Equal Employment Opportunity Commission

Number of Members: 5.<sup>202</sup>  
Number of Members Appointed by the President: 5.<sup>203</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Entities: None.  
Non-Voting Members: None.  
Removal Protections for Members: No.  
Serve at the Pleasure of the President: No.  
Term Length: 5 years.<sup>204</sup>  
Partisan Balancing: Yes.<sup>205</sup>  
Continuation of Service During Vacancy: Yes with limitations.<sup>206</sup>  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: Yes.<sup>207</sup>  
Quorum Rules (Statute-Based): Fixed Numerosity.<sup>208</sup>

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201. 11 C.F.R. § 9420.8(l).

202. 42 U.S.C. § 2000e-4(a) (“There is hereby created a Commission to be known as the Equal Employment Opportunity Commission, which shall be composed of five members, not more than three of whom shall be members of the same political party.”).

203. *Id.* (“Members of the Commission shall be appointed by the President by and with the advice and consent of the Senate for a term of five years.”).

204. *Id.*

205. *Id.* (“There is hereby created a Commission to be known as the Equal Employment Opportunity Commission, which shall be composed of five members, not more than three of whom shall be members of the same political party.”).

206. *Id.* (“[A]ll members of the Commission shall continue to serve until their successors are appointed and qualified, except that no such member of the Commission shall continue to serve (1) for more than sixty days when the Congress is in session unless a nomination to fill such vacancy shall have been submitted to the Senate, or (2) after the adjournment sine die of the session of the Senate in which such nomination was submitted.”).

207. *Id.* § 2000e-4(c) (“A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and three members thereof shall constitute a quorum.”).

208. *Id.*

Quorum Rules (Rule-Based): Fixed Numerosity.<sup>209</sup>  
Voting Rules (Statute-Based): None Specified.  
Voting Rules (Rule-Based): Unspecified Majority.<sup>210</sup>  
Number of Members for Quorum: 3.<sup>211</sup>  
Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: Yes with limitations.  
Prohibitions on Delegation: No.

### Export-Import Bank of the United States

Number of Members: 5.<sup>212</sup>  
Number of Members Appointed by the President: 5.<sup>213</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 0.

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209. 29 C.F.R. § 1612.2(b) (“The term *meeting* means the deliberations of at least three of the members of the agency, which is a quorum of Commissioners, where such deliberations determine or result in the joint conduct or disposition of official agency business (including conference calls) . . .”).
210. *Id.* § 1695.2(d) (“If the guidance document sets forth the Commission’s position on a legal principle for the first time or changes the Commission’s legal position on any issue, the Commission must approve the guidance document by majority vote.”); *Commission Decisions*, U.S. EQUAL EMPLOYMENT OPPORTUNITY COMM’N (last visited June 27, 2025) (“Similar to other Subregulatory Guidance Documents, Commission Decisions express official agency policy and must be approved by a majority of the Commissioners.”).
211. 29 C.F.R. § 1612.2(b).
212. 12 U.S.C. § 635a(b) (“There shall be a President of the Export-Import Bank of the United States, who shall be appointed by the President of the United States by and with the advice and consent of the Senate, and who shall serve as chief executive officer of the Bank. There shall be a First Vice President of the Bank, who shall be appointed by the President of the United States by and with the advice and consent of the Senate . . .”); *id.* § 635a(c)(1) (“There shall be a Board of Directors of the Bank consisting of the President of the Export-Import Bank of the United States, who shall serve as Chairman, the First Vice President who shall serve as Vice Chairman, and three additional persons appointed by the President of the United States by and with the advice and consent of the Senate.”).
213. *See* 12 U.S.C. § 635a(b)-(c).

Non-Voting Members: United States Trade Representative; Secretary of Commerce.<sup>214</sup>

Removal Protections for Members: No.

Serve at the Pleasure of the President: Yes.<sup>215</sup>

Term Length: 4 years.<sup>216</sup>

Partisan Balancing: Yes.<sup>217</sup>

Continuation of Service During Vacancy: Yes with limitations.<sup>218</sup>

Time Limit on Vacancies: No.

Vacancies Do Not Impair Functions: No.

Quorum Rules (Statute-Based): Fixed Numerosity.<sup>219</sup>

Quorum Rules (Rule-Based): Fixed Numerosity.<sup>220</sup>

Voting Rules (Statute-Based): None Specified.

Voting Rules (Rule-Based): Present Majority.<sup>221</sup>

Number of Members Required for Quorum: 3.<sup>222</sup>

Number of Members Required for Approval: N/A.

Required Members for Quorum: No.

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214. Reorg. Plan No. 3 of 1979 § 3, 93 Stat. 1381 (“The Trade Representative and the Secretary shall serve, ex officio and without vote, as additional members of the Board of Directors of the Export-Import Bank of the United States.”).

215. See 12 U.S.C. § 635a(c)(8)(A)(i) (“[D]uring their terms of office, the directors shall serve at the pleasure of the President of the United States . . .”).

216. *Id.* § 635a(c)(8)(A) (“The terms of the directors, including the President and the First Vice President of the Bank, appointed under this section shall be four years . . .”).

217. *Id.* § 635a(c)(2) (“Of the five members of the Board, not more than three shall be members of any one political party.”).

218. *Id.* § 635a(c)(8)(E) (“Any director whose term has expired may continue to serve on the Board of Directors until the earlier of (i) the date on which such director’s successor is qualified; or (ii) the end of the 6-month period beginning on the date such director’s term expires.”).

219. *Id.* § 635a(c)(6)(A) (“A quorum of the Board of Directors shall consist of at least three members.”).

220. *Bylaws*, EXPORT-IMPORT BANK OF THE U.S. (May 30, 2019), <https://perma.cc/UD6T-JEQN> (“Subject to Section 3(c) (6) of the Act, a majority of the voting members of the Board shall constitute a quorum for the transaction of business at any meeting: The vote of the majority of those attending and eligible to vote at any meeting shall constitute an action of the Board of Directors. When a Board member is recused due to a conflict of interest, the member is disqualified, no longer eligible to vote, and not counted toward the number attending and eligible to vote. The recused member is still counted towards the minimum necessary to constitute a quorum. The majority vote of the remaining members constitutes a vote of the body. Abstention is the equivalent of voluntary recusal. When a Board member chooses to remove him or herself from the pool of eligible voting members by abstaining, the action of a majority of the remaining members is necessary to and will constitute an action of the Board.”).

221. *Id.*

222. 12 U.S.C. § 635a(c)(6)(A).

Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: Yes.<sup>223</sup>  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: No.  
Prohibitions on Delegation: No.

### Farm Credit Administration

Number of Members: 3.<sup>224</sup>  
Number of Members Appointed by the President: 3.<sup>225</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 0.  
Non-Voting Members: None.  
Removal Protections for Members: No.  
Serve at the Pleasure of the President: No.  
Term Length: 6 years.<sup>226</sup>  
Partisan Balancing: Yes.<sup>227</sup>

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223. *Id.* § 635a(c)(6)(B)(i) (“If there is an insufficient number of directors to constitute a quorum under subparagraph (A) for 120 consecutive days during the term of a President of the United States, a temporary Board, consisting of the following members, shall act in the stead of the Board of Directors: (I) The United States Trade Representative. (II) The Secretary of the Treasury. (III) The Secretary of Commerce. (IV) The members of the Boards of Directors.”); *id.* § 635a(c)(6)(B)(iv) (“If the temporary Board consists of members of only one political party, the President of the United States shall, to the extent practicable, appoint to the temporary Board a qualified member of a different political party who occupies a position requiring nomination by the President, by and with the consent of the Senate.”); *id.* § 635a(c)(6)(B)(v) (“The temporary board may not change or amend Bank policies, procedures, bylaws, or guidelines.”); *id.* § 635a(c)(6)(B)(vi) (“The temporary Board shall expire at the end of the term of the President of the United States in office at the time the temporary Board was constituted or upon restoration of a quorum of the Board of Directors as defined in subparagraph (A).”).
224. *Id.* § 2242(a) (“The Board shall consist of three members, who shall be citizens of the United States and broadly representative of the public interest. Members of the Board shall be appointed by the President, by and with the advice and consent of the Senate.”). Members of the Farm Credit Administration also form the board of the Farm Credit System Insurance Corporation. Accordingly, we do not code the Farm Credit System Insurance Corporation separately.
225. *Id.*
226. *Id.* § 2242(b) (“The term of office of each member of the Board shall be six years . . .”).
227. *Id.* § 2242(a) (“Not more than two members of the Board shall be members of the same political party.”).

Continuation of Service During Vacancy: Yes.<sup>228</sup>  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: No.<sup>229</sup>  
Quorum Rules (Statute-Based): Fixed Numerosity.<sup>230</sup>  
Quorum Rules (Rule-Based): Fixed Numerosity.<sup>231</sup>  
Voting Rules (Statute-Based): None Specified.  
Voting Rules (Rule-Based): None Specified.  
Number of Members for Quorum: 2.<sup>232</sup>  
Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: No.  
Prohibitions on Delegation: No.

### Federal Agricultural Mortgage Corporation

Number of Members: 15.<sup>233</sup>  
Number of Members Appointed by the President: 5.<sup>234</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 10.<sup>235</sup>  
Members Appointed by Other Entities: 5 members elected by holders of common stock that are insurance companies, banks, or other financial

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228. *Id.* § 2242(b) (“Any member of the Board shall continue to serve as such after the expiration of the member’s term until a successor has been appointed and qualified.”).

229. *But see id.* § 2242(c) (“The Board may transact business if a vacancy exists, provided a quorum is present.”).

230. *Id.* (“A quorum shall consist of two members of the Board.”).

231. 12 C.F.R. § 604.400(d) (“*Meeting* means the deliberations of at least two (quorum) members of the Board where such deliberations determine or result in joint conduct or disposition of official Farm Credit Administration business.”).

232. 12 U.S.C. § 2242(c).

233. *Id.* § 2279aa-2(a)(2) (“The Board shall consist of 15 members . . .”).

234. *Id.* § 2279aa-2(a)(2)(C) (“5 members shall be appointed by the President, by and with the advice and consent of the Senate”).

235. *Id.* § 2279aa-2(a)(2)(A) (“5 members shall be elected by holders of common stock that are insurance companies, banks, or other financial institutions or entities”); *id.* § 2279aa-2(a)(2)(B) (“5 members shall be elected by holders of common stock that are Farm Credit System institutions”).

institutions or entities;<sup>236</sup> 5 members elected by holders of common stock that are Farm Credit System institutions.<sup>237</sup>

Non-Voting Members: None.

Removal Protections for Members: No.

Serve at the Pleasure of the President: Yes.<sup>238</sup>

Term Length: 1 year.<sup>239</sup>

Partisan Balancing: Yes.<sup>240</sup>

Continuation of Service During Vacancy: Yes.<sup>241</sup>

Time Limit on Vacancies: No.

Vacancies Do Not Impair Functions: No.

Quorum Rules (Statute-Based): Fixed Numerosity.<sup>242</sup>

Quorum Rules (Rule-Based): Fixed Numerosity.<sup>243</sup>

Voting Rules (Statute-Based): None Specified.

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236. *Id.* § 2279aa-2(a)(2)(A).

237. *Id.* § 2279aa-2(a)(2)(B).

238. *Id.* § 2279aa-2(a)(5)(A) (“The members appointed by the President shall serve at the pleasure of the President.”).

239. *Id.* § 2279aa-2(a)(5)(B) (“The members elected under subparagraphs (A) and (B) of subsection (b)(2) shall each be elected annually for a term ending on the date of the next annual meeting of the common stockholders of the Corporation and shall serve until their successors are elected and qualified. Any seat on the Board that becomes vacant after the annual election of the directors shall be filled by the members of the Board from the same category of directors, but only for the unexpired portion of the term.”).

240. *Id.* § 2279aa-2(a)(2)(C)(iii) (“5 members shall be appointed by the President, by and with the advice and consent of the Senate . . . of which members not more than 3 shall be members of the same political party”).

241. *Id.* § 2279aa-2(a)(5)(D) (“A member may serve after the expiration of the term of the member until the successor of the member has taken office.”).

242. *Id.* § 2279aa-2(a)(6) (“8 members of the Board shall constitute a quorum”).

243. AMENDED AND RESTATED BY-LAWS OF FEDERAL AGRICULTURAL MORTGAGE CORPORATION art. V, § 6 (May 15, 2025), <https://perma.cc/8M6E-NY8B> (“The presence, in person or otherwise, in accordance with Section 5 of this Article, of eight (8) of the then-incumbent members of the Board of Directors or of a majority of the then-incumbent members of a committee of the Board of Directors, as applicable, at the time of any meeting of the Board of Directors or such committee, shall constitute a quorum for the transaction of business. The act of the majority of such members present at a meeting at which a quorum is present shall be the act of the Board of Directors or committee, as applicable, unless the act of a greater number is required by these By-Laws. Members may not be represented by proxy at any meeting of the Board of Directors or committee thereof. In the event that one or more members of the Board of Directors are disqualified from voting on a question, issue, decision or transaction before the Board of Directors due to a conflict of interest, and the remaining number of directors is insufficient to form the quorum necessary to enable the Board of Directors to validly act, the directors who are not so disqualified shall automatically be constituted into an ad hoc committee of the Board of Directors with the power to act for the Corporation in the matter under consideration.”).

Voting Rules (Rule-Based): Present Majority.<sup>244</sup>  
Number of Members for Quorum: 8.  
Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: Yes.<sup>245</sup>  
Prohibitions on Delegation: Yes.<sup>246</sup>

### Federal Communications Commission

Number of Members: 5.<sup>247</sup>  
Number of Members Appointed by the President: 5.<sup>248</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Entities: None.  
Non-Voting Members: None.  
Removal Protections for Members: No.  
Serve at the Pleasure of the President: No.  
Term Length: 5 years.<sup>249</sup>  
Partisan Balancing: Yes.<sup>250</sup>

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244. *Id.*

245. 12 U.S.C. § 2279aa-3(b)(1)(C) (“The Board shall . . . assign to such persons such executive functions, powers, and duties as may be prescribed by the bylaws of the Corporation or by the Board.”).

246. 12 C.F.R. § 651.50(a) (“No committee of the board of directors may be delegated the authority of the board of directors to amend Corporation bylaws. No committee of the board of directors shall relieve the board of directors or any board member of a responsibility imposed by law or regulation.”).

247. 47 U.S.C. § 154(a) (“The Federal Communications Commission (in this chapter referred to as the “Commission”) shall be composed of five commissioners appointed by the President, by and with the advice and consent of the Senate, one of whom the President shall designate as chairman.”).

248. *Id.*

249. *Id.* § 154(c)(1)(A) (“A commissioner . . . shall be appointed for a term of 5 years.”).

250. *Id.* § 154(b)(5) (“The maximum number of commissioners who may be members of the same political party shall be a number equal to the least number of commissioners which constitutes a majority of the full membership of the Commission.”).

Continuation of Service During Vacancy: Yes with limitations.<sup>251</sup>

Time Limit on Vacancies: No.

Vacancies Do Not Impair Functions: Yes.<sup>252</sup>

Quorum Rules (Statute-Based): Fixed Numerosity.<sup>253</sup>

Quorum Rules (Rule-Based): None Specified.

Voting Rules (Statute-Based): None Specified.<sup>254</sup>

Voting Rules (Rule-Based): None Specified.

Number of Members for Quorum: 3.<sup>255</sup>

Number of Members for Approval: N/A.

Required Members for Quorum: No.

Required Members for Approval: No.

Single-Member Restrictions: No.

Actions Without a Quorum Due to Vacancies: Yes.<sup>256</sup>

Actions Without Quorum Due to Emergencies: Yes.<sup>257</sup>

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251. *Id.* § 154(c)(1)(B) (“[E]xcept as provided in subparagraph (C), may continue to serve after the expiration of the fixed term of office of the commissioner until a successor is appointed and has been confirmed and taken the oath of office . . . .”); *id.* § 154(c)(1)(C) (“A commissioner . . . may not continue to serve after the expiration of the session of Congress that begins after the expiration of the fixed term of office of the commissioner.”).
252. *Id.* § 154(c)(3) (“No vacancy in the Commission shall impair the right of the remaining commissioners to exercise all the powers of the Commission.”).
253. *Id.* § 154(h) (“Three members of the Commission shall constitute a quorum thereof.”).
254. *But see* *WIBC, Inc. v. FCC*, 259 F.2d 941, 943 (D.C. Cir. 1958) (“When a quorum is present, the Federal Communications Commission may act, but only on the vote of a majority of those present.”).
255. 47 U.S.C. § 154(h) (“Three members of the Commission shall constitute a quorum thereof.”).
256. 47 C.F.R. § 0.212(a) (“Whenever the Chairperson or Acting Chairperson of the Commission determines that a quorum of the Commission is not present or able to act, he/she may convene a Board of Commissioners. The Board shall be composed of all Commissioners present and able to act.”); *id.* § 0.212(b) (“The Board of Commissioners is authorized to act upon all matters normally acted upon by the Commission en banc, except the following: (1) The final determination on the merits of any adjudicatory or investigatory hearing proceeding or of any rule making proceeding, except upon a finding by the Board that the public interest would be disserved by waiting the convening of a quorum of the Commission. (2) Petitions for reconsideration of Commission actions. (3) Applications for review of actions taken pursuant to delegated authority, except that the Board may dismiss any such application that does not contain any statement required under § 1.115(a) or (b) of this chapter, or does not comply with the filing requirements of § 1.115(d) or (f) of this chapter.”).
257. *Id.* § 0.186(a) (“As specified in the Commission’s Continuity of Operations Plan and consistent with the exercise of the War Emergency Powers of the President as set forth in section 706 of the Communications Act of 1934, as amended, if the full Commission or a quorum thereof is unable to act, an Emergency Relocation Board will be convened at the Commission’s Headquarters or other relocation site designated to serve as Primary  
*footnote continued on next page*”)

Delegation Authority: Yes with limitations.<sup>258</sup>

Prohibitions on Delegation: No.

### Federal Crop Insurance Corporation

Number of Members: 9.<sup>259</sup>

Number of Members Appointed by the President: 0.

Number of Voting, Ex Officio Members: 3.<sup>260</sup>

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FCC Staff to perform the functions of the Commission. Relocation may be required to accommodate a variety of emergency scenarios. Examples include scenarios in which FCC headquarters is unavailable or uninhabitable; or many, if not all, agencies must evacuate the immediate Washington, DC, area. The FCC's Continuity of Operations Plan (COOP) includes the deliberate and pre-planned movement of selected key principals and supporting staff to a relocation facility. As an example, a sudden emergency, such as a fire or hazardous materials incident, may require the evacuation of FCC headquarters with little or no advance notice, but for only a short duration. Alternatively, an emergency so severe that FCC headquarters is rendered unusable and likely will be for a period long enough to significantly impact normal operations, may require COOP implementation. Nothing in this subsection shall be construed to diminish the authority of the Commission or its staff to perform functions of the Commission at the Commission's headquarters or other relocation site using existing authority provided for elsewhere in this Chapter."); *id.* § 0.186(b) ("The Board shall comprise such Commissioners as may be present (including Commissioners available through electronic communications or telephone) and able to act. In the absence of the Chairperson, the Commissioner present with the longest seniority in office will serve as acting Chairperson. If no Commissioner is present and able to act, the person designated as next most senior official in the Commission's Continuity of Operations Plan will head the Board.").

258. 47 U.S.C. § 155(c)(1) ("When necessary to the proper functioning of the Commission and the prompt and orderly conduct of its business, the Commission may, by published rule or by order, delegate any of its functions (except functions granted to the Commission by this paragraph and by paragraphs (4), (5), and (6) of this subsection and except any action referred to in sections 204(a)(2), 208(b), and 405(b) of this title) to a panel of commissioners, an individual commissioner, an employee board, or an individual employee, including functions with respect to hearing, determining, ordering, certifying, reporting, or otherwise acting as to any work, business, or matter; except that in delegating review functions to employees in cases of adjudication (as defined in section 551 of Title 5), the delegation in any such case may be made only to an employee board consisting of two or more employees referred to in paragraph (8) of this subsection. Any such rule or order may be adopted, amended, or rescinded only by a vote of a majority of the members of the Commission then holding office. Except for cases involving the authorization of service in the instructional television fixed service, or as otherwise provided in this chapter, nothing in this paragraph shall authorize the Commission to provide for the conduct, by any person or persons other than persons referred to in paragraph (2) or (3) of section 556(b) of Title 5, of any hearing to which such section applies.").

259. *Id.* § 1505(a)(2)(B)-(G).

260. *See id.* § 1505(a)(2)(B)-(D).

Ex Officio Members: Under Secretary of Agriculture Responsible for the Federal Crop Insurance Program;<sup>261</sup> 1 additional Under Secretary of Agriculture;<sup>262</sup> Chief Economist of the Department of Agriculture.<sup>263</sup>

Number of Members Appointed by Other Entities: 6.<sup>264</sup>

Members Appointed by Other Entities: 6 members appointed by the Secretary of Agriculture.<sup>265</sup>

Non-Voting Members: Manager of the Federal Crop Insurance Corporation.<sup>266</sup>

Removal Protections for Members: No.

Serve at the Pleasure of the President: No.<sup>267</sup>

Term Length: 4 years.<sup>268</sup>

Partisan Balancing: No.

Continuation of Service During Vacancy: No.

Time Limit on Vacancies: No.

Vacancies Do Not Impair Functions: Yes.<sup>269</sup>

Quorum Rules (Statute-Based): Fixed Numerosity.<sup>270</sup>

Quorum Rules (Rule-Based): None Specified.

Voting Rules (Statute-Based): None Specified.

Voting Rules (Rule-Based): None Specified.

Number of Members for Quorum: 4.<sup>271</sup>

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261. *Id.* § 1505(a)(2)(B) (“The Under Secretary of Agriculture responsible for the Federal crop insurance program.”).

262. *Id.* § 1505(a)(2)(C) (“One additional Under Secretary of Agriculture (as designated by the Secretary).”).

263. *Id.* § 1505(a)(2)(D) (“The Chief Economist of the Department of Agriculture.”).

264. *Id.* § 1505(a)(3) (“The members of the Board described in subparagraphs (E), (F), and (G) of paragraph (2) . . . shall be appointed by, and hold office at the pleasure of, the Secretary . . .”).

265. *Id.*

266. *Id.* § 1505(a)(2)(A) (“The manager of the Corporation, who shall serve as a nonvoting ex officio member.”).

267. *But see id.* § 1505(a)(3)(A) (“The members of the Board described in subparagraphs (E), (F), and (G) of paragraph (2) . . . shall be appointed by, and hold office at the pleasure of, the Secretary.”).

268. *Id.* § 1505(a)(3)(C) (“The members of the Board described in subparagraphs (E), (F), and (G) of paragraph (2) . . . shall be appointed to staggered 4-year terms, as determined by the Secretary.”).

269. *Id.* § 1505(b) (“Vacancies in the Board so long as there shall be four members in office shall not impair the powers of the Board to execute the functions of the Corporation, and four of the members in office shall constitute a quorum for the transaction of the business of the Board.”).

270. *Id.*

271. *Id.*

Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: Yes.<sup>272</sup>  
Prohibitions on Delegation: No.

### Federal Deposit Insurance Corporation

Number of Members: 5.<sup>273</sup>  
Number of Members Appointed by the President: 3.<sup>274</sup>  
Number of Voting, Ex Officio Members: 2.<sup>275</sup>  
Ex Officio Members: Comptroller of the Currency;<sup>276</sup> Director of the  
Consumer Financial Protection Bureau.<sup>277</sup>  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Entities: None.  
Non-Voting Members: None.  
Removal Protections for Members: No.  
Serve at the Pleasure of the President: No.  
Term Length: 6 years.<sup>278</sup>  
Partisan Balancing: Yes.<sup>279</sup>

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272. *Id.* § 1507(a) (“The Secretary shall appoint such officers and employees as may be necessary for the transaction of the business of the Corporation pursuant to civil-service laws and regulations, fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of Title 5, define their authority and duties, and delegate to them such of the powers vested in the Corporation as the Secretary may determine appropriate.”).

273. 12 U.S.C. § 1812(a)(1) (“The management of the Corporation shall be vested in a Board of Directors consisting of 5 members . . .”).

274. *Id.* § 1812(a)(1)(C) (“3 of whom shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States, 1 of whom shall have State bank supervisory experience.”).

275. *See id.* § 1812(a)(1)(A)-(B) (listing two *ex officio* members).

276. *Id.* § 1812(a)(1)(A) (“1 of whom shall be the Comptroller of the Currency”).

277. *Id.* § 1812(a)(1)(B) (“1 of whom shall be the Director of the Consumer Financial Protection Bureau”).

278. *Id.* § 1812(c)(1) (“Each appointed member shall be appointed for a term of 6 years.”).

279. *Id.* § 1812(a)(2) (“After February 28, 1993, not more than 3 of the members of the Board of Directors may be members of the same political party.”).

Continuation of Service During Vacancy: Yes.<sup>280</sup>  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: No.  
Quorum Rules (Statute-Based): None Specified.  
Quorum Rules (Rule-Based): Appointed Majority.<sup>281</sup>  
Voting Rules (Statute-Based): None Specified.  
Voting Rules (Rule-Based): Present Majority.<sup>282</sup>  
Number of Members for Quorum: N/A.  
Number of Members for Vote: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without Quorum Due to Vacancies: No.  
Actions Without Quorum Due to Emergencies: Yes.<sup>283</sup>  
Delegation Authority: Yes with limitations.<sup>284</sup>  
Prohibitions on Delegation: Yes.<sup>285</sup>

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280. *Id.* § 1812(c)(3) (“The Chairperson, Vice Chairperson, and each appointed member may continue to serve after the expiration of the term of office to which such member was appointed until a successor has been appointed and qualified.”).
281. BOARD OF DIRECTORS, BYLAWS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION § 6(d) (June 20, 2024), <https://perma.cc/B8JU-PQYV> (“A majority of the members of the Board of Directors in office shall constitute a quorum for the transaction of business. In the event there are only three members in office, those members shall constitute a quorum. In the event there are only two members in office, those members shall constitute a quorum. In the event there is only one member in office, that member shall constitute a quorum. Present and nonvoting members of the Board of Directors shall be counted for the purpose of determining whether there is a quorum for the transaction of business.”).
282. *Id.* § 6(d) (“The vote of the majority of the members present and voting at a meeting at which a quorum is present shall be the act of the Board of Directors.”).
283. *Id.* § 5 (“In addition, the Board of Directors may provide for emergency succession and delegation of emergency authority to ensure the Corporation’s ability to continue essential functions in the event a sudden and usually unforeseen situation poses an immediate threat to life, causes serious damage to property, or adversely affects a Corporate mission and renders the Board temporarily unable to perform its normal management function.”).
284. *Id.* § 5 (“Within the limitations of the law, the Board of Directors may delegate any of its specific or incidental powers to any standing or special committee of the Corporation or to any officer or agent of the Corporation upon such terms and conditions as it shall prescribe, except the power to amend these Bylaws or to adopt new bylaws.”).
285. 12 U.S.C. § 1815(a)(6) (“The authority of the Board of Directors to make any determination to deny any application under this subsection may not be delegated by the Board of Directors.”); *id.* § 1818(a)(9) (“Any decision by the Board of Directors to (A) issue a temporary order terminating deposit insurance; or (B) issue a final order terminating deposit insurance (other than under subsection (p) or (q)); shall be made by the Board of Directors and may not be delegated.”).

**Federal Election Commission**

Number of Members: 6.<sup>286</sup>

Number of Members Appointed by the President: 6.<sup>287</sup>

Number of Voting, Ex Officio Members: 0.

Ex Officio Members: None.

Number of Members Appointed by Other Entities: 0.

Members Appointed by Other Entities: None.

Non-Voting Members: Secretary of the Senate; Clerk of the House of Representatives.<sup>288</sup>

Removal Protections for Members: No.

Serve at the Pleasure of the President: No.

Term Length: 6 years.<sup>289</sup>

Partisan Balancing: Yes.<sup>290</sup>

Continuation of Service During Vacancy: Yes.<sup>291</sup>

Time Limit on Vacancies: No.

Vacancies Do Not Impair Functions: No.

Quorum Rules (Statute-Based): None Specified.

Quorum Rules (Rule-Based): Fixed Numerosity.<sup>292</sup>

Voting Rules (Statute-Based): Mixed.<sup>293</sup>

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286. 52 U.S.C. § 30106(a)(1) (“There is established a commission to be known as the Federal Election Commission. The Commission is composed of the Secretary of the Senate and the Clerk of the House of Representatives or their designees, ex officio and without the right to vote, and 6 members appointed by the President, by and with the advice and consent of the Senate.”).

287. *Id.*

288. *Id.*

289. *Id.* § 30106(a)(2)(A) (“Members of the Commission shall serve for a single term of 6 year”).

290. *Id.* § 30106(a)(1) (“No more than 3 members of the Commission appointed under this paragraph may be affiliated with the same political party.”).

291. *Id.* § 30106(a)(2)(B) (“A member of the Commission may serve on the Commission after the expiration of his or her term until his or her successor has taken office as a member of the Commission.”).

292. FEDERAL ELECTION COMMISSION, RULES OF PROCEDURE OF THE FEDERAL ELECTION COMMISSION (Dec. 20, 2007), <https://perma.cc/8THA-RWBM> (“Four Members of the Commission shall constitute a quorum for the consideration and resolution of matters that involve the exercise of its duties and powers under the Federal Election Campaign Act of 1971 as amended and Chapters 95 and 96 of the Internal Revenue Code of 1954 (the Act). If less than four Members of the Commission are present at any time during a Commission meeting, the Chairman shall declare a temporary recess until a quorum is again present at which time the meeting may resume.”).

293. 52 U.S.C. § 30106(c) (“All decisions of the Commission with respect to the exercise of its duties and powers under the provisions of this Act shall be made by a majority vote of the members of the Commission. A member of the Commission may not delegate to any

*footnote continued on next page*

Voting Rules (Rule-Based): Fixed Numerosity.<sup>294</sup>

Number of Members for Quorum: 4.<sup>295</sup>

Number of Members for Approval: 4.<sup>296</sup>

Required Members for Quorum: No.

Required Members for Approval: Yes.<sup>297</sup>

Single-Member Restrictions: No.

Actions Without Quorum Due to Vacancies: Yes.<sup>298</sup>

Actions Without Quorum Due to Emergency: No.

Delegation Authority: No.

Prohibitions on Delegation: No.

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person his or her vote or any decisionmaking authority or duty vested in the Commission by the provisions of this Act, except that the affirmative vote of 4 members of the Commission shall be required in order for the Commission to take any action in accordance with paragraph (6), (7), (8), or (9) of section 30107(a) of this title or with chapter 95 or chapter 96 of Title 26.”).

294. FEDERAL ELECTION COMMISSION, *supra* note 292 (“Any principal or secondary motion regarding a procedural matter shall require a majority vote of at least three Members of the Commission for approval.”).
295. *Id.* (“Four Members of the Commission shall constitute a quorum for the consideration and resolution of matters that involve the exercise of its duties and powers under the Federal Election Campaign Act of 1971 as amended and Chapters 95 and 96 of the Internal Revenue Code of 1954 (the Act). If less than four Members of the Commission are present at any time during a Commission meeting, the Chairman shall declare a temporary recess until a quorum is again present at which time the meeting may resume.”).
296. 52 U.S.C. § 30106(c) (“All decisions of the Commission with respect to the exercise of its duties and powers under the provisions of this Act shall be made by a majority vote of the members of the Commission. A member of the Commission may not delegate to any person his or her vote or any decisionmaking authority or duty vested in the Commission by the provisions of this Act, except that the affirmative vote of 4 members of the Commission shall be required in order for the Commission to take any action in accordance with paragraph (6), (7), (8), or (9) of section 30107(a) of this title or with chapter 95 or chapter 96 of Title 26.”).
297. FEDERAL ELECTION COMMISSION, *supra* note 292 (“Notwithstanding any provision of sections E, I or K of this directive, approval of any motion or appeal properly before the Commission under this section L shall require the affirmative vote of a majority of the Members of the Commission. However, if such majority comprises exclusively the affirmative votes of Members affiliated with the same political party (or Members whose positions are aligned for the purpose of nomination by the President), the motion or appeal shall be deemed not approved.”).
298. *Id.* (“Notwithstanding section B of this directive, all Members of the Commission must be present to constitute a quorum for the consideration or resolution of any matter. If any Member of the Commission is absent at any time during a Commission meeting, the Chairman shall automatically declare a temporary recess (notwithstanding the absence of a call for a quorum) until a quorum is again present at which time the meeting may resume.”). The rules of procedure list a variety of actions that may be taken under this provision.

**Federal Energy Regulatory Commission**

Number of Members: 5.<sup>299</sup>  
Number of Members Appointed by the President: 5.<sup>300</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Members: None.  
Non-Voting Members: None.  
Removal Protections for Members: Yes.<sup>301</sup>  
Serve at the Pleasure of the President: No.  
Term Length: 5 years.<sup>302</sup>  
Partisan Balancing: Yes.<sup>303</sup>  
Continuation of Service During Vacancy: Yes with limitations.<sup>304</sup>  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: No.  
Quorum Rules (Statute-Based): Fixed Numerosity.<sup>305</sup>  
Quorum Rules (Rule-Based): Fixed Numerosity.<sup>306</sup>  
Voting Rules (Statute-Based): Present Majority.<sup>307</sup>  
Voting Rules (Rule-Based): None Specified.  
Number of Members for Quorum: 3.<sup>308</sup>  
Number of Members for Approval: N/A.

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299. 42 U.S.C. § 7171(b)(1) (“The Commission shall be composed of five members appointed by the President, by and with the advice and consent of the Senate.”).

300. *Id.*

301. *Id.* (“Members . . . may be removed by the President only for inefficiency, neglect of duty, or malfeasance in office.”).

302. *Id.* (“Members shall hold office for a term of 5 years”).

303. *Id.* (“Not more than three members of the Commission shall be members of the same political party.”).

304. *Id.* (“A Commissioner may continue to serve after the expiration of his term until his successor is appointed and has been confirmed and taken the oath of Office, except that such Commission shall not serve beyond the end of the session of the Congress in which such term expires.”).

305. *Id.* § 7171(e) (“The Chairman (or the Acting Chairman in the absence of the Chairman) shall preside at all sessions of the Commission and a quorum for the transaction of business shall consist of at least three members present.”).

306. 18 C.F.R. § 375.101(e) (“A quorum for the transaction of business consists of at least three members present.”).

307. 42 U.S.C. § 7171(e) (“Each member of the Commission, including the Chairman, shall have one vote. Actions of the Commission shall be determined by a majority vote of the members present.”).

308. *Id.*

Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without Quorum Due to Vacancies: No.  
Actions Without Quorum Due to Emergencies: Yes.<sup>309</sup>  
Delegation Authority: No.  
Prohibitions on Delegation: No.

**Federal Home Loan Mortgage Corporation (Freddie Mac)**

Number of Members: 13.<sup>310</sup>  
Number of Members Appointed by the President: 0.  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 13.<sup>311</sup>  
Members Appointed by Other Members: 13 members elected by shareholders.<sup>312</sup>  
Non-Voting Members: None.  
Removal Protections for Members: No.  
Serve at the Pleasure of the President: No.  
Term Length: 1 year.<sup>313</sup>  
Partisan Balancing: No.  
Continuation of Service During Vacancy: No.<sup>314</sup>  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: No.  
Quorum Rules (Statute-Based): None Specified.

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309. 18 C.F.R. § 376.204(a) (“During emergency conditions, the Commission shall function as usual, if a quorum of the Commission is available and capable of acting. If by reason of such conditions a quorum of the Commission is not available and capable of acting, all functions of the Commission are delegated to the Commissioner or Commissioners who are available and capable of acting.”).

310. 12 U.S.C. § 1452(a)(2)(A) (“The Board of Directors of the Corporation shall consist of 13 persons, or such other number as the Director determines appropriate, who shall be elected annually by the voting common stockholders.”).

311. *Id.*

312. *Id.*

313. *Id.* § 1452(a)(2)(B) (“Each member of the Board of Directors shall be elected for a term ending on the date of the next annual meeting of the voting common stockholders.”).

314. *But see id.* § 1452(a)(2)(C) (“Any seat on the Board of Directors that becomes vacant after the annual election of the directors shall be filled by the Board of Directors, but only for the unexpired portion of the term.”).

Quorum Rules (Rule-Based): Mixed.<sup>315</sup>  
Voting Rules (Statute-Based): None Specified.  
Voting Rules (Rule-Based): Present Majority.<sup>316</sup>  
Number of Members for Quorum: N/A.  
Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without Quorum Due to Vacancies: No.  
Actions Without Quorum Due to Emergencies: No.  
Delegation Authority: No.  
Prohibitions on Delegation: No.

### Federal Hospital Insurance Trust Fund

Number of Members: 6.<sup>317</sup>  
Number of Members Appointed by the President: 2.<sup>318</sup>  
Number of Voting, Ex Officio Members: 4.<sup>319</sup>  
Ex Officio Members: Commissioner of Social Security; Secretary of the Treasury; Secretary of Labor; Secretary of Health and Human Services.<sup>320</sup>  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Entities: None.  
Non-Voting Members: None.  
Removal Protections for Members: No.

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315. BYLAWS OF THE FEDERAL HOME LOAN MORTGAGE CORPORATION § 4.10 (July 11, 2023), <https://perma.cc/FLE2-NKLJ> (“At any meeting of the Board of Directors, a quorum shall consist of the greater of (i) one-third of the fixed number of directors or the prescribed number within a variable range of directors, as applicable, or (ii) a majority of the directors then in office.”).

316. *Id.* § 4.12 (“At any meeting of the Board of Directors, business shall be transacted in such order and manner as the Board of Directors may from time to time determine, and all matters shall be determined by the vote of a majority of the directors present at a meeting at which a quorum is present, except as otherwise provided in these Bylaws or in the Virginia Stock Corporation Act”).

317. 42 U.S.C. § 1395i(b) (“With respect to the Trust Fund, there is hereby created a body to be known as the Board of Trustees of the Trust Fund (hereinafter in this section referred to as the “Board of Trustees”) composed of the Commissioner of Social Security, the Secretary of the Treasury, the Secretary of Labor, and the Secretary of Health and Human Services, all ex officio, and of two members of the public (both of whom may not be from the same political party), who shall be nominated by the President for a term of four years and subject to confirmation by the Senate.”).

318. *Id.*

319. *Id.*

320. *Id.*

Serve at the Pleasure of the President: No.  
Term Length: 4 years.<sup>321</sup>  
Partisan Balancing: Yes.<sup>322</sup>  
Continuation of Service During Vacancy: Yes with limitations.<sup>323</sup>  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: No.  
Quorum Rules (Statute-Based): None Specified.  
Quorum Rules (Rule-Based): None Specified.<sup>324</sup>  
Voting Rules (Statute-Based): None Specified.  
Quorum Rules (Rule-Based): None Specified.  
Number of Members for Quorum: N/A.  
Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: No.  
Prohibitions on Delegation: No.

### Federal Labor Relations Authority

Number of Members: 3.<sup>325</sup>  
Number of Members Appointed by the President: 3.<sup>326</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Members: None.  
Non-Voting Members: None.

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321. *Id.*

322. *Id.*

323. *Id.* (“An individual nominated and confirmed as a member of the public may serve in such position after the expiration of such member’s term until the earlier of the time at which the member’s successor takes office or the time at which a report of the Board is first issued under paragraph (2) after the expiration of the member’s term.”).

324. We were unable to locate any bylaws, procedural rules, or rules of practice governing the Federal Hospital Insurance Trust Fund. We contacted the Department of Health and Human Services requesting this information. As of publication, we have not received that information.

325. 5 U.S.C. § 7104(a) (“The Federal Labor Relations Authority is composed of three members, not more than 2 of whom may be adherents of the same political party.”).

326. *Id.* § 7104(b) (“Members of the Authority shall be appointed by the President by and with the advice and consent of the Senate”).

Removal Protections for Members: Yes.<sup>327</sup>  
Serve at the Pleasure of the President: No.  
Term Length: 5 years.<sup>328</sup>  
Partisan Balancing: Yes.<sup>329</sup>  
Continuation of Service During Vacancy: Yes with limitations.<sup>330</sup>  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: Yes.<sup>331</sup>  
Quorum Rules (Statute-Based): None Specified.  
Quorum Rules (Rule-Based): Fixed Numerosity.<sup>332</sup>  
Voting Rules (Statute-Based): None Specified.  
Voting Rules (Rule-Based): None Specified.  
Number of Members for Quorum: 2.  
Number of Members for Approval: NA.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.

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327. *Id.* (“Members of the Authority . . . may be removed by the President only upon notice and hearing and only for inefficiency, neglect of duty, or malfeasance in office.”).
328. *Id.* § 7104(c) (“A member of the Authority shall be appointed for a term of 5 years.”).
329. *Id.* § 7104(a) (“The Federal Labor Relations Authority is composed of three members, not more than 2 of whom may be adherents of the same political party.”).
330. *Id.* § 7104(c) (“The term of any member shall not expire before the earlier of— (1) the date on which the member’s successor takes office, or (2) the last day of the Congress beginning after the date on which the member’s term of office would (but for this paragraph) expire.”).
331. *Id.* § 7104(d) (“A vacancy in the Authority shall not impair the right of the remaining members to exercise all of the powers of the Authority.”).
332. FLRA itself has said that it lacks a quorum with only one member, but the legal authority for that proposition is unclear. *See* Federal Labor Relations Authority, *Authority Case Processing During the Time the Authority Has One Member: Questions and Answers* (July 17, 2008), <https://perma.cc/Y8ZM-W2P9> (“With only one Member, the Authority lacks a quorum to exercise its power to adjudicate cases under the Statute. Therefore, during the period that the Authority has only one Member, it will not be issuing final decisions in cases currently pending, or which will be filed, with the Authority. However, the Authority’s Case Intake and Publication section will continue to exercise its delegated power to procedurally review and, where appropriate, dismiss cases filed with the Authority that do not satisfy case filing requirements under the Statute and the Authority’s regulations.”); Federal Labor Relations Authority, *Case Processing While the Authority Component Has One Member*, <https://perma.cc/PP68-GCMD> (“With one Member, the Authority lacks a quorum, which is necessary for the Authority to decide cases under the Federal Service Labor Management Relations Statute. Therefore, the Authority cannot issue final decisions in arbitration, negotiability, representation, and unfair labor practice cases.”).

Delegation Authority: Yes.<sup>333</sup>  
Prohibitions on Delegation: No.

### Federal Maritime Commission

Number of Members: 5.<sup>334</sup>  
Number of Members Appointed by the President: 5.<sup>335</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Members: None.  
Non-Voting Members: None.  
Removal Protections for Members: Yes.<sup>336</sup>  
Serve at the Pleasure of the President: No.  
Term Length: 5 years.<sup>337</sup>  
Partisan Balancing: Yes.<sup>338</sup>  
Continuation of Service During Vacancy: Yes with limitations.<sup>339</sup>  
Time Limit on Vacancies: No.

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333. 5 U.S.C. § 7105(d) (“The Authority shall appoint an Executive Director and such regional directors, administrative law judges under section 3105 of this title, and other individuals as it may from time to time find necessary for the proper performance of its functions. The Authority may delegate to officers and employees appointed under this subsection authority to perform such duties and make such expenditures as may be necessary.”); *id.* § 7105(e)(1) (“The Authority may delegate to any regional director its authority under this chapter (A) to determine whether a group of employees is an appropriate unit; (B) to conduct investigations and to provide for hearings; (C) to determine whether a question of representation exists and to direct an election; and (D) to supervise or conduct secret ballot elections and certify the results thereof.”); *id.* § 7105(e)(2) (“The Authority may delegate to any administrative law judge appointed under subsection (d) of this section its authority under section 7118 of this title to determine whether any person has engaged in or is engaging in an unfair labor practice.”).
334. 46 U.S.C. § 46101(b)(1) (“The Commission is composed of 5 Commissioners, appointed by the President by and with the advice and consent of the Senate.”).
335. *Id.*
336. *Id.* § 46101(b)(5) (“The President may remove a Commissioner for inefficiency, neglect of duty, or malfeasance in office.”).
337. *Id.* § 46101(b)(2) (“The term of each Commissioner is 5 years.”).
338. *Id.* § 46101(b)(1) (“Not more than 3 Commissioners may be appointed from the same political party.”).
339. *Id.* § 46101(b)(2) (“When the term of a Commissioner ends, the Commissioner may continue to serve until a successor is appointed and qualified, but for a period not to exceed 2 years.”).

Vacancies Do Not Impair Functions: Yes.<sup>340</sup>  
Quorum Rules (Statute-Based): None Specified.  
Quorum Rules (Rule-Based): Fixed Numerosity.<sup>341</sup>  
Voting Rules (Statute-Based): Appointed Majority.<sup>342</sup>  
Voting Rules (Rule-Based): Appointed Majority.<sup>343</sup>  
Number of Members for Quorum: 2.<sup>344</sup>  
Number of Members for Approval: N/A.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: Yes.<sup>345</sup>  
Prohibitions on Delegation: No.

### **Federal Mine Safety and Health Review Commission**

Number of Members: 5.<sup>346</sup>  
Number of Members Appointed by the President: 5.<sup>347</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Members: None.  
Non-Voting Members: None.

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340. *Id.* § 46102 (“A vacancy or vacancies in the membership of the Federal Maritime Commission do not impair the power of the Commission to execute its functions.”).

341. 46 C.F.R. § 501.2(d) (“For purposes of holding a formal meeting for the transaction of the business of the Commission, the actual presence of two Commissioners shall be sufficient. Proxy votes of absent members shall be permitted.”).

342. *Id.* § 46102 (“The affirmative vote of a majority of the Commissioners serving on the Commission is required to dispose of any matter before the Commission.”).

343. *Id.*

344. 46 C.F.R. § 501.2(d) (“For purposes of holding a formal meeting for the transaction of the business of the Commission, the actual presence of two Commissioners shall be sufficient. Proxy votes of absent members shall be permitted.”).

345. 46 U.S.C. § 46104(a) (“The Federal Maritime Commission, by published order or regulation, may delegate to a division of the Commission, an individual Commissioner, an employee board, or an officer or employee of the Commission, any of its duties or powers, including those relating to hearing, determining, ordering, certifying, reporting, or otherwise acting on any matter.”).

346. 30 U.S.C. § 823(a) (“The Commission shall consist of five members, appointed by the President by and with the advice and consent of the Senate, from among persons who by reason of training, education, or experience are qualified to carry out the functions of the Commission under this chapter.”).

347. *Id.*

Removal Protections for Members: Yes.<sup>348</sup>  
Serve at the Pleasure of the President: No.  
Term Length: 6 years.<sup>349</sup>  
Partisan Balancing: No.  
Continuation of Service During Vacancy: No.  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: No.  
Quorum Rules (Statute-Based): Fixed Numerosity.<sup>350</sup>  
Quorum Rules (Rule-Based): None Specified.  
Voting Rules (Statute-Based): None Specified.<sup>351</sup>  
Voting Rules (Rule-Based): Present Majority.<sup>352</sup>  
Number of Members for Quorum: 2.  
Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.

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348. *Id.* § 823(b) (“Any member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.”).

349. *Id.* § 823(b)(1).

350. *Id.* § 823(c) (“The Commission is authorized to delegate to any group of three or more members any or all of the powers of the Commission, except that two members shall constitute a quorum of any group designated pursuant to this paragraph.”). The Commission frequently works in panels of three members; *see* Secretary of Labor v. Pa. Elec. Co., 12 F.M.S.H.R.C. 1562, 1563 (1990) (“The Commission has frequently designated itself as a panel of three members to exercise the powers of the Commission.”).

351. *But see* 30 U.S.C. § 823(d)(2)(A)(iii) (“Review by the Commission shall be granted only by affirmative vote of two of the Commissioners present and voting. If granted, review shall be limited to the questions raised by the petition.”); *id.* § 823(d)(2)(B) (“At any time within 30 days after the issuance of a decision of an administrative law judge, the Commission may in its discretion (by affirmative vote of two of the Commissioners present and voting) order the case before it for review but only upon the ground that the decision may be contrary to law or Commission policy, or that a novel question of policy has been presented.”).

352. The present majority here refers to the majority of commissioners participating on the panel. *See* Pa. Elec. Co., 12 F.M.S.H.R.C. at 1563 (“The Commission is authorized to act in panels of three members, with a majority of each panel sufficient to decide a matter.” (quoting S. Rep. No. 181, 95th Cong., 1st Sess. 47-48 (1977))); *see also* 29 C.F.R. § 2700.76(a)(2) (“[T]he Commission, by a majority vote of the full Commission or a majority vote of a duly constituted panel of the Commission, may grant interlocutory review upon a determination that the ALJ’s interlocutory ruling involves a controlling question of law and that immediate review may materially advance the final disposition of the proceeding.”); 29 C.F.R. § 2700.71 (“[T]he Commission may, by the affirmative vote of at least two of the Commissioners present and voting, direct the case for review on its own motion.”).

Delegation Authority: Yes with limitations.<sup>353</sup>  
Prohibitions on Delegation: No.

### Federal Reserve Board of Governors

Number of Members: 7 members.<sup>354</sup>  
Number of Members Appointed by the President: 7.<sup>355</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Members: None.  
Non-Voting Members: None.  
Removal Protections for Members: Yes.<sup>356</sup>  
Serve at the Pleasure of the President: No.  
Term Length: 14 years.<sup>357</sup>  
Partisan Balancing: No.  
Continuation of Service During Vacancy: Yes.<sup>358</sup>  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: No.  
Quorum Rules (Statute-Based): None Specified.  
Quorum Rules (Rule-Based): Appointed Majority.<sup>359</sup>

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353. 30 U.S.C. § 823(c) (“The Commission is authorized to delegate to any group of three or more members any or all of the powers of the Commission, except that two members shall constitute a quorum of any group designated pursuant to this paragraph.”).

354. 12 U.S.C. § 241 (“The Board of Governors of the Federal Reserve System (hereinafter referred to as the “Board”) shall be composed of seven members, to be appointed by the President, by and with the advice and consent of the Senate . . .”).

355. *Id.*

356. *Id.* § 242.

357. *Id.* § 241 (“The Board of Governors of the Federal Reserve System (hereinafter referred to as the “Board”) shall be composed of seven members, to be appointed by the President, by and with the advice and consent of the Senate, after August 23, 1935, for terms of fourteen years . . .”).

358. *Id.* § 242 (“Upon the expiration of their terms of office, members of the Board shall continue to serve until their successors are appointed and have qualified.”).

359. Federal Reserve System, Rules of Organization, 82 Fed. Reg. 55496, 55496 (Nov. 22, 2017) (“Four Board members constitutes a quorum of the Board for purposes of transacting business except that, if there are three or fewer Board members in office, then a quorum consists of all Board members currently in office. If a Board member is recused or disqualified from participating in a matter, the member shall not be counted for purposes of calculating the quorum for that matter.” (emphasis omitted)).

Voting Rules (Statute-Based): Mixed.<sup>360</sup>  
Voting Rules (Rule-Based): Mixed.<sup>361</sup>  
Number of Members for Quorum: N/A.  
Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without Quorum Due to Vacancies: Yes.<sup>362</sup>

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360. 12 U.S.C. § 248(b) (“To permit, or, on the affirmative vote of at least five members of the Board of Governors, to require Federal reserve banks to rediscount the discounted paper of other Federal reserve banks at rates of interest to be fixed by the Board.”); *id.* § 248(r)(1) (“Any action that this chapter provides may be taken only upon the affirmative vote of 5 members of the Board may be taken upon the unanimous vote of all members then in office if there are fewer than 5 members in office at the time of the action.”); *id.* § 343(3)(A) (“In unusual and exigent circumstances, the Board of Governors of the Federal Reserve System, by the affirmative vote of not less than five members, may authorize any Federal reserve bank, during such periods as the said board may determine, at rates established in accordance with the provisions of section 357 of this title, to discount for any participant in any program or facility with broad-based eligibility, notes, drafts, and bills of exchange when such notes, drafts, and bills of exchange are indorsed or otherwise secured to the satisfaction of the Federal reserve bank: *Provided*, That before discounting any such note, draft, or bill of exchange, the Federal reserve bank shall obtain evidence that such participant in any program or facility with broad-based eligibility is unable to secure adequate credit accommodations from other banking institutions. All such discounts for any participant in any program or facility with broad-based eligibility shall be subject to such limitations, restrictions, and regulations as the Board of Governors of the Federal Reserve System may prescribe.”); *id.* § 461(b)(4)(A) (“The Board may, upon the affirmative vote of not less than 5 members, impose a supplemental reserve requirement on every depository institution of not more than 4 per centum of its total transaction accounts.”).
361. 12 C.F.R. § 261b.2(d) (“The term number of individual agency members required to take action on behalf of the agency means in the case of the Board, a majority of its members except that (1) Board determination of the ratio of reserves against deposits under section 19(b) of the Federal Reserve Act requires the vote of four members, (2) Board action with respect to advances, discounts and rediscounts under sections 10(a), 11(b), and 13(3) of the Federal Reserve Act requires the vote of five members and (3) Board action with respect to the percentage of individual member bank capital and surplus which may be represented by loans secured by stock and bond collateral under section 11(m) of the Federal Reserve Act requires the vote of six members. In the case of subdivisions of the Board, the term means the number of members constituting a quorum of the designated subdivision.”) (emphasis omitted).
362. 12 U.S.C. § 248(r)(2)(A) (“Any action that the Board is otherwise authorized to take under section 343(3) of this title may be taken upon the unanimous vote of all available members then in office, if—(i) at least 2 members are available and all available members participate in the action; (ii) the available members unanimously determine that—(I) unusual and exigent circumstances exist and the borrower is unable to secure adequate credit accommodations from other sources; (II) action on the matter is necessary to prevent, correct, or mitigate serious harm to the economy or the stability of the financial system of the United States; (III) despite the use of all means available (including all
- footnote continued on next page*

Actions Without a Quorum Due to Emergencies: Yes.<sup>363</sup>  
Delegation Authority: Yes with limitations.<sup>364</sup>  
Prohibitions on Delegation: Yes.<sup>365</sup>

### Federal Retirement Thrift Investment Board

Number of Members: 5.<sup>366</sup>  
Number of Members Appointed by the President: 5.<sup>367</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.

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available telephonic, telegraphic, and other electronic means), the other members of the Board have not been able to be contacted on the matter; and (IV) action on the matter is required before the number of Board members otherwise required to vote on the matter can be contacted through any available means (including all available telephonic, telegraphic, and other electronic means); and (iii) any credit extended by a Federal reserve bank pursuant to such action is payable upon demand of the Board.”); 12 C.F.R. § 265.4(f) (“Any three Board members designated from time to time by the Chair are authorized: (1) Absence of quorum. To act, upon certification by the Secretary of the Board of an absence of a quorum of the Board present in person, by unanimous vote on any matter that the Chair has certified must be acted upon promptly in order to avoid delay that would be inconsistent with the public interest except for matters: (i) Relating to rulemaking; (ii) Pertaining principally to monetary and credit policies; and (iii) For which a statute expressly requires the affirmative vote of more than three Board members.”).

363. Federal Reserve System, Rules of Organization, 82 Fed. Reg. 55496, 55496 (Nov. 22, 2017). (“In an emergency situation, a quorum of the Board consists of a majority of the Board members in office. An emergency situation exists when action on a matter is necessary to prevent, correct, or mitigate serious harm to the economy or the stability of the financial system, and action is required before the full Board can convene.”).
364. 12 U.S.C. § 248(k) (“To delegate, by published order or rule and subject to subchapter II of chapter 5, and chapter 7, of title 5, any of its functions, other than those relating to rulemaking or pertaining principally to monetary and credit policies, to one or more administrative law judges, members or employees of the Board, or Federal Reserve banks. The assignment of responsibility for the performance of any function that the Board determines to delegate shall be a function of the Chairman. The Board shall, upon the vote of one member, review action taken at a delegated level within such time and in such manner as the Board shall by rule prescribe.”).
365. *Id.* (“The Board of Governors may not delegate to a Federal reserve bank its functions for the establishment of policies for the supervision and regulation of depository institution holding companies and other financial firms supervised by the Board of Governors.”).
366. 5 U.S.C. § 8472(b) (“The Board shall be composed of (1) 3 members appointed by the President, of whom 1 shall be designated by the President as Chairman; and (2) 2 members appointed by the President, of whom (A) 1 shall be appointed by the President after taking into consideration the recommendation made by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives; and (B) 1 shall be appointed by the President after taking into consideration the recommendation made by the majority leader of the Senate in consultation with the minority leader of the Senate.”).
367. *Id.*

Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Members: None.  
Non-Voting Members: None.  
Removal Protections for Members: No.  
Serve at the Pleasure of the President: No.  
Term Length: 4 years.<sup>368</sup>  
Partisan Balancing: No.  
Continuation of Service During Vacancy: Yes.<sup>369</sup>  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: Yes.<sup>370</sup>  
Quorum Rules (Statute-Based): Fixed Numerosity.<sup>371</sup>  
Quorum Rules (Rule-Based): None Specified.  
Voting Rules (Statute-Based): Present Majority.<sup>372</sup>  
Quorum Rules (Rule-Based): None Specified.  
Number of Members for Quorum: 3.<sup>373</sup>  
Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: No.  
Prohibitions on Delegation: No.

### Federal Service Impasses Panel

Number of Members: 7.<sup>374</sup>

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368. *Id.* § 8472(e)(1) (“Except as provided in section 311 of the Federal Employees’ Retirement System Act of 1986, a member of the Board shall be appointed for a term of 4 years . . .”).

369. *Id.* § 8472(e)(3) (“The term of any member shall not expire before the date on which the member’s successor takes office.”).

370. *Id.* § 8476(b)(2) (“A vacancy on the Board shall not impair the authority of a quorum of the Board to perform the functions and exercise the powers of the Board.”).

371. *Id.* § 8476(c) (“Three members of the Board shall constitute a quorum for the transaction of business.”).

372. *Id.* § 8476(b)(1) (“Except as provided in sections 8472(g)(1)(C) and 8474(a)(1) of this title, the Board shall perform the functions and exercise the powers of the Board on a majority vote of a quorum of the Board.”).

373. *Id.* § 8476(c).

374. *Id.* § 7119(c)(2) (“The Panel shall be composed of a Chairman and at least six other members, who shall be appointed by the President, solely on the basis of fitness to  
*footnote continued on next page*”).

Number of Members Appointed by the President: 7.<sup>375</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Members: None.  
Non-Voting Members: None.  
Removal Protections for Members: No.  
Serve at the Pleasure of the President: Yes.<sup>376</sup>  
Term Length: 5 years.<sup>377</sup>  
Partisan Balancing: No.  
Continuation of Service During Vacancy: No.  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: No.  
Quorum Rules (Statute-Based): None Specified.  
Quorum Rules (Rule-Based): Unspecified Majority.<sup>378</sup>  
Voting Rules (Statute-Based): None Specified.  
Voting Rules (Rule-Based): None Specified.  
Number of Members for Quorum: N/A.  
Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: No.  
Prohibitions on Delegation: No.

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perform the duties and functions involved, from among individuals who are familiar with Government operations and knowledgeable in labor-management relations.”).

375. The statute specifies that the Panel shall consist of the Chairman and “at least six other members.” *Id.* Accordingly, the statute suggests that the Board could have more than seven members.

376. *Id.* § 7119(c)(3) (“Any member of the Panel may be removed by the President.”).

377. *Id.* (“Thereafter each member shall be appointed for a term of 5 years, except that an individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.”).

378. 5 C.F.R. § 2470.2(h) (“The term quorum means a majority of the members of the Panel.”) (emphasis omitted).

### Federal Supplementary Medical Insurance Trust Fund

Number of Members: 6.<sup>379</sup>

Number of Members Appointed by the President: 2.<sup>380</sup>

Number of Voting, Ex Officio Members: 4.<sup>381</sup>

Ex Officio Members: Commissioner of Social Security; Secretary of the Treasury; Secretary of Labor; Secretary of Health and Human Services.<sup>382</sup>

Members Appointed by Other Entities: None.

Non-Voting Members: None.

Removal Protections for Members: No.

Serve at the Pleasure of the President: No.

Term Length: 4 years.<sup>383</sup>

Partisan Balancing: Yes.<sup>384</sup>

Continuation of Service During Vacancy: Yes with limitations.<sup>385</sup>

Time Limit on Vacancies: No.

Vacancies Do Not Impair Functions: No.

Quorum Rules (Statute-Based): None Specified.

Quorum Rules (Rule-Based): None Specified.<sup>386</sup>

Voting Rules (Statute-Based): None Specified.

Voting Rules (Rule-Based): Present Majority.<sup>387</sup>

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379. 42 U.S.C. § 1395t(b) (“With respect to the Trust Fund, there is hereby created a body to be known as the Board of Trustees of the Trust Fund (hereinafter in this section referred to as the “Board of Trustees”) composed of the Commissioner of Social Security, the Secretary of the Treasury, the Secretary of Labor, and the Secretary of Health and Human Services, all ex officio, and of two members of the public (both of whom may not be from the same political party), who shall be nominated by the President for a term of four years and subject to confirmation by the Senate.”).

380. *Id.*

381. *Id.*

382. *Id.*

383. *Id.*

384. *Id.*

385. *Id.* (“An individual nominated and confirmed as a member of the public may serve in such position after the expiration of such member’s term until the earlier of the time at which the member’s successor takes office or the time at which a report of the Board is first issued under paragraph (2) after the expiration of the member’s term.”).

386. A Government Accountability Office report from 2019 references bylaws adopted by the trust fund’s board in 1995. *See* U.S. GOV’T ACCOUNTABILITY OFF., GAO-19-596, IMPROVED SCHEDULE MANAGEMENT NEEDED FOR MORE TIMELY TRUST FUND REPORTS 2 (July 2019). We were unable to locate any bylaws, procedural rules, or rules of practice governing the Federal Supplementary Medical Insurance Trust Fund. We contacted the Government Accountability Office requesting the bylaws cited in its report. As of publication, we have not received that information.

387. *See id.* at 14 (“The boards’ bylaws require the annual reports to be adopted by a majority of the trustees who are present and voting.”).

Number of Members for Quorum: N/A.  
Number of Members for Approval: N/A.  
Required Members for Quorum: N/A.  
Required Members for Approval: N/A.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: No.  
Prohibitions on Delegation: No.

### Federal Trade Commission

Number of Members: 5.<sup>388</sup>  
Number of Members Appointed by the President: 5.<sup>389</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Members: None.  
Non-Voting Members: None.  
Removal Protections for Members: Yes.<sup>390</sup>  
Serve at the Pleasure of the President: No.  
Term Length: 7 years.<sup>391</sup>  
Partisan Balancing: Yes.<sup>392</sup>  
Continuation of Service During Vacancy: Yes.<sup>393</sup>  
Time Limit on Vacancies: No.

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388. 15 U.S.C. § 41 (“A commission is created and established, to be known as the Federal Trade Commission (hereinafter referred to as the Commission), which shall be composed of five Commissioners, who shall be appointed by the President, by and with the advice and consent of the Senate.”).

389. *Id.*

390. *Id.* (“Any Commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.”).

391. *Id.* (“The first Commissioners appointed shall continue in office for terms of three, four, five, six, and seven years, respectively, from September 26, 1914, the term of each to be designated by the President, but their successors shall be appointed for terms of seven years . . .”).

392. *Id.* (“Not more than three of the Commissioners shall be members of the same political party.”).

393. *Id.* (“That upon the expiration of his term of office a Commissioner shall continue to serve until his successor shall have been appointed and shall have qualified.”).

Vacancies Do Not Impair Functions: Yes.<sup>394</sup>  
Quorum Rules (Statute-Based): None Specified.  
Quorum Rules (Rule-Based): Appointed Majority.<sup>395</sup>  
Voting Rules (Statute-Based): None Specified.  
Voting Rules (Rule-Based): Present Majority.<sup>396</sup>  
Number of Members for Quorum: N/A.  
Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: Yes.<sup>397</sup>  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: Yes.<sup>398</sup>

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394. *Id.* (“A vacancy in the Commission shall not impair the right of the remaining Commissioners to exercise all the powers of the Commission.”).

395. 16 C.F.R. § 4.14(b) (“A majority of the members of the Commission in office and not recused from participating in a matter (by virtue of 18 U.S.C. 208 or otherwise) constitutes a quorum for the transaction of business in that matter.”).

396. *Id.* § 4.14(c) (“Any Commission action, either at a meeting or by written circulation, may be taken only with the affirmative concurrence of a majority of the participating Commissioners, except where a greater majority is required by statute or rule or where the action is taken pursuant to a valid delegation of authority. No Commissioner may delegate the authority to determine his or her vote in any matter requiring Commission action, but authority to report a Commissioner’s vote on a particular matter resolved either by written circulation, or at a meeting held in the Commissioner’s absence, may be vested in a member of the Commissioner’s staff.”).

397. *Id.* § 0.7(b) (“The Commission delegates its functions, subject to certain limitations, when no quorum is available for the transaction of business. The delegate or delegates are authorized to act in instances in which no party or intervenor would be adversely affected by the delegated action and entitled to seek review by the Commission, as provided by section 1(b) of Reorganization Plan No. 4 of 1961, or in instances in which all such adversely affected parties or intervenors have waived such a right. In actions in which at least one Commissioner is participating, this delegation is to the participating Commissioner or to the body of Commissioners who are participating. In actions in which no Commissioner is available or no Commissioner is participating, the General Counsel in consultation, where appropriate, with the Directors of the Bureau of Consumer Protection, Competition, and Economics will exercise this delegated authority without power of redelegation. This delegation does not alter or affect other delegations to Commission staff. This delegation is only authorized for those instances in which the Commission lacks a quorum as set forth in Commission Rule 4.14(b), 16 CFR 4.14(b) (Commission quorum).”).

398. Reorganization Plan No. 4 of 1961, 3 C.F.R. 6191 (1961), *reprinted in* 75 Stat. 837 § 1(a) (“In addition to its existing authority, the Federal Trade Commission, hereinafter referred to as the “Commission”, shall have the authority to delegate, by published order or rule, any of its functions to a division of the Commission, an individual Commissioner, a hearing examiner, or an employee or employee board, including functions with respect to hearing, determining, ordering, certifying, reporting or otherwise acting as to any

*footnote continued on next page*

Prohibitions on Delegation: No.

### Financial Stability Oversight Council

Number of Members: 10.<sup>399</sup>

Number of Members Appointed by the President: 1.<sup>400</sup>

Number of Voting, Ex Officio Members: 9.<sup>401</sup>

Ex Officio Members: Secretary of the Treasury;<sup>402</sup> Chairman of the Board of Governors;<sup>403</sup> Comptroller of the Currency;<sup>404</sup> Director of the Consumer Financial Protection Bureau;<sup>405</sup> Chairman of the Securities and Exchange Commission;<sup>406</sup> Chairperson of the Federal Deposit Insurance Corporation;<sup>407</sup> Chairperson of the Commodity Futures Trading Commission;<sup>408</sup> Director of the Federal Housing Finance Agency;<sup>409</sup> Chairman of the National Credit Union Administration Board.<sup>410</sup>

Number of Members Appointed by Other Entities: 0.

Non-Voting Members: Director of the Office of Financial Research;<sup>411</sup> Director of the Federal Insurance Office;<sup>412</sup> 1 State Insurance Commissioner;<sup>413</sup> 1 State Banking Supervisor;<sup>414</sup> 1 State Securities Commissioner.<sup>415</sup>

Removal Protections for Members: No.

Serve at the Pleasure of the President: No.

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work, business, or matter: Provided, however, That nothing herein contained shall be deemed to supersede the provisions of section 7(a) of the Administrative Procedure Act (60 Stat. 237), as amended [section 556 of Title 5].”)

399. 12 U.S.C. § 5321(b)(1).

400. *Id.* § 5321(b)(1)(J) (“[A]n independent member appointed by the President, by and with the advice and consent of the Senate, having insurance expertise.”).

401. *Id.* § 5321(b)(1)(A)—(I).

402. *Id.* § 5321(b)(1)(A).

403. *Id.* § 5321(b)(1)(B); 12 U.S.C. § 5301(3).

404. *Id.* § 5321(b)(1)(C).

405. *Id.* § 5321(b)(1)(D); 12 U.S.C. § 5301(4).

406. *Id.* § 5321(b)(1)(E); 12 U.S.C. § 5301(5).

407. *Id.* § 5321(b)(1)(F); 12 U.S.C. § 5301(7).

408. *Id.* § 5321(b)(1)(G).

409. *Id.* § 5321(b)(1)(H).

410. *Id.* § 5321(b)(1)(I).

411. *Id.* § 5321(b)(2)(A).

412. *Id.* § 5321(b)(2)(B).

413. *Id.* § 5321(b)(2)(C).

414. *Id.* § 5321(b)(2)(D).

415. *Id.* § 5321(b)(2)(E).

Term Length: 6 years.<sup>416</sup>

Partisan Balancing: No.

Continuation of Service During Vacancy: Yes with limitations.<sup>417</sup>

Time Limit on Vacancies: No.

Vacancies Do Not Impair Functions: No.

Quorum Rules (Statute-Based): None Specified.

Quorum Rules (Rule-Based): None Specified.

Voting Rules (Statute-Based): Appointed Majority.<sup>418</sup>

Voting Rules (Rule-Based): Appointed Majority.<sup>419</sup>

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416. While voting members serve for six years, non-voting members only serve for two years. *Id.* § 5321(c)(1) (“The independent member of the Council shall serve for a term of 6 years, and each nonvoting member described in subparagraphs (C), (D), and (E) of subsection (b)(2) shall serve for a term of 2 years.”).
417. *Id.* § 5321(c)(4) (“Notwithstanding paragraph (1), if a successor to the independent member of the Council serving under subsection (b)(1)(J) is not appointed and confirmed by the end of the term of service of such member, such member may continue to serve until the earlier of (A) 18 months after the date on which the term of service ends; or (B) the date on which a successor to such member is appointed and confirmed.”).
418. *Id.* § 5321(f) (“Unless otherwise specified, the Council shall make all decisions that it is authorized or required to make by a majority vote of the voting members then serving.”); *id.* § 5327(c)(2)(A) (“A Council decision to grant an appeal under this subsection shall be made by a vote of not fewer than  $\frac{2}{3}$  of the voting members then serving, including an affirmative vote by the Chairperson.”); *id.* § 5331(a) (“If the Board of Governors determines that a bank holding company with total consolidated assets of \$250,000,000,000 or more, or a nonbank financial company supervised by the Board of Governors, poses a grave threat to the financial stability of the United States, the Board of Governors, upon an affirmative vote of not fewer than  $\frac{2}{3}$  of the voting members of the Council then serving, shall (1) limit the ability of the company to merge with, acquire, consolidate with, or otherwise become affiliated with another company; (2) restrict the ability of the company to offer a financial product or products; (3) require the company to terminate one or more activities; (4) impose conditions on the manner in which the company conducts 1 or more activities; or (5) if the Board of Governors determines that the actions described in paragraphs (1) through (4) are inadequate to mitigate a threat to the financial stability of the United States in its recommendation, require the company to sell or otherwise transfer assets or off-balance-sheet items to unaffiliated entities.”); *id.* § 5323(a)(1) (“The Council, on a nondelegable basis and by a vote of not fewer than  $\frac{2}{3}$  of the voting members then serving, including an affirmative vote by the Chairperson, may determine that a U.S. nonbank financial company shall be supervised by the Board of Governors and shall be subject to prudential standards, in accordance with this subchapter, if the Council determines that material financial distress at the U.S. nonbank financial company, or the nature, scope, size, scale, concentration, interconnectedness, or mix of the activities of the U.S. nonbank financial company, could pose a threat to the financial stability of the United States.”); *id.* § 5329(c)(3) (“Any Council recommendation under this section shall . . . be approved by the affirmative vote of  $\frac{2}{3}$  of the voting members of the Council then serving.”).
419. 12 C.F.R. § 1310.23(c) (“Any determination of the Council under paragraph (a)(2) of this section to rescind a determination made with respect to a nonbank financial company shall (1) Be made by the Council and shall not be delegated by the Council; and (2) Require the vote of not fewer than two-thirds of the voting members of the Council then  
*footnote continued on next page*

Number of Members for Quorum: N/A.  
Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: Yes.<sup>420</sup>  
Single-Member Restrictions: None Specified.  
Actions Without Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: No.  
Prohibitions on Delegation: Yes.<sup>421</sup>

### Foreign Claims Settlement Commission

Number of Members: 3.<sup>422</sup>  
Positions: 3.<sup>423</sup>

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serving, including the affirmative vote of the Chairperson of the Council.”); *id.* § 1310.12(b) (“Any proposed or final determination under paragraph (a) of this section shall (1) Be made by the Council and shall not be delegated by the Council; and (2) Require the vote of not fewer than two-thirds of the voting members of the Council then serving, including the affirmative vote of the Chairperson of the Council.”); *id.* § 1320.13(c) (“Any determination under paragraph (a) or (b) of this section and any proposed determination under § 1320.12 shall (1) Be made by the Council and must not be delegated by the Council; and (2) Require the vote of not fewer than two-thirds of the members of the Council then serving, including the affirmative vote of the Chairperson of the Council.”); *id.* § 1310.10(b) (“Any proposed or final determination under paragraph (a) of this section shall (1) Be made by the Council and shall not be delegated by the Council; and (2) Require the vote of not fewer than two-thirds of the voting members of the Council then serving, including the affirmative vote of the Chairperson of the Council.”); *id.* § 1320.14(b) (“Any determination by the Council under paragraph (a) to waive or modify any of the requirements of §§ 1320.11 and 1320.12 shall (1) Be made by the Council; and (2) Require the affirmative vote of not fewer than two-thirds of members then serving, including the affirmative vote of the Chairperson of Council.”); *id.* § 1310.22(e) (“Any determination of the Council under paragraph (a)(1) of this section to waive or modify any of the notice or other procedural requirements of § 1310.21 shall—(1) Be made by the Council and shall not be delegated by the Council; and (2) Require the vote of not fewer than two-thirds of the voting members of the Council then serving, including the affirmative vote of the Chairperson of the Council.”).

420. *See, e.g.*, 12 U.S.C. § 5327(c)(2)(A).

421. *See id.* § 5323(a)(1).

422. 22 U.S.C. § 1622c(a) (“The Commission shall be composed of a Chairman and two members.”).

423. *Id.* § 1622c(a) (“The Chairman shall be appointed by the President, by and with the advice and consent of the Senate, to serve on a full-time basis for a term of three years, and compensated at the rate provided for level V of the Executive Schedule under section 5316 of title 5.”); *id.* § 1622c(b) (“The other members of the Commission shall be appointed by the President, by and with the advice and consent of the Senate, and serve on a part-time basis, and be compensated on a per diem basis at a rate of compensation equivalent to the daily rate for level V of the Executive Schedule under section 5316 of

*footnote continued on next page*

Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Members: None.  
Non-Voting Members: None.  
Removal Protections for Members: Yes.<sup>424</sup>  
Serve at the Pleasure of the President: No.  
Term Length: 3 years.<sup>425</sup>  
Partisan Balancing: No.  
Continuation of Service During Vacancy: Yes.<sup>426</sup>  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: No.  
Quorum Rules (Statute-Based): Fixed Numerosity.<sup>427</sup>  
Quorum Rules (Rule-Based): Fixed Numerosity.<sup>428</sup>  
Voting Rules (Statute-Based): Unspecified Majority.<sup>429</sup>  
Voting Rules (Rule-Based): None Specified.  
Number of Members for Quorum: 2.<sup>430</sup>  
Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without Quorum: No.

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Title 5 for each day that such member is employed in the actual performance of official business of the Commission as may be directed by the Chairman.”).

424. *Id.* § 1622(c) (“Any member of the Commission may be removed by the Secretary of State, upon notice and hearing, for neglect of duty, or malfeasance in office, but for no other cause.”).
425. *Id.* § 1622c(c) (“The terms of Office of the Chairman and members of the Commission shall be for three years . . .”).
426. *Id.* (“The incumbent of any such office may continue to serve until a successor takes office.”).
427. Reorganization Plan No. 1 of 1954, 3 C.F.R. 101, *reprinted in* 68 Stat. 1279 § 1 (“Two members of the Commission shall constitute a quorum for the transaction of the business of the Commission.”).
428. 45 C.F.R. § 503.20 (“Meeting means the deliberations of at least two (quorum) members of the Commission where such deliberations determine or result in joint conduct or disposition of official Commission business.” (emphasis omitted)).
429. 22 U.S.C. § 1623(b) (“Each decision by the Commission pursuant to this subchapter shall be by majority vote, and shall state the reason for such decision, and shall constitute a full and final disposition of the case in which the decision is rendered.”).
430. Reorganization Plan No. 1 of 1954, 3 C.F.R. 101, *reprinted in* 68 Stat. 1279 § 1.

Delegation Authority: Yes.<sup>431</sup>

Prohibition on Delegation: No.

### Harry S. Truman Scholarship Foundation

Number of Members: 13.<sup>432</sup>

Number of Members Appointed by the President: 8.<sup>433</sup>

Number of Voting, Ex Officio Members: 1.<sup>434</sup>

Ex Officio Members: Secretary of Education.<sup>435</sup>

Number of Members Appointed by Other Entities: 4.<sup>436</sup>

Members Appointed by Other Entities: 2 Senators appointed by the President of the Senate;<sup>437</sup> 2 Members of the House of the Representatives appointed by the Speaker of the House.<sup>438</sup>

Non-Voting Members: None.

Removal Protections for Members: No.

Serve at the Pleasure of the President: No.

Term Length: 6 years.<sup>439</sup>

Partisan Balancing: Yes.<sup>440</sup>

Continuation of Service During Vacancy: No.

Time Limit on Vacancies: No.

Vacancies Do Not Impair Functions: No.

Quorum Rules (Statute-Based): None Specified.

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431. *Id.* § 5 (“The Commission is hereby authorized to delegate any of its functions to one or more persons designated by the Commission from among the members of the Commission and the officers and employees serving under the Commission.”).

432. 20 U.S.C. § 2004(b) (“The Board shall be composed of thirteen members . . .”).

433. *Id.* § 2004(b)(1)(C) (“[E]ight members, not more than four of whom shall be of the same political party, to be appointed by the President with the advice and consent of the Senate, of whom one shall be a chief executive officer of a State, one a chief executive officer of a city or county, one a member of a Federal court, one a member of a State court, one a person active in postsecondary education, and three representatives of the general public . . .”).

434. *Id.* § 2004(b)(1)(D) (“[T]he Secretary of Education or his designate, who shall serve ex officio as a member of the Board, but shall not be eligible to serve as Chairman.”).

435. *Id.*

436. *Id.* § 2004(b)(1)(A)—(B).

437. *Id.* § 2004(b)(1)(A) (“[T]wo Members of the Senate, one from each political party, to be appointed by the President of the Senate . . .”).

438. *Id.* § 2004(b)(1)(B) (“[T]wo Members of the House of Representatives, one from each political party, to be appointed by the Speaker . . .”).

439. *Id.* § 2004(c) (“The term of office of each member of the Board shall be six years . . .”).

440. *Id.* § 2004(b)(1)(A)—(C).

Quorum Rules (Rule-Based): None Specified.<sup>441</sup>  
Voting Rules (Statute-Based): None Specified.<sup>442</sup>  
Voting Rules (Rule-Based): None Specified.  
Number of Members for Quorum: N/A.  
Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: Yes.<sup>443</sup>  
Prohibitions on Delegation: No.

### Inter-American Foundation

Number of Members: 9.<sup>444</sup>  
Number of Members Appointed by the President: 9.<sup>445</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Members: None.

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441. See 45 C.F.R. § 1802.2 (“Meeting means the deliberations of at least the number of individual voting members of the Board required to take action on behalf of the Board . . . .”) (emphasis omitted).

442. The only mention of any voting requirement in either the Foundation’s statutes or regulations relates to procedures for entering into contracts. 20 U.S.C. § 2012 (“[T]he foundation is authorized to . . . enter into contracts, grants, or other arrangements, or modifications thereof, to carry out the provisions of this chapter, and such contracts or modifications thereof may, with the concurrence of two-thirds of the members of the Board, be entered into without performance or other bonds, and without regard to section 6101 of title 41 . . . .”). No other provision relates to the general authority of the Foundation to exercise its power. We code the Foundation as “none specified” because we were unable to find more generalized voting requirements.

443. *Id.* § 2011(a) (“There shall be an Executive Secretary of the Foundation who shall be appointed by the Board. The Executive Secretary shall be the chief executive officer of the Foundation and shall carry out the functions of the Foundation subject to the supervision and direction of the Board. The Executive Secretary shall carry out such other functions consistent with the provisions of this chapter as the Board shall delegate.”).

444. 22 U.S.C. § 290f(g) (“The management of the Foundation shall be vested in a board of directors (hereafter in this section referred to as the ‘Board’) composed of nine members appointed by the President, by and with the advice and consent of the Senate, one of whom he shall designate to serve as Chairman of the Board and one of whom he shall designate to serve as Vice Chairman of the Board.”).

445. *Id.*

Non-Voting Members: None.  
Removal Protections for Members: No.  
Serve at the Pleasure of the President: No.  
Term Length: 6 years.<sup>446</sup>  
Partisan Balancing: Yes.<sup>447</sup>  
Continuation of Service During Vacancy: Yes.<sup>448</sup>  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: No.  
Quorum Rules (Statute-Based): Unspecified majority.<sup>449</sup>  
Quorum Rules (Rule-Based): Unspecified majority.<sup>450</sup>  
Voting Rules (Statute-Based): None Specified.  
Voting Rules (Rule-Based): Present majority.<sup>451</sup>  
Number of Members for Quorum: N/A.  
Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: Yes.<sup>452</sup>  
Prohibitions on Delegation: No.

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446. *Id.* (“Members of the Board shall be appointed for terms of six years . . .”).

447. *Id.* (“No more than 5 members of the Board may be members of any one political party.”).

448. *Id.* (“A member of the Board appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term; but upon the expiration of his term of office a member shall continue to serve until his successor is appointed and shall have qualified.”).

449. *Id.* § 290f(j) (“A majority of the Board shall be required as a quorum.”).

450. INTER-AMERICAN FOUNDATION, BYLAWS art. II, § 2 (“A majority of the members of the Board shall constitute a quorum for the transaction of business at any meeting.”).

451. *Id.* (“The vote of the majority attending a meeting shall constitute action of the Board of Directors . . .”).

452. *Id.* § 290f(k) (“In furtherance and not in limitation of the powers conferred upon it, the Board may appoint such committees for the carrying out of the work of the Foundation as the Board finds to be for the best interests of the Foundation, each committee to consist of two or more members of the Board, which committees, together with officers and agents duly authorized by the Board and to the extent provided by the Board, shall have and may exercise the powers of the Board in the management of the business and affairs of the Foundation.”).

### Internal Revenue Service Oversight Board

Number of Members: 9.<sup>453</sup>

Number of Members Appointed by the President: 7.<sup>454</sup>

Number of Voting, Ex Officio Members: 2.<sup>455</sup>

Ex Officio Members: Secretary of the Treasury;<sup>456</sup> Commissioner of Internal Revenue.<sup>457</sup>

Removal Protections for Members: No.

Serve at the Pleasure of the President: Yes.<sup>458</sup>

Term Length: 5 years.<sup>459</sup>

Partisan Balancing: No.

Continuation of Service During Vacancy: No.

Time Limit on Vacancies: No.

Vacancies Do Not Impair Functions: No.

Quorum Rules (Statute-Based): Fixed Numerosity.<sup>460</sup>

Quorum Rules (Rule-Based): None Specified.

Voting Rules (Statute-Based): Present Majority.<sup>461</sup>

Voting Rules (Rule-Based): None Specified.

Number of Members for Quorum: 5.<sup>462</sup>

Number of Members for Approval: N/A.

Required Members for Quorum: No.

Required Members for Approval: No.

Single-Member Restrictions: No.

Actions Without a Quorum Due to Vacancies: No.

Actions Without a Quorum Due to Emergencies: No.

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453. 26 U.S.C. § 7802(b) (“The Oversight Board shall be composed of nine members . . .”).

454. *Id.* § 7802(b)(1)(A), (D) (“[S]ix members shall be individuals who are not otherwise Federal officers or employees and who are appointed by the President, by and with the advice and consent of the Senate.”); *id.* § 7802(b)(1)(D) (“[O]ne member shall be an individual who is a full-time Federal employee or a representative of employees and who is appointed by the President, by and with the advice and consent of the Senate.”).

455. *Id.* § 7802(b)(1)(B)-(C).

456. *Id.* § 7802(b)(1)(B).

457. *Id.* § 7802(b)(1)(C).

458. *Id.* § 7802(b)(5) (“Any member of the Oversight Board appointed under subparagraph (A) or (D) of paragraph (1) may be removed at the will of the President.”).

459. *Id.* § 7802(b)(2)(B) (“Each member who is described in subparagraph (A) or (D) of paragraph (1) shall be appointed for a term of 5 years . . .”).

460. *Id.* § 7802(b)(4) (“Five members of the Oversight Board shall constitute a quorum.”).

461. *Id.* (“A majority of members present and voting shall be required for the Oversight Board to take action.”).

462. *Id.*

Delegation Authority: No.  
Prohibitions on Delegation: No.  
International Trade Commission  
Number of Members: 6.<sup>463</sup>  
Number of Members Appointed by the President: 6.<sup>464</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Members: None.  
Non-Voting Members: None.  
Removal Protections for Members: No.  
Serve at the Pleasure of the President: No.  
Term Length: 9 years.<sup>465</sup>  
Partisan Balancing: Yes.<sup>466</sup>  
Continuation of Service During Vacancy: Yes.<sup>467</sup>  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: Yes.<sup>468</sup>  
Quorum Rules (Statute-Based): Appointed Majority.<sup>469</sup>  
Quorum Rules (Rule-Based): Unspecified Majority.<sup>470</sup>  
Voting Rules (Statute-Based): Present Majority.<sup>471</sup>

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463. 19 U.S.C. § 1330(a) (“The United States International Trade Commission (referred to in this subtitle as the ‘Commission’) shall be composed of six commissioners who shall be appointed by the President, by and with the advice and consent of the Senate.”).

464. *Id.*

465. *Id.* § 1330(b) (“The term of office of each commissioner appointed after such date shall expire 9 years from the date of the expiration of the term for which his predecessor was appointed . . .”).

466. *Id.* § 1330(a) (“Not more than three of the commissioners shall be members of the same political party, and in making appointments members of different political parties shall be appointed alternately as nearly as may be practicable.”).

467. *Id.* § 1330(b)(2) (“[A]ny commissioner may continue to serve as a commissioner after an expiration of his term of office until his successor is appointed and qualified.”).

468. *Id.* § 1330(c)(6) (“A majority of the commissioners in office shall constitute a quorum, but the Commission may function notwithstanding vacancies.”).

469. *Id.*

470. 19 C.F.R. § 201.4(a) (2025) (“A majority of the members of the Commission constitutes a quorum.”).

471. The statute does not provide for majority voting explicitly but contains several provisions discussing the need for a majority to take certain actions, which implies that majority vote is the typical voting rule. *See* 19 U.S.C. § 1330(d)(1) (“In a proceeding in which the Commission is required to determine— (A) under section 2252 of this title, whether increased imports of an article are a substantial cause of serious injury, or the threat thereof, as described in subsection (b)(1) of that section (hereafter in this

*footnote continued on next page*

Voting Rules (Rule-Based): None Specified.  
Number of Members for Quorum: N/A.  
Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: No.  
Prohibitions on Delegation: Yes.<sup>472</sup>

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subsection referred to as “serious injury”), or (B) under section 2436 of this title, whether market disruption exists[,] and the commissioners voting are equally divided with respect to such determination, then the determination agreed upon by either group of commissioners may be considered by the President as the determination of the Commission.”); *id.* § 1330(d)(2) (“If under section 2252(b) or 2436 of this title there is an affirmative determination of the Commission, or a determination of the Commission which the President may consider an affirmative determination under paragraph (1), that serious injury or market disruption exists, respectively, and a majority of the commissioners voting are unable to agree on a finding or recommendation described in section 2252(e)(1) of this title or the finding described in section 2436(a)(3) of this title, as the case may be (hereafter in this subsection referred to as a “remedy finding”), then— (A) if a plurality of not less than three commissioners so voting agree on a remedy finding, such remedy finding shall, for purposes of section 2253 of this title, be treated as the remedy finding of the Commission, or (B) if two groups, both of which include not less than 3 commissioners, each agree upon a remedy finding and the President reports under section 2254(a) of this title that— (i) he is taking the action agreed upon by one such group, then the remedy finding agreed upon by the other group shall, for purposes of section 2253 of this title, be treated as the remedy finding of the Commission, or (ii) he is taking action which differs from the action agreed upon by both such groups, or that he will not take any action, then the remedy finding agreed upon by either such group may be considered by the Congress as the remedy finding of the Commission and shall, for purposes of section 2253 of this title, be treated as the remedy finding of the Commission.”); *id.* § 1330(d)(5) (“Whenever, in any case in which the Commission is authorized to make an investigation upon its own motion, upon complaint, or upon application of any interested party, one-half of the number of commissioners voting agree that the investigation should be made, such investigation shall thereupon be carried out in accordance with the statutory authority covering the matter in question. Whenever the Commission is authorized to hold hearings in the course of any investigation and one-half of the number of commissioners voting agree that hearings should be held, such hearings shall thereupon be held in accordance with the statutory authority covering the matter in question.”).

472. 19 C.F.R. § 201.4(c) (2025) (“Authority to interpret the Commission’s rules and the laws applying to the Commission, and to make findings, determinations, or other decisions not relating to matters of internal management, is retained in the Commission itself and is not delegated.”).

**James Madison Memorial Fellowship Foundation**

Number of Members: 13.<sup>473</sup>  
Number of Members Appointed by the President: 12.<sup>474</sup>  
Number of Voting, Ex Officio Members: 1.<sup>475</sup>  
Ex Officio Members: Secretary of Education.<sup>476</sup>  
Number of Members Appointed by Other Entities: 0.  
Non-Voting Members: None.  
Removal Protections for Members: No.  
Serve at the Pleasure of the President: No.  
Term Length: 6 years.<sup>477</sup>  
Partisan Balancing: Yes.<sup>478</sup>  
Continuation of Service During Vacancy: Yes with limitations.<sup>479</sup>  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: No.  
Quorum Rules (Statute-Based): None Specified.  
Quorum Rules (Rule-Based): None Specified.  
Voting Rules (Statute-Based): None Specified.  
Voting Rules (Rule-Based): None Specified.  
Number of Members for Quorum: N/A.  
Number of Members for Approval: N/A.

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473. 20 U.S.C. § 4502(b)(1) (“The Board shall be composed of thirteen members . . .”).

474. *Id.* § 4502(b)(1)(A)-(D) (“(A) Two Members of the Senate, of different political parties, shall be appointed by the President upon the recommendation of the President pro tempore of the Senate, in consultation with the Majority Leader and Minority Leader of the Senate.”); *id.* § 4502(b)(1)(B) (“Two Members of the House of Representatives, of different political parties, shall be appointed by the President upon the recommendation of the Speaker of the House, in consultation with the Minority Leader of the House of Representatives.”); *id.* § 4502(b)(1)(C) (“Two members of the Federal judiciary shall be appointed by the President upon the recommendation of the Chief Justice of the United States.”); *id.* § 4502(b)(1)(D) (“Six members, not more than three of whom shall be of the same political party, shall be appointed by the President with the advice and consent of the Senate, of whom one shall be a chief executive officer of a State, two shall be members of the general public, and three shall be members of the academic community, appointed upon the recommendation of the Librarian of Congress.”).

475. 20 U.S.C. § 4502(b)(1)(E) (“The Secretary of Education or his designate shall serve ex officio as a member of the Board, but shall not be eligible to serve as Chairman.”).

476. *Id.*

477. *Id.* § 4502(b)(2) (“The term of office of each member of the Board shall be six years . . .”).

478. *Id.* § 4502(b)(1)(D).

479. *Id.* § 4502(b)(3) (“A member of the Board whose term has expired may continue to serve until the earlier of— (A) the date on which a successor has taken office; or (B) the date on which the Congress adjourns sine die to end the session of Congress that commences after the date on which the member’s term expired.”).

Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: No.  
Prohibitions on Delegation: No.

### Legal Services Corporation

Number of Members: 11.<sup>480</sup>  
Number of Members Appointed by the President: 11.<sup>481</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Members: None.  
Non-Voting Members: None.  
Removal Protections for Members: Yes.<sup>482</sup>  
Serve at the Pleasure of the President: No.  
Term Length: 3 years.<sup>483</sup>  
Partisan Balancing: Yes.<sup>484</sup>  
Continuation of Service During Vacancy: Yes.<sup>485</sup>  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: No.  
Quorum Rules (Statute-Based): None Specified.  
Quorum Rules (Rule-Based): Mixed.<sup>486</sup>  
Voting Rules (Statute-Based): None Specified.

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480. 42 U.S.C. § 2996c(a) (“The Corporation shall have a Board of Directors consisting of eleven voting members appointed by the President, by and with the advice and consent of the Senate, no more than six of whom shall be of the same political party.”).

481. *Id.*

482. *Id.* § 2996c(e) (“A member of the Board may be removed by a vote of seven members for malfeasance in office or for persistent neglect of or inability to discharge duties, or for offenses involving moral turpitude, and for no other cause.”).

483. *Id.* § 2996c(b) (“The term of office of each member of the Board shall be three years . . .”).

484. *Id.* § 2996c(a).

485. *Id.* § 2996c(b) (“Each member of the Board shall continue to serve until the successor to such member has been appointed and qualified.”).

486. By-Laws of the Legal Services Corporation § 4.06(a) (Jan. 25, 2014), <https://perma.cc/D7CK-DCZV> (“At each meeting of the Board, the presence of a majority of the Directors then in office, but in no event fewer than four (4) Directors, shall constitute a quorum for the transaction of business.”).

Voting Rules (Rules-Based): Present Majority.<sup>487</sup>  
Number of Members for Quorum: N/A.  
Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: No.  
Prohibition on Delegation: No.

### **Marine Mammal Commission**

Number of Members: 3.<sup>488</sup>  
Number of Members Appointed by the President: 3.<sup>489</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Members: None.  
Non-Voting Members: None.  
Removal Protections for Members: No.  
Serve at the Pleasure of the President: No.  
Term Length: 3 years.<sup>490</sup>  
Partisan Balancing: No.  
Continuation of Service During Vacancy: Yes.<sup>491</sup>  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: No.  
Quorum Rules (Statute-Based): None Specified.  
Quorum Rules (Rule-Based): None Specified.  
Voting Rules (Statute-Based): None Specified.  
Voting Rules (Rule-Based): None Specified.  
Number of Members for Quorum: N/A.

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487. *Id.* (“Except as otherwise specifically provided by law or these By-Laws, the vote of a majority of the Directors present shall be the act of the Board, provided a quorum was present.”).

488. 16 U.S.C. § 1401(b)(1) (“[T]he Commission shall be composed of three members who shall be appointed by the President, by and with the advice and consent of the Senate.”).

489. *Id.*

490. *Id.* § 1401(b)(2) (“The term of office for each member shall be three years . . .”).

491. *Id.* (“A member may serve after the expiration of his term until his successor has taken office.”).

Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: No.  
Prohibitions on Delegation: No.

### **Merit Systems Protection Board**

Number of Members: 3.<sup>492</sup>  
Number of Members Appointed by the President: 3.<sup>493</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Members: None.  
Non-Voting Members: None.  
Removal Protections for Members: Yes.<sup>494</sup>  
Serve at the Pleasure of the President: No.  
Term Length: 7 years.<sup>495</sup>  
Partisan Balancing: Yes.<sup>496</sup>  
Continuation of Service During Vacancy: Yes with limitations.<sup>497</sup>  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: No.  
Quorum Rules (Statute-Based): None Specified.  
Quorum Rules (Rule-Based): None Specified.  
Voting Rules (Statute-Based): None Specified.

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492. 5 U.S.C. § 1201 (“The Merit Systems Protection Board is composed of 3 members appointed by the President, by and with the advice and consent of the Senate, not more than 2 of whom may be adherents of the same political party.”).

493. *Id.*

494. *Id.* § 1202(d) (“Any member may be removed by the President only for inefficiency, neglect of duty, or malfeasance in office.”).

495. *Id.* § 1202(a) (“The term of office of each member of the Merit Systems Protection Board is 7 years.”).

496. *Id.* § 1201.

497. *Id.* § 1202(b)-(c) (“Any new member serving only a portion of a seven-year term in office may continue to serve until a successor is appointed and has qualified, except that such member may not continue to serve for more than one year after the date on which the term of the member would otherwise expire, unless reappointed.”).

Voting Rules (Rule-Based): Fixed Numerosity.<sup>498</sup>  
Number of Members for Quorum: N/A.  
Number of Members for Approval: 2.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: Yes.<sup>499</sup>  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: Yes.<sup>500</sup>  
Prohibitions on Delegation: No.

### Metropolitan Washington Airports Authority

Number of Members: 17.<sup>501</sup>  
Number of Members Appointed by the President: 3.<sup>502</sup>  
Number of Voting, Ex Officio Members: 0.

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498. 5 C.F.R. § 1200.3(a) (2025).

499. Although the MSPB lacks an explicit quorum rule, it requires two affirmative votes to take any action. The Board has enacted regulations to address situations when only one Board member is able to act. *Id.* § 1200.3(c) (“When due to vacancies, recusals, or other reasons, only one Board member is able to act, the Board member may direct the following types of matters to an administrative judge or other official: (1) A party’s request to withdraw his/her appeal or petition for review for final disposition; (2) A newly raised claim that was not previously adjudicated in the appeal currently under review for docketing and adjudication; (3) A settlement for possible final disposition, including a determination of whether the parties actually reached a settlement, understood its terms, and agreed whether it is to be enforceable by the Board; or (4) A matter for further development of the record.”); *id.* § 1200.3(d) (“When due to vacancies, recusals, or other reasons no Board member is able to act, the Clerk of the Board may direct the following types of matters to an administrative judge or other official: (1) A party’s request to withdraw his/her appeal or petition for review for final disposition; (2) A newly raised claim that was not previously adjudicated in the appeal currently under review for docketing and adjudication; (3) A settlement for possible final disposition, including a determination of whether the parties actually reached a settlement, understood its terms, and agreed whether it is to be enforceable by the Board; or (4) A matter for further development of the record.”).

500. 5 U.S.C. § 1204(g) (“The Board may delegate the performance of any of its administrative functions under this title to any employee of the Board.”); 5 C.F.R. § 1201.134(b) (2025) (“Any member of the Board may delegate to an administrative law judge the authority to decide a Special Counsel request for an initial stay. The Board may delegate to a member of the Board the authority to rule on any matter related to a stay that has been granted to the Special Counsel, including a motion for extension or termination of the stay.”).

501. 49 U.S.C. § 49106(c)(1) (“The Airports Authority shall be governed by a board of directors composed of the following 17 members . . .”).

502. *Id.* § 49106(c)(1)(D).

Ex Officio Members: None.

Number of Members Appointed by Other Entities: 14.<sup>503</sup>

Positions: 7 members appointed by the Governor of Virginia;<sup>504</sup> 4 members appointed by the Mayor of the District of Columbia;<sup>505</sup> 3 members appointed by the Governor of Maryland.<sup>506</sup>

Removal Protections for Members: Yes.<sup>507</sup>

Serve at the Pleasure of the President: No.

Term Length: 6 years.<sup>508</sup>

Partisan Balancing: Yes.<sup>509</sup>

Continuation of Service During Vacancy: No.

Time Limit on Vacancies: No.

Vacancies Do Not Impair Functions: No.

Quorum Rules (Statute-Based): None Specified.

Quorum Rules (Rule-Based): Unspecified Majority.<sup>510</sup>

Voting Rules (Statute-Based): Fixed Numerosity.<sup>511</sup>

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503. *Id.* § 49106(c)(1) (“(A) 7 members appointed by the Governor of Virginia; (B) 4 members appointed by the Mayor of the District of Columbia; (C) 3 members appointed by the Governor of Maryland; and (D) 3 members appointed by the President with the advice and consent of the Senate.”).

504. *Id.* § 49106(c)(1)(A).

505. *Id.* § 49106(c)(1)(B).

506. *Id.* § 49106(c)(1)(C).

507. *Id.* § 49106(c)(6)(C) (“A member appointed by the President may be removed by the President for cause. A member appointed by the Mayor of the District of Columbia, the Governor of Maryland or the Governor of Virginia may be removed or suspended from office only for cause and in accordance with the laws of the jurisdiction from which the member is appointed.”).

508. *Id.* § 49106(c)(3) (“Members of the board shall be appointed to the board for 6 years . . .”).

509. *Id.* § 49106(c)(6)(A) (“Not more than 2 of the members of the board appointed by the President may be of the same political party.”).

510. METROPOLITAN WASHINGTON AIRPORTS AUTHORITY, BYLAWS art VIII, § 1 (Nov. 19, 2019) (“Fifty one percent (51%) of the Directors constitute a quorum for the transaction of all business at a regular or special meeting. A majority of the members of a Committee, not including the ex officio member, constitutes a quorum for the transaction of all Committee business.”).

511. 49 U.S.C. § 49106(c)(7) (“Ten votes are required to approve bond issues and the annual budget.”); *id.* § 49104(a)(4) (“In acquiring by contract supplies or services for an amount estimated to be more than \$200,000, or awarding concession contracts, the Airports Authority to the maximum extent practicable shall obtain complete and open competition through the use of published competitive procedures. By a vote of 7 members, the Airports Authority may grant exceptions to the requirements of this paragraph.”).

Voting Rules (Rule-Based): Mixed.<sup>512</sup>  
Number of Members for Quorum: N/A.  
Number of Members for Approval: 10.<sup>513</sup>  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: No.  
Prohibitions on Delegation: No.

### Millennium Challenge Corporation

Number of Members: 9.<sup>514</sup>  
Number of Members Appointed by the President: 4.<sup>515</sup>  
Number of Voting, Ex Officio Members: 5.<sup>516</sup>  
Ex Officio Members: Secretary of State; Secretary of the Treasury;  
Administrator of the United States Agency for International Development;  
United States Trade Representative; Chief Executive Officer of the  
Corporation.<sup>517</sup>  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Entities: None.  
Non-Voting Members: None.  
Removal Protections for Members: No.

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512. METROPOLITAN WASHINGTON AIRPORTS AUTHORITY *supra* note 510, at art. VIII, § 2 (“Action by the Board is by a simple majority vote of the Directors present and voting except where otherwise provided by the Bylaws. Ten affirmative votes of Directors are required to approve bond issues and the annual budget of the Airports Authority. An affirmative vote of fifty eight percent (58%) of Directors is required to approve the appointment of a President and Chief Executive Officer. An affirmative vote of fifty eight percent (58%) of Directors is required to grant exceptions to competitive procurement procedures for contracts over \$200,000, provided that in no event shall such an exception be granted without at least seven affirmative votes of Directors.”).

513. The voting rules of the Authority, but it requires 10 votes to issue bonds. METROPOLITAN WASHINGTON AIRPORTS AUTHORITY *supra* note 510, at art. VIII, § 2.

514. 22 U.S.C. § 7703(c)(3).

515. *Id.* § 7703(c)(3)(B) (“[F]our other individuals with relevant international experience who shall be appointed by the President, by and with the advice and consent of the Senate . . .”).

516. *Id.* § 7703(c)(3)(A) (“[T]he Secretary of State, the Secretary of the Treasury, the Administrator of the United States Agency for International Development, the Chief Executive Officer of the Corporation, and the United States Trade Representative.”).

517. *Id.*

Serve at the Pleasure of the President: No.  
Term Length: 3 years.<sup>518</sup>  
Partisan Balancing: No.  
Continuation of Service During Vacancy: Yes with limitations.<sup>519</sup>  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: No.  
Quorum Rules (Statute-Based): Unspecified Majority.<sup>520</sup>  
Quorum Rules (Rule-Based): Unspecified Majority.<sup>521</sup>  
Voting Rules (Statute-Based): None Specified.  
Voting Rules (Rule-Based): None Specified.  
Number of Members for Quorum: N/A.  
Number of Members for Approval: N/A.  
Required Members for Quorum: Yes.<sup>522</sup>  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: No.  
Prohibitions on Delegation: No.

**Morris K. Udall and Stewart L. Udall Scholarship Foundation**

Number of Members: 11.<sup>523</sup>  
Number of Members Appointed by the President: 9.<sup>524</sup>

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518. *Id.* § 7703(c)(4)(B) (“Each member of the Board described in paragraph (3)(B) . . . shall be appointed for a term of 3 years . . .”).
519. *Id.* § 7703(c)(4)(B) (“Each member of the Board described in paragraph (3)(B) . . . may continue to serve in each such appointment until the earlier of (I) the date on which his or her successor is appointed; or (II) the date that is 1 year after the expiration of his or her appointment or reappointment, as the case may be.”).
520. *Id.* § 7703(c)(6) (“A majority of the members of the Board shall constitute a quorum, which, except with respect to a meeting of the Board during the 135-day period beginning on January 23, 2004, shall include at least one member of the Board described in paragraph (3)(B).”).
521. 22 C.F.R. § 1300.5(a) (2025) (“A majority of the members of the Board shall constitute a quorum, which shall include at least one private sector member of the Board.”).
522. 22 U.S.C. § 7703(c)(6).
523. 20 U.S.C. § 5603(b).
524. *Id.* § 5603(b)(1) (“Two Trustees, shall be appointed by the President, with the advice and consent of the Senate, after considering the recommendation of the Speaker of the House of Representatives, in consultation with the Minority Leader of the House of Representatives.”); *id.* § 5603(b)(2) (“Two Trustees, shall be appointed by the President,  
*footnote continued on next page*

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Number of Voting, Ex Officio Members: 2.<sup>525</sup>  
Ex Officio Members: Secretary of the Interior;<sup>526</sup> Secretary of Education.<sup>527</sup>  
Number of Members Appointed by Other Entities: 0.  
Members appointed by Other Entities: None.  
Non-Voting Members: President of the University of Arizona;<sup>528</sup>  
Chairperson of the President's Council on Environmental Quality.<sup>529</sup>  
Removal Protections for Members: No.  
Serve at the Pleasure of the President: No.  
Term Length: 6 years.<sup>530</sup>  
Partisan Balancing: Yes.<sup>531</sup>  
Continuation of Service During Vacancy: Yes.<sup>532</sup>  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: No.  
Quorum Rules (Statute-Based): None Specified.  
Quorum Rules (Rule-Based): Appointed Majority.<sup>533</sup>  
Voting Rules (Statute-Based): None Specified  
Voting Rules (Rule-Based): Present Majority.<sup>534</sup>

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with the advice and consent of the Senate, after considering the recommendation of the President pro tempore of the Senate, in consultation with the Majority and Minority Leaders of the Senate.”); *id.* § 5603(b)(3) (“Five Trustees, not more than three of whom shall be of the same political party, shall be appointed by the President with the advice and consent of the Senate . . .”).

525. *Id.* § 5603(b)(4)-(5).

526. *Id.* § 5603(b)(4).

527. *Id.* § 5603(b)(5).

528. *Id.* § 5603(b)(6).

529. *Id.* § 5603(b)(7).

530. *Id.* § 5603(c)(1) (“The term of office of each member of the Board shall be six years . . .”).

531. *Id.* § 5603(b)(3).

532. *Id.* § 5603(c)(1)(C) (“A Trustee may serve after the expiration of the Trustee’s term until a successor has been chosen.”).

533. *Operating Procedures of the Board of Trustees of the Morris K. Udall and Stewart L. Udall Foundation* art. V, ¶ E (Oct. 2024), <https://perma.cc/75L5-E8U2> (“The physical or virtual presence of six (6) voting Trustees shall constitute a quorum for transacting business at any meeting. If, due to vacancies on the Board, fewer than six (6) members would constitute a majority, a majority of then-serving, voting Trustees shall constitute a quorum.”).

534. *Id.* (“Every act or decision made by a majority of the Trustees present (in person or virtually) and voting at a meeting at which a quorum is present shall be regarded as an act of the Board. The Board may continue to transact business at a meeting at which a quorum is initially present, notwithstanding the subsequent absence of a Trustee, as long as any action is approved by at least a majority of the quorum required for that meeting.”); *id.* art. V, ¶ J (“For the purposes of these Operating Procedures, the term

*footnote continued on next page*

Number of Members for Quorum: N/A.  
Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: No.  
Prohibitions on Delegation: No.

### **National Association of Registered Agents and Brokers**

Number of Members: 13.<sup>535</sup>  
Number of Members Appointed by the President: 13.<sup>536</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Entities: None.  
Non-Voting Members: None.  
Removal Protections for Members: Yes.<sup>537</sup>  
Serve at the Pleasure of the President: No.  
Term Length: 2 years.<sup>538</sup>  
Partisan Balancing: Yes.<sup>539</sup>

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‘majority of the Trustees’ means a majority of the voting members of the Board present, either physically, virtually, or by proxy, at the Board meeting where the decision is made. The term ‘majority of the then-serving members of the Board’ means a majority of the entire current voting members of the Board.”).

535. 15 U.S.C. § 6754(c)(1) (“The Board shall consist of 13 members who shall be appointed by the President, by and with the advice and consent of the Senate, in accordance with the procedures established under Senate Resolution 116 of the 112th Congress . . .”).

536. *Id.*

537. *Id.* § 6759(a) (“If the President determines that the Association is acting in a manner contrary to the interests of the public or the purposes of this subchapter or has failed to perform its duties under this subchapter, the President may remove the entire existing Board for the remainder of the term to which the Board members were appointed and appoint, in accordance with section 6754 of this title and with the advice and consent of the Senate, in accordance with procedures established under Senate Resolution 116 of the 112th Congress, new Board members to fill the vacancies on the Board for the remainder of the terms.”).

538. *Id.* § 6754(d)(1) (“Except as provided under paragraph (2), the term of service for each Board member shall be 2 years.”).

539. *Id.* § 6754(c)(2)(B) (“Not more than 4 Board members appointed under paragraph (1)(A) shall belong to the same political party.”).

Continuation of Service During Vacancy: Yes with limitations.<sup>540</sup>  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: No.  
Quorum Rules (Statute-Based): Unspecified Majority.<sup>541</sup>  
Quorum Rules (Rule-Based): None Specified.<sup>542</sup>  
Voting Rules (Statute-Based): Present Majority.<sup>543</sup>  
Voting Rules (Rule-Based): None Specified.  
Number of Members for Quorum: N/A.  
Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: No.  
Prohibitions on Delegation: No.

### National Consumer Cooperative Bank

Number of Members: 15.<sup>544</sup>  
Number of Members Appointed by the President: 3.<sup>545</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.

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540. *Id.* § 6754(d)(2)(B) (“A Board member may continue to serve after the expiration of the term to which the Board member was appointed for the earlier of 2 years or until a successor is appointed.”).
541. *Id.* § 6754(f)(2) (“A majority of all Board members shall constitute a quorum.”).
542. No Board Members have ever been confirmed to NARAB and, therefore, the commission has never adopted any bylaws. *See Holly Monroe, NARAB II: What Is It and Why Does the Federal Government Not Care to Get It Off the Ground?*, INSURANCE J. (Dec. 20, 2023), <https://perma.cc/237N-KMCB>.
543. *Id.* § 6754(f)(3) (“Decisions of the Board shall require the approval of a majority of all Board members present at a meeting, a quorum being present.”).
544. 12 U.S.C. § 3013(a) (“The Bank shall be governed by a Board of Directors (hereinafter in this chapter referred to as the ‘Board’) which shall consist of 15 members.”).
545. *Id.* § 3013(b)(1)(A) (“The President shall appoint, by and with the advice and consent of the Senate . . . one member who shall be selected from among proprietors of small business concerns, as defined under section 632 of title 15, which are manufacturers or retailers . . .”); *id.* § 3013(b)(1)(B) (“The President shall appoint, by and with the advice and consent of the Senate . . . one member who shall be selected from among the officers of the agencies and departments of the United States . . .”); *id.* § 3013(b)(1)(C) (“The President shall appoint, by and with the advice and consent of the Senate . . . one member who shall be selected from among persons having extensive experience in the cooperative field representing low-income cooperatives eligible to borrow from the Bank . . .”).

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Number of Members Appointed by Other Entities: 12.<sup>546</sup>  
Members Appointed by Other Entities: 12 members elected by the holders of class B stock and class C stock in accordance with the provisions of subsection (d) and the bylaws of the Bank.<sup>547</sup>  
Removal Protections for Members: Yes.<sup>548</sup>  
Serve at the Pleasure of the President: No.  
Term Length: 3 years.<sup>549</sup>  
Partisan Balancing: No.  
Continuation of Service During Vacancy: Yes.<sup>550</sup>  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: No.  
Quorum Rules (Statute-Based): None Specified.  
Quorum Rules (Rule-Based): Fixed Numerosity.<sup>551</sup>  
Voting Rules (Statute-Based): None Specified.  
Voting Rules (Rule-Based): None Specified.  
Number of Members for Quorum: 8.  
Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: No.

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546. *Id.* § 3013(b)(2).

547. *Id.*

548. *Id.* § 3013(a) (“Any member appointed by the President may be removed for cause by the President.”).

549. *Id.* (“All members shall serve for a term of 3 years.”).

550. *Id.* § 3013(a) (“After the expiration of the term of any member, such member may continue to serve until his successor has been elected or has been appointed and qualified.”).

551. We were unable to locate any bylaws, procedural rules, or rules of practice governing the National Consumer Cooperative Bank. We contacted the Bank requesting this information. As of publication, we have not received that information. Information on the Bank’s bylaws come from an Office of Legal Counsel opinion published in 1981. That opinion states, “Your final question is how many directors constitute a legal quorum for exercising the powers of the Board of Directors. This Office has previously concluded in a memorandum dated August 7, 1979 to then White House Counsel Robert J. Lipshutz (attached) that the Corporation can act through a majority of all its statutorily authorized directors, even if not all the directors have been appointed. That is, the Bank can operate through the . . . action of any eight legally appointed directors, even if some or all of the remaining seven positions are vacant. This accords, with Section 8 of the Board’s current bylaws.” Memorandum from Theodore B. Olson, Assistant Att’y Gen., to Michael J. Horowitz, Counsel to Off. of Mgmt. & Budget, *Presidential Power Concerning Directors of the National Consumer Cooperative Bank* (Apr. 30, 1981), <https://perma.cc/6YNN-EMPT>.

Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: No.  
Prohibitions on Delegation: No.

### National Council on Disability

Number of Members: 9.<sup>552</sup>  
Number of Members Appointed by the President: 5.<sup>553</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 4.  
Members Appointed by Other Entities: 1 appointed by the Majority Leader of the Senate;<sup>554</sup> 1 appointed by the Minority Leader of the Senate;<sup>555</sup> 1 appointed by the Speaker of the House of Representatives;<sup>556</sup> 1 appointed by the Minority Leader of the House of Representatives.<sup>557</sup>  
Non-Voting Members: None.  
Removal Protections for Members: No.  
Serve at the Pleasure of the President: No.  
Term Length: 3 years.<sup>558</sup>  
Partisan Balancing: No.  
Continuation of Service During Vacancy: Yes.<sup>559</sup>  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: Yes.<sup>560</sup>  
Quorum Rules (Statute-Based): Fixed Numerosity.<sup>561</sup>  
Quorum Rules (Rule-Based): Fixed Numerosity.<sup>562</sup>

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552. 29 U.S.C. § 780(a)(1)(A) (“There is established within the Federal Government a National Council on Disability (referred to in this subchapter as the ‘National Council’), which, subject to subparagraph (B), shall be composed of 9 members . . .”).

553. *Id.* § 780(a)(1)(A)(i).

554. *Id.* § 780(a)(1)(A)(ii).

555. *Id.* § 780(a)(1)(A)(iii).

556. *Id.* § 780(a)(1)(A)(iv).

557. *Id.* § 780(a)(1)(A)(v).

558. *Id.* § 780(b)(1) (“Each member of the National Council shall serve for a term of 3 years.”).

559. *Id.* § 780(b)(2)(A) (“Members may serve after the expiration of their terms until their successors have taken office.”).

560. *Id.* § 780(d) (“Five members of the National Council shall constitute a quorum and any vacancy in the National Council shall not affect its power to function.”).

561. *Id.*

562. NCD Bylaws, NAT’L COUNCIL ON DISABILITY, art. 5, § 5.6 (on file with authors) (July 13, 2023), (“For meetings of the full Council, five Council Members shall constitute a quorum for the transaction of business of the Council.”).

Voting Rules (Statute-Based): None Specified.  
Voting Rules (Rule-Based): Present Majority.<sup>563</sup>  
Number of Members for Quorum: 5.<sup>564</sup>  
Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: Yes.<sup>565</sup>  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: Yes.<sup>566</sup>  
Prohibitions on Delegation: No.

### National Credit Union Administration

Number of Members: 3.<sup>567</sup>  
Number of Members Appointed by the President: 3.<sup>568</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Members: None.  
Non-Voting Members: None.  
Removal Protections for Members: No.  
Serve at the Pleasure of the President: No.  
Term Length: 6 years.<sup>569</sup>  
Partisan Balancing: Yes.<sup>570</sup>

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563. *Id.* at art. 5, § 5.8(A) (“Votes of the Council shall be officially recorded as set forth in these Bylaws. Votes shall be taken in the presence (virtual or in-person) of a quorum with the affirmative vote of a simple majority of the members present unless otherwise prescribed by these Bylaws or applicable law or regulation.”).

564. 29 U.S.C. § 780(d).

565. NCD Bylaws, *supra* note 562, at Appx. B (listing actions that require a vote by a majority of the counsel and suggesting that “not every routine activity undertaken” rises to this level).

566. *Id.* at art. 2, § 2.2 (July 13, 2023), (“These powers may be delegated as set forth in these Bylaws or by a vote of the Council pursuant to the procedures set forth herein.”).

567. 12 U.S.C. § 1752a(b)(1) (“The Board shall consist of three members, who are broadly representative of the public interest, appointed by the President, by and with the advice and consent of the Senate.”).

568. *Id.*

569. *Id.* § 1752a(c) (“The term of office of each member of the Board shall be six years . . .”).

570. *Id.* § 1752a(b)(1).

Continuation of Service During Vacancy: Yes.<sup>571</sup>  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: No.  
Quorum Rules (Statute-Based): Unspecified Majority.<sup>572</sup>  
Quorum Rules (Rule-Based): None Specified.  
Voting Rules (Statute-Based): None Specified.  
Voting Rules (Rule-Based): Fixed Numerosity.<sup>573</sup>  
Number of Members for Quorum: N/A.  
Number of Members for Approval: 2.<sup>574</sup>  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: Yes.<sup>575</sup>

**National Endowment for the Arts (National Council on the Arts)**

Number of Members: 19.<sup>576</sup>  
Number of Members Appointed by the President: 18.<sup>577</sup>  
Number of Voting, Ex Officio Members: 1.<sup>578</sup>  
Ex Officio Members: Chairperson of the National Endowment for the Arts.<sup>579</sup>  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Entities: None.

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571. *Id.* § 1752a(c) (“Any Board member may continue to serve as such after the expiration of said member’s term until a successor has qualified.”).

572. *Id.* § 1752a(d) (“A majority of the Board shall constitute a quorum.”).

573. 12 C.F.R. § 791.2 (“The agreement of at least two of the three Board members is required for any action by the Board.”).

574. *Id.*

575. 12 U.S.C. § 1766(d) (“The Board is authorized and empowered to execute any and all functions and perform any and all duties vested in it hereby, through such persons as it shall designate or employ; and it may delegate to any person or persons, including any institution operating under the general supervision of the Administration, the performance and discharge of any authority, power, or function vested in it by this chapter.”).

576. 20 U.S.C. § 955(b)(1).

577. *Id.* § 955(b)(1)(C) (“18 members appointed by the President, by and with the advice and consent of the Senate . . .”).

578. *Id.* § 955(b)(1)(A).

579. *Id.*

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Non-Voting Members: 2 members of the House of Representatives appointed by the Speaker of the House of Representatives; 1 member of the House of Representatives appointed by the Minority Leader of the House of Representatives; 2 Senators appointed by the Majority Leader of the Senate; 1 Senator appointed by the Minority Leader of the Senate.<sup>580</sup>

Removal Protections for Members: No.

Serve at the Pleasure of the President: No.

Term Length: 6 years.<sup>581</sup>

Partisan Balancing: No.

Continuation of Service During Vacancy: Yes.<sup>582</sup>

Time Limit on Vacancies: No.

Vacancies Do Not Impair Functions: No.

Quorum Rules (Statute-Based): Fixed Numerosity.<sup>583</sup>

Quorum Rules (Rule-Based): None Specified.

Voting Rules (Statute-Based): None Specified.

Voting Rules (Rule-Based): None Specified.

Number of Members for Quorum: 10.<sup>584</sup>

Number of Members for Approval: N/A.

Required Members for Quorum: No.

Required Members for Approval: No.

Single-Member Restrictions: No.

Actions Without a Quorum Due to Vacancies: No.

Actions Without a Quorum Due to Emergencies: No.

Delegation Authority: No.

Prohibitions on Delegation: No.

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580. *See id.* § 955(b)(1)(C) (“Members of the Council appointed under this subparagraph shall serve ex officio and shall be nonvoting members of the Council.”).

581. *Id.* § 955(c) (“Each member appointed under subsection (b)(1)(C) shall hold office for a term of six years, and the terms of office shall be staggered.”).

582. *Id.* (“Notwithstanding any other provision of this subsection, a member appointed under subsection (b)(1)(C) shall serve after the expiration of such member’s term until such member’s successor takes office.”).

583. *Id.* § 955(d)(1) (“Ten members of the Council shall constitute a quorum.”).

584. *Id.*

**National Endowment for the Humanities (National Council on the Humanities)**

Number of Members: 27.<sup>585</sup>

Number of Members Appointed by the President: 26.<sup>586</sup>

Number of Voting, Ex Officio Members: 1.<sup>587</sup>

Ex Officio Members: Chairperson of the National Endowment for the Humanities.<sup>588</sup>

Number of Members Appointed by Other Entities: 0.

Members Appointed by Other Entities: None.

Non-Voting Members: None.

Removal Protections for Members: No.

Serve at the Pleasure of the President: No.

Term Length: 6 years.<sup>589</sup>

Partisan Balancing: No.

Continuation of Service During Vacancy: Yes.<sup>590</sup>

Time Limit on Vacancies: No.

Vacancies Do Not Impair Functions: No.

Quorum Rules (Statute-Based): Fixed Numerosity.<sup>591</sup>

Quorum Rules (Rule-Based): None Specified.

Voting Rules (Statute-Based): None Specified.

Voting Rules (Rule-Based): None Specified.

Number of Members for Quorum: 14.<sup>592</sup>

Number of Members for Approval: N/A.

Required Members for Quorum: No.

Required Members for Approval: No.

Single-Member Restrictions: No.

Actions Without a Quorum Due to Vacancies: No.

Actions Without a Quorum Due to Emergencies: No.

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585. *Id.* § 957(b) (“The Council shall be composed of the Chairperson of the National Endowment for the Humanities, who shall be the Chairperson of the Council, and twenty-six other members appointed by the President, by and with the advice and consent of the Senate, from private life.”).

586. *Id.*

587. *Id.*

588. *Id.*

589. *Id.* § 957(c) (“Each member shall hold office for a term of six years . . .”).

590. *Id.* (“Notwithstanding any other provisions of this subsection, a member shall serve after the expiration of such member’s term until such member’s successor takes office.”).

591. *Id.* § 957(d) (“Fourteen members of the Council shall constitute a quorum.”).

592. *Id.*

Delegation Authority: No.  
Prohibitions on Delegation: No.

### National Indian Gaming Commission

Number of Members: 3.<sup>593</sup>  
Number of Members Appointed by the President: 1.<sup>594</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 2.<sup>595</sup>  
Members Appointed by Other Entities: 2 members appointed by the Secretary of the Interior.<sup>596</sup>  
Non-Voting Members: None.  
Removal Protections for Members: Yes.<sup>597</sup>  
Serve at the Pleasure of the President: No.  
Term Length: 3 years.<sup>598</sup>  
Partisan Balancing: Yes.<sup>599</sup>  
Continuation of Service During Vacancy: Yes.<sup>600</sup>  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: No.  
Quorum Rules (Statute-Based): Fixed Numerosity.<sup>601</sup>  
Quorum Rules (Rule-Based): None Specified.

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593. 25 U.S.C. § 2704(b)(1) (“The Commission shall be composed of three full-time members . . .”).

594. *Id.* § 2704(b)(1)(A) (“[A] Chairman, who shall be appointed by the President with the advice and consent of the Senate . . .”).

595. *Id.* § 2704(b)(1)(B) (“[T]wo associate members who shall be appointed by the Secretary of the Interior.”).

596. *Id.*

597. *Id.* § 2704(b)(6) (“A Commissioner may only be removed from office before the expiration of the term of office of the member by the President (or, in the case of associate member, by the Secretary) for neglect of duty, or malfeasance in office, or for other good cause shown.”).

598. *Id.* § 2704(b)(4)(A) (“Except as provided in subparagraph (B), the term of office of the members of the Commission shall be three years.”).

599. *Id.* § 2704(b)(3) (“Not more than two members of the Commission shall be of the same political party. At least two members of the Commission shall be enrolled members of any Indian tribe.”).

600. *Id.* § 2704(c) (“A member may serve after the expiration of his term of office until his successor has been appointed, unless the member has been removed for cause under subsection (b)(6).”).

601. *Id.* § 2704(d) (“Two members of the Commission, at least one of which is the Chairman or Vice Chairman, shall constitute a quorum.”).

Voting Rules (Statute-Based): Fixed Numerosity.<sup>602</sup>

Voting Rules (Rule-Based): Fixed Numerosity.<sup>603</sup>

Number of Members for Quorum: 2.<sup>604</sup>

Number of Members for Approval: 2.<sup>605</sup>

Required Members for Quorum: Yes.<sup>606</sup>

Required Members for Approval: No.

Single-Member Restrictions: No.

Actions Without a Quorum Due to Vacancies: No.

Actions Without a Quorum Due to Emergencies: No.

Delegation Authority: No.

Prohibitions on Delegation: Yes.<sup>607</sup>

### National Institute of Building Sciences

Number of Members: Between 15 and 21.<sup>608</sup>

Number of Members Appointed by the President: Between 15 and 21.<sup>609</sup>

Number of Voting, Ex Officio Members: 0.

Ex Officio Members: None.

Number of Members Appointed by Other Entities: 0.

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602. *Id.* § 2706(a)(3) (“The Commission shall have the power, not subject to delegation . . . by an affirmative vote of not less than 2 members, to establish the rate of fees as provided in section 2717 of this title.”); *id.* § 2706(a)(4) (“The Commission shall have the power, not subject to delegation . . . by an affirmative vote of not less than 2 members, to authorize the Chairman to issue subpoenas as provided in section 2715 of this title.”); *id.* § 2706(a)(5) (“The Commission shall have the power, not subject to delegation . . . by an affirmative vote of not less than 2 members and after a full hearing, to make permanent a temporary order of the Chairman closing a gaming activity as provided in section 2713(b)(2) of this title.”).

603. 25 C.F.R. § 514.1 (“The Commission, by a vote of not less than two of its members, shall adopt the rates of fees to be paid.”); *id.* § 514.16 (“The Commission shall review annually the costs involved in processing fingerprint cards and, by a vote of not less than two of its members, shall adopt the fingerprint processing fee no later than November 1st of each year.”); *id.* § 518.13 (“The Commission may, after an opportunity for a hearing, revoke a certificate of self-regulation by a majority vote of its members if it determines that the tribe no longer meets the eligibility criteria of § 518.3, the approval criteria of § 518.5, the requirements of § 518.10 or the requirements of § 518.11.”).

604. 25 U.S.C. § 2704(d).

605. *Id.* § 2706(a)(3)-(5).

606. *Id.* § 2704(d).

607. *Id.* § 2706(a)(3)-(5).

608. 12 U.S.C. § 1701j-2(c)(1) (“The Institute shall have a Board of Directors (hereinafter referred to as the ‘Board’) consisting of not less than fifteen nor more than twenty-one members, appointed by the President of the United States by and with the advice and consent of the Senate.”).

609. *Id.*

Members Appointed by Other Members: None.  
Non-Voting Members: None.  
Removal Protections for Members: No.  
Serve at the Pleasure of the President: No.  
Term Length: 3 years.<sup>610</sup>  
Partisan Balancing: No.  
Continuation of Service During Vacancy: Yes.<sup>611</sup>  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: Yes.<sup>612</sup>  
Quorum Rules (Statute-Based): None Specified.  
Quorum Rules (Rule-Based): None Specified.<sup>613</sup>  
Voting Rules (Statute-Based): None Specified.  
Voting Rules (Rule-Based): None Specified.  
Number of Members for Quorum: N/A.  
Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: Yes with limitations.<sup>614</sup>  
Prohibitions on Delegation: No.

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610. *Id.* § 1701j-2(c)(3) (“The term of office of each member of the initial and succeeding Boards shall be three years . . .”).

611. *Id.* (“[A] member whose term has expired may serve until his successor has qualified.”).

612. *Id.* § 1701j-2(c)(4) (“Any vacancy in the initial and succeeding Boards shall not affect its power, but shall be filled in the manner in which the original appointments were made, or, after the first five years of operation, as provided for by the organizational rules and procedures of the Institute; except that, notwithstanding any such rules and procedures as may be adopted by the Institute, the President of the United States, by and with the advice and consent of the Senate, shall appoint, as representative of the public interest, two of the members of the Board of Directors selected each year for terms commencing in that year.”).

613. We were unable to locate any bylaws, procedural rules, or rules of practice governing the National Institute of Building Sciences. We contacted the National Institute of Building Sciences requesting this information. As of publication, we have not received that information.

614. 12 U.S.C. § 1701j-2(e)(2) (“The Institute in exercising its functions and responsibilities described in paragraph (1) shall assign and delegate, to the maximum extent possible, responsibility for conducting each of the needed activities described in paragraph (1) to one or more of the private organizations, institutions, agencies, and Federal and other governmental entities with a capacity to exercise or contribute to the exercise of such responsibility, monitor the performance achieved through assignment and delegation, and, when deemed necessary, reassign and delegate such responsibility.”).

**National Labor Relations Board**

Number of Members: 5.<sup>615</sup>  
Number of Members Appointed by the President: 5.<sup>616</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Members: None.  
Non-Voting Members: None.  
Removal Protections for Members: Yes.<sup>617</sup>  
Serve at the Pleasure of the President: No.  
Term Length: 5 years.<sup>618</sup>  
Partisan Balancing: No.  
Continuation of Service During Vacancy: No.  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: Yes.<sup>619</sup>  
Quorum Rules (Statute-Based): Fixed Numerosity<sup>620</sup>.  
Quorum Rules (Rule-Based): Fixed Numerosity.<sup>621</sup>  
Voting Rules (Statute-Based): None Specified.

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615. 29 U.S.C. § 153(a) (“The National Labor Relations Board (hereinafter called the ‘Board’) created by this subchapter prior to its amendment by the Labor Management Relations Act, 1947, is continued as an agency of the United States, except that the Board shall consist of five instead of three members, appointed by the President by and with the advice and consent of the Senate.”).

616. *Id.*

617. *Id.* (“Any member of the Board may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause.”).

618. *Id.* (“Their successors, and the successors of the other members, shall be appointed for terms of five years each, excepting that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed.”).

619. *Id.* § 153(b) (“A vacancy in the Board shall not impair the right of the remaining members to exercise all of the powers of the Board . . .”).

620. *Id.* (“[T]hree members of the Board shall, at all times, constitute a quorum of the Board, except that two members shall constitute a quorum of any group designated pursuant to the first sentence hereof.”).

621. 29 C.F.R. § 102.138 (“For purposes of this subpart, *meeting* means the deliberations of at least three Members of the full Board, or the deliberations of at least two Members of any group of three Board Members to whom the Board has delegated powers which it may itself exercise, where such deliberations determine or result in the joint conduct or disposition of official Agency business, but does not include deliberations to determine whether a meeting may be closed to public observation in accordance with the provisions of this subpart.”).

Voting Rules (Rule-Based): Present Majority.<sup>622</sup>

Number of Members for Quorum: 3.<sup>623</sup>

Number of Members for Approval: N/A.

Required Members for Quorum: No.

Required Members for Approval: No.

Single-Member Restrictions: No.

Actions Without a Quorum Due to Vacancies: Yes.<sup>624</sup>

Actions Without a Quorum Due to Emergencies: No.

Delegation Authority: Yes.<sup>625</sup>

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622. Cf. NAT'L LABOR RELATIONS BD., GUIDE TO BOARD PROCEDURES 39 (May 2023) ("These types of motions often are filed by a losing party in a case in which the panel split 2-1. The movant presumes that the other two members, if given the opportunity to participate, will take the minority view changing it into a majority. You should be aware, however, that before any published case issues the non-participating members review the decision. During that review, they have the opportunity to join the panel.").
623. 29 U.S.C. § 153(b) ("A vacancy in the Board shall not impair the right of the remaining members to exercise all of the powers of the Board, and three members of the Board shall, at all times, constitute a quorum of the Board, except that two members shall constitute a quorum of any group designated pursuant to the first sentence hereof. ").
624. 29 C.F.R. § 102.178 ("The policy of the National Labor Relations Board is that during any period when the Board lacks a quorum normal Agency operations should continue to the greatest extent permitted by law."); *id.* § 102.179 ("During any period when the Board lacks a quorum, all motions for default judgment, summary judgment, or dismissal filed or pending pursuant to § 102.50 will be referred to the Chief Administrative Law Judge in Washington, DC, for ruling. Such rulings by the Chief Administrative Law Judge, and orders in connection therewith, may not be appealed directly to the Board, but will be considered by the Board in reviewing the record if exception to the ruling or order is included in the statement of exceptions filed with the Board pursuant to § 102.46."); *id.* § 102.180 ("During any period when the Board lacks a quorum, any request for special permission to appeal filed or pending pursuant to § 102.26 will be referred to the Chief Administrative Law Judge in Washington, DC, for ruling. Such rulings by the Chief Administrative Law Judge, and orders in connection therewith, may not be appealed directly to the Board, but will be considered by the Board in reviewing the record if exception to the ruling or order is included in the statement of exceptions filed with the Board pursuant to § 102.46."); *id.* § 102.181 ("During any period when the Board lacks a quorum, administrative and procedural requests that would normally be filed with the Office of the Executive Secretary for decision by the Board prior to the filing of a request for review under § 102.67, or exceptions under §§ 102.46 and 102.69, will be referred to the Executive Secretary for ruling. Rulings by the Executive Secretary, and orders in connection therewith, may not be appealed directly to the Board, but will be considered by the Board if such matters are raised by a party in its request for review or exceptions."); *id.* § 102.182 ("During any period when the Board lacks a quorum, the second proviso of § 102.67(b) regarding the automatic impounding of ballots will be suspended. To the extent practicable, all representation cases may continue to be processed and the appropriate certification should be issued by the Regional Director notwithstanding the pendency of a request for review, subject to revision or revocation by the Board pursuant to a request for review filed in accordance with this subpart.").
625. 29 U.S.C. § 153(b) ("The Board is authorized to delegate to any group of three or more members any or all of the powers which it may itself exercise. The Board is also  
*footnote continued on next page*

Prohibitions on Delegation: No.

### National Mediation Board

Number of Members: 3.<sup>626</sup>  
Number of Members Appointed by the President: 3.<sup>627</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Members: None.  
Non-Voting Members: None.  
Removal Protections for Members: Yes.<sup>628</sup>  
Serve at the Pleasure of the President: No.  
Term Length: 3 years.<sup>629</sup>  
Partisan Balancing: Yes.<sup>630</sup>  
Continuation of Service During Vacancy: No.  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: Yes.<sup>631</sup>  
Quorum Rules (Statute-Based): Fixed Numerosity.<sup>632</sup>

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authorized to delegate to its regional directors its powers under section 159 of this title to determine the unit appropriate for the purpose of collective bargaining, to investigate and provide for hearings, and determine whether a question of representation exists, and to direct an election or take a secret ballot under subsection (c) or (e) of section 159 of this title and certify the results thereof, except that upon the filing of a request therefor with the Board by any interested person, the Board may review any action of a regional director delegated to him under this paragraph, but such a review shall not, unless specifically ordered by the Board, operate as a stay of any action taken by the regional director.”).

626. 45 U.S.C. § 154 (“There is established, as an independent agency in the executive branch of the Government, a board to be known as the ‘National Mediation Board’, to be composed of three members appointed by the President, by and with the advice and consent of the Senate, not more than two of whom shall be of the same political party.”).

627. *Id.*

628. *Id.* (“A member of the Board may be removed by the President for inefficiency, neglect of duty, malfeasance in office, or ineligibility, but for no other cause.”).

629. *Id.* (“The terms of office of all successors shall expire three years after the expiration of the terms for which their predecessors were appointed . . .”).

630. *Id.* (“[N]ot more than two of whom shall be of the same political party.”).

631. *Id.* (“Vacancies in the Board shall not impair the powers nor affect the duties of the Board nor of the remaining members of the Board.”).

632. *Id.* (“Two of the members in office shall constitute a quorum for the transaction of the business of the Board.”).

Quorum Rules (Rule-Based): Fixed Numerosity.<sup>633</sup>  
Voting Rules (Statute-Based): None Specified.  
Voting Rules (Rule-Based): None Specified.  
Number of Members for Quorum: 2.<sup>634</sup>  
Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: Yes.<sup>635</sup>  
Prohibitions on Delegation: No.

### National Transportation Safety Board

Number of Members: 5.<sup>636</sup>  
Number of Members Appointed by the President: 5.<sup>637</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Members: None.  
Non-Voting Members: None.  
Removal Protections for Members: Yes.<sup>638</sup>

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633. 29 C.F.R. § 1209.02(b) (“The term *meeting* means the deliberations of at least two members of the Board where such deliberations determine or result in the joint conduct or disposition of official agency business, but does not include deliberations required or permitted or with respect to any information proposed to be withheld under by 5 U.S.C. 552b(d) or (e)/5 U.S.C. 552b(c).”).

634. 45 U.S.C. § 154.

635. *Id.* (“The Mediation Board is authorized by its order to assign, or refer, any portion of its work, business, or functions arising under this chapter or any other Act of Congress, or referred to it by Congress or either branch thereof, to an individual member of the Board or to an employee or employees of the Board to be designated by such order for action thereon, and by its order at any time to amend, modify, supplement, or rescind any such assignment or reference. All such orders shall take effect forthwith and remain in effect until otherwise ordered by the Board. In conformity with and subject to the order or orders of the Mediation Board in the premises, [and] such individual member of the Board or employee designated shall have power and authority to act as to any of said work, business, or functions so assigned or referred to him for action by the Board.”).

636. 49 U.S.C. § 1111(b) (“The Board is composed of 5 members appointed by the President, by and with the advice and consent of the Senate.”).

637. *Id.*

638. *Id.* § 1111(c) (“The President may remove a member for inefficiency, neglect of duty, or malfeasance in office.”).

Serve at the Pleasure of the President: No.  
Term Length: 5 years.<sup>639</sup>  
Partisan Balancing: Yes.<sup>640</sup>  
Continuation of Service During Vacancy: Yes.<sup>641</sup>  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: No.  
Quorum Rules (Statute-Based): Fixed Numerosity.<sup>642</sup>  
Quorum Rules (Rule-Based): None Specified.  
Voting Rules (Statute-Based): None Specified.  
Voting Rules (Rule-Based): None Specified.  
Number of Members for Quorum: 3.<sup>643</sup>  
Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergency: Yes.<sup>644</sup>  
Delegation Authority: Yes.<sup>645</sup>  
Prohibitions on Delegation: No.

### **Nuclear Regulatory Commission**

Number of Members: 5.<sup>646</sup>

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639. *Id.* (“The term of office of each member is 5 years.”).

640. *Id.* § 1111(b) (“Not more than 3 members may be appointed from the same political party.”).

641. *Id.* § 1111(c) (“When the term of office of a member ends, the member may continue to serve until a successor is appointed and qualified.”).

642. *Id.* § 1111(f) (“Three members of the Board are a quorum in carrying out duties and powers of the Board.”).

643. *Id.* § 1111(f).

644. 49 C.F.R. § 845.4(b) (“If a quorum of the Board is not immediately available in the event of a catastrophic accident, the determination to hold an investigative hearing may be made by the Chairman of the Board.”).

645. 49 C.F.R. § 800.4(a) (“The Board’s staff, consisting of specialized offices dealing with particular areas of transportation safety and performing administrative and technical work for the Board. The staff advises the Board and performs duties for the Board that are inherent in the staff’s position in the organizational structure or that the Board has delegated to it.”).

646. 42 U.S.C. § 5841(a)(1) (“There is established an independent regulatory commission to be known as the Nuclear Regulatory Commission which shall be composed of five members, each of whom shall be a citizen of the United States.”).

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Number of Members Appointed by the President: 5.<sup>647</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Members: None.  
Non-Voting Members: None.  
Removal Protections for Members: Yes.<sup>648</sup>  
Serve at the Pleasure of the President: No.  
Term Length: 5 years.<sup>649</sup>  
Partisan Balancing: Yes.<sup>650</sup>  
Continuation of Service During Vacancy: No.  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: No.  
Quorum Rules (Statute-Based): Fixed Numerosity.<sup>651</sup>  
Quorum Rules (Rule-Based): Fixed Numerosity.<sup>652</sup>  
Voting Rules (Statute-Based): Present Majority.<sup>653</sup>  
Voting Rules (Rule-Based): Present Majority.<sup>654</sup>  
Number of Members for Quorum: 3.<sup>655</sup>  
Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.

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647. *Id.*

648. *Id.* § 5841(e) (“Any member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.”).

649. *Id.* § 5841(c) (“Each member shall serve for a term of five years . . .”).

650. *Id.* § 5841(b)(2) (“Appointments of members pursuant to this subsection shall be made in such a manner that not more than three members of the Commission shall be members of the same political party.”).

651. *Id.* § 5841(a)(1) (“The Chairman (or the Acting Chairman in the absence of the Chairman) shall preside at all meetings of the Commission and a quorum for the transaction of business shall consist of at least three members present.”).

652. U.S. NUCLEAR REGULATORY COMM’N, INTERNAL COMMISSION PROCEDURES app. 4 (March 2016), <https://perma.cc/E5BU-X8JH>.

653. 42 U.S.C. § 5841(a)(1) (“Action of the Commission shall be determined by a majority vote of the members present.”).

654. U.S. NUCLEAR REGULATORY COMM’N, *supra* note 652, at app. 4. (March 2016).

655. 42 U.S.C. § 5841(a)(1).

Delegation Authority: Yes.<sup>656</sup>

Prohibitions on Delegation: No.

### Occupational Safety and Health Review Commission

Number of Members: 3.<sup>657</sup>

Number of Members Appointed by the President: 3.<sup>658</sup>

Number of Voting, Ex Officio Members: 0.

Ex Officio Members: None.

Number of Members Appointed by Other Entities: 0.

Members Appointed by Other Members: None.

Non-Voting Members: None.

Removal Protections for Members: Yes.<sup>659</sup>

Serve at the Pleasure of the President: No.

Term Length: 6 years.<sup>660</sup>

Partisan Balancing: No.

Continuation of Service During Vacancy: No.

Time Limit on Vacancies: No.

Vacancies Do Not Impair Functions: No.

Quorum Rules (Statute-Based): Fixed Numerosity.<sup>661</sup>

Quorum Rules (Rule-Based): Fixed Numerosity.<sup>662</sup>

Voting Rules (Statute-Based): Fixed Numerosity.<sup>663</sup>

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656. Reorg. Plan No. 1 of 1980 § 1(a), 94 Stat. 3586 (“The performance of any portion of these functions may be delegated by the Commission to a member of the Commission, including the Chairman of the Nuclear Regulatory Commission, hereinafter referred to as the “Chairman”, and to the staff through the Chairman.”); *id.* § 3(b) (“The Chairman may delegate the authority to perform such emergency functions, in whole or in part, to any of the other members of the Commission. Such authority may also be delegated or redelegated, in whole or in part, to the staff of the Commission.”).

657. 29 U.S.C. § 661(a) (“The Commission shall be composed of three members who shall be appointed by the President, by and with the advice and consent of the Senate, from among persons who by reason of training, education, or experience are qualified to carry out the functions of the Commission under this chapter.”).

658. *Id.*

659. *Id.* § 661(b) (“A member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.”).

660. *Id.* (“The terms of members of the Commission shall be six years . . .”).

661. *Id.* § 661(f) (“For the purpose of carrying out its functions under this chapter, two members of the Commission shall constitute a quorum and official action can be taken only on the affirmative vote of at least two members.”).

662. 29 C.F.R. § 2203.2 (“Meeting means the deliberations of at least two Commissioners, where such deliberations determine or result in the joint conduct or disposition of ‘official Commission business.’”)

663. 29 U.S.C. § 661(f).

Voting Rules (Rule-Based): None Specified.  
Number of Members for Quorum: 2.<sup>664</sup>  
Number of Members for Approval: 2.<sup>665</sup>  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergency: No.  
Delegation Authority: No.  
Prohibitions on Delegation: No.

### Postal Regulatory Commission

Number of Members: 5.<sup>666</sup>  
Number of Members Appointed by the President: 5.<sup>667</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Members: None.  
Non-Voting Members: None.  
Removal Protections for Members: Yes.<sup>668</sup>  
Serve at the Pleasure of the President: No.  
Term Length: 6 years.<sup>669</sup>  
Partisan Balancing: Yes.<sup>670</sup>  
Continuation of Service During Vacancy: Yes with limitations.<sup>671</sup>  
Time Limit on Vacancies: No.

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664. *Id.*

665. *Id.*

666. 39 U.S.C. § 502(a) (“The Postal Regulatory Commission is composed of 5 Commissioners, appointed by the President, by and with the advice and consent of the Senate.”).

667. *Id.*

668. *Id.* (“The Commissioners shall be chosen solely on the basis of their technical qualifications, professional standing, and demonstrated expertise in economics, accounting, law, or public administration, and may be removed by the President only for cause.”).

669. *Id.* § 502(f) (“The Commissioners shall serve for terms of 6 years.”).

670. *Id.* § 502(a) (“Not more than 3 of the Commissioners may be adherents of the same political party.”).

671. *Id.* § 502(c) (“A Commissioner may continue to serve after the expiration of his term until his successor has qualified, except that a Commissioner may not so continue to serve for more than 1 year after the date upon which his term otherwise would expire under subsection (f).”).

Vacancies Do Not Impair Functions: No.  
Quorum Rules (Statute-Based): None Specified.  
Quorum Rules (Rule-Based): Fixed Numerosity.<sup>672</sup>  
Voting Rules (Statute-Based): None Specified.  
Voting Rules (Rule-Based): Appointed Majority.<sup>673</sup>  
Number of Members for Quorum: 3.<sup>674</sup>  
Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: No.  
Prohibitions on Delegation: No.

### **Privacy and Civil Liberties Oversight Board**

Number of Members: 5.<sup>675</sup>  
Number of Members Appointed by the President: 5.<sup>676</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Members: None.  
Non-Voting Members: None.  
Removal Protections for Members: No.  
Serve at the Pleasure of the President: No.  
Term Length: 6 years.<sup>677</sup>

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672. 39 C.F.R. § 3007.100(a) (“Commission meeting means the deliberations of at least three Commissioners where such deliberations determine or result in the joint conduct or disposition of official Commission business.”).

673. *Id.* § 3010.105(b) (“A decision to establish a docket (other than certain negotiated service agreement dockets), close an active docket, or reach a final decision in any docket shall be by majority vote of the Commissioners then in office.”).

674. *Id.* § 3007.100(a) (“Commission meeting means the deliberations of at least three Commissioners where such deliberations determine or result in the joint conduct or disposition of official Commission business.”).

675. 42 U.S.C. § 2000ee(h)(1) (“The Board shall be composed of a full-time chairman and 4 additional members, who shall be appointed by the President, by and with the advice and consent of the Senate.”).

676. *Id.*

677. *Id.* § 2000ee(h)(4)(A) (“Each member of the Board shall serve a term of 6 years, commencing on the date of the appointment of the member to the Board.”).

Partisan Balancing: Yes.<sup>678</sup>  
Continuation of Service During Vacancy: Yes, with time limitations.<sup>679</sup>  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: No.  
Quorum Rules (Statute-Based): Fixed Numerosity.<sup>680</sup>  
Quorum Rules (Rule-Based): None Specified.  
Voting Rules (Statute-Based): None Specified.  
Voting Rules (Rule-Based): None Specified.  
Number of Members for Quorum: 3.<sup>681</sup>  
Number of Members for Approval: None Specified.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum During Vacancies: Yes.<sup>682</sup>  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: No.  
Prohibition on Delegations: Yes.<sup>683</sup>

### **Puerto Rico Financial Oversight and Management Board**

Number of Members: 7.<sup>684</sup>

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678. *Id.* § 2000ee(h)(2) (“Members of the Board shall be selected solely on the basis of their professional qualifications, achievements, public stature, expertise in civil liberties and privacy, and relevant experience, and without regard to political affiliation, but in no event shall more than 3 members of the Board be members of the same political party.”).
679. *Id.* § 2000ee(h)(4)(D) (“Upon the expiration of the term of office of a member, the member may continue to serve for up to one year after the date of expiration, at the election of the member—(i) during the period preceding the reappointment of the member pursuant to subparagraph (B); or (ii) until the member’s successor has been appointed and qualified.”).
680. *Id.* § 2000ee(h)(5) (“Three members of the Board shall constitute a quorum”).
681. *Id.*
682. PRIV. & C.L. OVERSIGHT BD., SUB-QUORUM AUTHORITIES AND OPERATIONS WHEN THE POSITION OF CHAIR IS VACANT, POLICY 102-01 § 2 (Oct. 23, 2024) (“The intent of this policy is to clarify and further delegate and delineate authority for the PCLOB to engage in its various mission-related activities and administrative support functions, as well as outline limitations on its authorities when the PCLOB lacks the statutory quorum of three Members, and for when the position of Chair is vacant even though there is a quorum of Members.”).
683. 6 C.F.R. § 1000.5(a) (listing activities that cannot be taken when the PCLOB lacks a quorum).
684. 48 U.S.C. § 2121(e)(1)(A) (“The Oversight Board shall consist of seven members appointed by the President who meet the qualifications described in subsection (f) and section 2129(a) of this title.”).

Number of Members Appointed by the President: 7.<sup>685</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Members: None.  
Non-Voting Members: None.  
Non-Voting Members: Governor of Puerto Rico.<sup>686</sup>  
Removal Protections for Members: Yes.<sup>687</sup>  
Serve at the Pleasure of the President: No.  
Term Length: 3 years.<sup>688</sup>  
Partisan Balancing: No.  
Continuation of Service During Vacancy: Yes.<sup>689</sup>  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: No.  
Quorum Rules (Statute-Based): None Specified.  
Quorum Rules (Rule-Based): Unspecified Majority.<sup>690</sup>  
Voting Rules (Statute-Based): Mixed.<sup>691</sup>  
Voting Rules (Rule-Based): Mixed.<sup>692</sup>

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685. *Id.*

686. *Id.* § 2121(e)(3).

687. *Id.* § 2121(e)(5)(B) (“The President may remove any member of the Oversight Board only for cause.”).

688. *Id.* § 2121(e)(5)(A) (“Each appointed member of the Oversight Board shall be appointed for a term of 3 years.”).

689. *Id.* § 2121(e)(5)(C) (“Upon the expiration of a term of office, a member of the Oversight Board may continue to serve until a successor has been appointed.”).

690. BYLAWS OF THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO § 3.7 (Apr. 19, 2024), <https://perma.cc/X2JS-NKWF> (“A majority of the members of the Board shall constitute a quorum for the purpose of conducting the business of the Board and for all other purposes.”).

691. 48 U.S.C. § 2121(h)(2) (“Under the bylaws adopted pursuant to paragraph (1), the Oversight Board may conduct its operations under such procedures as it considers appropriate, except that an affirmative vote of a majority of the members of the Oversight Board’s full appointed membership shall be required in order for the Oversight Board to approve a Fiscal Plan under section 2141 of this title, to approve a Budget under section 2142 of this title, to cause a legislative act not to be enforced under section 2144 of this title, or to approve or disapprove an infrastructure project as a Critical Project under section 2213 of this title.”); *id.* § 2146(b) (“The issuance of a restructuring certification under this section requires a vote of no fewer than 5 members of the Oversight Board in the affirmative, which shall satisfy the requirement set forth in section 2162(2) of this title.”).

692. BYLAWS OF THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, *supra* note 690, at § 3.7 (“A majority of the members of the Board shall constitute a quorum for the purpose of conducting the business of the Board and for all other  
*footnote continued on next page*”)

Number of Members for Quorum: N/A.  
Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: No.  
Prohibitions on Delegation: No.

### **Railroad Retirement Board**

Number of Members: 3.<sup>693</sup>  
Number of Members Appointed by the President: 3.<sup>694</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Members: None.  
Non-Voting Members: None.  
Removal Protections for Members: No.  
Serve at the Pleasure of the President: No.  
Term Length: 5 years.<sup>695</sup>  
Partisan Balancing: No.

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purposes. All actions of the Board shall be taken by an affirmative vote of no fewer than four (4) members of the Board, except that—(a) the requirements for the appointment by the Chair of an Executive Director and a General Counsel shall be as set forth in sections 6.5 and 6.6, respectively; (b) in the event the number of appointed members of the Board is at any time five (5) or less, any act to be taken shall require a majority of the Board’s appointed members, except that an appointment by the Chair under section 6.5 or section 6.6 shall require the affirmative vote of no fewer than three (3) other members of the Board; and (c) in accordance with section 206(b) of the Act, an affirmative vote of no fewer than five (5) members of the Board shall be required to issue a restructuring certification under section 206 of the Act.”).

693. 45 U.S.C. § 231f(a) (“This subchapter shall be administered by the Railroad Retirement Board established by the Railroad Retirement Act of 1937 as an independent agency in the executive branch of the Government and composed of three members appointed by the President, by and with the advice and consent of the Senate.”).

694. *Id.*

695. *Id.* (“Each member shall hold office for a term of five years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of the term and any member holding office pursuant to appointment under the Railroad Retirement Act of 1937 when this subchapter becomes effective shall hold office until the term for which he was appointed under such Railroad Retirement Act of 1937 expires.”).

Continuation of Service During Vacancy: Yes.<sup>696</sup>  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: Yes.<sup>697</sup>  
Quorum Rules (Statute-Based): Appointed Majority.<sup>698</sup>  
Quorum Rules (Rule-Based): Fixed Numerosity.<sup>699</sup>  
Voting Rules (Statute-Based): Fixed Numerosity.<sup>700</sup>  
Quorum Rules (Statute-Based): Unspecified Majority.<sup>701</sup>  
Number of Members for Quorum: N/A.  
Number of Members for Approval: 2.<sup>702</sup>  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: Yes.<sup>703</sup>  
Delegation Authority (Statute-Based): Yes with limitations.<sup>704</sup>  
Prohibitions of Delegations (Statute-Based): No.

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696. *Id.* (“Upon the expiration of his term of office a member shall continue to serve until his successor is appointed and shall have qualified.”).

697. *Id.* (“Vacancies in the Board shall not impair the powers or affect the duties of the Board or of the remaining members of the Board, of whom a majority of those in office shall constitute a quorum for the transaction of business.”).

698. *Id.*

699. 20 C.F.R. § 200.6(a)(1) (“For purposes of this section, the term “meeting” shall mean the deliberations of at least two of the three members of the Railroad Retirement Board . . .”).

700. 45 U.S.C. § 231f(b)(5) (“All rules, regulations, or decisions of the Board shall require the approval of at least two members, and they shall be entered upon the records of the Board, which shall be a public record.”).

701. U.S. RAILROAD RETIREMENT BOARD, RAIL EMPLOYER REPORTING INSTRUCTIONS ch. 2, <https://perma.cc/7NHS-ERWA> (“A formal determination regarding coverage is issued when a majority of the Board Members agree on a decision.”).

702. 45 U.S.C. § 231f(b)(5).

703. 20 C.F.R. § 375.5(b) (“The following delegation of authority is made to provide continuity in the event of a national emergency: (1) The Chair of the Board shall act with full administrative authority for the Board. (2) In the absence or incapacity of the Chair, the authority of the Chair to act shall pass to the available successor highest on the following list: Labor Member of the Board, Management Member of the Board Director of Administration, Director of Programs, General Counsel, Chief Information Officer, Director of Supply and Service, Regional Directors in order of length of Board service.”).

704. 45 U.S.C. § 231f(b)(3) (“The Board is authorized to delegate to any member, officer, or employee of the Board any of the powers conferred upon the Board by this subchapter, excluding only the power to prescribe rules and regulations, including the power to make decisions on applications for annuities or other benefits: *Provided, however,* That any person aggrieved by a decision on his application for an annuity or other benefit

*footnote continued on next page*

### Securities and Exchange Commission

Number of Members: 5.<sup>705</sup>

Number of Members Appointed by the President: 5.<sup>706</sup>

Number of Voting, Ex Officio Members: 0.

Ex Officio Members: None.

Number of Members Appointed by Other Entities: 0.

Members Appointed by Other Entities: None.

Non-Voting Members: None.

Removal Protections for Members: No.

Serve at the Pleasure of the President: No.

Term Length: 5 years.<sup>707</sup>

Partisan Balancing: Yes.<sup>708</sup>

Continuation of Service During Vacancy: Yes with limitations.<sup>709</sup>

Time Limit on Vacancies: No.

Vacancies Do Not Impair Functions: No.

Quorum Rules (Statute-Based): None Specified.

Quorum Rules (Rule-Based): Appointed Majority.<sup>710</sup>

Voting Rules (Statute-Based): None Specified.

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shall have the right to appeal to the Board. Notice of a decision of the Board, or of an employee thereof, shall be communicated to the applicant in writing within thirty days after such decision shall have been made.”).

705. 15 U.S.C. § 78d(a). (“There is hereby established a Securities and Exchange Commission (hereinafter referred to as the ‘Commission’) to be composed of five commissioners to be appointed by the President by and with the advice and consent of the Senate.”).

706. *Id.*

707. *Id.* (“Each commissioner shall hold office for a term of five years and until his successor is appointed and has qualified . . .”).

708. *Id.* (“Not more than three of such commissioners shall be members of the same political party, and in making appointments members of different political parties shall be appointed alternately as nearly as may be practicable.”).

709. *Id.* (“Each commissioner shall hold office for a term of five years and until his successor is appointed and has qualified, except that he shall not so continue to serve beyond the expiration of the next session of Congress subsequent to the expiration of said fixed term of office . . .”).

710. 17 C.F.R. § 200.41 (“A quorum of the Commission shall consist of three members; provided, however, that if the number of Commissioners in office is less than three, a quorum shall consist of the number of members in office; and provided further that on any matter of business as to which the number of members in office, minus the number of members who either have disqualified themselves from consideration of such matter pursuant to § 200.60 or are otherwise disqualified from such consideration, is two, two members shall constitute a quorum for purposes of such matter.”).

Voting Rules (Rule-Based): None Specified.<sup>711</sup>  
Number of Members for Quorum: N/A.  
Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: Yes.<sup>712</sup>  
Delegation Authority: Yes with limitations.<sup>713</sup>  
Prohibitions of Delegations: No.

### Securities Investor Protection Corporation

Number of Members: 7.<sup>714</sup>  
Number of Members Appointed by the President: 5.<sup>715</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 2.<sup>716</sup>  
Members Appointed by Other Entities: 1 member appointed by the Secretary of the Treasury;<sup>717</sup> 1 member appointed by the Federal Reserve Board.<sup>718</sup>

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711. *But see* In the Matter of Jean-Paul Bolduc, Rel. No. 43884 (Jan. 25, 2001), <https://perma.cc/3UNH-CA24> (“Under our quorum rule, a decision by two Commissioners can be valid action by the agency. *See* 17 C.F.R. § 200.41.”).

712. *See* 17 C.F.R. § 200.203.

713. 15 U.S.C. § 78d-1(a) (“In addition to its existing authority, the Securities and Exchange Commission shall have the authority to delegate, by published order or rule, any of its functions to a division of the Commission, an individual Commissioner, an administrative law judge, or an employee or employee board, including functions with respect to hearing, determining, ordering, certifying, reporting, or otherwise acting as to any work, business, or matter. Nothing in this section shall be deemed to supersede the provisions of section 556(b) of Title 5, or to authorize the delegation of the function of rulemaking as defined in subchapter II of chapter 5 of Title 5, with reference to general rules as distinguished from rules of particular applicability, or of the making of any rule pursuant to section 78s(c) of this title.”); 17 C.F.R. § 200.203 (providing for delegation of Commission authority in the event of an emergency).

714. 15 U.S.C. § 78ccc(c)(2) (“The Board of Directors shall consist of seven persons . . .”).

715. *Id.* § 78ccc(c)(2)(c) (“Five directors shall be appointed by the President, by and with the advice and consent of the Senate . . .”).

716. *Id.* §§ 78ccc(c)(2)(A)78ccc(c)(2)(B).

717. *Id.* § 78ccc(c)(2)(A) (“One director shall be appointed by the Secretary of the Treasury from among the officers and employees of the Department of the Treasury.”).

718. *Id.* § 78ccc(c)(2)(B) (“One director shall be appointed by the Federal Reserve Board from among the officers and employees of the Federal Reserve Board.”).

Non-Voting Members: None.  
Removal Protections for Members: No.  
Serve at the Pleasure of the President: No.  
Term Length: 3 years.<sup>719</sup>  
Partisan Balancing: No.  
Continuation of Service During Vacancy: Yes.<sup>720</sup>  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: No.  
Quorum Rules (Statute-Based): None Specified.  
Quorum Rules (Rule-Based): Appointed Majority.<sup>721</sup>  
Voting Rules (Statute-Based): None Specified.  
Voting Rules (Rule-Based): Present Majority.<sup>722</sup>  
Number of Members for Quorum: N/A.  
Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without a Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: Yes.<sup>723</sup>  
Delegation Authority: No.  
Prohibitions of Delegation: No.

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719. *Id.* § 78ccc(c)(4)(A) (“Except as provided in subparagraphs (B) and (C), each director shall be appointed for a term of three years.”).

720. *Id.* § 78ccc(c)(4)(C) (“A director may serve after the expiration of his term until his successor has taken office.”).

721. BYLAWS OF THE SECURITIES INVESTOR PROTECTION CORPORATION, art. 2, § 1 (June 2020), <https://perma.cc/4QH8-RU3N>.

A majority of the whole Board shall constitute a quorum for the transaction of business at any meeting of the Board. No action may be taken by the Board except at a duly convened meeting of the Board at which a quorum is present. Except as otherwise provided herein, a majority vote of the Directors present at a meeting of the Board at which a quorum is present shall be the act of the Board. . . . For purposes of determining whether a quorum is present, the concept of the ‘whole Board’ shall be deemed to mean the number of board seats then occupied by duly appointed directors, not counting any vacancies.

722. *Id.*

723. *Id.* (“If a quorum of otherwise qualified Directors cannot be assembled in time to meet the exigencies of a particular situation, any one Director who may be disqualified as to a matter may be counted for quorum purposes only, provided Board action is necessary in the public interest and for the protection of investors.”).

**Smithsonian Institution Board of Regents**

Number of Members: 17.<sup>724</sup>

Number of Members Appointed by the President: 6.<sup>725</sup>

Number of Voting, Ex Officio Members: 2.<sup>726</sup>

Ex Officio Members: Vice President;<sup>727</sup> Chief Justice of the United States.<sup>728</sup>

Number of Members Appointed by Other Entities: 9.<sup>729</sup>

Members Appointed by Other Entities: 9 members appointed by a Joint Resolution of Congress.

Non-Voting Members: None.

Removal Protections for Members: No.

Serve at the Pleasure of the President: No.

Term Length: 6 years.<sup>730</sup>

Partisan Balancing: No.

Continuation of Service During Vacancy: No.

Time Limit on Vacancies: No.

Vacancies Do Not Impair Functions: No.

Quorum Rules (Statute-Based): Fixed Numerosity.<sup>731</sup>

Quorum Rules (Rule-Based): Fixed Numerosity.<sup>732</sup>

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724. 20 U.S.C. § 42(a).

The business of the Institution shall be conducted at the city of Washington by a Board of Regents, named the Regents of the Smithsonian Institution, to be composed of the Vice President, the Chief Justice of the United States, three Members of the Senate, three Members of the House of Representatives, and nine other persons, other than Members of Congress, two of whom shall be resident in the city of Washington, and seven of whom shall be inhabitants of some State, but no two of them of the same State.

725. *Id.* § 43 (“The regents to be selected shall be appointed as follows: The Members of the Senate by the President thereof; the Members of the House by the Speaker thereof; and the nine other persons by joint resolution of the Congress.”).

726. *Id.* § 42(a).

727. *Id.*

728. *Id.*

729. *Id.* § 43 (“The regents to be selected shall be appointed as follows: The Members of the Senate by the President thereof; the Members of the House by the Speaker thereof; and the nine other persons by joint resolution of the Congress.”).

730. *Id.* (“The regular term of service for the other nine members shall be six years; and new elections thereof shall be made by joint resolutions of Congress.”).

731. *Id.* § 44 (“[A]t any meeting of the board, eight shall constitute a quorum to do business.”).

732. BYLAWS OF THE BOARD OF REGENTS AND CHARTER PROVISIONS OF THE SMITHSONIAN INSTITUTION § 1.02 (2024), <https://perma.cc/JDD7-S9LZ> (“At any meeting of the Board of Regents, eight members constitute a quorum, but in the absence of a quorum a lesser number may adjourn the meeting.”).

Voting Rules (Statute-Based): None Specified.  
Voting Rules (Rule-Based): None Specified.  
Number of Members for Quorum: 8.<sup>733</sup>  
Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: Yes.<sup>734</sup>  
Prohibitions of Delegations: No.

### Social Security Advisory Board

Number of Members: 7.<sup>735</sup>  
Number of Members Appointed by the President: 3.<sup>736</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 4.<sup>737</sup>  
Members Appointed by Other Entities: 2 members appointed by the President pro tempore of the Senate;<sup>738</sup> 2 members appointed by the Speaker of the House of Representatives.<sup>739</sup>  
Non-Voting Members: None.  
Removal Protections for Members: No.  
Serve at the Pleasure of the President: No.

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733. 20 U.S.C. § 44.

734. BYLAWS OF THE BOARD OF REGENTS AND CHARTER PROVISIONS OF THE SMITHSONIAN INSTITUTION, *supra* note 732, at § 3.01 (“At any meeting of the Board of Regents, eight members constitute a quorum, but in the absence of a quorum a lesser number may adjourn the meeting.”).

735. 42 U.S.C. § 903(c)(1) (“The Board shall be composed of 7 members . . .”).

736. *Id.* § 903(c)(1)(A) (“3 members shall be appointed by the President, by and with the advice and consent of the Senate.”).

737. *Id.* §§ 903(c)(1)(A)-903(c)(1)(B).

738. *Id.* § 903(c)(1)(B) (“2 members (each member from a different political party) shall be appointed by the President pro tempore of the Senate with the advice of the Chairman and the Ranking Minority Member of the Senate Committee on Finance.”).

739. *Id.* § 903(c)(1)(C) (“2 members (each member from a different political party) shall be appointed by the Speaker of the House of Representatives, with the advice of the Chairman and the Ranking Minority Member of the House Committee on Ways and Means.”).

Term Length: 6 years.<sup>740</sup>  
Partisan Balancing: Yes.<sup>741</sup>  
Continuation of Service During Vacancy: No.  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: No.  
Quorum Rules (Statute-Based): Fixed Numerosity.<sup>742</sup>  
Quorum Rules (Rule-Based): Fixed Numerosity.<sup>743</sup>  
Voting Rules (Statute-Based): None Specified.  
Voting Rules (Rule-Based): Present Majority.<sup>744</sup>  
Number of Members for Quorum: 4.<sup>745</sup>  
Number of Members for Approval: N/A.  
Required Members for Quorum: Yes.<sup>746</sup>  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: No.  
Prohibitions of Delegations: No.

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740. *Id.* § 903(d) (“Each member of the Board shall serve for a term of 6 years . . .”).

741. *Id.* § 903(c)(1)(A) (“Not more than 2 of such members shall be from the same political party.”); *id.* § 903(c)(1)(B) (“2 members (each member from a different political party) shall be appointed by the President pro tempore of the Senate with the advice of the Chairman and the Ranking Minority Member of the Senate Committee on Finance.”); *id.* § 903(c)(1)(C) (“2 members (each member from a different political party) shall be appointed by the Speaker of the House of Representatives, with the advice of the Chairman and the Ranking Minority Member of the House Committee on Ways and Means.”).

742. *Id.* § 903(g)(2) (“Four members of the Board (not more than 3 of whom may be of the same political party) shall constitute a quorum for purposes of conducting business.”).

743. SOCIAL SECURITY ADVISORY BOARD BYLAWS art. 5, § 3 (Jan. 31, 2020) (“As required by Section 703(g)(2) of the Social Security Act, four members of the Board (not more than 3 of whom may be of the same political party) shall constitute a quorum for purposes of conducting business. Each member shall have one vote. The votes of a majority of the Board who are present and voting at a meeting shall be necessary for adoption by the Board of any action.”).

744. *Id.*

745. 42 U.S.C. § 903(g)(2).

746. *Id.* (“Four members of the Board (not more than 3 of whom may be of the same political party) shall constitute a quorum for purposes of conducting business.”).

**State Justice Institute**

Number of Members: 11.<sup>747</sup>  
Number of Members Appointed by the President: 11.<sup>748</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Entities: None.  
Non-Voting Members: None.  
Removal Protections for Members: Yes.<sup>749</sup>  
Serve at the Pleasure of the President: No.  
Term Length: 3 years.<sup>750</sup>  
Partisan Balancing: Yes.<sup>751</sup>  
Continuation of Service During Vacancy: Yes.<sup>752</sup>  
Time Limit on Vacancies: Yes.<sup>753</sup>  
Vacancies Do Not Impair Functions: No.  
Quorum Rules (Statute-Based): Unspecified majority.<sup>754</sup>  
Quorum Rules (Rule-Based): None Specified.  
Quorum Rules (Statute-Based): Present majority.<sup>755</sup>  
Quorum Rules (Rule-Based): None Specified.  
Number of Members for Quorum: N/A.  
Number of Members for Approval: N/A.

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747. *Id.* § 10703(a)(1) (“The Institute shall be supervised by a Board of Directors, consisting of eleven voting members to be appointed by the President, by and with the advice and consent of the Senate.”).

748. *Id.*

749. *Id.* § 10703(h) (“A member of the Board may be removed by a vote of seven members for malfeasance in office, persistent neglect of, or inability to discharge duties, or for any offense involving moral turpitude, but for no other cause.”).

750. *Id.* § 10703(b)(1) (“Except as provided in paragraph (2), the term of each voting member of the Board shall be three years.”).

751. *Id.* § 10703(a)(2)(C) (“[F]our members from the public sector, no more than two of whom shall be of the same political party, to be appointed in the manner provided in paragraph (4).”).

752. *Id.* § 10703(b)(1) (“Each member of the Board shall continue to serve until the successor to such member has been appointed and qualified.”).

753. *Id.* § 10703(a)(5) (“In the case of any other appointment of a member, the President shall make the appointment not later than ninety days after the previous term expires or the vacancy occurs, as the case may be.”).

754. *Id.* § 10703(f) (“Each member of the Board shall be entitled to one vote. A simple majority of the membership shall constitute a quorum for the conduct of business. The Board shall act upon the concurrence of a simple majority of the membership present and voting.”).

755. *Id.*

Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: No.  
Prohibitions of Delegations: No.

### Tennessee Valley Authority

Number of Members: 9.<sup>756</sup>  
Number of Members Appointed by the President: 9.<sup>757</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Entities: None.  
Non-Voting Members: None.  
Removal Protections for Members: No.  
Serve at the Pleasure of the President: No.  
Term Length: 5 years.<sup>758</sup>  
Partisan Balancing: No.  
Continuation of Service During Vacancy: Yes with limitations.<sup>759</sup>  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: Yes.<sup>760</sup>  
Quorum Rules (Statute-Based): Fixed Numerosity.<sup>761</sup>  
Quorum Rules (Rule-Based): Fixed Numerosity.<sup>762</sup>

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756. 16 U.S.C. § 831a(a)(1) (“The Board of Directors of the Corporation (referred to in this chapter as the ‘Board’) shall be composed of 9 members appointed by the President by and with the advice and consent of the Senate, at least 7 of whom shall be a legal resident of the service area of the Corporation.”).

757. *Id.*

758. *Id.* § 831a(d)(1) (“A member of the Board shall serve a term of 5 years.”).

759. *Id.* (“A member of the Board whose term has expired may continue to serve after the member’s term has expired until the date on which a successor takes office, except that the member shall not serve beyond the end of the session of Congress in which the term of the member expires.”).

760. *Id.* § 831a(e)(2) (“A vacancy on the Board shall not impair the power of the Board to act.”).

761. *Id.* § 831a(e)(1) (“Five of the members of the Board shall constitute a quorum for the transaction of business.”).

762. BYLAWS OF THE TENNESSEE VALLEY AUTHORITY § 1.5, <https://perma.cc/ZTU2-DU4J> (Nov. 6, 2014) (“In accordance with the provisions of Section 2(e) of the TVA Act, five of  
*footnote continued on next page*”).

Voting Rules (Statute-Based): None Specified.  
Voting Rules (Rule-Based): Present Majority.<sup>763</sup>  
Number of Members for Quorum: 5.<sup>764</sup>  
Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without Quorum Due to Vacancies: Yes.<sup>765</sup>  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: No.  
Prohibitions of Delegations: No.

**Trustees of the Federal Old-Age and Survivors Insurance Trust Fund  
and the Federal Disability Insurance Trust Fund**

Number of Members: 6.<sup>766</sup>  
Number of Members Appointed by the President: 2.<sup>767</sup>  
Number of Voting, Ex officio Members: 4.<sup>768</sup>  
Ex officio Members: Commissioner of Social Security; Secretary of the Treasury; Secretary of Labor; Secretary of Health and Human Services.<sup>769</sup>

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the members of the Board shall constitute a quorum for the transaction of business. Except as otherwise provided in these Bylaws or required by law, the vote of a majority of the members either physically present or participating by remote attendance in accordance with Section 1.4 of these Bylaws shall be the act of the Board of Directors.”).

763. *Id.*

764. 16 U.S.C. § 831a(e)(1).

765. *Bylaws of the Tennessee Valley Authority* § 1.6, <https://perma.cc/YXE3-J976> (“In the event that vacancies cause the Board to have fewer than five members for any period of time, during any such period of time the members in office may, as a Board without a quorum, continue to exercise those powers of the Board which are necessary to assure continuity of operations of the Corporation along the lines established while the Corporation was guided by a quorum of the Board, but shall not have the authority to direct the Corporation into new areas of activity, to embark on new programs, or to change the Corporation’s existing direction.”).

766. 42 U.S.C. § 401(c) (“[T]here is hereby created a body to be known as the Board of Trustees of the Trust Funds (hereinafter in this subchapter called the ‘Board of Trustees’) which Board of Trustees shall be composed of the Commissioner of Social Security, the Secretary of the Treasury, the Secretary of Labor, and the Secretary of Health and Human Services, all ex officio, and of two members of the public (both of whom may not be from the same political party), who shall be nominated by the President for a term of four years and subject to confirmation by the Senate.”).

767. *Id.*

768. *Id.*

769. *Id.*

Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Entities: None.  
Non-Voting Members: None.  
Removal Protections for Members: No.  
Serve at the Pleasure of the President: No.  
Term Length: 4 years.<sup>770</sup>  
Partisan Balancing: Yes.<sup>771</sup>  
Continuation of Service During Vacancy: Yes with limitations.<sup>772</sup>  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: No.  
Quorum Rules (Statute-Based): None Specified.  
Quorum Rules (Rule-Based): None Specified.  
Voting Rules (Statute-Based): None Specified.  
Voting Rules (Rule-Based): None Specified.  
Number of Members for Quorum: No.  
Number of Members for Approval: No.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: No.  
Prohibitions of Delegations: No.

### **U.S. African Development Foundation**

Number of Members: 7.<sup>773</sup>  
Number of Members Appointed by the President: 7.<sup>774</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 0.

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770. *Id.*

771. *Id.*

772. *Id.* (“An individual nominated and confirmed as a member of the public may serve in such position after the expiration of such member’s term until the earlier of the time at which the member’s successor takes office or the time at which a report of the Board is first issued under paragraph (2) after the expiration of the member’s term.”).

773. 22 U.S.C. § 290h-5(a)(1) (“The management of the Foundation shall be vested in a board of directors (hereafter in this subchapter referred to as the ‘Board’) composed of seven members appointed by the President, by and with the advice and consent of the Senate.”).

774. *Id.*

Members Appointed by Other Entities: None.  
Non-Voting Members: None.  
Removal Protections for Members: No.  
Serve at the Pleasure of the President: No.  
Term Length: 6 years.<sup>775</sup>  
Partisan Balancing: Yes.<sup>776</sup>  
Continuation of Service During Vacancy: Yes.<sup>777</sup>  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: No.  
Quorum Rules (Statute-Based): Unspecified Majority.<sup>778</sup>  
Quorum Rules (Rule-Based): None Specified.  
Voting Rules (Statute-Based): None Specified.  
Voting Rules (Rule-Based): None Specified.  
Number of Members for Quorum: N/A.  
Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: No.  
Prohibitions of Delegations: No.

### U.S. Institute of Peace

Number of Members: 15.<sup>779</sup>  
Number of Members Appointed by the President: 12.<sup>780</sup>  
Number of Voting, Ex Officio Members: 3.<sup>781</sup>

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775. *Id.* § 290h-5(a)(2) (“Members of the Board shall be appointed for terms of six years, except that of the members first appointed, as designated by the President at the time of their appointment, two shall be appointed for terms of two years and two shall be appointed for terms of four years.”).

776. *Id.* § 290h-5(a)(1) (“Members of the Board shall be appointed so that no more than four members of the Board are members of any one political party.”).

777. *Id.* § 290h-5(a)(2) (“Upon the expiration of his or her term a member shall continue to serve until a successor is appointed and shall have qualified.”).

778. *Id.* § 290h-5(c) (“A majority of the Board shall constitute a quorum.”).

779. *Id.* § 4605(b) (“The Board shall consist of fifteen voting members.”).

780. *Id.* § 4605(b)(4) (“Twelve individuals appointed by the President, by and with the advice and consent of the Senate.”).

781. *Id.* §§ 4605(b)(1)-4605(b)(3).

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Ex Officio Members: Secretary of State;<sup>782</sup> Secretary of Defense;<sup>783</sup>  
President of the National Defense University.<sup>784</sup>  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Entities: None.  
Non-Voting Members: President of the Board.<sup>785</sup>  
Removal Protections for Members: Yes.<sup>786</sup>  
Serve at the Pleasure of the President: No.  
Term Length: 4 years.<sup>787</sup>  
Partisan Balancing: Yes.<sup>788</sup>  
Continuation of Service During Vacancy: Yes.<sup>789</sup>  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: No.  
Quorum Rules (Statute-Based): Unspecified Majority.<sup>790</sup>  
Quorum Rules (Rule-Based): None Specified.  
Voting Rules (Statute-Based): None Specified.  
Voting Rules (Rule-Based): None Specified.  
Number of Members for Quorum: N/A.  
Number of Members for Approval: N/A.

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782. *Id.* § 4605(b)(1) (“The Secretary of State (or if the Secretary so designates, another officer of the Department of State who was appointed with the advice and consent of the Senate).”).
783. *Id.* § 4605(b)(2) (“The Secretary of Defense (or if the Secretary so designates, another officer of the Department of Defense who was appointed with the advice and consent of the Senate).”).
784. *Id.* § 4605(b)(3) (“The President of the National Defense University (or if the President so designates, the vice President of the National Defense University).”).
785. *Id.* § 4606(a) (“The President of the Institute shall be a nonvoting ex officio member of the Board.”).
786. *Id.* § 4605(f) (“A member of the Board appointed under subsection (b)(4) may be removed by the President (1) in consultation with the Board, for conviction of a felony, malfeasance in office, persistent neglect of duties, or inability to discharge duties; (2) upon the recommendation of eight voting members of the Board; or (3) upon the recommendation of a majority of the members of the Committee on Foreign Affairs and the Committee on Education and Labor of the House of Representatives and a majority of the members of the Committee on Foreign Relations and the Committee on Labor and Human Resources of the Senate.”).
787. *Id.* § 4605(e)(1) (“Members of the Board appointed under subsection (b)(4) shall be appointed to four year terms.”).
788. *Id.* § 4605(c) (“Not more than eight voting members of the Board (including members described in paragraphs (1) through (4) of subsection (b)) may be members of the same political party.”).
789. *Id.* § 4605(e)(1)(B) (“[A] member may continue to serve until his or her successor is appointed.”).
790. *Id.* § 4605(h)(2) (“A majority of the members of the Board shall constitute a quorum for any Board meeting.”).

Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: No.  
Prohibitions of Delegations: No.

### U.S. International Development Finance Corporation

Number of Members: 9.<sup>791</sup>  
Number of Members Appointed by the President: 4.<sup>792</sup>  
Number of Voting, Ex Officio Members: 5.<sup>793</sup>  
Ex Officio Members: Chief Executive Officer of the Corporation;<sup>794</sup>  
Secretary of State;<sup>795</sup> Administrator of the United States Agency for  
International Development;<sup>796</sup> Secretary of the Treasury;<sup>797</sup> Secretary of  
Commerce.<sup>798</sup>  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Entities: None.  
Non-Voting Members: 0.  
Removal Protections for Members: No.  
Serve at the Pleasure of the President: No.  
Term Length: 3 years.<sup>799</sup>  
Partisan Balancing: No.  
Continuation of Service During Vacancy: Yes.<sup>800</sup>  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: No.

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791. *Id.* §§ 9613(b)(2)(A)-9613(b)(2)(B).

792. *Id.* § 9613(b)(2)(A)(iii) (“[F]our other individuals who shall be appointed by the President, by and with the advice and consent of the Senate . . .”).

793. *Id.* § 9613(b)(2)(B).

794. *Id.* § 9613(b)(2)(A)(i).

795. *Id.* § 9613(b)(2)(B)(i)(I).

796. *Id.* § 9613(b)(2)(B)(i)(II).

797. *Id.* § 9613(b)(2)(B)(i)(III).

798. *Id.* § 9613(b)(2)(B)(i)(IV).

799. *Id.* § 9613(b)(2)(C)(iii) (“[S]hall be appointed for a term of 3 years and may be reappointed for one additional term.”).

800. *Id.* § 9613(b)(2)(C)(iv) (“[S]hall serve until the member’s successor is appointed and confirmed.”).

Quorum Rules (Statute-Based): Fixed Numerosity.<sup>801</sup>  
Quorum Rules (Rule-Based): Fixed Numerosity.<sup>802</sup>  
Voting Rules (Statute-Based): None Specified.  
Voting Rules (Rule-Based): Present Majority.<sup>803</sup>  
Number of Members for Quorum: 5.<sup>804</sup>  
Required Members for Quorum: No.  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: No.  
Prohibitions of Delegations: No.

### **U.S. Parole Commission**

Number of Members: 9.<sup>805</sup>  
Number of Members Appointed by the President: 9.<sup>806</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 0.  
Members Appointed by Other Entities: None.  
Non-Voting Members: None.  
Removal Protections for Members: No.

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801. *Id.* § 9613(b)(5) (“Five members of the Board shall constitute a quorum for the transaction of business by the Board.”).

802. BYLAWS OF THE U.S. INTERNATIONAL DEVELOPMENT FINANCE CORPORATION art. III, § 3 (June 12, 2019), <https://perma.cc/4FX7-D6FZ> (“Five members of the Board shall constitute a quorum for the transaction of business at any meeting. The act of a majority of the Directors present and voting on a matter shall constitute action of the Board. Any person who has been duly authorized to serve in an acting capacity as CEO, Secretary of State, the Administrator of USAID, Secretary of the Treasury, or Secretary of Commerce, shall be considered a Director and may attend and vote at meetings of the Board in such acting capacity.”).

803. *Id.*

804. 22 U.S.C. § 9613(b)(5).

805. 18 U.S.C. § 4202 (“There is hereby established, as an independent agency in the Department of Justice, a United States Parole Commission which shall be comprised of nine members appointed by the President, by and with the advice and consent of the Senate.”). Subsequent amendments following the initial repeal of the Parole Commission’s statute suggest that the agency may now have a maximum of five members. Balanced Budget Act of 1997 § 11231(c), Pub. L. 105-33, 111 Stat. 746 (Aug. 5, 1997) (“The United States Parole Commission shall have no more than five members.”).

806. 18 U.S.C. § 4202.

Serve at the Pleasure of the President: No.  
Term Length: 6 years.<sup>807</sup>  
Partisan Balancing: No.  
Continuation of Service During Vacancy: Yes with limitations.<sup>808</sup>  
Time Limit on Vacancies: No.  
Vacancies Do Not Impair Functions: No.  
Quorum Rules (Statute-Based): None Specified.  
Quorum Rules (Rule-Based): Appointed Majority.<sup>809</sup>  
Voting Rules (Statute-Based): Appointed Majority.<sup>810</sup>  
Voting Rules (Rule-Based): Appointed Majority.<sup>811</sup>  
Number of Members for Quorum: N/A.  
Number of Members for Approval: N/A.  
Required Members for Quorum: No.  
Required Members for Approval: No.

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807. *Id.* (“The term of office of a Commissioner shall be six years, except that the term of a person appointed as a Commissioner to fill a vacancy shall expire six years from the date upon which such person was appointed and qualified.”).
808. *Id.* (“Upon the expiration of a term of office of a Commissioner, the Commissioner shall continue to act until a successor has been appointed and qualified, except that no Commissioner may serve in excess of twelve years.”).
809. 28 C.F.R. § 2.63(a) (“A quorum of the Commission consists of the majority of those Commissioners holding office at the time an action is under consideration. Any action authorized by law may be decided by the majority vote of the Commissioners holding office at the time the action is taken. Voting requirements in parole decisionmaking are established in other provisions of this part, including paragraphs (b) and (c) of this section.”).
810. 18 U.S.C. § 4203(d) (“Except as otherwise provided by law, any action taken by the Commission pursuant to subsection (a) of this section shall be taken by a majority vote of all individuals currently holding office as members of the Commission which shall maintain and make available for public inspection a record of the final vote of each member on statements of policy and interpretations adopted by it. In so acting, each Commissioner shall have equal responsibility and authority, shall have full access to all information relating to the performance of such duties and responsibilities, and shall have one vote.”). Subsequent amendments following the initial repeal of the Parole Commission’s statute suggest that the agency may now have control over its own quorum requirements. Parole Commission Phaseout § 2(b), Pub. L. 104-232, 110 Stat. 3055 (Oct. 2, 1996) (“Notwithstanding section 4203 of title 18, United States Code [section 4203 of this title], the United States Parole Commission may perform its functions with any quorum of Commissioners, or Commissioner, as the Commission may prescribe by regulation.”).
811. 28 C.F.R. § 2.63(a) (“A quorum of the Commission consists of the majority of those Commissioners holding office at the time an action is under consideration. Any action authorized by law may be decided by the majority vote of the Commissioners holding office at the time the action is taken. Voting requirements in parole decisionmaking are established in other provisions of this part, including paragraphs (b) and (c) of this section.”).

Single-Member Restrictions: No.<sup>812</sup>  
Actions Without Quorum Due to Vacancies: No.  
Actions Without a Quorum Due to Emergencies: No.  
Delegation Authority: Yes with limitations.<sup>813</sup>  
Prohibitions of Delegations: No.

### U.S. Postal Service Board of Governors

Number of Members: 11.<sup>814</sup>  
Number of Members Appointed by the President: 9.<sup>815</sup>  
Number of Voting, Ex Officio Members: 0.  
Ex Officio Members: None.  
Number of Members Appointed by Other Entities: 1.  
Members Appointed by Other Entities: Postmaster General;<sup>816</sup> Deputy  
Postmaster General.<sup>817</sup>  
Non-Voting Members: None.  
Removal Protections for Members: Yes.<sup>818</sup>  
Serve at the Pleasure of the President: No.  
Term Length: 7 years.<sup>819</sup>

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812. *Id.* § 2.63(c) (“If there is only one Commissioner holding office, all provisions in these rules requiring concurring votes or resolving split decisions are suspended until the membership of the Commission is increased, and any action may be taken by one Commissioner.”).
813. 18 U.S.C. § 4203(c)(1) (“The Commission, by majority vote, and pursuant to rules and regulations (1) may delegate to any Commissioner or commissioners powers enumerated in subsection (b) of this section . . .”).
814. 39 U.S.C. § 202(a)(1) (“The exercise of the power of the Postal Service shall be directed by a Board of Governors composed of 11 members appointed in accordance with this section.”).
815. *Id.* (“Nine of the members, to be known as Governors, shall be appointed by the President, by and with the advice and consent of the Senate, not more than 5 of whom may be adherents of the same political party.”).
816. *Id.* § 202(c) (“The Governors shall appoint and shall have the power to remove the Postmaster General, who shall be a voting member of the Board. His pay and term of service shall be fixed by the Governors.”).
817. *Id.* § 202(d) (“The Governors and the Postmaster General shall appoint and shall have the power to remove the Deputy Postmaster General, who shall be a voting member of the Board. His term of service shall be fixed by the Governors and the Postmaster General and his pay by the Governors.”).
818. *Id.* § 202(a)(1) (“The Governors shall not be representatives of specific interests using the Postal Service, and may be removed only for cause.”).
819. *Id.* § 202(b)(1) (“The terms of the 9 Governors shall be 7 years . . .”).

Partisan Balancing: Yes.<sup>820</sup>

Continuation of Service During Vacancy: Yes with limitations.<sup>821</sup>

Time Limit on Vacancies: No.

Vacancies Do Not Impair Functions: Yes.<sup>822</sup>

Quorum Rules (Statute-Based): Fixed Numerosity.<sup>823</sup>

Quorum Rules (Rule-Based): Fixed Numerosity.<sup>824</sup>

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820. *Id.* § 202(a)(1) (“Nine of the members, to be known as Governors, shall be appointed by the President, by and with the advice and consent of the Senate, not more than 5 of whom may be adherents of the same political party.”).
821. *Id.* § 202(b)(1) (“A Governor may continue to serve after the expiration of his term until his successor has qualified, but not to exceed one year.”).
822. *Id.* § 205(b) (“Vacancies in the Board, as long as there are sufficient members to form a quorum, shall not impair the powers of the Board under this title.”).
823. *Id.* § 205(c) (“The Board shall act upon majority vote of those members who are present, and any 6 members present shall constitute a quorum for the transaction of business by the Board, except (1) that in the appointment or removal of the Postmaster General, and in setting the compensation of the Postmaster General and Deputy Postmaster General, a favorable vote of an absolute majority of the Governors in office shall be required; (2) that in the appointment or removal of the Deputy Postmaster General, a favorable vote of an absolute majority of the Governors in office and the member serving as Postmaster General shall be required; and (3) as otherwise provided in this title.”).
824. 39 C.F.R. § 6.6 (“Except for matters considered through the notation voting process described in § 6.7, the Board acts by resolution upon a vote of those members who attend a meeting in accordance with § 6.4. No proxies are allowed in any vote of the members of the Board. As provided by 39 U.S.C. 205(c), any six (6) members constitute a quorum for the transaction of business by the Board, and a resolution requires a favorable vote of a majority of those members who are present, except as follows: (a) In the appointment or removal of the Postmaster General, and in setting the compensation and benefits of the Postmaster General and Deputy Postmaster General, 39 U.S.C. 205(c)(1) requires a favorable vote of an absolute majority of the Governors in office. (b) In the appointment or removal of the Deputy Postmaster General, 39 U.S.C. 205(c)(2) requires a favorable vote of an absolute majority of the Governors in office and the Postmaster General. (c) In the appointment, removal, or in the setting of the compensation and benefits of the Secretary, Assistant Secretary, or other necessary staff, a favorable vote of an absolute majority of the Governors in office is required. (d) In the determination to close a portion of a meeting or to withhold information concerning a meeting, 5 U.S.C. 552b(d)(1) requires a vote of a majority of the entire membership of the Board. (e) In the decision to call a meeting with less than a week’s notice, 5 U.S.C. 552b(e)(1) requires a vote of a majority of the members of the Board. In the decision to change the subject matter of a meeting, or the determination to open or close a meeting, 5 U.S.C. 552b(e)(2) requires a vote of a majority of the entire membership of the Board. (f) In establishing rates or classes of competitive products of both general and not of general applicability in §§ 3.9 and 3.10 of these bylaws, 39 U.S.C. 3632(a) requires the concurrence of a majority of all of the Governors then holding office. (g) In the appointment of the Inspector General, 39 U.S.C. 202(e) requires a favorable vote of a majority of the Governors then in office and of a majority of the Commissioners of the Postal Regulatory Commission then in office. (h) In removing the Inspector General for cause, 39 U.S.C. 202(e) requires the written concurrence of at least 7 Governors and 3 Commissioners of the Postal Regulatory Commission. (i) In adjusting the funding requested in the Postal Regulatory
- footnote continued on next page*

*Commission Quorums: Appendix*  
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Voting Rules (Statute-Based): Present Majority.<sup>825</sup>  
Voting Rules (Rule-Based): Present Majority.<sup>826</sup>  
Number of Members for Quorum: N/A.  
Number of Members for Approval: N/A.  
Required Members for Quorum: Yes.<sup>827</sup>  
Required Members for Approval: No.  
Single-Member Restrictions: No.  
Actions Without Quorum Due to Vacancies: Yes.<sup>828</sup>  
Actions Without a Quorum Due to Emergencies: Yes.<sup>829</sup>  
Delegation Authority: No.  
Prohibitions of Delegations: Yes.<sup>830</sup>

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Commission's budget for the succeeding fiscal year, 39 U.S.C. 504(d) requires a unanimous written decision of the Governors then holding office, issued no later than 30 days after receiving the budget. (j) In approving a program established under 39 U.S.C. 3703 to enter into agreements with agencies of state, local or tribal governments to provide property or non-postal services to the public on such agencies' behalf, 39 U.S.C. 3703(c) requires a recorded and publicly available vote of a majority of the Governors then holding office.").

825. 39 U.S.C. § 205(c).

826. 39 C.F.R. § 6.6.

827. Certain actions require a majority of Governors, regardless of the presence of the Postmaster General or Deputy Postmaster General. *See id.*

828. *Id.* § 6.8 ("When, by reason of death, incapacity, or disruption of transportation and communications, a quorum of the Board of Governors cannot reasonably be assembled, or when vacancies on the Board make it impossible for a quorum to assemble, the remaining members of the Board who are able to assemble are constituted a Temporary Emergency Committee of the Board of Governors. The Chairman or Vice Chairman of the Board, or in their absence any available member of the Board, may convene a meeting of such Temporary Emergency Committee for the consideration of such business as may be needed to provide for continuity of operations for the duration of the emergency, or for the duration of the period of time in which vacancies on the Board prevent a quorum from being assembled. The powers reserved to the Board under § 3.3 of these bylaws necessary to provide for continuity of operations are delegated to the Committee, which may exercise such powers until such time as sufficient members of the Board are again available to enable the Board to convene.").

829. *Id.*

830. *Id.* §§ 3.3-3.4 (cataloging decisions reserved for the Board of Governors and the Governors, respectively).