

§ 3480. Copyrights and patents

The Secretary is authorized to acquire any of the following described rights if the property acquired thereby is for use by or for, or useful to, the Department:

- (1) copyrights, patents, and applications for patents, designs, processes, and manufacturing data;
- (2) licenses under copyrights, patents, and applications for patents; and
- (3) releases, before suit is brought, for past infringement of patents or copyrights.

(Pub. L. 96-88, title IV, §420, Oct. 17, 1979, 93 Stat. 687.)

§ 3481. Gifts and bequests

The Secretary is authorized to accept, hold, administer, and utilize gifts, bequests and devises of property, both real and personal, and to accept donations of services, for the purpose of aiding or facilitating the work of the Department. Gifts, bequests, and devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon the order of the Secretary.

(Pub. L. 96-88, title IV, §421, Oct. 17, 1979, 93 Stat. 687; Pub. L. 103-382, title II, §271(d)(2), Oct. 20, 1994, 108 Stat. 3930.)

Editorial Notes**AMENDMENTS**

1994—Pub. L. 103-382 inserted “and to accept donations of services,” after “personal.”

§ 3482. Technical advice**(a) Authorization**

The Secretary is authorized, upon request, to provide advice, counsel, and technical assistance to applicants or potential applicants for grants and contracts and other interested persons with respect to any functions of the Secretary or the Department.

(b) Consolidation of applications for grants and contracts

The Secretary may permit the consolidation of applications for grants or contracts with respect to two or more functions of the Secretary or the Department, but such consolidation shall not alter the statutory criteria for approval of applications for funding with respect to such functions.

(Pub. L. 96-88, title IV, §422, Oct. 17, 1979, 93 Stat. 687.)

§ 3483. Working capital fund**(a) Establishment; administrative services included**

The Secretary, with the approval of the Director of the Office of Management and Budget, is authorized to establish for the Department a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as the Secretary shall find to be desirable in the interests of economy and efficiency, including such services as—

(1) a central supply service for stationery and other supplies and equipment for which adequate stocks may be maintained to meet in whole or in part the requirements of the Department and its components;

(2) central messenger, mail, telephone, and other communications services;

(3) office space, central services for document reproduction, and for graphics and visual aids; and

(4) a central library service.

(b) Capital; reimbursement of funds; credit; miscellaneous receipts; transfers

The capital of the fund shall consist of any appropriations made for the purpose of providing working capital and the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the Secretary may transfer to the fund, less the related liabilities and unpaid obligations. Such funds shall be reimbursed in advance from available funds of agencies and offices in the Department, or from other sources, for supplies and services at rates that will approximate the expense of operation, including the accrual of annual leave and the depreciation of equipment. The fund shall also be credited with receipts from sale or exchange of property and receipts in payment for loss or damage to property owned by the fund. There shall be covered into the Treasury as miscellaneous receipts any surplus of the fund (all assets, liabilities, and prior losses considered) above the amounts transferred or appropriated to establish and maintain such fund. There shall be transferred to the fund the stocks of supplies, equipment, other assets, liabilities, and unpaid obligations relating to the services which the Secretary determines, with the approval of the Director of the Office of Management and Budget, will be performed.

(Pub. L. 96-88, title IV, §423, Oct. 17, 1979, 93 Stat. 687.)

§ 3483a. Department of Education Nonrecurring Expenses Fund

There is hereby established in the Treasury of the United States a fund to be known as the “Department of Education Nonrecurring Expenses Fund” (the Fund): *Provided*, That unobligated balances of expired discretionary funds appropriated for this or any succeeding fiscal year from the General Fund of the Treasury to the Department of Education by this or any other Act may be transferred (not later than the end of the fifth fiscal year after the last fiscal year for which such funds are available for the purposes for which appropriated) into the Fund: *Provided further*, That amounts deposited in the Fund shall be available until expended, and in addition to such other funds as may be available for such purposes, for information and business technology system modernization and facilities infrastructure improvements necessary for the operation of the Department, subject to approval by the Office of Management and Budget: *Provided further*, That amounts in the Fund may be obligated only after the Committees on Appropriations of the House of Representatives and the Senate are notified at least 30 days in advance of the specific information and business

technology system modernization project or facility infrastructure improvement obligations planned for such amounts.

(Pub. L. 116-260, div. H, title III, §313, Dec. 27, 2020, 134 Stat. 1609.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, is div. H of Pub. L. 116-260, Dec. 27, 2020, 134 Stat. 1547, known as the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2021. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was enacted as part of the Department of Education Appropriations Act, 2021, and not as part of the Department of Education Organization Act which comprises this chapter.

§ 3484. Funds transfer

The Secretary may, when authorized in an appropriation Act in any fiscal year, transfer funds from one appropriation to another within the Department, except that no appropriation for any fiscal year shall be either increased or decreased pursuant to this section by more than 5 percent and no such transfer shall result in increasing any such appropriation above the amount authorized to be appropriated therefor.

(Pub. L. 96-88, title IV, §424, Oct. 17, 1979, 93 Stat. 688.)

§ 3485. Seal of Department

The Secretary shall cause a seal of office to be made for the Department of such design as the Secretary shall approve. Judicial notice shall be taken of such seal.

(Pub. L. 96-88, title IV, §425, Oct. 17, 1979, 93 Stat. 688.)

§ 3486. Annual report

(a) Contents

The Secretary shall, as soon as practicable after the close of each fiscal year, make a single, comprehensive report to the President for transmission to the Congress on the activities of the Department during such fiscal year. The report shall include a statement of goals, priorities, and plans for the Department together with an assessment of the progress made toward—

- (1) the attainment of such goals, priorities, and plans;
- (2) the more effective and efficient management of the Department and the coordination of its functions; and
- (3) the reduction of excessive or burdensome regulation and of unnecessary duplication and fragmentation in Federal education programs,

accompanied where necessary by recommendations for proposed legislation for the achievement of such objectives.

(b) Estimate on non-Federal personnel employed

The report required by subsection (a) shall also include an estimate of the extent of the non-Federal personnel employed pursuant to

contracts entered into by the Department under section 3475 of this title or under any other authority (including any subcontract thereunder), the number of such contracts and subcontracts pursuant to which non-Federal personnel are employed, and the total cost of those contracts and subcontracts.

(Pub. L. 96-88, title IV, §426, Oct. 17, 1979, 93 Stat. 688.)

Statutory Notes and Related Subsidiaries

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (a) of this section relating to transmission of report to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 80 of House Document No. 103-7.

§ 3487. Repealed. Pub. L. 103-382, title II, § 271(a)(1), Oct. 20, 1994, 108 Stat. 3929

Section, Pub. L. 96-88, title IV, §427, Oct. 17, 1979, 93 Stat. 689, related to application of General Education Provisions Act, 20 U.S.C. 1221 et seq., to functions transferred by this chapter.

§ 3488. Authorization of appropriations

Subject to any limitation on appropriations applicable with respect to any function or office transferred to the Secretary or the Department, there are authorized to be appropriated for fiscal year 1980 and each succeeding fiscal year such sums as may be necessary to carry out the provisions of this chapter and to enable the Secretary to administer and manage the Department. Funds appropriated in accordance with this section shall remain available until expended.

(Pub. L. 96-88, title IV, §427, formerly §428, Oct. 17, 1979, 93 Stat. 689; renumbered §427, Pub. L. 103-382, title II, §271(a)(2), Oct. 20, 1994, 108 Stat. 3929.)

Editorial Notes

PRIOR PROVISIONS

A prior section 427 of Pub. L. 96-88 was classified to section 3487 of this title prior to repeal by Pub. L. 103-382.

§ 3489. General extension of authorizations

Subject to the limitations contained in subtitle A of this title, there are authorized to be appropriated for fiscal years 1982, 1983, and 1984 such sums as may be necessary to carry out each of the following provisions of law:

- (1) the Act of September 30, 1950¹ (Public Law 874, 81st Congress);
- (2) the Act of September 23, 1950¹ (Public Law 815, 81st Congress);
- (3) the General Education Provisions Act [20 U.S.C. 1221 et seq.];
- (4) the Indian Education Act;
- (5) titles XI [25 U.S.C. 2000 et seq.], XIV [20 U.S.C. 921 et seq.], and XV of the Education Amendments of 1978 and part H of title XIII of the Education Amendments of 1980;

¹ See References in Text note below.