

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 Higher Education Act of 1965 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