

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

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, 1950<sup>1</sup> (Public Law 874, 81st Congress);
- (2) the Act of September 23, 1950<sup>1</sup> (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;
- (6) the Adult Education Act;<sup>1</sup>
- (7) section 342 of the Education Amendments of 1976 [20 U.S.C. 2532];
- (8) the Asbestos School Hazards Detection and Control Act [20 U.S.C. 3601 et seq.];
- (9) the Joint Resolution of October 19, 1972 (86 Stat. 907);
- (10) the Vocational Education Act of 1963;<sup>1</sup>
- (11) title IV of the Civil Rights Act of 1964 [42 U.S.C. 2000c et seq.];
- (12) the Navajo Community College Act and the Tribally Controlled Colleges and Universities Assistance Act of 1978 [25 U.S.C. 1801 et seq.];
- (13) part C of title IX of the Elementary and Secondary Education Act of 1965,<sup>1</sup> relating to Women's Educational Equity; and
- (14) title VII of the Elementary and Secondary Education Act of 1965.<sup>1</sup>

(Pub. L. 97–35, title V, § 528, Aug. 13, 1981, 95 Stat. 450; Pub. L. 98–211, § 20, Dec. 8, 1983, 97 Stat. 1418; Pub. L. 104–208, div. A, title I, § 101(e) [title VII, § 709(a)(2)], Sept. 30, 1996, 110 Stat. 3009–233, 3009–312; Pub. L. 105–244, title IX, § 901(d), Oct. 7,

1998, 112 Stat. 1828; Pub. L. 110–315, title IX, § 941(k)(2)(E), Aug. 14, 2008, 122 Stat. 3466.)

#### Editorial Notes

##### REFERENCES IN TEXT

Subtitle A of this title, referred to in text, is subtitle A (§§ 502 to 528) of title V, of Pub. L. 97–35, Aug. 13, 1981, 95 Stat. 441. For complete classification of subtitle A to the Code, see Tables.

Act of September 30, 1950 (Public Law 874, 81st Congress), referred to in par. (1), is act Sept. 30, 1950, ch. 1124, 64 Stat. 1100, which was classified generally to chapter 13 (§236 et seq.) of this title, prior to repeal by Pub. L. 103–382, title III, § 331(b), Oct. 20, 1994, 108 Stat. 3965. For complete classification of this Act to the Code, see Tables.

Act of September 23, 1950 (Public Law 815, 81st Congress), referred to in par. (2), is act Sept. 23, 1950, ch. 995, as amended generally by Aug. 12, 1958, Pub. L. 85–620, title I, 72 Stat. 548, which was classified generally to chapter 19 (§631 et seq.) of this title, prior to repeal by Pub. L. 103–382, title III, § 331(a), Oct. 20, 1994, 108 Stat. 3965. For complete classification of this Act to the Code, see Tables.

The General Education Provisions Act, referred to in par. (3), is title IV of Pub. L. 90–247, Jan. 2, 1968, 81 Stat. 814, which is classified generally to chapter 31 (§1221 et seq.) of this title. For complete classification of this Act to the Code, see section 1221 of this title and Tables.

The Indian Education Act, referred to in par. (4), is Pub. L. 92–318, title IV, June 23, 1972, 86 Stat. 334. For complete classification of this Act to the Code, see Tables.

The Education Amendments of 1978, referred to in par. (5), is Pub. L. 95–561, Nov. 1, 1978, 92 Stat. 2143, as amended. Title XI of the Education Amendments of 1978 is classified principally to chapter 22 (§2000 et seq.) of Title 25, Indians. Title XIV of the Education Amendments of 1978 is known as the Defense Dependents Education Act of 1978 and is classified principally to chapter 25A (§921 et seq.) of this title. Title XV of the Education Amendments of 1978 enacted sections 1221j and 1226c–1 of this title, repealed sections 1901, 1921, 1941 to 1944, 1961 to 1966, and 1981 to 1983 of this title, and enacted provisions set out as a note under section 1231a of this title, provisions formerly set out as notes under sections 1123 and 2711 of this title, and provisions set out as a note under section 287 of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title of 1978 Amendment note set out under section 6301 of this title and Tables.

The Education Amendments of 1980, referred to in par. (5), is Pub. L. 96–374, Oct. 3, 1980, 94 Stat. 1367. Part H of title XIII of the Education Amendments of 1980, Pub. L. 96–374, title XIII, §§ 1371–1373, 1376, 1377, 1381–1383, Oct. 3, 1980, 94 Stat. 1502, 1503, is not classified to the Code. For complete classification of this Act to the Code, see Short Title of 1980 Amendment note set out under section 1001 of this title and Tables.

The Adult Education Act, referred to in par. (6), was title III of Pub. L. 89–750, Nov. 3, 1966, 80 Stat. 1216, which was classified generally to chapter 30 (§1201 et seq.) of this title, prior to repeal by Pub. L. 105–220, title II, § 251(a)(1), Aug. 7, 1998, 112 Stat. 1079. For complete classification of this Act to the Code, see Tables.

The Asbestos School Hazards Detection and Control Act, referred to in par. (8), is Pub. L. 96–270, June 14, 1980, 94 Stat. 487, which is classified generally to chapter 49 (§3601 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3601 of this title and Tables.

The Joint Resolution of October 19, 1972 (86 Stat. 907), referred to in par. (9), is Pub. L. 92–506, Oct. 19, 1972, 86 Stat. 907, which is not classified to the Code.

The Vocational Education Act of 1963, referred to in par. (10), was title I of Pub. L. 88–210, Dec. 18, 1963, 77

<sup>1</sup> See References in Text note below.