

the issuance at par of special obligations exclusively to the fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt, except that where such average rate is not a multiple of  $\frac{1}{8}$  of 1 percent, the rate of interest of such special obligations shall be the multiple of  $\frac{1}{8}$  of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary determines that the purchases of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States or original issue or at the market price, is not in the public interest.

**(c) Authority to sell obligations**

Any obligation acquired by the fund may be sold by the Secretary at the market price.

**(d) Proceeds from certain transactions credited to fund**

The interest on, and the proceeds from the sale or redemption of, any obligations held in the fund shall be credited to and form a part of the fund.

(Pub. L. 99-661, div. A, title XIV, §1408, Nov. 14, 1986, 100 Stat. 4010; Pub. L. 102-190, div. A, title X, §1089(2), Dec. 5, 1991, 105 Stat. 1485; Pub. L. 102-484, div. A, title X, §1054(h), Oct. 23, 1992, 106 Stat. 2503.)

CODIFICATION

In subsec. (b), “chapter 31 of title 31” substituted for “the Second Liberty Bond Act” on authority of Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

AMENDMENTS

1992—Subsec. (c). Pub. L. 102-484 struck out “(except special obligations issued exclusively to the fund)” after “by the fund”.

1991—Subsec. (b). Pub. L. 102-190, §1089(2)(A), substituted “public debt securities of the United States with maturities suitable to the fund.” for “interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.”

Subsec. (c). Pub. L. 102-190, §1089(2)(B)(ii), struck out “, and such special obligations may be redeemed at par plus accrued interest” after “market price”.

Pub. L. 102-190, §1089(2)(B)(i), which directed striking out of “(exceptional special obligations issued exclusively to the fund)”, could not be executed because those words did not appear. See 1992 Amendment note above.

**§ 4708. Expenditures from fund**

**(a) In general**

The Secretary of the Treasury may pay to the Foundation from the interest and earnings of the fund such sums as the Board determines are necessary and appropriate to enable the Foundation to carry out the purposes of this chapter.

**(b) Audits by GAO**

The activities of the Foundation under this chapter may be audited by the Government Accountability Office under such rules and regula-

tions as may be prescribed by the Comptroller General of the United States. Representatives of the Government Accountability Office shall have access to all books, accounts, records, reports, and files and all other papers, things, or property belonging to or in use by the Foundation pertaining to such activities and necessary to facilitate the audit.

(Pub. L. 99-661, div. A, title XIV, §1409, Nov. 14, 1986, 100 Stat. 4011; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814.)

AMENDMENTS

2004—Subsec. (b). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office” in two places.

**§ 4709. Executive Secretary**

**(a) Appointment by Board**

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 prescribe.

**(b) Compensation**

The Executive Secretary of the Foundation shall serve as a noncareer appointee of the Senior Executive Service and shall be compensated at a rate determined by the Board in accordance with section 5383 of title 5.

(Pub. L. 99-661, div. A, title XIV, §1410, Nov. 14, 1986, 100 Stat. 4011; Pub. L. 102-190, div. A, title X, §1089(3), Dec. 5, 1991, 105 Stat. 1485.)

AMENDMENTS

1991—Subsec. (b). Pub. L. 102-190 substituted “serve as a noncareer appointee of the Senior Executive Service and shall be compensated at a rate determined by the Board in accordance with section 5383” for “be compensated at the rate specified for employees in grade GS-18 of the General Schedule under section 5332”.

**§ 4710. Administrative provisions**

**(a) In general**

In order to carry out this chapter, the Foundation may—

(1) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this chapter, except that in no case may an employee other than the Executive Secretary be compensated at a rate to exceed the maximum rate provided for employees in grade GS-15 of the General Schedule under section 5332 of title 5;

(2) procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, but at rates not to exceed the rate specified at the time of such service for grade GS-18 under section 5332 of such title;

(3) prescribe such regulations as it considers necessary governing the manner in which its functions shall be carried out;

(4) receive money and other property donated, bequeathed, or devised, without condi-

tion or restriction other than it be used for the purposes of the Foundation, and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

(5) accept and use the services of voluntary and noncompensated personnel and for travel expenses, including per diem, as authorized by section 5703 of title 5;

(6) enter into contracts or other arrangements, or make grants, to carry out the provisions of this chapter, and enter into such contracts or other arrangements, or make such grants, with the concurrence of two-thirds of the members of the Board, without performance or other bonds and without regard to section 6101 of title 41;

(7) rent office space in the Washington, District of Columbia, metropolitan area; and

(8) make other necessary expenditures.

#### (b) Annual report

The Foundation shall submit to the President and to Congress an annual report of its operations under this chapter.

(Pub. L. 99-661, div. A, title XIV, §1411, Nov. 14, 1986, 100 Stat. 4011; Pub. L. 103-160, div. A, title XI, §1179(b), Nov. 30, 1993, 107 Stat. 1770.)

#### CODIFICATION

In subsec. (a)(6), “section 6101 of title 41” substituted for “section 3709 of the Revised Statutes (41 U.S.C. 5)” on authority of Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

#### AMENDMENTS

1993—Subsec. (a)(7). Pub. L. 103-160 substituted “the Washington, District of Columbia, metropolitan area” for “the District of Columbia”.

#### REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

#### § 4711. Authorization of appropriations

There is hereby authorized to be appropriated to the fund \$40,000,000 to carry out this chapter.

(Pub. L. 99-661, div. A, title XIV, §1412, Nov. 14, 1986, 100 Stat. 4012.)

### CHAPTER 60—FUND FOR THE IMPROVEMENT AND REFORM OF SCHOOLS AND TEACHING

#### § 4801. Repealed. Pub. L. 103-382, title III, § 365, Oct. 20, 1994, 108 Stat. 3975

Section, Pub. L. 100-297, title III, §3202, Apr. 28, 1988, 102 Stat. 338, established Fund for the Improvement and Reform of Schools and Teaching.

#### SHORT TITLE

Pub. L. 100-297, title III, §3201, Apr. 28, 1988, 102 Stat. 338, provided that part B of title III of Pub. L. 100-297 (enacting this chapter) could be cited as the “Fund for the Improvement and Reform of Schools and Teaching Act”, prior to repeal by Pub. L. 103-382, title III, §365, Oct. 20, 1994, 108 Stat. 3975.

### SUBCHAPTER I—GRANTS FOR SCHOOLS AND TEACHERS

#### §§ 4811, 4812. Repealed. Pub. L. 103-382, title III, § 365, Oct. 20, 1994, 108 Stat. 3975

Section 4811, Pub. L. 100-297, title III, §3211, Apr. 28, 1988, 102 Stat. 338, authorized grants and contracts to improve educational opportunities for, and the performance of, elementary and secondary school students and teachers.

Section 4812, Pub. L. 100-297, title III, §3212, Apr. 28, 1988, 102 Stat. 339, related to applications for grants.

### SUBCHAPTER II—FAMILY-SCHOOL PARTNERSHIP

#### §§ 4821 to 4823. Repealed. Pub. L. 103-382, title III, § 365, Oct. 20, 1994, 108 Stat. 3975

Section 4821, Pub. L. 100-297, title III, §3221, Apr. 28, 1988, 102 Stat. 339, stated findings of Congress and purposes of this subchapter.

Section 4822, Pub. L. 100-297, title III, §3222, Apr. 28, 1988, 102 Stat. 340, related to local educational agencies eligible for grants.

Section 4823, Pub. L. 100-297, title III, §3223, Apr. 28, 1988, 102 Stat. 340, authorized demonstration grants for development of innovative and promising family-school educational partnership activities.

### SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

#### §§ 4831 to 4833. Repealed. Pub. L. 103-382, title III, § 365, Oct. 20, 1994, 108 Stat. 3975

Section 4831, Pub. L. 100-297, title III, §3231, Apr. 28, 1988, 102 Stat. 341, established Fund for the Improvement and Reform of Schools and Teaching Board.

Section 4832, Pub. L. 100-297, title III, §3232, Apr. 28, 1988, 102 Stat. 343, related to dissemination and reporting of exemplary projects and required reports.

Section 4833, Pub. L. 100-297, title III, §3233, Apr. 28, 1988, 102 Stat. 343, related to coordination with Fund for the Improvement of Postsecondary Education.

### SUBCHAPTER IV—GENERAL PROVISIONS

#### §§ 4841 to 4843. Repealed. Pub. L. 103-382, title III, § 365, Oct. 20, 1994, 108 Stat. 3975

Section 4841, Pub. L. 100-297, title III, §3241, Apr. 28, 1988, 102 Stat. 343, related to special grant rules.

Section 4842, Pub. L. 100-297, title III, §3242, Apr. 28, 1988, 102 Stat. 343, authorized appropriations.

Section 4843, Pub. L. 100-297, title III, §3243, Apr. 28, 1988, 102 Stat. 344, defined terms used in this chapter.

### CHAPTER 61—EDUCATION FOR NATIVE HAWAIIANS

#### §§ 4901 to 4909. Repealed. Pub. L. 103-382, title III, § 363, Oct. 20, 1994, 108 Stat. 3975

Section 4901, Pub. L. 100-297, title IV, §4001, Apr. 28, 1988, 102 Stat. 358, stated findings of Congress relating to education of Native Hawaiians.

Section 4902, Pub. L. 100-297, title IV, §4002, Apr. 28, 1988, 102 Stat. 358, stated purpose of this chapter.

Section 4903, Pub. L. 100-297, title IV, §4003, Apr. 28, 1988, 102 Stat. 359, authorized grants to implement Kamehameha Elementary Education Program model curriculum.

Section 4904, Pub. L. 100-297, title IV, §4004, Apr. 28, 1988, 102 Stat. 359, authorized grants to develop and operate Family-Based Education Centers in Hawaiian Islands.

Section 4905, Pub. L. 100-297, title IV, §4005, Apr. 28, 1988, 102 Stat. 360, related to Native Hawaiian higher education demonstration program.