

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 regulations 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.)

**Editorial Notes**

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.)

**Editorial Notes**

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 rates of basic pay of not more than three employees (in addition to the Executive Secretary appointed under section 4709<sup>1</sup> of this title) to carry out the provi-

sions of this chapter, without regard to the provisions in chapter 33 of title 5 governing appointment in the competitive service or the provisions of chapter 51 and subchapter III of chapter 53 of such title, except that—

(A) a rate of basic pay set under this paragraph may not exceed the maximum rate provided for employees in grade GS-15 of the General Schedule under section 5332 of title 5; and

(B) the employee shall be entitled to the applicable locality-based comparability payment under section 5304 of title 5, subject to the applicable limitation established under subsection (g) of such section;

(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 level IV of the Executive Schedule;

(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 condition 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;

(8) expend not more than 5 percent of the Foundation’s annual operating budget on programs that, in addition to or in conjunction with the Foundation’s scholarship financial awards, support the development of Goldwater Scholars throughout their professional careers;

(9) expend not more than 5 percent of the Foundation’s annual operating budget to pay the costs associated with fundraising activities, including public and private gatherings; and

(10) 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; Pub. L. 117-81, div. F, title LXIII, §6307, Dec. 27, 2021, 135 Stat. 2395.)

**Editorial Notes**

REFERENCES IN TEXT

Section 4709 of this title, referred to in subsec. (a)(1), was a reference to section 4709 in the original but prob-

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