

trust funds established under this section as may be necessary to protect the financial interest of the United States and to promote the purpose of this chapter as agreed to by the Secretary of the Treasury and the Board or its designee, including recordkeeping procedures for the investment of funds received under the trust fund established under subsection (b) of this section and such other recordkeeping procedures for the expenditure of accumulated interest for the trust fund under subsection (a) of this section as will allow the Secretary of the Treasury to audit and monitor activities under this section.

(As amended Pub. L. 101-644, title V, § 505, Nov. 29, 1990, 104 Stat. 4669; Pub. L. 102-325, title XIII, § 1331(j), July 23, 1992, 106 Stat. 808.)

#### AMENDMENTS

1992—Subsec. (a)(3). Pub. L. 102-325, § 1331(j)(1)(A), substituted “November 29, 1990” for “the date of enactment of this Act”.

Pub. L. 102-325, § 1331(j)(1)(B), inserted at end “All funds transferred to the Institute by the Secretary of the Treasury after June 2, 1988, shall be deemed to have been properly transferred as of July 23, 1992.”

Subsec. (b)(4). Pub. L. 102-325, § 1331(j)(2), inserted “, non-Federal governmental,” after “any private”.

Subsec. (c)(3), (4). Pub. L. 102-325, § 1331(j)(3), added par. (3) and redesignated former par. (3) as (4).

1990—Pub. L. 101-644 amended section generally, substituting present provisions consisting of subssecs. (a) to (c) for former text which provided: in subssec. (a), establishment of program; in subssec. (b), use of funds; in subssec. (c), compliance with matching requirement; and in subssec. (d), payment of Federal contribution.

#### EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-325 effective Oct. 1, 1992, see section 2 of Pub. L. 102-325, set out as a note under section 1001 of this title.

#### § 4426. Provision of facilities

##### (a) Plan

The Board shall prepare a master plan on the short- and long-term facilities needs of the Institute. The master plan shall include evaluation of all facets of existing Institute programs, including support activities and programs and facilities. The master plan shall include impact projections for the Institute's move to a new campus site. This master plan shall evaluate development and construction requirements (based on a growth plan approved by the Board), including (but not limited to) items such as infrastructure and site analysis, development of a phased plan with architectural and engineering studies, cost projections, landscaping, and related studies which cover all facets of the Institute's programs and planned functions.

##### (b) Deadline for transmittal

The plan required by this subsection shall be transmitted to Congress no later than 18 months after July 23, 1992. Such plan shall include a prioritization of needs, as determined by the Board.

(Pub. L. 99-498, title XV, § 1519, as added Pub. L. 102-325, title XIII, § 1331(k), July 23, 1992, 106 Stat. 808.)

#### EFFECTIVE DATE

Section effective Oct. 1, 1992, see section 2 of Pub. L. 102-325, set out as an Effective Date of 1992 Amendment note under section 1001 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4414 of this title.

#### SUBCHAPTER III—AUTHORIZATION OF APPROPRIATIONS

#### § 4451. Authorization of appropriations

##### (a) Subchapter I

[See main edition for text of (1) to (3)]

(4) Funds appropriated under this subsection for the fiscal year 1992 and for each succeeding fiscal year shall be transferred by the Secretary of the Treasury through the most expeditious method available with the Institute being designated as its own certifying agency.

(5) Funds are authorized to be appropriated for programs for more than one fiscal year. For the purpose of affording adequate notice of funding available under this chapter<sup>1</sup>, amounts appropriated in an appropriations Act for any fiscal year to carry out this chapter<sup>1</sup> may, subject to the appropriation, become available for obligations on July 1 of that fiscal year.

[See main edition for text of (b)]

(As amended Pub. L. 101-644, title V, § 506, Nov. 29, 1990, 104 Stat. 4672.)

#### REFERENCES IN TEXT

Section 4425 of this title, referred to in subsec. (a)(3), was amended generally by Pub. L. 101-644, title V, § 505, Nov. 29, 1990, 104 Stat. 4669, and, as so amended, provisions similar to subsec. (d) are contained in subsec. (a)(4).

This chapter, referred to in subsec. (a)(5), was in the original “this Act” and was translated as reading “this title”, meaning title XV of Pub. L. 99-498 to reflect the probable intent of Congress.

#### AMENDMENTS

1990—Subsec. (a)(4), (5). Pub. L. 101-644 added pars. (4) and (5).

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4414, 4425 of this title.

#### CHAPTER 57—JAMES MADISON MEMORIAL FELLOWSHIP PROGRAM

#### § 4502. Foundation

[See main edition for text of (a)]

##### (b) Board of Trustees; membership; term of office

[See main edition for text of (1) and (2)]

(3) A member of the Board whose term has expired may continue to serve until the earlier of—

(A) the date on which a successor has taken office; or

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

(B) the date on which the Congress adjourns sine die to end the session of Congress that commences after the date on which the member's term expired.

[See main edition for text of (c)]

**(d) Reimbursement for expenses**

(1) Subject to paragraph (2), members of the Board shall serve without pay.

(2) Members of the Board and the President, Executive Secretary, and other personnel of the Foundation shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties at rates applicable to judges of the United States under section 456(a) of title 28.

(As amended Pub. L. 101-208, § 1, Dec. 7, 1989, 103 Stat. 1836; Pub. L. 102-221, § 1(1), Dec. 11, 1991, 105 Stat. 1676.)

**AMENDMENTS**

1991—Subsec. (b)(3). Pub. L. 102-221 added par. (3). 1989—Subsec. (d). Pub. L. 101-208 amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: "Members of the Board shall serve without pay, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties."

**§ 4510. James Madison Memorial Fellowship Trust Fund**

**(a) Establishment**

There shall be established in the Treasury of the United States a trust fund consisting of appropriations and amounts contributed by the Foundation for the Commemoration of the Constitution and other private sources to be available, in accordance with the provisions of this chapter, to carry out the provisions of this chapter.

[See main edition for text of (b) to (d)]

(As amended Pub. L. 102-221, § 1(2), Dec. 11, 1991, 105 Stat. 1676.)

**AMENDMENTS**

1991—Subsec. (a). Pub. L. 102-221 struck out "(1)" before "There shall be", substituted "and other" for "an other" after "Constitution", and struck out par. (2) which read as follows: "No funds in the Trust Fund may be available for fellowships until the contributions from private sources are equal to \$10,000,000."

**§ 4512. President and Executive Secretary of Foundation**

(a)(1) The Board may appoint a President of the Foundation to serve full-time or part-time and for such a term as the Board shall determine.

(2) The President shall carry out such of the functions and duties of the Foundation as the Board may determine, subject to the supervision and direction of the Board.

(3) The President shall be compensated at a rate to be determined by the Board without regard to subchapter III of chapter 53 of title 5, not to exceed the rate for level III of the Executive Schedule under section 5314 of that title.

(4) Sections 5532, 8344, and 8468 of title 5 shall not apply to a person while such person is serving as President of the Foundation.

(b)(1) There shall be an Executive Secretary of the Foundation who shall be appointed by the Board.

(2) The Executive Secretary shall be the chief operating officer of the Foundation and shall carry out the functions of the Foundation subject to the supervision and direction of the Board or the President, as determined by the Board.

(3) The Executive Secretary shall be compensated at the rate specified for employees placed in grade GS-18 of the General Schedule set forth in section 5332 of title 5.

(As amended Pub. L. 101-208, § 2, Dec. 7, 1989, 103 Stat. 1836; Pub. L. 101-557, title V, § 501, Nov. 15, 1990, 104 Stat. 2771; Pub. L. 101-589, title II, § 253, Nov. 16, 1990, 104 Stat. 2895.)

**AMENDMENTS**

1990—Subsec. (a)(4). Pub. L. 101-557 and Pub. L. 101-589 amended par. (4) identically, striking out at end "The first sentence of this paragraph shall not, in the case of any individual, apply longer than December 31, 1990."

1989—Pub. L. 101-208 amended section generally. Prior to amendment, section read as follows:

"(a) 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.

"(b) The Executive Secretary of the Foundation shall be compensated at the rate specified for employees placed in grade GS-18 of the General Schedule set forth in section 5332 of title 5."

**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.

**§ 4513. Administrative provisions**

**(a) General powers**

The Foundation is authorized—

(1) to appoint and fix the compensation of such personnel as may be necessary to carry out this chapter,<sup>1</sup> without regard to the provisions of title 5 governing appointments in the competitive service, but at General Schedule pay rates not in excess of the maximum rate for grade GS-15 of the General Schedule under section 5332 of that title;

[See main edition for text of (2) to (7)]

(8) to rent office space in the District of Columbia or its environs;

(9) to conduct programs in addition to or in conjunction with the Fellowship program which shall further the Foundation's purpose of encouraging research and study of constitutionalism in America;

(10) to expend not more than 5 percent of its annual operating budget to pay the costs

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

of fundraising activities, including public and private gatherings; and  
(1) to make other necessary expenditures.

[See main edition for text of (b)]

(c) Detailing of agency personnel to Foundation

On request of the Chairman of the Foundation, the head of a Federal agency may detail personnel of the agency to the Foundation to assist the Foundation in carrying out this chapter.<sup>2</sup> Details under this subsection shall be without reimbursement by the Foundation to the agency from which personnel are detailed. (As amended Pub. L. 101-208, § 3, Dec. 7, 1989, 103 Stat. 1837.)

REFERENCES IN TEXT

This chapter, referred to in subssecs. (a)(1) and (c), was in the original "this Act" and was translated as reading "this title" meaning title VIII of section 101(b) of Pub. L. 99-500 and Pub. L. 99-591 which enacted this chapter, to reflect the probable intent of Congress.

Provisions of title 5 governing appointments in the competitive service, referred to in subsec. (a)(1), are classified generally to section 3301 et seq. of Title 5, Government Organization and Employees.

AMENDMENTS

1989—Subsec. (a)(1), Pub. L. 101-208, § 3(1)(A), amended par. (1) generally. Prior to amendment, par. (1) read as follows: "to 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 shall employees other than the Executive Secretary be compensated at a rate to exceed the rate provided for employees in grade GS-15 of the General Schedule set forth in section 5332 of title 5;".

Subsec. (a)(8), Pub. L. 101-208, § 3(1)(B), amended par. (8) generally. Prior to amendment, par. (8) read as follows: "to rent office space;".

Subsec. (a)(10), (11), Pub. L. 101-208, § 3(1)(C)-(E), added par. (10) and redesignated former par. (10) as (11).

Subsec. (c), Pub. L. 101-208, § 3(2), added subsec. (c).

CHAPTER 59—BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION PROGRAM

§ 4703. Establishment of Barry Goldwater Scholarship and Excellence in Education Foundation

[See main edition for text of (a)]

(h) Board of Trustees

The Foundation shall be subject to the supervision and direction of the Board of Trustees. The Board shall be composed of 13 members, as follows:

[See main edition for text of (1) and (2)]

(3) Eight members, not more than four of whom shall be of the same political party, to be appointed by the President, by and with the advice and consent of the Senate.

[See main edition for text of (4)]

(e) Term of office

(1) The term of office of each member of the Board shall be six years, except that—

(A) the members first taking office shall serve as designated by the President, four for terms of two years, five for terms of four years, and four for terms of six years;

(B) a member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed and shall be appointed in the same manner as the original appointment for that vacancy was made; and

(C) notwithstanding the term limitation provided for under this paragraph, a member appointed under subsection (b) of this section may continue to serve under such appointment until the successor to the member is appointed.

[See main edition for text of (2); (d)]

(As amended Pub. L. 102-190, div. A, title X, § 1089(1), Dec. 5, 1991, 105 Stat. 1485; Pub. L. 103-160, div. A, title XI, § 1179(a), Nov. 30, 1993, 107 Stat. 1770.)

AMENDMENTS

1993—Subsec. (c)(1)(C), Pub. L. 103-160 added subpar. (C).

1991—Subsec. (b)(3), Pub. L. 102-190 struck out before period at end ", at least one of whom shall be a representative of the aerospace industry and at least one of whom shall be a representative of a private foundation concerned with aerospace education".

§ 4707. Barry Goldwater Scholarship and Excellence in Education Fund

[See main edition for text of (a)]

(h) Investment of fund assets

It shall be the duty of the Secretary of the Treasury to invest in full the amounts appropriated to the fund. Such investments may be made only in public debt securities of the United States with maturities suitable to the fund. For such purpose, such obligations may be acquired (1) on original issue at the issue price, or (2) by purchase of outstanding obligations at the market place. The purposes for which obligations of the United States may be issued under chapter 31 of title 31 are hereby extended to authorize 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.

[See main edition for text of (d)]

<sup>2</sup> See References in Text note below.