

(2) to supplement and complement the efforts of States, the local school systems and other instrumentalities of the States, the private sector, public and private educational institutions, public and private nonprofit educational research institutions, community-based organizations, parents, and students to improve the quality of education;

(3) to encourage the increased involvement of the public, parents, and students in Federal education programs;

(4) to promote improvements in the quality and usefulness of education through federally supported research, evaluation, and sharing of information;

(5) to improve the coordination of Federal education programs;

(6) to improve the management and efficiency of Federal education activities, especially with respect to the process, procedures, and administrative structures for the dispersal of Federal funds, as well as the reduction of unnecessary and duplicative burdens and constraints, including unnecessary paperwork, on the recipients of Federal funds; and

(7) to increase the accountability of Federal education programs to the President, the Congress, and the public.

(Pub. L. 96-88, title I, §102, Oct. 17, 1979, 93 Stat. 670.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 96-88, Oct. 17, 1979, 93 Stat. 668, known as the Department of Education Organization Act, which enacted this chapter, amended sections 928, former 929, 1102, 2390, 2711, and 3012 of this title, section 19 of Title 3, The President, sections 101, 5312, and 5314 to 5316 of Title 5, Government Organization and Employees, sections 2, 9, and 11 of the Inspector General Act of 1978, formerly set out in the Appendix to Title 5 (see 5 U.S.C. 402, 422, 424), section 1004 of Title 21, Food and Drugs, and sections 761b, 794c, 821, 829, 873, 879, 882, 914, and 952 of Title 29, Labor, and enacted provisions set out as notes under sections 1102 and 3401 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3401 of this title and Tables.

§ 3403. Relationship with States

(a) Rights of local governments and educational institutions

It is the intention of the Congress in the establishment of the Department to protect the rights of State and local governments and public and private educational institutions in the areas of educational policies and administration of programs and to strengthen and improve the control of such governments and institutions over their own educational programs and policies. The establishment of the Department of Education shall not increase the authority of the Federal Government over education or diminish the responsibility for education which is reserved to the States and the local school systems and other instrumentalities of the States.

(b) Curriculum, administration, and personnel; library resources

No provision of a program administered by the Secretary or by any other officer of the Depart-

ment shall be construed to authorize the Secretary or any such officer to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, over any accrediting agency or association, or over the selection or content of library resources, textbooks, or other instructional materials by any educational institution or school system, except to the extent authorized by law.

(c) Funding under pre-existing programs

The Secretary shall not, during the period within eight months after May 4, 1980, take any action to withhold, suspend, or terminate funds under any program transferred by this chapter by reason of the failure of any State to comply with any applicable law requiring the administration of such a program through a single organizational unit.

(Pub. L. 96-88, title I, §103, Oct. 17, 1979, 93 Stat. 670.)

Editorial Notes

CODIFICATION

In subsec. (c), “May 4, 1980” substituted for “the effective date of this chapter” pursuant to section 601 of Pub. L. 96-88, set out as an Effective Date note under section 3401 of this title.

§ 3404. Definitions

As used in this chapter, unless otherwise provided or indicated by the context—

(1) the term “Department” means the Department of Education or any component thereof;

(2) the term “Secretary” means the Secretary of Education;

(3) the term “Deputy Secretary” means the Deputy Secretary of Education;

(4) the term “function” includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program;

(5) the term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands;

(6) the terms “private” and “private educational” refer to independent, nonpublic, and private institutions of elementary, secondary, and postsecondary education; and

(7) the term “office” includes any office, institute, council, unit, organizational entity, or component thereof.

(Pub. L. 96-88, title I, §104, Oct. 17, 1979, 93 Stat. 671; Pub. L. 101-509, title V, §529 [title I, §112(a)(3)(A)], Nov. 5, 1990, 104 Stat. 1427, 1454.)

Editorial Notes

AMENDMENTS

1990—Par. (3). Pub. L. 101-509 substituted “Deputy Secretary” for “Under Secretary” in two places.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1990 AMENDMENT; CONTINUED SERVICE BY INCUMBENTS

Pub. L. 101-509, title V, §529 [title I, §112(e)], Nov. 5, 1990, 104 Stat. 1427, 1455, provided that:

“(1) This section [amending this section, section 3412 of this title, sections 5313 and 5314 of Title 5, Government Organization and Employees, section 472a of Title 25, Indians, section 3533 of Title 42, The Public Health and Welfare, and section 1452 of Title 43, Public Lands and enacting provisions set out as notes under this section and section 3501 of Title 42] shall take effect on the first day of the first pay period that begins on or after the date of enactment of this Act [Nov. 5, 1990].

“(2)(A) The incumbent in the position of Under Secretary of Health and Human Services on the day immediately preceding the date this section takes effect may serve as Deputy Secretary of Health and Human Services at the pleasure of the President after such day.

“(B) The incumbent in the position of Under Secretary of the Interior on the day immediately preceding the date this section takes effect may serve as Deputy Secretary of the Interior at the pleasure of the President after such day.

“(C) The incumbent in the position of Under Secretary of Education on the day immediately preceding the date this section takes effect may serve as Deputy Secretary of Education at the pleasure of the President after such day.

“(D) The incumbent in the position of Under Secretary of Housing and Urban Development on the day immediately preceding the date this section takes effect may serve as Deputy Secretary of Housing and Urban Development at the pleasure of the President after such day.”

CONSTRUCTION OF REFERENCES

Pub. L. 101-509, title V, § 529 [title I, § 112(c)], Nov. 5, 1990, 104 Stat. 1427, 1454, provided that: “Any reference in any statute, reorganization plan, regulation, executive order, or any document issued pursuant thereto in force on the date this section takes effect [see Effective Date of 1990 Amendment; Continued Service by Incumbents note above] to the Under Secretary of Health and Human Services, the Under Secretary of the Interior, the Under Secretary of Education, or the Under Secretary of Housing and Urban Development shall be deemed to be a reference to the Deputy Secretary of Health and Human Services, the Deputy Secretary of the Interior, the Deputy Secretary of Education, or the Deputy Secretary of Housing and Urban Development, respectively.”

Executive Documents

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

SUBCHAPTER II—ESTABLISHMENT OF THE DEPARTMENT

§ 3411. Establishment of Department; appointment of Secretary

There is established an executive department to be known as the Department of Education. The Department shall be administered, in accordance with the provisions of this chapter, under the supervision and direction of a Secretary of Education. The Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(Pub. L. 96-88, title II, § 201, Oct. 17, 1979, 93 Stat. 671.)

Executive Documents

EMERGENCY PREPAREDNESS FUNCTIONS

For assignment of certain emergency preparedness functions to the Secretary of Education, see Parts 1, 2,

and 6 of Ex. Ord. No. 12656, Nov. 18, 1988, 53 F.R. 47491, set out under section 5195 of Title 42, The Public Health and Welfare.

EXECUTIVE ORDER NO. 12729

Ex. Ord. No. 12729, Sept. 24, 1990, 55 F.R. 39389, which established the President's Advisory Commission on Educational Excellence for Hispanic Americans, directed Secretary of Education to establish the White House Initiative on Educational Excellence for Hispanic Americans, set forth reporting requirements, and required active involvement of executive departments and agencies, was revoked by Ex. Ord. No. 12900, § 10, Feb. 22, 1994, 59 F.R. 9061, formerly set out below.

EXECUTIVE ORDER NO. 12900

Ex. Ord. No. 12900, Feb. 22, 1994, 59 F.R. 9061, which established in the Department of Education the President's Advisory Commission on Educational Excellence for Hispanic Americans and the White House Initiative on Educational Excellence for Hispanic Americans and directed the Secretary of Education to submit to the President an Annual Federal Plan to Promote Hispanic American Educational Excellence and the Director of the Office of Personnel Management to develop a program to promote recruitment of Hispanic students for positions in the Federal Government, was revoked by Ex. Ord. No. 13230, § 9, Oct. 12, 2001, 66 F.R. 52843, formerly set out below.

EXECUTIVE ORDER NO. 13230

Ex. Ord. No. 13230, Oct. 12, 2001, 66 F.R. 52841, which established in the Department of Education the President's Advisory Commission on Educational Excellence for Hispanic Americans and the White House Initiative on Educational Excellence for Hispanic Americans, set forth reporting requirements, and required cooperation by executive departments and agencies, was revoked by Ex. Ord. No. 13555, § 4(a), Oct. 19, 2010, 75 F.R. 65420, formerly set out below.

EXTENSION OF TERM OF PRESIDENT'S ADVISORY COMMISSION ON EDUCATIONAL EXCELLENCE FOR HISPANIC AMERICANS

Term of President's Advisory Commission on Educational Excellence for Hispanic Americans extended until Sept. 30, 2003, by Ex. Ord. No. 13225, Sept. 28, 2001, 66 F.R. 50291, formerly set out as a note under section 1013 of Title 5, Government Organization and Employees.

Previous extensions of term of President's Advisory Commission on Educational Excellence for Hispanic Americans were contained in the following prior Executive Orders:

Ex. Ord. No. 13138, Sept. 30, 1999, 64 F.R. 53879, extended term until Sept. 30, 2001.

Ex. Ord. No. 13062, § 1(d), Sept. 29, 1997, 62 F.R. 51755, extended term until Sept. 30, 1999.

Ex. Ord. No. 12974, Sept. 29, 1995, 60 F.R. 51875, extended term until Sept. 30, 1997.

EXECUTIVE ORDER NO. 13555

Ex. Ord. No. 13555, Oct. 19, 2010, 75 F.R. 65417, which established the White House Initiative on Educational Excellence for Hispanics and the President's Advisory Commission on Educational Excellence for Hispanics in the Department of Education and established the Federal Interagency Working Group on Educational Excellence for Hispanics, was superseded by Ex. Ord. No. 13935, § 4(a), July 9, 2020, 85 F.R. 42685, formerly set out below.

EXTENSION OF TERM OF PRESIDENT'S ADVISORY COMMISSION ON EDUCATIONAL EXCELLENCE FOR HISPANICS

Term of President's Advisory Commission on Educational Excellence for Hispanics extended until Sept. 30, 2021, by Ex. Ord. No. 13889, § 1(u), Sept. 27, 2019, 84 F.R. 52744, formerly set out as a note under section 1013