

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 of Title 5, Government Organization and Employees. Section 1(u) of Ex. Ord. No. 13889 was superseded by Ex. Ord. No. 13935, §4(a), July 9, 2020, 85 F.R. 42685, formerly set out below.

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

Ex. Ord. No. 13811, Sept. 29, 2017, 82 F.R. 46363, extended term until Sept. 30, 2019.

Ex. Ord. No. 13708, Sept. 30, 2015, 80 F.R. 60271, extended term until Sept. 30, 2017.

Ex. Ord. No. 13652, Sept. 30, 2013, 78 F.R. 61817, extended term until Sept. 30, 2015.

Ex. Ord. No. 13634, Dec. 21, 2012, 77 F.R. 77249, reestablished Commission and extended term until Sept. 30, 2013.

EXECUTIVE ORDER No. 13621

Ex. Ord. No. 13621, July 26, 2012, 77 F.R. 45471, which established the White House Initiative on Educational Excellence for African Americans, the Federal Interagency Working Group on Educational Excellence for African Americans, and the President's Advisory Commission on Educational Excellence for African Americans, was superseded by Ex. Ord. No. 14050, §4(a), Oct. 19, 2021, 86 F.R. 58556, set out below.

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

Term of President's Advisory Commission on Educational Excellence for African Americans extended

until Sept. 30, 2023, by Ex. Ord. No. 14048, Sept. 30, 2021, 86 F.R. 55465, 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 African Americans were contained in the following prior Executive Orders:

Ex. Ord. No. 13889, Sept. 27, 2019, 84 F.R. 52743, extended term until Sept. 30, 2021.

Ex. Ord. No. 13811, Sept. 29, 2017, 82 F.R. 46363, extended term until Sept. 30, 2019.

Ex. Ord. No. 13708, Sept. 30, 2015, 80 F.R. 60271, extended term until Sept. 30, 2017.

Ex. Ord. No. 13652, Sept. 30, 2013, 78 F.R. 61817, extended term until Sept. 30, 2015.

EXECUTIVE ORDER No. 13935

Ex. Ord. No. 13935, July 9, 2020, 85 F.R. 42683, which established the White House Hispanic Prosperity Initiative and the President's Advisory Commission on Hispanic Prosperity, was revoked and superseded by Ex. Ord. No. 14045, §4(a), Sept. 13, 2021, 86 F.R. 51586, set out below.

EXECUTIVE ORDER No. 13958

Ex. Ord. No. 13958, Nov. 2, 2020, 85 F.R. 70951, which established the President's Advisory 1776 Commission in the Department of Education, was revoked by Ex. Ord. No. 13985, §10(c), Jan. 20, 2021, 86 F.R. 7012, set out in a note under section 601 of Title 5, Government Organization and Employees.

EX. ORD. NO. 14045. WHITE HOUSE INITIATIVE ON ADVANCING EDUCATIONAL EQUITY, EXCELLENCE, AND ECONOMIC OPPORTUNITY FOR HISPANICS

Ex. Ord. No. 14045, Sept. 13, 2021, 86 F.R. 51581, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

SECTION 1. *Policy.* Nearly 14 million students in our Nation's public elementary and secondary school system and nearly 4 million students in post-secondary education are Hispanic. Hispanic students constitute more than 27 percent of all pre-kindergarten through 12th grade students and nearly 20 percent of college students. The Nation's future prosperity and global leadership across industries is therefore tied to the success of Hispanic and Latino students, and their success is a priority of my Administration.

From advancements in science and civil and labor rights to leadership in government, advocacy, entrepreneurship, and business, the Hispanic community has had a profound and positive impact on our schools, our communities, our economy, and our Nation. Hispanic and Latino communities encompass many racial and cultural identities that span the globe. The diversity of Hispanic and Latino students makes our classrooms across the country rich learning environments. It is important to ensure that from early childhood to higher education, Hispanic and Latino students, including Dreamers, can reach their highest potential. For many Hispanic and Latino students, Hispanic-Serving Institutions (HSIs) provide critical pathways to opportunity, and hundreds of HSIs across our Nation are advancing intergenerational mobility, success, and opportunity.

At the same time, Hispanic and Latino students face systemic inequitable barriers in accessing a high-quality education and a fair shot at the American dream. Only 40 percent of Latino children participate in preschool education programs as compared to 53 percent of their White peers. Due to systemic and historical inequities faced in the classroom, the high school graduation rate for Hispanic students is below the national average. Hispanic students are underrepresented in advanced courses in mathematics and science, and they can face language barriers in the classroom. Only 19 percent of Latino adults have at least a bachelor's de-

gree compared with 1 in 3 overall, and just 6 percent have completed graduate or professional degree programs, versus 13 percent nationally. Further, the lack of availability of adult continuing education courses makes it difficult for many Hispanic adults to further their education. In addition, barriers to equity in education can compound and intersect for Hispanic and Latino students who are women and girls, LGBTQ+ individuals, English language learners, and individuals with disabilities.

The COVID-19 pandemic has laid bare and exacerbated many of these inequities. Hispanic and Latino students are more likely than their White peers to experience remote learning arrangements, yet they have less access to the tools necessary to succeed, such as broadband and computer access. Hispanic women have been adversely impacted by job loss, a lack of access to child care, and the inability to provide care, in greater numbers than their White counterparts. These and pre-existing disparities have led to declines in student achievement for Hispanic students. Latino students—once the fastest-growing group of undergraduates in the United States—have seen a decline in undergraduate college attendance amidst the COVID-19 pandemic. It is a priority of my Administration to ensure an equitable recovery from COVID-19, and to provide Hispanic and Latino students with a successful return to the classroom.

These barriers exist not simply in the classroom, but also in the workplace. Hispanic workers are overrepresented in industries that have been hit hardest by the COVID-19 pandemic, and they have faced disproportionate losses in employment. Hispanic and Latino workers often face discrimination in hiring, pay, and consideration for promotions among other challenges. They need greater access to work-based learning opportunities such as mentorships, internships, and registered apprenticeships that not only guide employment seekers to a career, but provide the experience needed to secure well-paying jobs.

To ensure that our Nation reaches the ambitious goals we have set for our economy to thrive, as well as to ensure equal access to opportunity for all, we must enable Hispanic and Latino students to reach their highest potential through our Nation's schools and institutions of higher education. The Federal Government must also collaborate with Hispanic and Latino communities to ensure their long-term success.

It is the policy of my Administration to advance educational equity, excellence, and economic opportunity for Hispanic communities from early childhood until their chosen career.

SEC. 2. White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity for Hispanics.

(a) To advance equity in our Nation's schools and to promote the economic opportunity that follows it, there is established in the Department of Education (Department), the White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity for Hispanics (Initiative), of which the Secretary of Education (Secretary) shall serve as Chair. The Secretary shall designate an Executive Director for the Initiative (Executive Director).

(b) The Initiative shall advance educational equity and economic opportunity for Latino and Hispanic students, families, and communities by focusing on the following policy goals:

(i) increasing general understanding of systemic causes of educational challenges faced by many Hispanic and Latino students, whether these students are in urban, suburban, rural, or migrant learning environments, and working across Federal agencies to address these challenges;

(ii) increasing Hispanic and Latino children's and families' access to and participation in high-quality early childhood programs and services that promote children's healthy development and learning, prepare them for success in school, and affirm their cultural and linguistic identity;

(iii) addressing the inequitable treatment of Hispanic and Latino children, such as eradicating disparities in disciplinary actions;

(iv) supporting and improving data collection related to Hispanic and Latino students and the implementation of evidence-based strategies to increase the participation and success of Hispanic and Latino students in all levels of education and prepare them for careers and civic engagement;

(v) ensuring that all Hispanic and Latino students have access to excellent teachers, school leaders, and other professionals, including by supporting efforts to improve the recruitment, preparation, development, and retention of qualified, diverse teachers and school leaders and other professionals who understand students' lived experiences and can effectively meet their learning, social, and emotional needs;

(vi) enhancing student support services and fostering positive engagement among schools, families, community leaders, and community-based organizations to increase the high school graduation and post-secondary attendance rates and decrease the high school dropout rate for Hispanic and Latino students;

(vii) promoting a positive school climate that supports equitable access to and participation in college-readiness, advanced placement courses, and internship opportunities, as well as innovative dropout prevention and recovery strategies that better engage Hispanic and Latino youth in their learning, help them progress academically as needed, and provide those who have left the educational system with pathways to reentry;

(viii) eliminating discriminatory enrollment, housing, transportation, and other policies that lead to racial and socioeconomic segregation among and within schools;

(ix) ensuring equitable access to educational resources, professionals, and technology, including by addressing racial disparities in school funding and expenditures;

(x) breaking down barriers that impede the access of higher education institutions that serve Hispanic and Latino students, such as HSIs, to Federal funding, and strengthening the capacity of those institutions to participate in Federal programs and partnerships;

(xi) advancing racial equity and economic opportunity by connecting education to labor market needs through programs such as dual enrollment, career and technical education, registered apprenticeships, work-based learning, and career advancement, particularly in the fields of science, technology, engineering, and mathematics; and

(xii) ensuring that Hispanic and Latino communities have access to resources for economic success, such as in the areas of financial education, small business development, entrepreneurship, arts, science, technology, engineering, and mathematics.

(c) In working to fulfill its mission and objectives, the Initiative shall, consistent with applicable law:

(i) identify and promote evidence-based best practices that can provide Hispanic and Latino students with a rigorous and well-rounded education in safe and healthy environments, as well as access to support services, that will improve their educational, professional, economic, and civic opportunities;

(ii) advance and coordinate efforts to ensure equitable opportunities for Hispanic and Latino students in the re-opening process for schools across the country, and take steps to ensure that Hispanic and Latino students, from early childhood to post-secondary education, can equitably recover from learning losses and other challenges faced during the COVID-19 pandemic;

(iii) encourage and develop partnerships with a national network of early childhood and early intervention providers, schools, institutions of higher education, and other public, private, philanthropic, and nonprofit stakeholders to improve access to educational equity and economic opportunities for Hispanics and Latinos;

(iv) monitor and support the development, implementation, and coordination of Federal Government educational, workforce, research, and business development policies, programs, and technical assistance designed to improve outcomes for historically underserved communities, including Hispanics and Latinos;

(v) work closely with the Executive Office of the President on key Administration priorities related to education, equity, and economic opportunity for Hispanics and Latinos; and

(vi) advise the Secretary on issues of importance and policies relating to educational equity, excellence, and economic opportunity for Hispanics and Latinos.

(d) The Initiative shall establish a Federal Interagency Working Group, which shall be convened by the Executive Director and shall support the efforts of the Initiative. The Interagency Working Group shall collaborate regarding resources and opportunities available across the Federal Government to increase educational and economic opportunities for Hispanics and Latinos.

(i) The Interagency Working Group shall consist of senior officials (designated by the heads of their respective departments, agencies, and offices) from the following:

- (A) the Department of State;
- (B) the Department of the Treasury;
- (C) the Department of Defense;
- (D) the Department of Justice;
- (E) the Department of the Interior;
- (F) the Department of Agriculture;
- (G) the Department of Commerce;
- (H) the Department of Labor;
- (I) the Department of Health and Human Services;
- (J) the Department of Housing and Urban Development;
- (K) the Department of Transportation;
- (L) the Department of Energy;
- (M) the Department of Education;
- (N) the Department of Veterans Affairs;
- (O) the Department of Homeland Security;
- (P) the White House Office of Management and Budget;
- (Q) the White House Office of Science and Technology Policy;
- (R) the Small Business Administration;
- (S) the White House Domestic Policy Council;
- (T) the White House Gender Policy Council;
- (U) the White House Office of Public Engagement;
- (V) the National Science Foundation;
- (W) the National Aeronautics and Space Administration;
- (X) the United States Agency for International Development; and
- (Y) such additional executive departments, agencies, and offices as the Secretary may designate.

(ii) The Executive Director may establish subgroups of the Interagency Working Group to focus on different aspects of the educational system (such as HSIs, early childhood education, kindergarten through 12th grade education, children and adults with disabilities, teacher diversity, higher education, career and technical education, adult education, or correctional education and reengagement), economic opportunity (work-based learning, entrepreneurship, financial education, or mentorship) or educational challenges facing particular populations.

(e) Each executive department and agency (agency) designated to participate in the Interagency Working Group shall prepare a plan (Agency Plan) outlining measurable actions the agency will take to advance educational equity and economic opportunity for Hispanic and Latino communities, including their plans to implement the policy goals and directives outlined in section 2(b) of this order and other relevant work. These plans shall be submitted to the Chair on a date established by the Chair.

(i) As appropriate, each Agency Plan shall include:

- (A) a description of the applicable agency's efforts to ensure that Federal programs and initiatives ad-

ministered by the Department and other agencies are meeting the educational needs of Hispanics and Latinos, including by encouraging the agency to incorporate best practices into appropriate discretionary programs where the agency sees fit and as permitted by law;

(B) a description of how the applicable agency has and will decrease barriers to participation of Hispanics and Latinos in Federal employment and student engagement opportunities;

(C) a description of how the applicable agency can address challenges facing Hispanic and Latino students and higher education institutions that serve Hispanic and Latino students, such as HSIs, brought on by or exacerbated by the COVID-19 pandemic;

(D) a description of how the agency's Office of Civil Rights, if applicable, can address discriminatory policies and practices that limit educational and economic opportunity for Hispanics and Latinos;

(E) any other information the applicable agency determines is relevant to promoting educational opportunities for Hispanics and Latinos; and

(F) any additional criteria established by the Chair or the Initiative.

(ii) Each agency shall assess and report to the Chair on their progress in implementing the Agency Plan on a regular basis as established by the Chair.

(iii) The Initiative shall monitor and evaluate each agency's progress towards the goals established in its Agency Plan and shall coordinate with the agency to ensure that its Plan includes measurable and action-oriented goals.

(f) The Department shall provide funding and administrative support for the Initiative and the Interagency Working Group, to the extent permitted by law and within existing appropriations. To the extent permitted by law, including the Economy Act (31 U.S.C. 1535), other agencies and offices represented on the Interagency Working Group may detail personnel to the Initiative, to assist the Department in meeting the objectives of this order.

(g) To advance shared priorities and policies that advance equity and economic opportunity for underserved communities, the Initiative shall collaborate and coordinate with other White House Initiatives related to equity and opportunity.

(h) On an annual basis, the Chair shall report to the President on the Initiative's progress in carrying out its mission and function under this order.

SEC. 3. *Presidential Advisory Commission.* (a) There is established in the Department a Presidential Advisory Commission on Advancing Educational Equity, Excellence, and Economic Opportunity for Hispanics (Commission).

(b) The Commission shall provide advice to the President through the Secretary on matters pertaining to educational equity and economic opportunity for the Hispanic and Latino community, including:

(i) what is needed for the development, implementation, and coordination of educational programs and initiatives at the Department and other agencies to improve educational opportunities and outcomes for Hispanics and Latinos;

(ii) how to promote career pathways for in-demand jobs for Hispanic and Latino students, including registered apprenticeships, internships, fellowships, mentorships, and work-based learning initiatives;

(iii) ways to strengthen the capacity of institutions, such as HSIs, to equitably serve Hispanic and Latino students and increase the participation of Hispanic and Latino students, Hispanic-serving school districts, and the Hispanic community in the programs of the Department and other agencies;

(iv) how to increase public awareness of and generate solutions for the educational and training challenges and equity disparities that Hispanic and Latino students face and the causes of these challenges; and

(v) approaches to establish local and national partnerships with public, private, philanthropic, and non-profit stakeholders to advance the mission and objectives of this order, consistent with applicable law.

(c) The Commission shall periodically report to the President, through the Secretary and after consulting with the Executive Director, on progress in addressing the mission of the Commission.

(d) The Commission shall consist of not more than 21 members appointed by the President. The Commission may include individuals with relevant experience or subject matter expertise, as well as individuals who may serve as representatives from a variety of sectors, including education (early childhood education, elementary and secondary education, higher education, career and technical education, and adult education), labor organizations, research institutions, public and private philanthropic organizations, private sector, nonprofit, and community-based organizations at the national, State, Tribal, regional, or local levels. Commission members should be able to provide specific insight into the lived experiences of those served by the Initiative, including young adults, and have diversity across the diaspora and the geography of the country.

(i) The President shall designate one member of the Commission to serve as its Chair. The Chair, in consultation with the Executive Director, shall convene regular meetings of the Commission, determine the Commission meeting agenda, and support the work of the Commission, consistent with this order.

(ii) The Commission shall meet on a regular basis, and at least twice a year.

(e) The Department shall provide funding and administrative support for the Commission, to the extent permitted by law and within existing appropriations. Members of the Commission shall serve without compensation but shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the Government service (5 U.S.C. 5701–5707). Insofar as the Federal Advisory Committee Act, as amended ([former] 5 U.S.C. App.) [see 5 U.S.C. 1001 et seq.], may apply to the administration of the Commission, any functions of the President under that Act, except that of reporting to the Congress, shall be performed by the Secretary, in accordance with guidelines issued by the Administrator of General Services.

(f) The Commission shall terminate 2 years from the date of this order [Sept. 13, 2021], unless extended by the President.

SEC. 4. *Administrative Provisions.* (a) This order supersedes Executive Order 13935 of July 9, 2020 (White House Hispanic Prosperity Initiative) [formerly set out above], which is hereby revoked. To the extent that there are other Executive Orders that may conflict with or overlap with the provisions in this order, the provisions in this order supersede those other Executive Orders on these subjects.

(b) The heads of agencies shall assist and provide information to the Initiative and Commission established in this order, consistent with applicable law, as may be necessary to carry out the functions of the Initiative and Commission.

(c) Each agency shall bear its own expenses of participating in the Initiative established in this order.

SEC. 5. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

J.R. BIDEN, JR.

EXTENSION OF TERM OF PRESIDENTIAL ADVISORY COMMISSION ON ADVANCING EDUCATIONAL EQUITY, EXCELLENCE, AND ECONOMIC OPPORTUNITY FOR HISPANICS

Term of Presidential Advisory Commission on Advancing Educational Equity, Excellence, and Economic Opportunity for Hispanics extended until Sept. 30, 2023, by Ex. Ord. No. 14048, Sept. 30, 2021, 86 F.R. 55465, set out as a note under section 1013 of Title 5, Government Organization and Employees.

EX. ORD. NO. 14050. WHITE HOUSE INITIATIVE ON ADVANCING EDUCATIONAL EQUITY, EXCELLENCE, AND ECONOMIC OPPORTUNITY FOR BLACK AMERICANS

Ex. Ord. No. 14050, Oct. 19, 2021, 86 F.R. 58551, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

SECTION 1. *Policy.* Educational opportunity is a fundamental element of the American promise. The United States Supreme Court recognized in 1954 in *Brown v. Board of Education* that education “is a right which must be made available to all on equal terms.” In the decades since, our Nation has made progress in advancing equality and fairness in our schools, and the achievements, talents, and tenacity of Black students, educators, families, and scholars make our Nation’s schools and communities stronger for all Americans. Black students are thriving in schools across the country, inside the classroom—as valedictorians and award-winning scientists—and outside of it, including in debate, athletics, student government, and national spelling bees, among many other areas.

Over the course of America’s history, Black Americans have helped to build, strengthen, and lead our Nation towards becoming a more perfect Union. Although for far too long, Black Americans were denied even the most basic access to education, the vital contributions of Black Americans in the fields of science, academia, business, and public service, among others, are a testament to the resilience of Black Americans and the steps our Nation has taken to expand access to education and opportunity.

In spite of this progress, entrenched disparities continue to plague America’s education system, holding far too many Black students back from achieving their full potential. Because of persistent racial and systemic injustices in our Nation, Black students remain more likely to attend high-poverty and racially segregated schools than White students. Black students are inequitably disciplined and suspended from school at disproportionately higher rates than White students for similar offenses. In addition, Black students too often face limited access to advanced and college-preparatory courses. Systemic racial disparities in education negatively impact learning outcomes for Black students and many face persistent gaps in reading and mathematics achievement. Studies show that school districts with high concentrations of Black students are much more likely to be underfunded than districts where a majority of students are White, and face much wider funding gaps, with an average deficit of more than \$5,000 per student. Black students are still below the national average for educational attainment in high school, and that gap is even higher for college attainment rates, as 26 percent of Black Americans ages 25 and older have attained a bachelor’s degree, while the national average is 36 percent. Black students also face unique challenges at the intersection of race and gender. Barriers to equity in education can compound for Black students who are also LGBTQ+ students, English-language learners, Dreamers, or students with disabilities.

These disparities result in long-standing college and postsecondary educational attainment gaps that affect life outcomes and access to opportunities. Although student populations are becoming increasingly diverse, Black teachers remain significantly underrepresented in our Nation’s classrooms. Educational inequities have

only widened throughout the COVID-19 pandemic, as Black students are more likely to experience remote learning challenges and greater learning loss as compared to their White peers. The persistent digital divide faced by some Black students has contributed to this disparity. It is a priority of my Administration to ensure an equitable recovery from COVID-19, and to provide all students with a successful return to the classroom.

In the face of these historic and present-day inequities in our Nation's schools, Black students continue to persevere. Black students and scholars today are breaking the barriers confronted by generations who came before. Our Nation's schools and communities are irrefutably strengthened by the success, scholarship, and tenacity of Black students of all ages. But our Nation must go further to finally root out systemic barriers in our schools.

Additionally, these barriers are present not just in the classroom, but also in the workplace. Black Americans face systemic obstacles to getting good jobs, gaps in wages and promotion, and higher incidences of reported workplace discrimination than White workers. Eliminating these inequities requires expanding access to work-based learning and leadership opportunities, including mentorships, sponsorships, internships, and registered apprenticeships that provide not only career guidance, but also the experience needed to navigate and excel in successful careers. In order for our Nation to equitably recover from the COVID-19 crisis, and to ensure that every Black person in America has a fair shot at the American dream, we must advance equity and excellence in public education and access to economic opportunities.

It is the policy of my Administration to advance educational equity, excellence, and economic opportunity for Black Americans and communities from early childhood until their chosen career.

SEC. 2. *White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity for Black Americans.* (a) To advance equity in our Nation's schools and to promote the economic opportunity that follows it, there is established in the Department of Education (Department) the White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity for Black Americans (Initiative), of which the Secretary of Education (Secretary) shall serve as Chair. The Secretary shall designate an Executive Director for the Initiative (Executive Director).

(b) The Initiative shall advance educational equity and economic opportunity for Black students, families, and communities by focusing on the following policy goals:

(i) increasing general understanding of systemic causes of educational challenges faced by many Black students, whether these students are in urban, suburban, rural, or migrant learning environments, and working across executive departments and agencies (agencies) to address these challenges;

(ii) increasing Black children's and families' access to and participation in high-quality early childhood programs and services that promote children's healthy development and learning, prepare them for success in school, and affirm their cultural identity;

(iii) addressing the inequitable treatment of Black children, such as eradicating discriminatory referrals to special education and excessive disciplinary actions;

(iv) supporting and improving data collection related to Black students and the implementation of evidence-based strategies to increase the participation and success of Black students in all levels of education and prepare them for careers and civic engagement;

(v) ensuring that all Black students have access to excellent teachers, school leaders, and other professionals, including by supporting efforts to improve the recruitment, preparation, development, and retention of qualified, diverse teachers and school leaders and other professionals who understand students' lived experiences and can effectively meet their learning, social, and emotional needs;

(vi) enhancing student support services and fostering positive engagement among schools, families, community leaders, and community-based organizations to increase the high school graduation and post-secondary attendance rates and decrease the high school dropout rate for Black students;

(vii) promoting a positive school climate that supports equitable access to and participation in college-readiness, advanced placement courses, and internship opportunities, as well as innovative dropout prevention and recovery strategies that better engage Black youth in their learning, help them progress academically as needed, and provide those who have left the educational system with pathways to reentry;

(viii) eliminating discriminatory enrollment, housing, transportation, and other policies that lead to racial and socioeconomic segregation among and within schools;

(ix) ensuring equitable access to educational resources, professionals, and technology, including by addressing racial disparities in school funding and expenditures;

(x) breaking down barriers that impede the access of higher education institutions that serve Black students, such as Predominantly Black Institutions (PBIs) and Historically Black Colleges and Universities (HBCUs), to Federal funding, and strengthening the capacity of those institutions to participate in Federal programs and partnerships;

(xi) advancing racial equity and economic opportunity by connecting education to labor market needs through programs such as dual enrollment, career and technical education, registered apprenticeships, work-based learning, and career advancement, particularly in the fields of science, technology, engineering, and mathematics; and

(xii) ensuring that Black communities have access to resources for economic success, such as in the areas of financial education, small business development, entrepreneurship, arts, science, technology, engineering, and mathematics.

(c) In working to fulfill its mission and objectives, the Initiative shall, consistent with applicable law:

(i) identify and promote evidence-based best practices that can provide Black students with a rigorous and well-rounded education in safe and healthy environments, as well as access to support services, that will improve their educational, professional, economic, and civic opportunities;

(ii) advance and coordinate efforts to ensure equitable opportunities for Black students in the re-opening process for schools across the country, and take steps to ensure that Black students, from early childhood to post-secondary education, can equitably recover from learning losses and other challenges faced during the COVID-19 pandemic;

(iii) encourage and develop partnerships with a national network of early childhood and early intervention providers, schools, institutions of higher education, and other public, private, philanthropic, and nonprofit stakeholders to improve access to educational equity and economic opportunities for Black Americans;

(iv) monitor and support the development, implementation, and coordination of Federal Government educational, workforce, research, and business development policies, programs, and technical assistance designed to improve outcomes for historically underserved communities, including Black Americans;

(v) work closely with the Executive Office of the President on key Administration priorities related to education, equity, and economic opportunity for Black Americans; and

(vi) advise the Secretary on issues of importance to Black Americans and policies relating to educational equity, excellence, and economic opportunity for Black Americans.

(d) There is established a Federal Interagency Working Group, which shall be convened by the Executive Director and shall support the efforts of the Initiative.

The Interagency Working Group shall collaborate regarding resources and opportunities available across the Federal Government to increase educational and economic opportunities for Black Americans.

(i) The Interagency Working Group shall consist of senior officials (designated by the heads of their respective departments, agencies, and offices) from the following:

- (A) the Department of State;
- (B) the Department of the Treasury;
- (C) the Department of Defense;
- (D) the Department of Justice;
- (E) the Department of the Interior;
- (F) the Department of Agriculture;
- (G) the Department of Commerce;
- (H) the Department of Labor;
- (I) the Department of Health and Human Services;
- (J) the Department of Housing and Urban Development;
- (K) the Department of Transportation;
- (L) the Department of Energy;
- (M) the Department of Education;
- (N) the Department of Veterans Affairs;
- (O) the Department of Homeland Security;
- (P) the White House Office of Management and Budget;
- (Q) the White House Office of Science and Technology Policy;
- (R) the Small Business Administration;
- (S) the White House Domestic Policy Council;
- (T) the White House Gender Policy Council;
- (U) the White House Office of Public Engagement;
- (V) the National Science Foundation;
- (W) the National Aeronautics and Space Administration;
- (X) the United States Agency for International Development; and
- (Y) such additional executive departments, agencies, and offices as the Secretary may designate.

(ii) The Executive Director may establish subgroups of the Interagency Working Group to focus on different aspects of the educational system (such as PBIs and HBCUs, early childhood education, kindergarten through 12th grade education, children and adults with disabilities, teacher diversity, higher education, career and technical education, adult education, or correctional education and reengagement), economic opportunity (work-based learning, entrepreneurship, financial education, or mentorship), or educational challenges facing particular populations.

(e) Each agency designated to participate in the Interagency Working Group shall prepare a plan (Agency Plan) outlining measurable actions the agency will take to advance educational equity and economic opportunity for Black communities, including their plans to implement the policy goals and directives outlined in section 2(b) of this order and other relevant work. These plans shall be submitted to the Chair of the Initiative on a date established by the Chair.

(i) As appropriate, each Agency Plan shall include:

- (A) a description of the applicable agency's efforts to ensure that Federal programs and initiatives administered by the Department and other agencies are meeting the educational needs of Black Americans, including efforts to incorporate best practices into appropriate discretionary programs where the agency sees fit and as permitted by law;
- (B) a description of how the applicable agency has and will decrease barriers to participation of Black Americans in Federal employment and student engagement opportunities;
- (C) a description of how the applicable agency can address challenges facing Black students and higher education institutions that serve Black students, such as PBIs and HBCUs, brought on by or exacerbated by the COVID-19 pandemic;
- (D) a description of how the agency's Office of Civil Rights, if applicable, can address discriminatory policies and practices that limit educational and economic opportunity for Black Americans;

(E) any other information the applicable agency determines is relevant to promoting educational opportunities for Black Americans; and

(F) information addressing any additional criteria established by the Chair or the Initiative.

(ii) Each agency shall assess and report to the Chair on their progress in implementing the Agency Plan on a regular basis as established by the Chair.

(iii) The Initiative shall monitor and evaluate each agency's progress towards the goals established in its Agency Plan and shall coordinate with the agency to ensure that its Plan includes measurable and action-oriented goals.

(f) The Department shall provide funding and administrative support for the Initiative and the Interagency Working Group, to the extent permitted by law and within existing appropriations. To the extent permitted by law, including the Economy Act (31 U.S.C. 1535), other agencies and offices represented on the Interagency Working Group may detail personnel to the Initiative, to assist the Department in meeting the objectives of this order.

(g) To advance shared priorities and policies that advance equity and economic opportunity for underserved communities, the Initiative shall collaborate and coordinate with other White House Initiatives related to equity and opportunity.

(h) On an annual basis, the Chair shall report to the President on the Initiative's progress in carrying out its mission and function under this order.

SEC. 3. *Presidential Advisory Commission.* (a) There is established in the Department a Presidential Advisory Commission on Advancing Educational Equity, Excellence, and Economic Opportunity for Black Americans (Commission).

(b) The Commission shall provide advice to the President through the Secretary on matters pertaining to educational equity and economic opportunity for the Black community, including:

(i) what is needed for the development, implementation, and coordination of educational programs and initiatives at the Department and other agencies to improve educational opportunities and outcomes for Black Americans;

(ii) how to promote career pathways for in-demand jobs for Black students, including registered apprenticeships, internships, fellowships, mentorships, and work-based learning initiatives;

(iii) how to increase public awareness of and generate solutions for the educational and training challenges and equity disparities that Black Americans face and the causes of these challenges; and

(iv) approaches to establish local and national partnerships with public, private, philanthropic, and non-profit stakeholders to advance the mission and objectives of this order, consistent with applicable law.

(c) The Commission shall periodically report to the President, through the Secretary and after consulting with the Executive Director, on progress in addressing the mission of the Commission.

(d) The Commission shall consist of not more than 21 members appointed by the President. The Commission may include individuals with relevant experience or subject matter expertise, as well as individuals who may serve as representatives from a variety of sectors, including education (early childhood education, elementary and secondary education, higher education, career and technical education, and adult education), labor organizations, research institutions, public and private philanthropic organizations, private sector, nonprofit, and community-based organizations at the national, State, Tribal, regional, or local levels. Commission members should be able to provide specific insight into the lived experiences of those served by the Initiative, including young adults, and have diversity across the Black diaspora and the geography of the country.

(i) The President shall designate one member of the Commission to serve as its Chair. The Chair, in consultation with the Executive Director, shall convene

regular meetings of the Commission, determine the Commission meeting agenda, and support the work of the Commission, consistent with this order.

(ii) The Commission shall meet on a regular basis, and at least twice a year.

(e) The Department shall provide funding and administrative support for the Commission, to the extent permitted by law and within existing appropriations. Members of the Commission shall serve without compensation but shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the Government service (5 U.S.C. 5701–5707). Insofar as the Federal Advisory Committee Act, as amended ([former] 5 U.S.C. App.) [see 5 U.S.C. 1001 et seq.], may apply to the administration of the Commission, any functions of the President under that Act, except that of reporting to the Congress, shall be performed by the Secretary, in accordance with guidelines issued by the Administrator of General Services.

(f) The Commission shall terminate 2 years from the date of this order [Oct. 19, 2021], unless extended by the President.

SEC. 4. *Administrative Provisions.* (a) This order supersedes Executive Order 13621 of July 26, 2012 (White House Initiative on Educational Excellence for African Americans) [formerly set out above], which is hereby revoked. To the extent that there are other Executive Orders that may conflict with or overlap with the provisions in this order, the provisions in this order supersede those other Executive Orders on these subjects.

(b) The heads of agencies shall assist and provide information to the Initiative and the Commission established in this order, consistent with applicable law, as may be necessary to carry out the functions of the Initiative and the Commission.

(c) Each agency shall bear its own expenses of participating in the Initiative established in this order.

SEC. 5. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

J.R. BIDEN, JR.

CREATING AND EXPANDING LADDERS OF OPPORTUNITY FOR BOYS AND YOUNG MEN OF COLOR

Memorandum of President of the United States, Feb. 27, 2014, 79 F.R. 12923, as amended by Memorandum of President of the United States, §1, Jan. 13, 2017, 82 F.R. 7623, provided:

Memorandum for the Heads of Executive Departments and Agencies

Over the course of my Administration, we have made consistent progress on important goals such as reducing high school dropout rates and lowering unemployment and crime. Yet as the Congress, State and local governments, research institutions, and leading private-sector organizations have all recognized, persistent gaps in employment, educational outcomes, and career skills remain for many boys and young men of color throughout their lives.

Many boys and young men of color will arrive at kindergarten less prepared than their peers in early language and literacy skills, leaving them less likely to finish school. Labor-force participation rates for young men of color have dropped, and far too many lack the skills they need to succeed. The disproportionate number of African American and Hispanic young men who

are unemployed or involved in the criminal justice system undermines family and community stability and is a drag on State and Federal budgets. And, young men of color are far more likely to be victims of murder than their white peers, accounting for almost half of the country's murder victims each year. These outcomes are troubling, and they represent only a portion of the social and economic cost to our Nation when the full potential of so many boys and young men is left unrealized.

By focusing on the critical challenges, risk factors, and opportunities for boys and young men of color at key life stages, we can improve their long-term outcomes and ability to contribute to the Nation's competitiveness, economic mobility and growth, and civil society. Unlocking their full potential will benefit not only them, but all Americans.

Therefore, I am establishing the Task Force on Improving the Lives of Boys and Young Men of Color and Underserved Youth, an interagency effort to improve measurably the expected educational and life outcomes for and address the persistent opportunity gaps faced by boys and young men of color. The Task Force will help us determine the public and private efforts that are working and how to expand upon them, how the Federal Government's own policies and programs can better support these efforts, and how to better involve State and local officials, the private sector, and the philanthropic community.

By the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby direct the following:

SECTION 1. *Task Force on Improving the Lives of Boys and Young Men of Color and Underserved Youth.* (a)

There is established a Task Force on Improving the Lives of Boys and Young Men of Color and Underserved Youth (Task Force) to develop a coordinated Federal effort to improve significantly the expected life outcomes for boys and young men of color (including African Americans, Hispanic Americans, and Native Americans) and their contributions to U.S. prosperity. The Task Force shall be chaired by the Assistant to the President and Cabinet Secretary. In addition to the Chair, the Task Force shall consist of the following members:

- (i) the Attorney General;
- (ii) the Secretary of Agriculture;
- (iii) the Secretary of Commerce;
- (iv) the Secretary of Defense;
- (v) the Secretary of Education;
- (vi) the Secretary of Energy;
- (vii) the Secretary of Health and Human Services;
- (viii) the Secretary of Housing and Urban Development;
- (ix) the Secretary of the Interior;
- (x) the Secretary of Labor;
- (xi) the Secretary of Transportation;
- (xii) the Director of the Office of Management and Budget;
- (xiii) the Chair of the Council of Economic Advisers;
- (xiv) the Director of the Office of Personnel Management;
- (xv) the Administrator of the Small Business Administration;
- (xvi) the Chair of the Equal Employment Opportunity Commission;
- (xvii) the Chief Executive Officer of the Corporation for National and Community Service;
- (xviii) the Director of the National Science Foundation;
- (xix) the Assistant to the President for Intergovernmental Affairs and Public Engagement;
- (xx) the Director of the Domestic Policy Council;
- (xxi) the Director of the National Economic Council;
- (xxii) the Director of the Office of Science and Technology Policy; and
- (xxiii) the heads of such other executive departments, agencies, and offices as the Chair may, from time to time, designate.

(b) A member of the Task Force may designate a senior-level official who is from the member's department,

agency, or office, and is a full-time officer or employee of the Federal Government, to perform the day-to-day Task Force functions of the member. At the direction of the Chair, the Task Force may establish subgroups consisting exclusively of Task Force members or their designees under this subsection, as appropriate.

(c) The Deputy Secretary of Education shall serve as Executive Director of the Task Force, determine its agenda, convene regular meetings of the Task Force, and supervise its work under the direction of the Chair. The Department of Education shall provide funding and administrative support for the Task Force to the extent permitted by law and within existing appropriations. Each executive department or agency shall bear its own expenses for participating in the Task Force.

SEC. 2. *Mission and Function of the Task Force.* (a) The Task Force shall, consistent with applicable law, work across executive departments and agencies to:

(i) develop a comprehensive public Web site, to be maintained by the Department of Education as appropriate, that will assess, on an ongoing basis and in consultation with the Office of Management and Budget, including the Office of the Chief Statistician of the United States, as appropriate, critical indicators of life outcomes for boys and young men of color (and other ethnic, income, and relevant subgroups) in absolute and relative terms;

(ii) assess the impact of Federal policies, regulations, and programs of general applicability on boys and young men of color, so as to develop proposals that will enhance positive outcomes and eliminate or reduce negative ones;

(iii) create an Administration-wide, online public portal to identify and disseminate successful programs and practices that improve outcomes for boys and young men of color;

(iv) recommend, where appropriate, incentives for the broad adoption by national, State, and local public and private decisionmakers of effective and innovative strategies and practices for providing opportunities to and improving outcomes for boys and young men of color;

(v) consistent with applicable privacy laws and regulations, provide relevant Federal data assets and expertise to public and private efforts to increase opportunities and improve life outcomes for boys and young men of color and underserved youth, and explore ways to coordinate with State and local governments and non-governmental actors with useful data and expertise;

(vi) ensure coordination with other Federal inter-agency groups and relevant public-private initiatives;

(vii) work with external stakeholders to highlight the opportunities, challenges, and efforts affecting boys and young men of color and underserved youth; and

(viii) recommend to the President means of ensuring sustained efforts within the Federal Government and continued partnership with the private sector and philanthropic community as set forth in this memorandum.

(b) The Task Force shall focus on evidence-based intervention points and issues facing boys and young men of color up to the age of 25, with a particular focus on issues important to young men under the age of 15. Specifically, the Task Force shall focus on the following issues, among others: access to early childhood supports; grade school literacy; pathways to college and a career, including issues arising from school disciplinary action; access to mentoring services and support networks; and interactions with the criminal justice system and violent crime.

(c) Within 30 days of the date of this memorandum, each member of the Task Force shall provide recommended indicators of life outcomes for the public Web site described in subsection (a)(i) of this section, and a plan for providing data on such indicators.

(d) Within 45 days of the date of this memorandum, each member of the Task Force shall identify any relevant programs and data-driven assessments within the member's department or agency for consideration in the portal described in subsection (a)(iii) of this section.

(e) Within 90 days of the date of this memorandum, the Task Force shall provide the President with a report on its progress and recommendations with respect to the functions set forth in subsection (a) of this section. Additionally, the Task Force shall provide, within 1 year of the date of this memorandum, a status report to the President regarding the implementation of this memorandum.

(f) The Task Force shall also provide a status report to the President regarding the implementation of this memorandum at least once each calendar year. In addition, every 2 years, the Task Force shall review the recommendations from the 90-day report, determine whether updated recommendations should be sent to the President, and evaluate whether the set of critical indicators of life outcomes should be updated.

SEC. 3. *General Provisions.* (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law or Executive Order to an agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The Secretary of Education is hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

§ 3412. Principal officers

(a) Deputy Secretary of Education

(1) There shall be in the Department a Deputy Secretary of Education who shall be appointed by the President, by and with the advice and consent of the Senate. During the absence or disability of the Secretary, or in the event of a vacancy in the office of the Secretary, the Deputy Secretary shall act as Secretary. The Secretary shall designate the order in which other officials of the Department shall act for and perform the functions of the Secretary during the absence or disability of both the Secretary and Deputy Secretary or in the event of vacancies in both of those offices.

(2)(A) The Deputy Secretary shall have responsibility for the conduct of intergovernmental relations of the Department, including assuring (i) that the Department carries out its functions in a manner which supplements and complements the education policies, programs, and procedures of the States and the local school systems and other instrumentalities of the States, and (ii) that appropriate officials of the Department consult with individuals responsible for making policy relating to education in the States and the local school systems and other instrumentalities of the States concerning differences over education policies, programs, and procedures and concerning the impact of the rules and regulations of the Department on the States and the local school systems and other instrumentalities of the States.

(B) Local education authorities may inform the Deputy Secretary of any rules or regulations of the Department which are in conflict with an-