

EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 1988, see section 6303 of Pub. L. 100-297, set out as an Effective Date of 1988 Amendment note under section 1071 of this title.

§ 3386. Omitted

CODIFICATION

Section, Pub. L. 89-10, title IX, §9005, formerly title VIII, §812, as added Pub. L. 93-380, title I, §110, Aug. 21, 1974, 88 Stat. 513; renumbered title IX, §1006, Pub. L. 95-561, title VIII, §801 (1), (2), Nov. 1, 1978, 92 Stat. 2284; renumbered title X, §1006, Pub. L. 96-46, §2(a)(1), Aug. 6, 1979, 93 Stat. 340; Pub. L. 96-88, title III, §301(a)(1), title V, §507, Oct. 17, 1979, 93 Stat. 677, 692; renumbered §8005, Pub. L. 100-297, title I, §1002(a), Apr. 28, 1988, 102 Stat. 293; renumbered title IX, §9005, Pub. L. 103-227, title X, §1032(1), (2), Mar. 31, 1994, 108 Stat. 270, which related to open meetings of educational agencies, was omitted in the general amendment of the Elementary and Secondary Education Act of 1965, Pub. L. 89-10, by Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3519.

CHAPTER 48—DEPARTMENT OF EDUCATION

SUBCHAPTER I—GENERAL PROVISIONS

| Sec. | |
|-------|---------------------------------------|
| 3401. | Congressional findings. |
| 3402. | Congressional declaration of purpose. |
| 3403. | Relationship with States. |
| 3404. | Definitions. |

SUBCHAPTER II—ESTABLISHMENT OF THE DEPARTMENT

| | |
|--------|---|
| 3411. | Establishment of Department; appointment of Secretary. |
| 3412. | Principal officers. |
| 3413. | Office for Civil Rights. |
| 3414. | Office of Elementary and Secondary Education; inclusion of Office of Migrant Education. |
| 3415. | Office of Postsecondary Education. |
| 3416. | Office of Vocational and Adult Education. |
| 3417. | Office of Special Education and Rehabilitative Services. |
| 3418. | Repealed. |
| 3419. | Institute of Education Sciences. |
| 3420. | Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students. |
| 3421. | Office of General Counsel. |
| 3422. | Office of Inspector General. |
| 3423. | Repealed. |
| 3423a. | Office of Correctional Education. |
| 3423b. | Office of Non-Public Education. |
| 3423c. | Office of Indian Education. |
| 3423d. | Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students. |
| 3424. | Federal Interagency Committee on Education. |
| 3425. | Office of Educational Technology. |
| 3426. | Liaison for Proprietary Institutions of Higher Education. |
| 3427. | Coordinator for the outlying areas. |

SUBCHAPTER III—TRANSFERS OF AGENCIES AND FUNCTIONS

| | |
|-------|--|
| 3441. | Transfers from Department of Health, Education, and Welfare. |
| 3442. | Repealed. |
| 3443. | Transfers from Department of Labor. |
| 3444. | Transfer of programs from National Science Foundation. |
| 3445. | Transfers from Department of Justice. |
| 3446. | Transfers from Department of Housing and Urban Development. |

| | |
|-------|----------------------|
| Sec. | |
| 3447. | Effect of transfers. |

SUBCHAPTER IV—ADMINISTRATIVE PROVISIONS

PART A—PERSONNEL PROVISIONS

| | |
|-------|---|
| 3461. | Officers and employees. |
| 3462. | Experts and consultants. |
| 3463. | Personnel reduction and annual limitations. |

PART B—GENERAL ADMINISTRATIVE PROVISIONS

| | |
|-------|---|
| 3471. | General authority. |
| 3472. | Delegation of functions. |
| 3473. | Reorganization of Department. |
| 3474. | Rules and regulations. |
| 3475. | Contracts. |
| 3476. | Regional and field offices. |
| 3477. | Acquisition and maintenance of property. |
| 3478. | Facilities at remote locations. |
| 3479. | Use of facilities. |
| 3480. | Copyrights and patents. |
| 3481. | Gifts and bequests. |
| 3482. | Technical advice. |
| 3483. | Working capital fund. |
| 3484. | Funds transfer. |
| 3485. | Seal of Department. |
| 3486. | Annual report. |
| 3487. | Repealed. |
| 3488. | Authorization of appropriations. |
| 3489. | General extension of authorizations. |
| 3490. | Potential financial interests or impaired objectivity of covered individuals or entities. |

SUBCHAPTER V—TRANSITIONAL, SAVINGS, AND CONFORMING PROVISIONS

| | |
|-------|--|
| 3501. | Transfer and allocation of appropriations and personnel. |
| 3502. | Effect on personnel. |
| 3503. | Agency terminations. |
| 3504. | Incidental transfers. |
| 3505. | Savings provisions. |
| 3506. | Separability. |
| 3507. | Existing references to transferor officials or bodies deemed references to transferee officials or bodies. |
| 3508. | Department of Health and Human Services. |
| 3509. | Coordination of programs for handicapped. |
| 3510. | Transitional provisions. |

SUBCHAPTER I—GENERAL PROVISIONS

§ 3401. Congressional findings

The Congress finds that—

(1) education is fundamental to the development of individual citizens and the progress of the Nation;

(2) there is a continuing need to ensure equal access for all Americans to educational opportunities of a high quality, and such educational opportunities should not be denied because of race, creed, color, national origin, or sex;

(3) parents have the primary responsibility for the education of their children, and States, localities, and private institutions have the primary responsibility for supporting that parental role;

(4) in our Federal system, the primary public responsibility for education is reserved respectively to the States and the local school systems and other instrumentalities of the States;

(5) the American people benefit from a diversity of educational settings, including public and private schools, libraries, museums and other institutions, the workplace, the community, and the home;

(6) the importance of education is increasing as new technologies and alternative approaches to traditional education are considered, as society becomes more complex, and as equal opportunities in education and employment are promoted;

(7) there is a need for improvement in the management and coordination of Federal education programs to support more effectively State, local, and private institutions, students, and parents in carrying out their educational responsibilities;

(8) the dispersion of education programs across a large number of Federal agencies has led to fragmented, duplicative, and often inconsistent Federal policies relating to education;

(9) Presidential and public consideration of issues relating to Federal education programs is hindered by the present organizational position of education programs in the executive branch of the Government; and

(10) there is no single, full-time, Federal education official directly accountable to the President, the Congress, and the people.

(Pub. L. 96-88, title I, §101, Oct. 17, 1979, 93 Stat. 669.)

EFFECTIVE DATE

Pub. L. 96-88, title VI, §601, Oct. 17, 1979, 93 Stat. 696, provided that:

“(a) The provisions of this Act [see Short Title note below] shall take effect one hundred and eighty days after the first Secretary takes office, or on any earlier date on or after October 1, 1979, as the President may prescribe and publish in the Federal Register [prescribed as May 4, 1980, by Ex. Ord. No. 12212, formerly set out below], except that at any time on or after October 1, 1979—

“(1) any of the officers provided for in title II of this Act [subchapter II of this chapter] may be nominated and appointed, as provided in such title; and

“(2) the Secretary may promulgate regulations pursuant to section 505(b)(2) of this Act [section 3505(b)(2) of this title].

“(b) Funds available to any department or agency (or any official or component thereof), the functions or offices of which are transferred to the Secretary or the Department by this Act [see Short Title note below], may, with the approval of the Director of the Office of Management and Budget, be used to pay the compensation and expenses of any officer appointed pursuant to this title [this section and section 602 of Pub. L. 96-88 set out below] and other transitional and planning expenses associated with the establishment of the Department or transfer of functions or offices thereto until such time as funds for such purposes are otherwise available.”

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-392, title VI, §601, Sept. 25, 1990, 104 Stat. 840, provided that: “This title [enacting section 3423a of this title, amending section 3424 of this title, repealing sections 1131 and 3423 of this title, and enacting provisions set out as a note under section 2403 of this title] may be cited as the ‘Office of Correctional Education Act of 1990’.”

SHORT TITLE

Pub. L. 96-88, §1, Oct. 17, 1979, 93 Stat. 668, provided that: “This Act [enacting this chapter, amending sections 928, 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 Gen-

eral Act of 1978, set out in the Appendix to Title 5, 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 enacting provisions set out as notes under this section and section 1102 of this title] may be cited as the ‘Department of Education Organization Act’.”

INTERIM APPOINTMENTS

Pub. L. 96-88, title VI, §602, Oct. 17, 1979, 93 Stat. 696, provided that:

“(a) In the event that one or more officers required by this Act [see Short Title note above] to be appointed by and with the advice and consent of the Senate shall not have entered upon office on the effective date of this Act [May 4, 1980] and notwithstanding any other provisions of law, the President may designate an officer in the executive branch to act in such office for one hundred and twenty days or until the office is filled as provided in this Act, whichever occurs first.

“(b) Any officer acting in an office in the Department pursuant to the provisions of subsection (a) shall receive compensation at the rate prescribed for such office under this Act.”

EXECUTIVE ORDER NO. 12212

Ex. Ord. No. 12212, May 2, 1980, 45 F.R. 29557, which established the effective date for the Department of Education Organization Act, was revoked by Ex. Ord. No. 12553, Feb. 25, 1986, 51 F.R. 7237.

§ 3402. Congressional declaration of purpose

The Congress declares that the establishment of a Department of Education is in the public interest, will promote the general welfare of the United States, will help ensure that education issues receive proper treatment at the Federal level, and will enable the Federal Government to coordinate its education activities more effectively. Therefore, the purposes of this chapter are—

(1) to strengthen the Federal commitment to ensuring access to equal educational opportunity for every individual;

(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.)