

## EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-476 effective Oct. 1, 1990, see section 1001 of Pub. L. 101-476, set out as a note under section 1087ee of this title.

**§ 3442. Repealed. Pub. L. 99-145, title XII, § 1204(a)(1), Nov. 8, 1985, 99 Stat. 720**

Section, Pub. L. 96-88, title III, §302, Oct. 17, 1979, 93 Stat. 679; Pub. L. 97-252, title XI, §1118, Sept. 8, 1982, 96 Stat. 753; Pub. L. 98-94, title XII, §1223, Sept. 24, 1983, 97 Stat. 692, provided for transfers to Department and Secretary of Education from Department and Secretary of Defense of functions relating to operation of overseas schools for and education of dependents and personnel, effectuation of transfers, and operation of overseas institutions of higher education.

**§ 3443. Transfers from Department of Labor**

**(a) Functions relating to programs for the education of migrant and seasonal farmworkers**

Notwithstanding the provisions of section 601 of this Act, there shall be transferred to the Secretary, at such time on or after May 4, 1980, as the Secretary certifies that there has been established in the Department a single component responsible for the administration and the coordination of programs relating to the education of migrants, all functions of the Secretary of Labor or the Department of Labor relating to such education.

**(b) Authorization to conduct functions**

The Secretary is authorized to conduct the functions transferred by subsection (a) of this section.

(Pub. L. 96-88, title III, §302, formerly §303, Oct. 17, 1979, 93 Stat. 680; renumbered §302, Pub. L. 103-382, title II, §271(a)(2), Oct. 20, 1994, 108 Stat. 3929; amended Pub. L. 105-277, div. A, §101(f) [title VIII, §405(d)(16)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-421.)

## REFERENCES IN TEXT

Section 601 of this Act, referred to in subsec. (a), is section 601 of Pub. L. 96-88, which is set out as an Effective Date note under section 3401 of this title.

## PRIOR PROVISIONS

A prior section 302 of Pub. L. 96-88 was classified to section 3442 of this title prior to repeal by Pub. L. 99-145.

## AMENDMENTS

1998—Subsec. (a). Pub. L. 105-277 substituted “relating to such education” for “under section 303(c)(2) of the Comprehensive Employment and Training Act”.

**§ 3444. Transfer of programs from National Science Foundation**

**(a) Science education; exceptions**

(1) There are transferred to the Secretary all programs relating to science education of the National Science Foundation or the Director of the National Science Foundation established prior to May 4, 1980, pursuant to the National Science Foundation Act of 1950 [42 U.S.C. 1861 et seq.], except the programs or parts of programs, as determined after review by the Director of the Office of Science and Technology Policy and the Director of the National Science Foundation, which relate to—

(A) scientific career development;

(B) the continuing education of scientific personnel;

(C) increasing the participation of women, minorities, and the handicapped in careers in science;

(D) the conduct of basic and applied research and development applied to science learning at all educational levels and the dissemination of results concerning such research and development; and

(E) informing the general public of the nature of science and technology and of attendant values and public policy issues.

(2) Except as provided in paragraph (1), no mission oriented research functions or programs of the National Science Foundation or any other Federal agency shall be transferred by this chapter.

**(b) Authority of Secretary; consultation and advice**

The Secretary is authorized to conduct the programs transferred by subsection (a) of this section. In conducting such programs the Secretary shall consult, as appropriate, with the Director of the National Science Foundation, and shall establish advisory mechanisms designed to assure that scientists and engineers are fully involved in the development, implementation, and review of science education programs.

**(c) Report by Secretary**

The annual report to be transmitted by the Secretary pursuant to section 3486 of this title shall include a description of arrangements, developed by the Secretary in consultation with the Director of the National Science Foundation, for coordinated planning and operation of science education programs, including measures to facilitate the implementations of successful innovations.

**(d) Reservation of certain Foundation authority**

Nothing in this section is intended to repeal or limit the authority of the National Science Foundation or the Director of the National Science Foundation to initiate and conduct programs under the National Science Foundation Act of 1950 [42 U.S.C. 1861 et seq.].

(Pub. L. 96-88, title III, §303, formerly §304, Oct. 17, 1979, 93 Stat. 680; renumbered §303, Pub. L. 103-382, title II, §271(a)(2), Oct. 20, 1994, 108 Stat. 3929.)

## REFERENCES IN TEXT

The National Science Foundation Act of 1950, referred to in subsecs. (a)(1) and (d), is act May 10, 1950, ch. 171, 64 Stat. 149, as amended, which is classified generally to chapter 16 (§1861 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1861 of Title 42 and Tables.

## CODIFICATION

In subsec. (a)(1), “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.

## PRIOR PROVISIONS

A prior section 303 of Pub. L. 96-88 was renumbered section 302 and is classified to section 3443 of this title.

**§ 3445. Transfers from Department of Justice**

There are transferred to the Secretary all functions of the Attorney General and of the Law Enforcement Assistance Administration with regard to the student loan and grant programs known as the law enforcement education program and the law enforcement intern program authorized by subsections (b), (c), and (f) of section 406<sup>1</sup> of the Omnibus Crime Control and Safe Streets Act of 1968.

(Pub. L. 96-88, title III, § 304, formerly § 305, Oct. 17, 1979, 93 Stat. 680; renumbered § 304, Pub. L. 103-382, title II, § 271(a)(2), Oct. 20, 1994, 108 Stat. 3929.)

## REFERENCES IN TEXT

Section 406 of the Omnibus Crime Control and Safe Streets Act of 1968, referred to in text, is section 406 of title I of Pub. L. 90-351, June 19, 1968, 82 Stat. 204, which was classified to section 3746 of Title 42, The Public Health and Welfare. Title I of the Act was amended generally by Pub. L. 96-157, § 2, Dec. 27, 1979, 93 Stat. 1167, and provisions formerly contained in section 406 of the Act were contained in section 705 of part G of title I of the Act, which was classified to section 3775 of Title 42. Subsequently, part G of title I of the Act was amended generally by Pub. L. 98-473, title II, § 609A(a), Oct. 12, 1984, 98 Stat. 2090, and, as so amended, did not contain a section 705 or similar provisions.

## PRIOR PROVISIONS

A prior section 304 of Pub. L. 96-88 was renumbered section 303 and is classified to section 3444 of this title.

**§ 3446. Transfers from Department of Housing and Urban Development**

There are transferred to the Secretary all functions relating to college housing loans of the Secretary of Housing and Urban Development and of the Department of Housing and Urban Development under title IV of the Housing Act of 1950 [12 U.S.C. 1749 et seq.].

(Pub. L. 96-88, title III, § 305, formerly § 306, Oct. 17, 1979, 93 Stat. 681; renumbered § 305, Pub. L. 103-382, title II, § 271(a)(2), Oct. 20, 1994, 108 Stat. 3929.)

## REFERENCES IN TEXT

The Housing Act of 1950, referred to in text, is act Apr. 20, 1950, ch. 94, 64 Stat. 48, as amended. Title IV of the Housing Act of 1950 which was classified generally to subchapter IX (§ 1749 et seq.) of chapter 13 of Title 12, Banks and Banking, was repealed by Pub. L. 99-498, title VII, § 702, Oct. 17, 1986, 100 Stat. 1545. For complete classification of this Act to the Code, see Short Title of 1950 Amendment note set out under section 1701 of Title 12 and Tables.

## PRIOR PROVISIONS

A prior section 305 of Pub. L. 96-88 was renumbered section 304 and is classified to section 3445 of this title.

**§ 3447. Effect of transfers**

The transfer of a function or office from an officer or agency to the Secretary or to the Department includes any aspects of such function or office vested in a subordinate of such officer or in a component of such agency.

(Pub. L. 96-88, title III, § 306, formerly § 307, Oct. 17, 1979, 93 Stat. 681; renumbered § 306, Pub. L.

103-382, title II, § 271(a)(2), Oct. 20, 1994, 108 Stat. 3929.)

## PRIOR PROVISIONS

A prior section 306 of Pub. L. 96-88 was renumbered section 305 and is classified to section 3446 of this title.

## SUBCHAPTER IV—ADMINISTRATIVE PROVISIONS

## PART A—PERSONNEL PROVISIONS

**§ 3461. Officers and employees****(a) Appointment and compensation**

The Secretary is authorized to appoint and fix the compensation of such officers and employees, including attorneys, as may be necessary to carry out the functions of the Secretary and the Department. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5.

**(b) Applicability of General Schedule; termination of authority; exemption from limitations on executive positions**

(1) At the request of the Secretary, the Director of the Office of Personnel Management shall, under section 5108 of title 5, provide for the establishment in each of the grade levels GS-16, GS-17, and GS-18 of a number of positions in the Department equal to the number of positions in that grade level which were used primarily for the performance of functions and offices transferred under this chapter and which were assigned and filled on the day before May 4, 1980.

(2) Repealed. Pub. L. 107-279, title IV, § 403(3), Nov. 5, 2002, 116 Stat. 1985.

(3) Appointments to positions provided for under this subsection may be made without regard to the provisions of section 3324 of title 5, if the individual appointed in such position is an individual who is transferred in connection with the transfer of functions and offices under this chapter and, on the day preceding May 4, 1980, holds a position and has duties comparable to those of the position to which appointed hereunder.

(4) The authority under this subsection with respect to any position shall terminate when the person first appointed to fill such position ceases to hold such position.

(5) For purposes of section 414(a)(3)(A) of the Civil Service Reform Act of 1978, an individual appointed under this subsection shall be deemed to occupy the same position as the individual occupied on the day preceding May 4, 1980.

**(c) Repealed. Pub. L. 99-498, title XIV, § 1401(d), Oct. 17, 1986, 100 Stat. 1597****(d) Senior Executive Service**

Notwithstanding any other provision of law, the Director of the Office of Personnel Management shall establish positions within the Senior Executive Service for 15 limited-term appointees. The Secretary shall appoint individuals to such positions as provided by section 3394 of title 5. Such positions shall expire on the later of three years after May 4, 1980, or three years after the initial appointment to each posi-

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