

(2) evaluate, on a periodic basis, the needs of education programs in the outlying areas;

(3) assist with the coordination of programs that serve the outlying areas; and

(4) provide guidance to programs within the Department that serve the outlying areas.

**(d) Outlying areas defined**

As used in this section, the term “outlying areas” includes Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Marianas Islands, but does not include the freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(Pub. L. 96-88, title II, §220, as added Pub. L. 107-110, title X, §1072(a), Jan. 8, 2002, 115 Stat. 2088.)

EFFECTIVE DATE

Section effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107-110, set out as a note under section 6301 of this title.

SUBCHAPTER III—TRANSFERS OF AGENCIES AND FUNCTIONS

**§ 3441. Transfers from Department of Health, Education, and Welfare**

**(a) Functions transferred to Secretary**

There are transferred to the Secretary—

(1) all functions of the Assistant Secretary for Education and of the Commissioner of Education of the Department of Health, Education, and Welfare, and all functions of the Office of such Assistant Secretary and of the Education Division of the Department of Health, Education, and Welfare and of any officer or component of such Office or Division;

(2) all functions of the Secretary of Health, Education, and Welfare and of the Department of Health, Education, and Welfare under—

(A) the General Education Provisions Act [20 U.S.C. 1221 et seq.];

(B) the Elementary and Secondary Education Act of 1965;

(C) the Higher Education Act of 1965 [20 U.S.C. 1001 et seq., 42 U.S.C. 2751 et seq.];

(D) the Education Amendments of 1978;

(E) the Act of August 30, 1890 (7 U.S.C. 321-328);

(F) the National Defense Education Act of 1958;

(G) the International Education Act of 1966;

(H) the Individuals with Disabilities Education Act [20 U.S.C. 1400 et seq.];

(I) part B of title V of the Economic Opportunity Act of 1964 [42 U.S.C. 2929 et seq.];

(J) the National Commission on Libraries and Information Science Act;

(K) the Vocational Education Act of 1963;

(L) the Career Education Incentive Act;

(M) laws relating to the relationship between (i) Gallaudet College, Howard University, the American Printing House for the Blind, and the National Technical Institute for the Deaf, and (ii) the Department of Health, Education, and Welfare;

(N) the Model Secondary School for the Deaf Act;

(O) subpart A[C] of part IV of title III of the Communications Act of 1934 [47 U.S.C. 395 et seq.] with respect to the telecommunications demonstration program;

(P) section 550 of title 40 with respect to donations of surplus property for educational purposes; and

(Q) the Alcohol and Drug Abuse Education Act;

(3) all functions of the Secretary of Health, Education, and Welfare and of the Department of Health, Education, and Welfare with respect to or being administered by the Office for Civil Rights which relate to functions transferred by this section;

(4)(A) all functions of the Secretary of Health, Education, and Welfare and of the Department of Health, Education, and Welfare under the Rehabilitation Act of 1973 [29 U.S.C. 701 et seq.], except that the provisions of this subparagraph shall not be construed to transfer to the Secretary the functions of the Secretary of Health, Education, and Welfare under sections 222 and 1615 of the Social Security Act [42 U.S.C. 422 and 1382d];

(B) all functions with respect to or being administered by the Secretary of Health, Education, and Welfare through the Commissioner of Rehabilitation Services under the Act of June 20, 1936, commonly referred to as the Randolph-Sheppard Act (20 U.S.C. 107 et seq.);

(C) all functions of the Commissioner of Rehabilitation and the Director of the National Institute of Handicapped Research of the Department of Health, Education, and Welfare under the Rehabilitation Act of 1973 [29 U.S.C. 701 et seq.];

(5) all functions of the Advisory Council on Education Statistics; and

(6) all functions of the Federal Education Data Acquisition Council.

**(b) Offices, etc., transferred to Department**

There are transferred to the Department—

(1) all offices in the Office of the Assistant Secretary for Education or in the Education Division of the Department of Health, Education, and Welfare;

(2) all offices in the Department of Health, Education, and Welfare established under the provisions of law listed in subparagraphs (A) through (Q) of subsection (a)(2) of this section;

(3) all offices in the Department of Health, Education, and Welfare established under the Rehabilitation Act of 1973 [29 U.S.C. 701 et seq.];

(4) the Advisory Council on Education Statistics;

(5) the Federal Education Data Acquisition Council; and

(6) any advisory committee of the Department of Health, Education, and Welfare giving advice or making recommendations that primarily concern education functions transferred by this section.

**(c) Administrative functions transferred to Secretary**

There are transferred to the Secretary all functions of the Secretary of Health, Education, and Welfare, the Assistant Secretary for Edu-

cation, or the Commissioner of Education of the Department of Health, Education, and Welfare, as the case may be, with respect to—

(1) the Education Division of the Department of Health, Education, and Welfare;

(2) the Office of the Assistant Secretary for Education, including the National Center for Education Statistics; and

(3) any advisory committee in the Department of Health, Education, and Welfare giving advice and making recommendations principally concerning education functions transferred by this section.

**(d) Reservation of functions relating to Project Head Start**

Nothing in the provisions of this section or in the provisions of this chapter shall authorize the transfer of functions under part A of title V of the Economic Opportunity Act of 1964 [42 U.S.C. 2928 et seq.], relating to Project Head Start, from the Secretary of Health, Education, and Welfare to the Secretary.

(Pub. L. 96-88, title III, §301, Oct. 17, 1979, 93 Stat. 677; Pub. L. 101-476, title IX, §901(a)(2), Oct. 30, 1990, 104 Stat. 1142; Pub. L. 104-208, div. A, title I, §101(e) [title VII, §709(b)(2)], Sept. 30, 1996, 110 Stat. 3009-233, 3009-313.)

REFERENCES IN TEXT

The General Education Provisions Act, referred to in subsec. (a)(2)(A), is title IV of Pub. L. 90-247, Jan. 2, 1968, 81 Stat. 814, which is classified generally to chapter 31 (§1221 et seq.) of this title. For complete classification of this Act to the Code, see section 1221 of this title and Tables.

The Elementary and Secondary Education Act of 1965, referred to in subsec. (a)(2)(B), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, which is classified generally to chapter 70 (§6301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of this title and Tables.

The Higher Education Act of 1965, referred to in subsec. (a)(2)(C), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, which is classified generally to chapter 28 (§1001 et seq.) of this title and part C (§2751 et seq.) of subchapter I of chapter 34 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 1001 of this title and Tables.

The Education Amendments of 1978, referred to in subsec. (a)(2)(D), is Pub. L. 95-561, Nov. 1, 1978, 92 Stat. 2143. For complete classification of this Act to the Code, see Short Title of 1978 Amendment note set out under section 6301 of this title and Tables.

Act of August 30, 1890 (7 U.S.C. 321-328), referred to in subsec. (a)(2)(E), is act Aug. 30, 1890, ch. 841, 26 Stat. 417, popularly known as the Agricultural College Act of 1890 and also as the Second Morrill Act, which is classified generally to subchapter II (§321 et seq.) of chapter 13 of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 321 of Title 7 and Tables.

The National Defense Education Act of 1958, referred to in subsec. (a)(2)(F), is Pub. L. 85-864, Sept. 2, 1958, 72 Stat. 1580, which was classified principally to chapter 17 (§401 et seq.) of this title prior to omission from the Code. For complete classification of this Act to the Code, see Tables.

The International Education Act of 1966, referred to in subsec. (a)(2)(G), is Pub. L. 89-698, Oct. 29, 1966, 80 Stat. 1066, which was classified principally to chapter 29 (§1171 et seq.) of this title and was substantially repealed by section 601(c)(2) of Pub. L. 96-374. For complete classification of this Act to the Code, see Tables.

The Individuals with Disabilities Education Act, referred to in subsec. (a)(2)(H), is title VI of Pub. L.

91-230, Apr. 13, 1970, 84 Stat. 175, which is classified generally to chapter 33 (§1400 et seq.) of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

The Economic Opportunity Act of 1964, referred to in subsecs. (a)(2)(I) and (d), is Pub. L. 88-452, Aug. 20, 1964, 78 Stat. 508. Parts A and B of title V of the Economic Opportunity Act of 1964 were classified generally to parts A (§2928 et seq.) and B (§2929 et seq.) of subchapter V of chapter 34 of Title 42, The Public Health and Welfare, prior to repeal by Pub. L. 97-35, title VI, §683(a), Aug. 13, 1981, 95 Stat. 519. For complete classification of this Act to the Code, see Tables.

The National Commission on Libraries and Information Science Act, referred to in subsec. (a)(2)(J), is Pub. L. 91-345, July 20, 1970, 84 Stat. 440, which was classified generally to chapter 34 (§1501 et seq.) of this title, and was repealed by Pub. L. 111-340, title IV, §401(a), Dec. 22, 2010, 124 Stat. 3604.

The Vocational Education Act of 1963, referred to in subsec. (a)(2)(K), was title I of Pub. L. 88-210, Dec. 18, 1963, 77 Stat. 403, as amended generally by Pub. L. 94-482, title II, §202(a), Oct. 12, 1976, 90 Stat. 2169, which was classified to chapter 44 (§2301 et seq.) of this title, prior to amendment by Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2435, striking out all after the enacting clause and inserting in lieu thereof titles I to V, to be cited as the Carl D. Perkins Vocational Education Act. The Act was subsequently amended extensively by Pub. L. 101-392, Sept. 25, 1990, 104 Stat. 753, which renamed it the Carl D. Perkins Vocational and Applied Technology Education Act, amended generally by Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3076, which renamed it the Carl D. Perkins Vocational and Technical Education Act of 1998, and again amended generally by Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 683, which renamed it the Carl D. Perkins Career and Technical Education Act of 2006. For additional details, see Codification note preceding section 2301 of this title.

The Career Education Incentive Act, referred to in subsec. (a)(2)(L), is Pub. L. 95-207, Dec. 13, 1977, 91 Stat. 1464, which was classified principally to chapter 46 (§2601 et seq.) of this title prior to its repeal by Pub. L. 97-35, title V, §587(a)(4), Aug. 13, 1981, 95 Stat. 480.

The Model Secondary School for the Deaf Act, referred to in subsec. (a)(2)(N), is Pub. L. 89-694, Oct. 15, 1966, 80 Stat. 1027, which was classified to subchapter II (§693 et seq.) of chapter 20B of this title, and was repealed by Pub. L. 99-371, title IV, §410(c), Aug. 4, 1986, 100 Stat. 794. See section 4321 et seq. of this title.

The Communications Act of 1934, referred to in subsec. (a)(2)(O), is act June 19, 1934, ch. 652, 48 Stat. 1064. Subpart A of part IV of title III of the Act (which is classified principally to subpart A (§390 et seq.) of part IV of subchapter III of chapter 5 of Title 47, Telecommunications) was amended by section 201 of Pub. L. 95-567, Nov. 2, 1978, 92 Stat. 2409, and, as so amended, the provisions relating to telecommunications demonstrations which had appeared in subpart A were restated in a new subpart B (§395 et seq.). Subpart B was subsequently redesignated subpart C by Pub. L. 101-437, title II, §203(a)(2), Oct. 17, 1990, 104 Stat. 998. For complete classification of the 1934 Act to the Code, see section 609 of Title 47 and Tables.

The Alcohol and Drug Abuse Education Act, referred to in subsec. (a)(2)(Q), is Pub. L. 91-527, Dec. 3, 1970, 84 Stat. 1385, which was classified generally to chapter 14 (§1001 et seq.) of Title 21, Food and Drugs, prior to repeal by Pub. L. 97-35, title V, §587(a)(3), Aug. 13, 1981, 95 Stat. 480.

The Rehabilitation Act of 1973, referred to in subsecs. (a)(4)(A), (C), and (b)(3), is Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 355, which is classified generally to chapter 16 (§701 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 29 and Tables.

Act of June 20, 1936, referred to in subsec. (a)(4)(B), is act June 20, 1936, ch. 638, 49 Stat. 1559, known as the Randolph-Sheppard Act and also popularly known as the Randolph-Sheppard Vending Stand Act, which is

classified generally to chapter 6A (§107 et seq.) of this title. For complete classification of this Act to the Code, see Short Title notes set out under section 107 of this title and Tables.

#### CODIFICATION

“Section 550 of title 40” substituted in subsec. (a)(2)(P) for “section 203(k) of the Federal Property and Administrative Services Act of 1949” on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

#### AMENDMENTS

1996—Subsec. (a)(5) to (7). Pub. L. 104-208, §101(e) [title VII, §709(b)(2)(A)], redesignated pars. (6) and (7) as (5) and (6), respectively, and struck out former par. (5) which transferred all functions of the Institute of Museum Services of the Department of Health, Education, and Welfare to the Secretary of Education.

Subsec. (b)(4) to (7). Pub. L. 104-208, §101(e) [title VII, §709(b)(2)(B)], redesignated pars. (5) to (7) as (4) to (6), respectively, and struck out former par. (4) which transferred the offices, etc., of the Institute of Museum Services of the Department of Health, Education, and Welfare to the Department of Education.

1990—Subsec. (a)(2)(H). Pub. L. 101-476 substituted “Individuals with Disabilities Education Act” for “Education of the Handicapped Act”.

#### CHANGE OF NAME

Gallaudet College, referred to in subsec. (a)(2)(M), redesignated Gallaudet University by Pub. L. 99-371, title I, §101(a), Aug. 4, 1986, 100 Stat. 781, which is classified to section 4301(a) of this title.

#### 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