

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

**§ 3463. Personnel reduction and annual limitations**

**(a) Work-years limitation; allocations; adjustments**

(1) Notwithstanding any other provision of this chapter, there shall be included in each appropriation Act containing appropriations for the administration of the Department for any fiscal year beginning after September 30, 1981 (other than an appropriation Act containing only supplemental appropriations for the Department), an annual limitation on the total number of work-years for the personnel of the Department.

(2) The Secretary shall prescribe the allocation of the work-years available under paragraph (1) among the organizational units and components of the Department.

(3) If the President transmits any reorganization plan under chapter 9 of title 5 which would result in the transfer of functions or offices to the Secretary or the Department, the message transmitting the plan shall include any adjustments which may be necessary in a work-year limitation established under paragraph (1) to reflect changes in the work-years required as a result of such plan.

**(b) Full-time equivalent personnel reductions**

Not later than the end of the first fiscal year beginning after May 4, 1980, the number of full-time equivalent personnel positions available for performing functions transferred to the Secretary or the Department by this chapter shall be reduced by 500.

**(c) Personnel computations**

(1) Computations required to be made for purposes of this section shall be made on the basis of all personnel employed by the Department, including experts and consultants employed under section 3109 of title 5 and all other part-time and full-time personnel employed to perform functions of the Secretary or the Department, except personnel employed under special programs for students and disadvantaged youth (including temporary summer employment).

(2) The Director of the Office of Personnel Management shall, by rule, establish a method for computing work-years for personnel of the Department as described in paragraph (1).

**(d) Report on effects of reorganization on employees**

The Director of the Office of Personnel Management shall, as soon as practicable, but not later than one year after May 4, 1980, prepare and transmit to the Congress a report on the effects on employees of the reorganization under this chapter, which shall include—

(1) an identification of any position within the Department or elsewhere in the executive

branch, which it considers unnecessary due to consolidation of functions under this chapter;

(2) a statement of the number of employees entitled to pay savings by reason of the organization under this chapter;

(3) a statement of the number of employees who are voluntarily or involuntarily separated by reason of such reorganization;

(4) an estimate of the personnel costs associated with such reorganization;

(5) the effects of such reorganization on labor management relations; and

(6) such legislative and administrative recommendations for improvements in personnel management within the Department as the Director considers necessary.

(Pub. L. 96-88, title IV, § 403, Oct. 17, 1979, 93 Stat. 682; Pub. L. 104-66, title I, § 1041(a), Dec. 21, 1995, 109 Stat. 714.)

CODIFICATION

In subsecs. (a) and (d), “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.

AMENDMENTS

1995—Subsec. (a)(2). Pub. L. 104-66 struck out before period at end “and shall, within 120 days after the enactment of an appropriation Act containing a work-year limitation, prepare and transmit to the Congress a report on such allocation. Such report shall include explanations and justifications for the allocations made by the Secretary and shall indicate the necessary personnel actions which will be required as a consequence of such allocation. Not later than 120 days after the conclusion of any fiscal year to which a work-year limitation established under paragraph (1) applies, the Secretary shall prepare and transmit to the Congress a report on compliance with such limitation indicating the total work-years actually expended by the Department and by the organizational units and components to which such work-years were allocated”.

PART B—GENERAL ADMINISTRATIVE PROVISIONS

**§ 3471. General authority**

**(a) Force and effect of actions by Secretary**

In carrying out any function transferred by this chapter, the Secretary, or any officer or employee of the Department, may exercise any authority available by law (including appropriation Acts) with respect to such function to the official or agency from which such function is transferred, and the actions of the Secretary in exercising such authority shall have the same force and effect as when exercised by such official or agency.

**(b) Reporting requirements**

(1) The director of any office continued in the Department the director of which was required, prior to May 4, 1980, to report to the Commissioner of Education or the Assistant Secretary for Education of the Department of Health, Education, and Welfare, shall report to the Secretary.

(2) The Secretary is authorized to delegate reporting requirements vested in the Secretary by paragraph (1) to any officer or employee of the Department.

(Pub. L. 96-88, title IV, § 411, Oct. 17, 1979, 93 Stat. 683.)

## CODIFICATION

In subsec. (b)(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.

**§ 3472. Delegation of functions**

Except as otherwise provided in this chapter, the Secretary may delegate any function to such officers and employees of the Department as the Secretary may designate, and may authorize such successive redelegations of such functions within the Department as may be necessary or appropriate. No delegation of functions by the Secretary under this section or under any other provision of this chapter shall relieve the Secretary of responsibility for the administration of such functions.

(Pub. L. 96–88, title IV, §412, Oct. 17, 1979, 93 Stat. 684.)

**§ 3473. Reorganization of Department****(a) Authorization; limitations**

The Secretary is authorized, subject to the requirements of section 3412(f) of this title, to allocate or reallocate functions among the officers of the Department, and to establish, consolidate, alter, or discontinue such organizational entities within the Department as may be necessary or appropriate, but the authority of the Secretary under this subsection does not extend to—

- (1) any office, bureau, unit, or other entity transferred to the Department and established by statute or any function vested by statute in such an entity or officer of such an entity, except as provided in subsection (b) of this section;
- (2) the abolition of organizational entities established by this chapter; or
- (3) the alteration of the delegation of functions to any specific organizational entity required by this chapter.

**(b) Alteration, consolidation, or discontinuance of statutory and organizational entities**

(1) The Secretary may, in accordance with paragraph (2) of this subsection, consolidate, alter, or discontinue any of the following statutory entities, or reallocate any functions vested by statute in the following statutory entities:

- (A) the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students;
- (B) the Teacher Corps;
- (C) the Community College Unit;
- (D) the National Center for Education Statistics;
- (E) the National Institute of Education;
- (F) the Office of Environmental Education;
- (G) the Office of Consumers’ Education;
- (H) the Office of Indian Education;
- (I) the Office of Career Education;
- (J) the Office of Non-Public Education;
- (K) the bureau for the education and training for the handicapped; and

(L) the administrative units for guidance and counseling programs, the veterans’ cost of instruction program, and the program for the gifted and talented children.

(2) The Secretary may alter, consolidate, or discontinue any organizational entity continued within the Department and described in paragraph (1) of this subsection or reallocate any function vested by statute in such an entity, upon the expiration of a period of ninety days after the receipt by the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives of notice given by the Secretary containing a full and complete statement of the action proposed to be taken pursuant to this subsection and the facts and circumstances relied upon in support of such proposed action.

(Pub. L. 96–88, title IV, §413, Oct. 17, 1979, 93 Stat. 684; Pub. L. 96–496, title II, §202, Dec. 4, 1980, 94 Stat. 2593; Pub. L. 104–208, div. A, title I, §101(e) [title VII, §709(c)], Sept. 30, 1996, 110 Stat. 3009–233, 3009–313; Pub. L. 107–110, title X, §1072(b), Jan. 8, 2002, 115 Stat. 2089.)

## AMENDMENTS

2002—Subsec. (b)(1)(A). Pub. L. 107–110 substituted “Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students” for “Office of Bilingual Education”.

1996—Subsec. (b)(1)(H) to (M). Pub. L. 104–208 redesignated subpars. (I) to (M) as (H) to (L), respectively, and struck out former subpar. (H) which authorized Secretary to consolidate, alter, discontinue, or reallocate any functions vested by statute in Office of Libraries and Learning Resources.

1980—Subsec. (b)(1). Pub. L. 96–496 redesignated subpar. (N) as (M) and struck out former subpar. (M), which authorized the Secretary to reallocate the functions or to alter or discontinue the Institute of Museum Services.

## CHANGE OF NAME

Committee on Labor and Human Resources of Senate changed to Committee on Health, Education, Labor, and Pensions of Senate by Senate Resolution No. 20, One Hundred Sixth Congress, Jan. 19, 1999.

Committee on Education and Labor of House of Representatives changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

## EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–110 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 an Effective Date note under section 6301 of this title.

## NATIONAL INSTITUTE OF EDUCATION

The National Institute of Education was established by section 1221e of this title which as amended generally by Pub. L. 99–498, title XIV, §1401(a), Oct. 17, 1986, 100 Stat. 1589, provided objectives and duties for the Office of Educational Research and Improvement and established the National Advisory Council on Educational Research and Improvement, and section 1401(b) of Pub. L. 99–498 transferred the property and records of the National Institute of Education to the Office of Educational Research and Improvement.

## OFFICE OF MIGRANT EDUCATION

Pub. L. 98–511, title VII, §701(b), Oct. 19, 1984, 98 Stat. 2405, provided that: “For the purposes of section 413(a) of the Department of Education Organization Act (20 U.S.C. 3473), the Office of Migrant Education shall be considered to be an organizational entity established by such Act [20 U.S.C. 3401 et seq.] and shall not be sub-