

(c) Funding under pre-existing programs

The Secretary shall not, during the period within eight months after May 4, 1980, take any action to withhold, suspend, or terminate funds under any program transferred by this chapter by reason of the failure of any State to comply with any applicable law requiring the administration of such a program through a single organizational unit.

(Pub. L. 96-88, title I, §103, Oct. 17, 1979, 93 Stat. 670.)

CODIFICATION

In subsec. (c), “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.

§ 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.)

AMENDMENTS

1990—Par. (3). Pub. L. 101-509 substituted “Deputy Secretary” for “Under Secretary” in two places.

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 Dep-

uty 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.”

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.)

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, 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 14 of the Federal Advisory Committee Act in the Appendix to 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.

EX. ORD. NO. 13555. WHITE HOUSE INITIATIVE ON EDUCATIONAL EXCELLENCE FOR HISPANICS

Ex. Ord. No. 13555, Oct. 19, 2010, 75 F.R. 65417, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, to restore the country to its role as the global leader in education, to strengthen the Nation by expanding educational opportunities and improving educational outcomes for Hispanics and Latinos (Hispanics) of all ages, and to help ensure that all Hispanics receive an education that properly prepares them for college, productive careers, and satisfying lives, it is hereby ordered as follows:

SECTION 1. *Policy.* At more than 52 million strong, including 4 million in Puerto Rico, Hispanics constitute the country's largest and fastest growing minority group. They have had a profound and positive impact on our country through, among other things, their community's strong commitment to family, faith, hard work, and service. Many Hispanics contribute to this Nation bilingually in the English and Spanish languages—a true asset for our country in an increasingly global, interdependent world.

Hispanic students are the largest minority group in our Nation's schools, numbering more than 11 million in our public elementary and secondary school system, and constituting more than 22 percent of all pre-K-12 students. Hispanic students face educational challenges of crisis proportions. Fewer than half of all Hispanic children participate in early childhood education programs, and far too few Hispanic students graduate from high school; of those who do complete high school, many are not adequately prepared for college. Only 12 percent of adult Hispanics have a bachelor's degree, and just 3 percent have completed graduate or professional degree programs. At the same time, large numbers of

Hispanic adults lack the education or literacy skills they need to advance their careers; they also are less likely than members of other groups to have taken job- or career-related courses, with the exception of basic education classes, such as English as a second language.

Our country was built on and continues to thrive on its diversity, and there is no doubt that the future of the United States is inextricably linked to the future of the Hispanic community. To reach the ambitious education goals we have set for our Nation, as well as to ensure equality of opportunity for all, we must provide the opportunities that will enable Hispanic students to raise their educational attainment at every level of the American education system. America's future competitiveness in our global economy will be substantially enhanced by improving educational outcomes for Hispanics.

SEC. 2. *White House Initiative on Educational Excellence for Hispanics.*

(a) *Establishment.* There is established the White House Initiative on Educational Excellence for Hispanics (Initiative), to be housed in the Department of Education (Department). The mission of the Initiative shall be to help restore the United States to its role as the global leader in education and to strengthen the Nation by expanding educational opportunities and improving educational outcomes for Hispanics of all ages and by helping to ensure that all Hispanics receive a complete and competitive education that prepares them for college, a career, and productive and satisfying lives.

(b) *Initiative Administration.* There shall be an Executive Director of the Initiative, to be appointed by the Secretary of Education (Secretary). The Initiative shall be advised by the Commission established under section 3 of this order and supported by the Working Group established under subsection (c) of this section. The Department shall provide the staff, resources, and assistance for the Initiative and the Working Group. To the extent permitted by law, departments, agencies, and offices represented on the Working Group shall provide resources, including personnel detailed to the Initiative, to assist the Department in meeting the objectives of this order.

(c) *Interagency Working Group.*

(1) There is established the Federal Interagency Working Group on Educational Excellence for Hispanics (Working Group), which shall be convened and chaired by the Initiative's Executive Director.

(2) The Working Group shall consist of senior officials from the Department, the White House Domestic Policy Council, the Department of Labor, and the Department of Health and Human Services, as well as such additional departments, agencies, and offices as the President may designate. Senior officials shall be designated by the heads of their respective departments, agencies, and offices.

(3) The Initiative's Executive Director may establish subgroups of the Working Group to focus on different aspects of the educational system or educational challenges facing Hispanics, such as early childhood education, K-12 [sic] education, higher education, career and technical education, language acquisition, and adult education.

(d) *Initiative Objectives.*

(1) To expand educational opportunities, improve education outcomes, and deliver a complete and competitive education for all Hispanics, the Initiative shall, consistent with law, promote, encourage, and undertake efforts designed to meet the following objectives:

(i) increasing general understanding of the causes of the educational challenges faced by Hispanic students;

(ii) increasing the percentage of Hispanic children who enter kindergarten ready for success by improving access by Hispanics to high-quality programs and services that encourage the early learning and development of children from birth through age 5;

(iii) implementing successful and innovative education reform strategies and practices in America's public schools to ensure that Hispanic students, like their peers, receive a rigorous and well-rounded education, and have access to student support services that will prepare them for college, a career, and civic participation;

(iv) ensuring that all Hispanic students have access to excellent teachers and school leaders, in part by supporting efforts to improve the recruitment, preparation, development, and retention of successful Hispanic teachers and school leaders and other effective teachers and school leaders responsible for the education of Hispanic students;

(v) reducing the dropout rate of Hispanic students and helping Hispanic students graduate from high school prepared for college and a career, in part by promoting a positive school climate and supporting successful and innovative dropout prevention and recovery strategies that better engage Hispanic youths in their learning, help them catch up academically, and provide those who have left the educational system with pathways to reentry;

(vi) increasing college access and success for Hispanic students and providing support to help ensure that a greater percentage of Hispanics complete college and contribute to the goal of having America again lead the world in the proportion of college graduates by 2020, in part through strategies to strengthen the capacity of Hispanic-Serving Institutions, community colleges, and other institutions of higher education serving large numbers of Hispanic students; and

(vii) enhancing the educational and life opportunities of Hispanics by fostering positive family and community engagement, improving the quality of, and expanding access to, adult education, literacy, and career and technical education, as well as increasing opportunities for education and career advancement in the fields of science, technology, engineering, and mathematics.

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

(i) help ensure that Federal programs and initiatives administered by the Department and other agencies are serving and meeting the needs of Hispanic children, youths, and adults;

(ii) work closely with the Executive Office of the President on key Administration priorities related to the education of Hispanics;

(iii) increase the Hispanic community's participation in, and capacity to participate in, the Department's programs and education-related programs at other executive departments and agencies;

(iv) advise Department officials and, through the Working Group, other agency officials on issues related to the Hispanic community and the educational attainment of Hispanic students;

(v) advise the Secretary on the development, implementation, and coordination of educational programs and initiatives at the Department and other agencies designed to improve educational opportunities and outcomes for Hispanics of all ages;

(vi) encourage and develop partnerships with public, private, philanthropic, and nonprofit stakeholders to improve Hispanics' readiness for school, college, and career, as well as their college persistence and completion; and

(vii) develop a national network of individuals, organizations, and communities to share and implement best practices related to the education of Hispanics.

(3) The Initiative shall periodically publish reports on its activities. The Secretary and the Executive Director of the Initiative, in consultation with the Interagency Working Group and the Chair of the Commission established under section 3 of this order, may develop and submit to the President recommendations designed to advance and promote educational opportunities and attainment for Hispanics, including recommendations for short- and long-term initiatives.

(e) *Collaboration Among White House Initiatives.* The White House Initiatives on Educational Excellence for Hispanics, Historically Black Colleges and Universities, Tribal Colleges and Universities, and Asian-American and Pacific Islanders shall work together whenever appropriate in light of their shared objectives.

SEC. 3. *President's Advisory Commission on Educational Excellence for Hispanics.* There is established the President's Advisory Commission on Educational Excellence for Hispanics (Commission) in the Department.

(a) *Commission Mission and Scope.* The Commission shall advise the President and the Secretary on matters pertaining to the educational attainment of the Hispanic community, including:

(1) developing, implementing, and coordinating educational programs and initiatives at the Department and other agencies to improve educational opportunities and outcomes for Hispanics of all ages;

(2) increasing the participation of the Hispanic community and Hispanic-Serving Institutions in the Department's programs and in education programs at other agencies;

(3) engaging the philanthropic, business, nonprofit, and education communities in a national dialogue regarding the mission and objectives of this order; and

(4) establishing partnerships with public, private, philanthropic, and nonprofit stakeholders to meet the mission and policy objectives of this order.

The Commission shall meet periodically, but at least twice a year, and may work through task forces composed exclusively of Commission members, as appropriate.

(b) *Commission Membership and Chair.*

(1) The Commission shall consist of no more than 30 members appointed by the President. The Commission may include individuals with relevant experience or subject matter expertise that the President deems appropriate, as well as individuals who may serve as representatives of a variety of sectors, including the education sector (early childhood education, elementary and secondary education, higher education, career and technical education, and adult education), labor organizations, research institutions, corporate and financial institutions, public and private philanthropic organizations, and nonprofit and community-based organizations at the national, State, regional, or local levels.

(2) The President shall designate one of the members to serve as Chair of the Commission, who shall work with the Initiative's Executive Director to convene regular meetings of the Commission, determine its agenda, and direct its work, consistent with this order.

(c) *Commission Administration.* The Executive Director of the Initiative shall also serve as the Executive Director of the Commission and administer the work of the Commission. The Department shall provide funding and administrative support for the Commission, to the extent permitted by law. 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 (5 U.S.C. App.) (Act), may apply to the administration of the Commission, any functions of the President under the Act, except that of reporting to the Congress, shall be performed by the Secretary, in accordance with the guidelines issued by the Administrator of General Services.

SEC. 4. *General Provisions.*

(a) This order supersedes Executive Order 13230 of October 12, 2001.

(b) 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.

BARACK OBAMA.

EX. ORD. NO. 13634. REESTABLISHMENT OF ADVISORY COMMISSION

Ex. Ord. No. 13634, Dec. 21, 2012, 77 F.R. 77249, 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. *Reestablishing the President's Advisory Commission on Educational Excellence for Hispanics.* The President's Advisory Commission on Educational Excellence for Hispanics (Commission), as set forth under the provisions of Executive Order 13555 of October 19, 2010, is hereby reestablished and shall terminate on September 30, 2013, unless extended by the President. The same members who were serving on the Commission on October 19, 2012, are hereby reappointed to the Commission as reestablished by this order, as if the Commission had continued without termination through the date of this Executive Order.

SEC. 2. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

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

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

(b) 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.

BARACK OBAMA.

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, 2017, by Ex. Ord. No. 13708, Sept. 30, 2015, 80 F.R. 60271, set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5, Government Organization and Employees.

Previous extension of term of President's Advisory Commission on Educational Excellence for Hispanics was contained in the following prior Executive Order:

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

EX. ORD. NO. 13621. WHITE HOUSE INITIATIVE ON EDUCATIONAL EXCELLENCE FOR AFRICAN AMERICANS

Ex. Ord. No. 13621, July 26, 2012, 77 F.R. 45471, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, to restore the country to its role as the global leader in education, to strengthen the Nation by improving educational outcomes for African Americans of all ages, and to help ensure that all African Americans receive an education that properly prepares them for college, productive careers, and satisfying lives, it is hereby ordered as follows:

SECTION 1. *Policy.* Over the course of America's history, African American men and women have strengthened our Nation, including by leading reforms, overcoming obstacles, and breaking down barriers. In the less than 60 years since the *Brown v. Board of Education* decision put America on a path toward equal educational opportunity, America's educational system has undergone a remarkable transformation, and many African American children who attended the substandard segregated schools of the 1950s have grown up to see their children attend integrated elementary and secondary schools, colleges, and universities.

However, substantial obstacles to equal educational opportunity still remain in America's educational system. African Americans lack equal access to highly effective teachers and principals, safe schools, and challenging college-preparatory classes, and they disproportionately experience school discipline and referrals to special education. African American student achievement not only lags behind that of their domestic peers by an average of two grade levels, but also behind students in almost every other developed nation. Over a third of African American students do not grad-

uate from high school on time with a regular high school diploma, and only four percent of African American high school graduates interested in college are college-ready across a range of subjects. An even greater number of African American males do not graduate with a regular high school diploma, and African American males also experience disparate rates of incarceration.

Significantly improving the educational outcomes of African Americans will provide substantial benefits for our country by, among other things, increasing college completion rates, productivity, employment rates, and the number of African American teachers. Enhanced educational outcomes lead to more productive careers, improved economic opportunity, and greater social well-being for all Americans. Complementing the role of Historically Black Colleges and Universities (HBCUs) in preparing generations of African American students for successful careers, and the work of my Administration's separate White House Initiative on Historically Black Colleges and Universities, this new Initiative's focus on improving all the sequential levels of education will produce a more effective educational continuum for all African American students.

To reach the ambitious education goals we have set for our Nation, as well as to ensure equality of access and opportunity for all, we must provide the support that will enable African American students to improve their level of educational achievement through rigorous and well-rounded academic and support services that will prepare them for college, a career, and a lifetime of learning.

SEC. 2. *White House Initiative on Educational Excellence for African Americans.* (a) *Establishment.* There is hereby established the White House Initiative on Educational Excellence for African Americans (Initiative), to be housed in the Department of Education (Department). There shall be an Executive Director of the Initiative, to be appointed by the Secretary of Education (Secretary). The Initiative shall be supported by the Interagency Working Group established under subsection (c) of this section and advised by the Commission established under section 3 of this order.

(b) *Mission and Functions.*

(1) The Initiative will help to restore the United States to its role as the global leader in education; strengthen the Nation by improving educational outcomes for African Americans of all ages; and help ensure that African Americans receive a complete and competitive education that prepares them for college, a satisfying career, and productive citizenship.

(2) The Initiative will complement and reinforce the Historically Black Colleges and Universities Initiative established by Executive Order 13532 of February 26, 2010, and together, they both will support enhanced educational outcomes for African Americans at every level of the American education system, including early childhood education; elementary, secondary, and postsecondary education; career and technical education; and adult education.

(3) To help expand educational opportunities, improve educational outcomes, and deliver a complete and competitive education for all African Americans, the Initiative shall, consistent with applicable law, promote, encourage, and undertake efforts designed to meet the following objectives:

(i) increasing general understanding of the causes of the educational challenges faced by African American students, whether they are in urban, suburban, or rural learning environments;

(ii) increasing the percentage of African American children who enter kindergarten ready for success by improving their access to high-quality programs and services that enable early learning and development of children from birth through age 5;

(iii) decreasing the disproportionate number of referrals of African American children from general education to special education by addressing the root causes of the referrals and eradicating discriminatory referrals;

(iv) implementing successful and innovative education reform strategies and practices in America's public schools to ensure that African American students receive a rigorous and well-rounded education in safe and healthy environments, and have access to high-level, rigorous course work and support services that will prepare them for college, a career, and civic participation;

(v) ensuring that all African American students have comparable access to the resources necessary to obtain a high-quality education, including effective teachers and school leaders, in part by supporting efforts to improve the recruitment, preparation, development, and retention of successful African American teachers and school leaders and other effective teachers and school leaders responsible for the education of African American students;

(vi) reducing the dropout rate of African American students and helping African American students graduate from high school prepared for college and a career, in part by promoting a positive school climate that does not rely on methods that result in disparate use of disciplinary tools, and by supporting successful and innovative dropout prevention and recovery strategies that better engage African American youths in their learning, help them catch up academically, and provide those who have left the educational system with pathways to reentry;

(vii) increasing college access and success for African American students and providing support to help ensure that a greater percentage of African Americans complete college and contribute to the goal of having America again lead the world in the proportion of adults who are college graduates by 2020, in part through strategies to strengthen the capacity of institutions of higher education that serve large numbers of African American students, including community colleges, HBCUs, Predominantly Black Institutions (PBIs), and other institutions; and

(viii) enhancing the educational and life opportunities of African Americans by fostering positive family and community engagement in education; reducing racial isolation and resegregation of elementary and secondary schools to promote understanding and tolerance among all Americans; improving the quality of, and expanding access to, adult education, literacy, and career and technical education; and increasing opportunities for education and career advancement in the fields of science, technology, engineering, and mathematics.

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

(i) identify evidence-based best practices that can provide African American students a rigorous and well-rounded education in safe and healthy environments, as well as access to support services, which will prepare them for college, a career, and civic participation;

(ii) develop a national network of individuals, organizations, and communities to share and implement best practices related to the education of African Americans, including those identified as most at risk;

(iii) help ensure that Federal programs and initiatives administered by the Department and other agencies are serving and meeting the educational needs of African Americans, including by encouraging agencies to incorporate best practices into appropriate discretionary programs where permitted by law;

(iv) work closely with the Executive Office of the President on key Administration priorities related to the education of African Americans;

(v) increase the participation of the African American community, including institutions that serve that community, in the Department's programs and in education-related programs at other agencies;

(vi) advise the officials of the Department and other agencies on issues related to the educational attainment of African Americans;

(vii) advise the Secretary on the development, implementation, and coordination of educational pro-

grams and initiatives at the Department and other agencies that are designed to improve educational opportunities and outcomes for African Americans of all ages; and

(viii) encourage and develop partnerships with public, private, philanthropic, and nonprofit stakeholders to improve African Americans' readiness for school, college, and career, as well as their college persistence and completion.

(5) The Initiative shall periodically publish reports on its activities. The Secretary and the Executive Director of the Initiative, in consultation with the Working Group and the Chair of the Commission established under subsection (c) of this section and section 3 of this order, respectively, may develop and submit to the President recommendations designed to advance and promote educational opportunities and attainment for African Americans.

(c) *Interagency Working Group.*

(1) There is established the Federal Interagency Working Group on Educational Excellence for African Americans (Working Group), which shall be convened and chaired by the Initiative's Executive Director and that shall support the efforts of the Initiative described in subsection (b) of this section.

(2) The Working Group shall consist of senior officials from the Department, the White House Domestic Policy Council, the Department of Justice, the Department of Labor, the Department of Health and Human Services, the National Science Foundation, the Department of Defense, and such additional agencies and offices as the President may subsequently designate. Senior officials shall be designated by the heads of their respective agencies and offices.

(3) The Initiative's Executive Director may establish subgroups of the Working Group to focus on different aspects of the educational system (such as early childhood education, K-12 education, higher education (including HBCUs and PBIs), career and technical education, adult education, or correctional education and reengagement) or educational challenges facing particular populations of African Americans (such as young men, disconnected or out-of-school youth, individuals with disabilities, children identified as gifted and talented, single-parent households, or adults already in the workforce).

(d) *Administration.* The Department shall provide funding and administrative support for the Initiative and the Working Group, to the extent permitted by law and within existing appropriations. To the extent permitted by law, other agencies and offices represented on the Working Group may detail personnel to the Initiative, to assist the Department in meeting the objectives of this order.

(e) *Collaboration Among White House Initiatives.* The Initiative may collaborate with the White House Initiatives on American Indian and Alaska Native Education, Educational Excellence for Hispanics, Asian-American and Pacific Islanders, and (consistent with section 3(c) of this order) Historically Black Colleges and Universities, whenever appropriate in light of their shared objectives.

SEC. 3. *President's Advisory Commission on Educational Excellence for African Americans.* (a) *Establishment.* There is established in the Department the President's Advisory Commission on Educational Excellence for African Americans (Commission).

(b) *Commission Mission and Scope.* The Commission shall advise the President and the Secretary on matters pertaining to the educational attainment of the African American community, including:

(1) the development, implementation, and coordination of educational programs and initiatives at the Department and other agencies to improve educational opportunities and outcomes for African Americans of all ages;

(2) efforts to increase the participation of the African American community and institutions that serve the African American community in the Department's programs and in education programs at other agencies;

(3) efforts to engage the philanthropic, business, non-profit, and education communities in a national dialogue on the mission and objectives of this order; and

(4) the establishment of partnerships with public, private, philanthropic, and nonprofit stakeholders to meet the mission and policy objectives of this order.

The Commission shall meet periodically, but at least twice a year.

(c) *Commission Membership and Chair.*

(1) The Commission shall consist of not more than 25 members appointed by the President. The President shall designate one member of the Commission to serve as Chair. The Executive Director of the Initiative shall also serve as the Executive Director of the Commission and administer the work of the Commission. The Chair of the Commission shall work with the Executive Director to convene regular meetings of the Commission, determine its agenda, and direct its work, consistent with this order.

(2) The Commission may include individuals with relevant experience or subject-matter expertise that the President deems appropriate, as well as individuals who may serve as representatives of a variety of sectors, including the education sector (early childhood education, elementary and secondary education, higher education (including HBCUs and PBIs), career and technical education, and adult education), labor organizations, research institutions, the military, corporate and financial institutions, public and private philanthropic organizations, and nonprofit and community-based organizations at the national, State, regional, or local levels.

(3) In addition to the 25 members appointed by the President, the Commission shall also include two members from the President's Board of Advisors on Historically Black Colleges and Universities (Board), designated by the President. In turn, the Board will henceforth include two members from the Commission, designated by the President. This reciprocal arrangement will foster direct communication and vital consultations that will benefit both bodies.

(4) The Executive Director of the Commission and the Executive Director of the Board shall convene at least one annual joint meeting between the Commission and the Board for the purpose of sharing information and forging collaborative courses of action designed to fulfill their respective missions. Such meetings shall be in addition to other prescribed meetings of the Commission or Board.

(5) The Executive Director of the Commission shall be a non-voting, ex officio member of the Board and shall be the Commission's liaison to the Board; and the Executive Director of the Board shall be a non-voting, ex officio member of the Commission and shall be the Board's liaison to the Commission.

(d) *Commission Administration.* 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 (5 U.S.C. App.) (the "Act"), may apply to the administration of the Commission, any functions of the President under the Act, except that of reporting to the Congress, shall be performed by the Secretary, in accordance with the guidelines issued by the Administrator of General Services.

SEC. 4. *General Provisions.* (a) The heads of agencies shall assist and provide information to the Initiative as may be necessary to carry out the functions of the Initiative, consistent with applicable law.

(b) Nothing in this order shall be construed to impair or otherwise affect:

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

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

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

(d) 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.

BARACK OBAMA.

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, 2017, by Ex. Ord. No. 13708, Sept. 30, 2015, 80 F.R. 60271, set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5, Government Organization and Employees.

Previous extension of term of President's Advisory Commission on Educational Excellence for African Americans was contained in the following prior Executive Order:

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

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, 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 My Brother's Keeper initiative, 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 initiative 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. *My Brother's Keeper Task Force.* (a) There is established a My Brother's Keeper Task Force (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 Health and Human Services;
- (vii) the Secretary of Housing and Urban Development;
- (viii) the Secretary of the Interior;
- (ix) the Secretary of Labor;
- (x) the Secretary of Transportation;
- (xi) the Director of the Office of Management and Budget;
- (xii) the Chair of the Council of Economic Advisers;
- (xiii) the Director of the Office of Personnel Management;
- (xiv) the Administrator of the Small Business Administration;
- (xv) the Chief Executive Officer of the Corporation for National and Community Service;
- (xvi) the Assistant to the President for Intergovernmental Affairs and Public Engagement;
- (xvii) the Director of the Domestic Policy Council;
- (xviii) the Director of the Office of Science and Technology Policy;
- (xix) the Director of the National Economic Council; and
- (xx) 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, that will assess, on an ongoing basis, 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 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

(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.

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 Sec-