

### § 3403. Relationship with States

#### (a) Rights of local governments and educational institutions

It is the intention of the Congress in the establishment of the Department to protect the rights of State and local governments and public and private educational institutions in the areas of educational policies and administration of programs and to strengthen and improve the control of such governments and institutions over their own educational programs and policies. The establishment of the Department of Education shall not increase the authority of the Federal Government over education or diminish the responsibility for education which is reserved to the States and the local school systems and other instrumentalities of the States.

#### (b) Curriculum, administration, and personnel; library resources

No provision of a program administered by the Secretary or by any other officer of the Department shall be construed to authorize the Secretary or any such officer to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, over any accrediting agency or association, or over the selection or content of library resources, textbooks, or other instructional materials by any educational institution or school system, except to the extent authorized by law.

#### (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 Deputy 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.