

tence, the appointments of individuals to serve as the Assistant Secretary for Management shall not be subject to the advice and consent of the Senate.”

2002—Subsec. (b)(4). Pub. L. 107-279 added par. (4) and struck out former par. (4) which read as follows: “There shall be in the Department an Assistant Secretary for Educational Research and Improvement who shall be—

“(A) appointed by the President, by and with the consent of the Senate; and

“(B) selected (giving due consideration to recommendations from the National Educational Research Policy and Priorities Board) from among individuals who—

“(i) are distinguished educational researchers or practitioners;

“(ii) have proven management ability; and

“(iii) have substantial knowledge of education within the United States.”

Subsec. (b)(3), (4). Pub. L. 107-110 redesignated par. (3), relating to Assistant Secretary for Educational Research and Improvement, as (4).

1994—Subsec. (b)(1)(E) to (G). Pub. L. 103-227, §913(1), redesignated subpars. (F) and (G) as (E) and (F), respectively, and struck out former subpar. (E) which read as follows: “an Assistant Secretary for Educational Research and Improvement;”.

Subsec. (b)(3). Pub. L. 103-382 added par. (3) relating to Special Assistant for Gender Equity.

Pub. L. 103-227, §913(2), added par. (3) relating to Assistant Secretary for Educational Research and Improvement.

1992—Subsec. (i). Pub. L. 102-325 added subsec. (i).

1991—Subsecs. (d), (e). Pub. L. 102-103 added subsec. (d) and redesignated former subsec. (d) as (e).

Subsec. (h). Pub. L. 102-73 added subsec. (h).

1990—Subsec. (a). Pub. L. 101-509 substituted “a Deputy Secretary” for “an Under Secretary” in first sentence of par. (1) and “Deputy Secretary” for “Under Secretary” wherever appearing elsewhere in pars. (1) and (2).

1985—Subsec. (e). Pub. L. 99-145 struck out subsec. (e) which provided for presence in the Department of Education of an Administrator of Education for Overseas Dependents.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-166 effective 60 days after Aug. 10, 2012, and applicable to appointments made on and after that effective date, including any nomination pending in the Senate on that date, see section 6(a) of Pub. L. 112-166, set out as a note under section 113 of Title 6, Domestic Security.

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.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-325 effective Oct. 1, 1992, see section 2 of Pub. L. 102-325, set out as a note under section 1001 of this title.

EFFECTIVE DATE OF 1991 AMENDMENT

Pub. L. 102-103, title II, §203, Aug. 17, 1991, 105 Stat. 499, provided that:

“(a) IN GENERAL.—This Act [probably should be “this title”, meaning title II of Pub. L. 102-103, amending this section and section 5314 of Title 5, Government Organization and Employees] shall take effect on the first day of the first Department of Education pay period that begins on or after the date of enactment of this Act [Aug. 17, 1991].

“(b) SPECIAL RULE.—An incumbent in a position within the Department of Education on the day preceding the day that this Act takes effect who has been appointed by the President to a position within the De-

partment of Education with the advice and consent of the Senate may serve as the Under Secretary at the pleasure of the President after the day preceding the day that this Act takes effect.”

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-509 effective on first day of first pay period beginning on or after Nov. 5, 1990, with continued service by incumbent Under Secretary of Education, see section 529 [title I, §112(e)] of Pub. L. 101-509, set out as a note under section 3404 of this title.

§ 3413. Office for Civil Rights

(a) Establishment; administration; delegation of functions

There shall be in the Department an Office for Civil Rights, to be administered by the Assistant Secretary for Civil Rights appointed under section 3412(b) of this title. Notwithstanding the provisions of section 3472 of this title, the Secretary shall delegate to the Assistant Secretary for Civil Rights all functions, other than administrative and support functions, transferred to the Secretary under section 3441(a)(3) of this title.

(b) Compliance and enforcement reports; copies submitted to Secretary

(1) The Assistant Secretary for Civil Rights shall make an annual report to the Secretary, the President, and the Congress summarizing the compliance and enforcement activities of the Office for Civil Rights and identifying significant civil rights or compliance problems as to which such Office has made a recommendation for corrective action and as to which, in the judgment of the Assistant Secretary, adequate progress is not being made.

(2) Notwithstanding any other provision of law, the report required by paragraph (1) shall be transmitted to the Secretary, the President, and the Congress by the Assistant Secretary for Civil Rights without further clearance or approval. The Assistant Secretary shall provide copies of the report required by paragraph (1) to the Secretary sufficiently in advance of its submission to the President and the Congress to provide a reasonable opportunity for comments of the Secretary to be appended to the report.

(c) Authority of Assistant Secretary

In addition to the authority otherwise provided under this section, the Assistant Secretary for Civil Rights, in carrying out the provisions of this section, is authorized—

(1) to collect or coordinate the collection of data necessary to ensure compliance with civil rights laws within the jurisdiction of the Office for Civil Rights;

(2) to select, appoint, and employ such officers and employees, including staff attorneys, as may be necessary to carry out the functions of such Office, subject to the provisions of title 5 governing appointments in the competitive service and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(3) to enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private organizations and persons, and to

make such payments as may be necessary to carry out the compliance and enforcement functions of such Office; and

(4) notwithstanding any other provision of this chapter, to obtain services as authorized by section 3109 of title 5 at a rate not to exceed the equivalent daily rate payable for grade GS-18 of the General Schedule under section 5332 of such title.

(Pub. L. 96-88, title II, § 203, Oct. 17, 1979, 93 Stat. 673.)

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (b)(1) of this section relating to making an annual report to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 82 of House Document No. 103-7.

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.

§ 3414. Office of Elementary and Secondary Education; inclusion of Office of Migrant Education

There shall be in the Department an Office of Elementary and Secondary Education, to be administered by the Assistant Secretary for Elementary and Secondary Education appointed under section 3412(b) of this title. The Assistant Secretary shall administer such functions affecting elementary and secondary education, both public and private, as the Secretary shall delegate. There shall be within the Office of Elementary and Secondary Education and directly under the supervision of the Assistant Secretary for Elementary and Secondary Education, an Office of Migrant Education, which shall be responsible for the administration of programs established by part C of title I of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6391 et seq.] and by subpart 5 of part A of title IV of the Higher Education Act of 1965 [20 U.S.C. 1070d-2].

(Pub. L. 96-88, title II, § 204, Oct. 17, 1979, 93 Stat. 674; Pub. L. 98-511, title VII, § 701(a), Oct. 19, 1984, 98 Stat. 2405; Pub. L. 103-382, title III, § 391(h), Oct. 20, 1994, 108 Stat. 4023.)

REFERENCES IN TEXT

The Elementary and Secondary Education Act of 1965, referred to in text, is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, as amended. Part C of title I of the Act is classified generally to part C (§ 6391 et seq.) of subchapter I of chapter 70 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 text, is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, as amended. Subpart 5 of part A of title IV of the Act is classified generally to subpart 5 (§ 1070d-2) of part A of subchapter IV of chapter 28 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and Tables.

AMENDMENTS

1994—Pub. L. 103-382 substituted “part C” for “subpart 1 of part B”.

1984—Pub. L. 98-511 inserted provisions establishing the Office of Migrant Education and specifying its functions.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-511 effective Oct. 19, 1984, see section 711(a) of Pub. L. 98-511, set out as a note under section 1226c of this title.

§ 3415. Office of Postsecondary Education

(a) There shall be in the Department an Office of Postsecondary Education, to be administered by the Assistant Secretary for Postsecondary Education appointed under section 3412(b) of this title. The Assistant Secretary shall administer such functions affecting postsecondary education, both public and private, as the Secretary shall delegate, and shall serve as the principal adviser to the Secretary on matters affecting postsecondary education.

(b) The Assistant Secretary for Postsecondary Education shall appoint a Deputy Assistant Secretary for International and Foreign Language Education to perform such functions affecting postsecondary, international, and foreign language education as the Secretary may prescribe. The Deputy Assistant Secretary for International and Foreign Language Education shall—

(1) be an individual with extensive background and experience in international and foreign language education;

(2) have responsibility for encouraging and promoting the study of foreign languages and the study of the cultures of other countries at the elementary, secondary, and postsecondary levels in the United States; and

(3) coordinate with related international and foreign language education programs of other Federal agencies.

(Pub. L. 96-88, title II, § 205, Oct. 17, 1979, 93 Stat. 674; Pub. L. 110-315, title IX, § 935, Aug. 14, 2008, 122 Stat. 3460.)

AMENDMENTS

2008—Pub. L. 110-315 amended section generally. Prior to amendment, text read as follows: “There shall be in the Department an Office of Postsecondary Education, to be administered by the Assistant Secretary for Postsecondary Education appointed under section 3412(b) of this title. The Assistant Secretary shall administer such functions affecting postsecondary education, both public and private, as the Secretary shall delegate, and shall serve as the principal adviser to the Secretary on matters affecting public and private postsecondary education.”

§ 3416. Office of Career, Technical, and Adult Education

There shall be in the Department an Office of Career, Technical, and Adult Education, to be administered by the Assistant Secretary for Career, Technical, and Adult Education appointed under section 3412(b) of this title. The Assistant Secretary shall administer such functions affecting career, technical, and adult education as the Secretary shall delegate, and shall serve as principal adviser to the Secretary on matters affecting career, technical, and adult education.