

administered by the Director of Educational Technology. The Director of Educational Technology shall report directly to the Secretary and shall perform such additional functions as the Secretary may prescribe.

**(b) Director**

The Director of the Office of Educational Technology (hereafter in this section referred to as the "Director"), through the Office, shall—

(1) in support of the overall national technology policy and in consultation with other Federal departments or agencies which the Director determines appropriate, provide leadership to the Nation in the use of technology to promote achievement of the National Education Goals and to increase opportunities for all students to achieve State content and challenging State student performance standards;

(2) review all programs and training functions administered by the Department and recommend policies in order to promote increased use of technology and technology planning throughout all such programs and functions;

(3) review all relevant programs supported by the Department to ensure that such programs are coordinated with and support the national long-range technology plan developed pursuant to section 5862(b)<sup>1</sup> of this title; and

(4) perform such additional functions as the Secretary may require.

**(c) Officers and employees**

The Director is authorized to select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the 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).

**(d) Experts and consultants**

The Secretary may obtain the services of experts and consultants in accordance with section 3109 of title 5.

(Pub. L. 96-88, title II, §218, formerly §216, as added Pub. L. 103-227, title II, §233(a), Mar. 31, 1994, 108 Stat. 154; renumbered §218, Pub. L. 107-110, title X, §1072(e)(3), Jan. 8, 2002, 115 Stat. 2090.)

REFERENCES IN TEXT

Section 5862 of this title, referred to in subsec. (b)(3), was repealed by Pub. L. 103-382, title III, §361(a), Oct. 20, 1994, 108 Stat. 3974.

TRANSFER OF OFFICE OF TRAINING TECHNOLOGY  
TRANSFER

Pub. L. 103-227, title II, §236(a)(1), Mar. 31, 1994, 108 Stat. 156, provided that: "The Office of Training Technology Transfer as established under section 6103 of the Training Technology Transfer Act of 1988 ([former] 20 U.S.C. 5093) is transferred to and established in the Office of Educational Technology."

**§ 3426. Liaison for Proprietary Institutions of Higher Education**

**(a) Establishment**

There shall be in the Department a Liaison for Proprietary Institutions of Higher Education,

who shall be an officer of the Department appointed by the Secretary.

**(b) Appointment**

The Secretary shall appoint, not later than 6 months after October 7, 1998, a Liaison for Proprietary Institutions of Higher Education who shall be a person who—

(1) has attained a certificate or degree from a proprietary institution of higher education; or

(2) has been employed in a proprietary institution setting for not less than 5 years.

**(c) Duties**

The Liaison for Proprietary Institutions of Higher Education shall—

(1) serve as the principal advisor to the Secretary on matters affecting proprietary institutions of higher education;

(2) provide guidance to programs within the Department that involve functions affecting proprietary institutions of higher education; and

(3) work with the Federal Interagency Committee on Education to improve the coordination of—

(A) the outreach programs in the numerous Federal departments and agencies that administer education and job training programs;

(B) collaborative business and education partnerships; and

(C) education programs located in, and involving, rural areas.

(Pub. L. 96-88, title II, §219, as added Pub. L. 105-244, title IX, §961, Oct. 7, 1998, 112 Stat. 1836.)

EFFECTIVE DATE

Section effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as an Effective Date of 1998 Amendment note under section 1001 of this title.

**§ 3427. Coordinator for the outlying areas**

**(a) Establishment**

The Secretary shall designate an office of the Department to coordinate the activities of the Department as they relate to the outlying areas.

**(b) Appointment**

Not later than 90 days after January 8, 2002, the head of the office designated under subsection (a) shall appoint a coordinator for the outlying areas, who shall be a person with substantial experience in the operation of Federal programs in the outlying areas.

**(c) Duties**

The coordinator for the outlying areas shall—

(1) serve as the principal advisor to the Department on Federal matters affecting the outlying areas;

(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, Amer-

<sup>1</sup> See References in Text note below.

ican 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.];

(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);

(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 Education, 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