

which are not obligated and expended by educational agencies or institutions prior to the beginning of the fiscal year succeeding the fiscal year for which such funds were appropriated shall remain available for obligation and expenditure by such agencies and institutions during such succeeding fiscal year.

(2) Any funds under any applicable program which, pursuant to paragraph (1), are available for obligation and expenditure in the year succeeding the fiscal year for which they were appropriated shall be obligated and expended in accordance with—

(A) the Federal statutory and regulatory provisions relating to such program which are in effect for such succeeding fiscal year, and

(B) any program plan or application submitted by such educational agencies or institutions for such program for such succeeding fiscal year.

(c) Institution of judicial proceedings

If any funds appropriated to carry out any applicable program are not obligated pursuant to a spending plan submitted in accordance with section 1341(a) of title 31 and become available for obligation after the institution of a judicial proceeding seeking the release of such funds, then such funds shall be available for obligation and expenditure until the end of the fiscal year which begins after the termination of such judicial proceeding.

(Pub. L. 90-247, title IV, § 421, formerly § 405, Jan. 2, 1968, 81 Stat. 815; Pub. L. 91-230, title IV, § 401(a)(5), (7), (8), Apr. 13, 1970, 84 Stat. 165; renumbered § 414, Pub. L. 92-318, title III, § 301(a)(1), June 23, 1972, 86 Stat. 326; renumbered § 412, and amended Pub. L. 93-380, title V, § 506(a)(1)(D), (E), Aug. 21, 1974, 88 Stat. 562; Pub. L. 94-273, § 3(12), Apr. 21, 1976, 90 Stat. 376; Pub. L. 95-112, § 5, Sept. 24, 1977, 91 Stat. 912; Pub. L. 95-561, title XII, § 1245, Nov. 1, 1978, 92 Stat. 2354; renumbered § 421 and amended Pub. L. 103-382, title II, §§ 212(b)(1), 232, Oct. 20, 1994, 108 Stat. 3913, 3914.)

PRIOR PROVISIONS

A prior section 421 of Pub. L. 90-247 was classified to section 1230 of this title prior to repeal by Pub. L. 103-382.

Another prior section 421 of Pub. L. 90-247 was renumbered section 430, and is classified to section 1231 of this title.

Another prior section 421 of Pub. L. 90-247 was renumbered section 437, and is classified to section 1232 of this title.

AMENDMENTS

1994—Pub. L. 103-382, § 232(a), amended section catchline generally.

Subsec. (a). Pub. L. 103-382, § 232(b)(1), struck out “to educational agencies or institutions” after “other payments” and substituted “obligation” for “expenditure” and “recipient” for “agency or institution concerned”.

Subsec. (b). Pub. L. 103-382, § 232(b)(2), which directed the substitution in the original of “(b)(1) Notwithstanding” for “(b) Notwithstanding”, could not be executed because the original already reads “(b)(1) Notwithstanding”.

Subsec. (c). Pub. L. 103-382, § 232(b)(3), substituted reference to section 1341(a) of title 31 for reference to section 3679(d)(2) of the Revised Statutes.

1978—Subsec. (b). Pub. L. 95-561 struck out “ending prior to October 1, 1979,” after “applicable during any

fiscal year,” in existing provisions, designated existing provisions as thus amended as par. (1), and added par. (2).

1977—Subsec. (b). Pub. L. 95-112 substituted “October 1, 1979” for “October 1, 1978”.

1976—Subsec. (b). Pub. L. 94-273 substituted “October” for “July”.

1974—Subsec. (b). Pub. L. 93-380, § 506(a)(1)(E), substituted “1978” for “1973” and inserted “by educational agencies or institutions” and “by such agencies and institutions” after “obligated and expended” and “obligation and expenditure”, respectively.

Subsec. (c). Pub. L. 93-380, § 506(a)(1)(E), added subsec. (c).

1970—Pub. L. 91-230 substituted “applicable program” for “Act referred to in section 1221 of this title”, inserted “loans,” after “grants,” designated existing provisions as thus amended as subsec. (a), and added subsec. (b).

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-561 effective Oct. 1, 1978, but the provisions of subsec. (b)(2) of this section not to take effect with respect to the use of funds under former section 3101 of this title until Oct. 1, 1980, except at the option of local educational agencies, see section 1530 of Pub. L. 95-561, as amended, set out as a note under section 1221e-3 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Pub. L. 93-380, title V, § 506(b), Aug. 21, 1974, 88 Stat. 565, provided that: “The amendments made by subsection (a) of this section [enacting sections 1226a to 1226d of this title, amending this section and section 1227 of this title, and repealing sections 1222 and 1224 of this title] shall become effective on the date of enactment of this Act [Aug. 21, 1974].”

INDOCHINESE REFUGEE CHILDREN EDUCATION ASSISTANCE PROGRAMS; APPLICABILITY OF CONTINGENT EXTENSION PROVISIONS

Pub. L. 94-482, title III, § 327, Oct. 12, 1976, 90 Stat. 2220, provided that: “The provisions of section 414 [now 422] of the General Education Provisions Act [section 1226a of this title], relating to the contingent extension of applicable programs, shall not apply to the Indochina Refugee Children Assistance Act of 1976 [former section 1211b of this title], or to any program of financial assistance for educational purposes for Indochinese refugee children.”

§ 1226. Repealed. Pub. L. 103-382, title II, § 212(a)(1), Oct. 20, 1994, 108 Stat. 3913

Section, Pub. L. 90-247, title IV, § 413, formerly § 406, as added Pub. L. 90-576, title III, § 301(b), Oct. 16, 1968, 82 Stat. 1094; amended Pub. L. 91-230, title IV, § 401(a)(9), Apr. 13, 1970, 84 Stat. 166; renumbered § 415, Pub. L. 92-318, title III, § 301(a)(1), June 23, 1972, 86 Stat. 326; renumbered § 413, Pub. L. 93-380, title V, § 506(a)(2)(A), Aug. 21, 1974, 88 Stat. 563, related to availability of appropriations.

§ 1226a. Contingent extension of programs

(a) Automatic extension

The authorization of appropriations for, or duration of, an applicable program shall be automatically extended for one additional fiscal year unless Congress, in the regular session that ends prior to the beginning of the terminal fiscal year of such authorization or duration, has passed legislation that becomes law and extends or repeals the authorization or duration of such program.

(b) Amount of appropriation

The amount authorized to be appropriated for the period of automatic extension under sub-

section (a) of this section of an applicable program shall be the amount authorized to be appropriated for such program for the terminal fiscal year of the applicable program.

(c) Acts and determinations necessary for program continuation

If the Secretary is required, in the terminal fiscal year of an applicable program, to carry out certain acts or make certain determinations that are necessary for the continuation of such program, such acts or determinations shall be required to be carried out or made during the period of automatic extension under subsection (a) of this section.

(d) Application to commissions, councils, and committees required by law to terminate

This section shall not apply to the authorization of appropriations for a commission, council, or committee which is required by an applicable statute to terminate on a date certain.

(Pub. L. 90-247, title IV, § 422, formerly § 414, as added Pub. L. 93-380, title V, § 506(a)(2)(B), Aug. 21, 1974, 88 Stat. 563; amended Pub. L. 96-374, title XIII, § 1301, Oct. 3, 1980, 94 Stat. 1496; renumbered § 422 and amended Pub. L. 103-382, title II, §§ 212(b)(1), 233, Oct. 20, 1994, 108 Stat. 3913, 3915.)

PRIOR PROVISIONS

A prior section 422 of Pub. L. 90-247 was renumbered section 431, and is classified to section 1231a of this title.

Another prior section 422 of Pub. L. 90-247 was renumbered section 438, and is classified to section 1232a of this title.

AMENDMENTS

1994—Pub. L. 103-382, § 233, amended section generally, revising and restating former subsecs. (a) and (b) as subsecs. (a) to (c) and adding subsec. (d).

1980—Subsec. (a). Pub. L. 96-374 inserted provisions for the automatic extension of an authorization or duration of two additional fiscal years for any applicable program authorized to be included in the Appropriation Act for the fiscal year preceding the fiscal year for which appropriations are available for obligation.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-374 effective Oct. 1, 1980, see section 1393(a) of Pub. L. 96-374, set out as a note under section 1001 of this title.

INDOCHINESE REFUGEE CHILDREN EDUCATION ASSISTANCE PROGRAMS; APPLICABILITY OF CONTINGENT EXTENSION PROVISIONS

Applicability of contingent extension provisions to any program of financial assistance for educational purposes for Indochinese refugee children, see section 327 of Pub. L. 94-482, set out as a note under section 1225 of this title.

LIMITATION ON EXTENSION OF PROGRAMS

Pub. L. 94-328, § 2(d), June 30, 1976, 90 Stat. 727, provided that: "The amendments made by this section [amending sections 1070a, 1074, 1078 and 1078a of this title and enacting provisions set out as a note under section 2756 of Title 42, The Public Health and Welfare] shall not be deemed to authorize the automatic extension of the programs so amended, under section 414 [now 422] of the General Education Provisions Act [this section], beyond the date specified in such amendments."

§ 1226a-1. Payments; installments, advances or reimbursement, and adjustments

Payments pursuant to grants or contracts under any applicable program may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

(Pub. L. 90-247, title IV, § 423, formerly § 425, as added Pub. L. 91-230, title IV, § 401(a)(10), Apr. 13, 1970, 84 Stat. 170; renumbered § 435, Pub. L. 92-318, title III, § 301(a)(1), June 23, 1972, 86 Stat. 326; renumbered § 415, Pub. L. 95-561, title XII, § 1231(a)(1), Nov. 1, 1978, 92 Stat. 2342; renumbered § 423 and amended Pub. L. 103-382, title II, §§ 212(b)(1), 261(a), Oct. 20, 1994, 108 Stat. 3913, 3927.)

CODIFICATION

Section was formerly classified to section 1232d of this title prior to its renumbering by Pub. L. 95-561.

PRIOR PROVISIONS

A prior section 423 of Pub. L. 90-247 was classified to section 1231b of this title prior to repeal by Pub. L. 103-382.

Another prior section 423 of Pub. L. 90-247 was renumbered section 439, and is classified to section 1232b of this title.

AMENDMENTS

1994—Pub. L. 103-382, § 261(a), substituted "Secretary" for "Commissioner".

PART 2—PLANNING AND EVALUATION OF FEDERAL EDUCATION ACTIVITIES

AMENDMENTS

1974—Pub. L. 93-380, title V, § 506(a)(3)(C), Aug. 21, 1974, 88 Stat. 563, added part 2 heading.

§ 1226b. Responsibility of States to furnish information

(a) Biennial reports; contents

Each State educational agency shall submit to the Secretary a report on or before March 15 of every second year. Each such report shall include—

(1) information with respect to the uses of Federal funds in such State in the two preceding fiscal years under any applicable program under the jurisdiction of the State educational agency; and

(2) information with respect to the uses of Federal funds in such State in the two preceding fiscal years under any Federal program administered by the State that provided grants or contracts to a local educational agency in the State.

(b) Additional contents

Each report submitted under subsection (a) of this section shall—

(1) list, with respect to each program for which information is provided, all grants made to and contracts entered into with local educational agencies and other public and private agencies and institutions within the State during each fiscal year concerned;

(2) analyze the information included in the report by local educational agency and by program;