

school recruitment programs, school administrators, teachers or staff, or current or former participants in an educational program offered by such organization or entity.

(B) The definition in subparagraph (A) shall not include—

(i) a local educational agency, State educational agency, a State department of education, or an elementary or secondary school as defined by the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6301 et seq.];

(ii) an institution of higher education as defined by section 1001 of this title; or

(iii) a local organization sponsored by an elementary or secondary school, a recreational organization, an entertainment organization, a local sports activity group, or a social club.

(C) For the purpose of subsection (a) of this section only, such term does not include an organization or entity that provides an educational program if such organization or entity—

(i) recruits, for participation in such program, solely through a local school official; and

(ii) does not offer a local school official, teacher, or other school personnel compensation (other than compensation for actual expenses incurred in performing chaperon activities or for participating in separate, professionally-staffed teacher training and technical assistance seminars and workshops related to such program) or any other benefit for such recruitment.

(3) Educational program

(A) Except as provided in subparagraph (B), the term “educational program” means a special honors program, seminar, citizenship experience, government study program, educational vacation, student exchange program, or other educational experience or honor—

(i) that is generally directed toward minors or secondary school students;

(ii) for which a tuition or enrollment fee is charged;

(iii) that is offered away from a student’s regular place of school attendance;

(iv) that includes not less than one supervised night away from home; and

(v) that is intended to enhance a student’s regular course of study.

(B) Such term does not include a recreational program,¹ or a social or religious activity.

(4) Local school official

The term “local school official” means the highest administrative official serving a school district, or such individual’s designee.

(5) Minor

The term “minor” means an individual who has not attained the age of 18 years.

(6) Membership organization

The term “membership organization” includes any organization that maintains a

membership list or collects dues or membership fees from its members.

(7) Recreational organization

The term “recreational organization” includes any organization or entity that has as its primary function pleasure, amusement, or sports activities.

(8) Recreational program

The term “recreational program” includes any activity or service that is intended as an entertainment pastime.

(Pub. L. 90-247, title IV, § 429, as added Pub. L. 103-382, title II, § 238, Oct. 20, 1994, 108 Stat. 3918; amended Pub. L. 105-244, title I, § 102(a)(6)(C), Oct. 7, 1998, 112 Stat. 1618.)

REFERENCES IN TEXT

The Elementary and Secondary Education Act of 1965, referred to in subsec. (d)(2)(B)(i), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, as amended, which is classified generally to chapter 70 (§ 6301 et seq.) 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.

PRIOR PROVISIONS

A prior section 429 of Pub. L. 90-247 was classified to section 1231f of this title prior to repeal by Pub. L. 103-382.

AMENDMENTS

1998—Subsec. (d)(2)(B)(ii). Pub. L. 105-244 substituted “section 1001” for “section 1141(a)”.

EFFECTIVE DATE OF 1998 AMENDMENT

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

SUBCHAPTER III—GENERAL REQUIREMENTS AND CONDITIONS CONCERNING OPERATION AND ADMINISTRATION OF EDUCATION PROGRAMS: GENERAL AUTHORITY OF SECRETARY

AMENDMENTS

1994—Pub. L. 103-382, title II, § 261(c), Oct. 20, 1994, 108 Stat. 3927, substituted “SECRETARY” for “COMMISSIONER OF EDUCATION”.

1972—Pub. L. 92-318, title III, § 301(a)(1), June 23, 1972, 86 Stat. 326, redesignated former subchapter II as III. Former subchapter III redesignated IV.

§ 1230. Repealed. Pub. L. 103-382, title II, § 212(a)(1), Oct. 20, 1994, 108 Stat. 3913

Section, Pub. L. 90-247, title IV, § 421, as added Pub. L. 93-380, title V, § 507(a), Aug. 21, 1974, 88 Stat. 565; amended Pub. L. 94-482, title IV, § 404(a), Oct. 12, 1976, 90 Stat. 2230; Pub. L. 96-88, title III, § 301(a)(1), title V, § 507, Oct. 17, 1979, 93 Stat. 677, 692, specified programs subject to provisions of this subchapter.

PART 1—GENERAL AUTHORITY

§ 1231. Joint funding of programs

(a) Joint projects; transfers of appropriations; contracts or grants; criteria

(1) The Secretary is authorized to enter into arrangements with other Federal agencies to jointly carry out projects of common interest, to transfer to such agencies funds appropriated

¹ So in original. The comma probably should not appear.