

## EFFECTIVE DATE

Section effective on and after sixtieth day after Aug. 21, 1974, see section 2(c) of Pub. L. 93-380, set out as a note under section 1221-1 of this title.

**§ 1221-3. Repealed. Pub. L. 103-382, title II, § 212(a)(1), Oct. 20, 1994, 108 Stat. 3913**

Section, Pub. L. 90-247, title IV, § 400A, as added Pub. L. 95-561, title XII, § 1212(b), Nov. 1, 1978, 92 Stat. 2338; amended Pub. L. 96-46, § 4(a), Aug. 6, 1979, 93 Stat. 342; Pub. L. 96-88, title III, § 301(b)(2), title V, § 507, Oct. 17, 1979, 93 Stat. 678, 692; Pub. L. 96-511, § 4(a), Dec. 11, 1980, 94 Stat. 2826, related to control of excessive paperwork.

SUBCHAPTER I—FUNCTIONS OF  
DEPARTMENT OF EDUCATION

## AMENDMENTS

1994—Pub. L. 103-382, title II, § 221, Oct. 20, 1994, 108 Stat. 3913, amended subchapter heading generally.

**§§ 1221a to 1221c. Repealed. Pub. L. 103-382, title II, § 212(a)(1), Oct. 20, 1994, 108 Stat. 3913**

Section 1221a, Pub. L. 90-247, title IV, § 401, as added Pub. L. 92-318, title III, § 301(a)(2), June 23, 1972, 86 Stat. 326; amended Pub. L. 93-380, title V, § 504(a), Aug. 21, 1974, 88 Stat. 561, established Education Division of the Department of Health, Education, and Welfare.

Section 1221b, Pub. L. 90-247, title IV, § 402, as added Pub. L. 92-318, title III, § 301(a)(2), June 23, 1972, 86 Stat. 327; amended Pub. L. 93-380, title V, § 502(a)(2)(A), Aug. 21, 1974, 88 Stat. 560, established position of and provided for appointment and compensation of Assistant Secretary for Education in the Department of Health, Education, and Welfare.

Section 1221c, Pub. L. 90-247, title IV, § 403, as added Pub. L. 92-318, title III, § 301(a)(2), June 23, 1972, 86 Stat. 327; amended Pub. L. 93-380, title V, § 503(a), Aug. 21, 1974, 88 Stat. 560; Pub. L. 94-482, title IV, § 409(a), Oct. 12, 1976, 90 Stat. 2233; Pub. L. 95-561, title XII, § 1241, Nov. 1, 1978, 92 Stat. 2351; Pub. L. 96-88, title III, § 301(a)(1), (b)(2), title V, § 507, Oct. 17, 1979, 93 Stat. 677, 678, 692; Pub. L. 96-470, title I, § 106(d), Oct. 19, 1980, 94 Stat. 2238, related to nonpublic education.

**§ 1221d. Repealed. Pub. L. 96-374, title X, § 1001(c), Oct. 3, 1980, 94 Stat. 1491**

Section, Pub. L. 90-247, title IV, § 404, as added Pub. L. 92-318, title III, § 301(a)(2), June 23, 1972, 86 Stat. 327; amended Pub. L. 94-482, title IV, § 402, Oct. 12, 1976, 90 Stat. 2226; Pub. L. 96-49, § 13, Aug. 13, 1979, 93 Stat. 354, related to grants and contracts for improvement of post-secondary education.

## EFFECTIVE DATE OF REPEAL

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

**§ 1221e. Repealed. Pub. L. 103-227, title IX, § 911(a), Mar. 31, 1994, 108 Stat. 213**

Section, Pub. L. 90-247, title IV, § 405, as added Pub. L. 92-318, title III, § 301(a)(2), June 23, 1972, 86 Stat. 328; amended Pub. L. 93-380, title V, § 502(a)(2)(B), Aug. 21, 1974, 88 Stat. 560; Pub. L. 94-482, title IV, § 403, Oct. 12, 1976, 90 Stat. 2227; Pub. L. 95-561, title XII, § 1242, Nov. 1, 1978, 92 Stat. 2352; Pub. L. 96-49, § 14, Aug. 13, 1979, 93 Stat. 354; Pub. L. 96-374, title XIII, §§ 1311-1314, Oct. 3, 1980, 94 Stat. 1498, 1499; Pub. L. 98-511, title VII, §§ 702(a), 703, 704(a), Oct. 19, 1984, 98 Stat. 2405, 2406; Pub. L. 99-498, title XIV, § 1401(a), Oct. 17, 1986, 100 Stat. 1589; Pub. L. 100-50, § 24(a), June 3, 1987, 101 Stat. 362; Pub. L. 100-297, title III, §§ 3001(p)(2), 3002, 3403(b), (c), Apr. 28, 1988, 102 Stat. 337, 349; Pub. L. 103-33, § 1(b), May 25, 1993, 107 Stat. 94, related to Office of Educational Research and Improvement.

## SAVINGS PROVISION

Pub. L. 103-227, title IX, § 914, Mar. 31, 1994, 108 Stat. 223, which provided that contracts for regional educational laboratories, Educational Resources Information Center Clearinghouses and research and development centers and regional educational laboratories assisted under this section as in effect on Mar. 30, 1994, would remain in effect until the termination date of such contracts, was repealed by Pub. L. 107-279, title IV, § 403(2), Nov. 5, 2002, 116 Stat. 1985.

## EXISTING GRANTS AND CONTRACTS

Pub. L. 103-227, title IX, § 915, Mar. 31, 1994, 108 Stat. 223, which provided that grants and contracts for the research and development centers assisted under this section as in effect on Mar. 30, 1994, would remain in effect until the termination date of such grants or contracts, except if extended to implement the provisions of title IX of Pub. L. 103-227 [see section 6001 of this title], and authorized use of funds appropriated pursuant to former section 6011(m)(1) of this title to carry out these provisions, was repealed by Pub. L. 107-279, title IV, § 403(2), Nov. 5, 2002, 116 Stat. 1985.

**§§ 1221e-1 to 1221e-1c. Repealed. Pub. L. 103-382, title II, § 212(a)(1), Oct. 20, 1994, 108 Stat. 3913**

Section 1221e-1, Pub. L. 90-247, title IV, § 406, as added Pub. L. 93-380, title V, § 501(a), Aug. 21, 1974, 88 Stat. 556; amended Pub. L. 94-273, § 12(1), Apr. 21, 1976, 90 Stat. 378; Pub. L. 94-482, title IV, §§ 401, 406, title V, § 501(q), Oct. 12, 1976, 90 Stat. 2226, 2231, 2238; Sen. Res. 4, Feb. 4, 1977; Pub. L. 95-561, title XII, §§ 1201, 1212(a), (c), 1243(a), Nov. 1, 1978, 92 Stat. 2333, 2338, 2341, 2353; S. Res. 30, Mar. 7, 1979; Pub. L. 98-511, title VII, §§ 702(b), 704(b), Oct. 19, 1984, 98 Stat. 2406; Pub. L. 99-498, title XIV, § 1402, Oct. 17, 1986, 100 Stat. 1597; Pub. L. 100-50, § 24(b), June 3, 1987, 101 Stat. 363; Pub. L. 100-297, title III, § 3001(a), (b)(1), (c)-(p)(1), (q), 3403(a), Apr. 28, 1988, 102 Stat. 331-337, 344; Pub. L. 101-589, title II, § 252, Nov. 16, 1990, 104 Stat. 2894; Pub. L. 102-325, title XV, § 1552, July 23, 1992, 106 Stat. 838; Pub. L. 103-33, § 1(a), May 25, 1993, 107 Stat. 93; Pub. L. 103-227, title VII, § 707, Mar. 31, 1994, 108 Stat. 209; Pub. L. 103-437, § 7(a)(1), Nov. 2, 1994, 108 Stat. 4587, related to National Center for Education Statistics. See section 9541 et seq. of this title.

Section 1221e-1a, Pub. L. 90-247, title IV, § 406A, formerly § 437, as added Pub. L. 93-380, title V, § 512(a), Aug. 21, 1974, 88 Stat. 571; amended Pub. L. 94-273, § 17, Apr. 21, 1976, 90 Stat. 379; Pub. L. 94-482, title V, § 501(f)(2), (3), Oct. 12, 1976, 90 Stat. 2237; S. Res. 4, Feb. 4, 1977; renumbered § 406A, Pub. L. 95-561, title XII, § 1231(a)(2), Nov. 1, 1978, 92 Stat. 2342; S. Res. 30, Mar. 7, 1979; Pub. L. 96-88, title III, § 301(a)(1), title V, § 507, Oct. 17, 1979, 93 Stat. 677, 692; Pub. L. 98-211, § 18(b), Dec. 8, 1983, 97 Stat. 1417; Pub. L. 103-437, § 7(a)(1), Nov. 2, 1994, 108 Stat. 4587, related to responsibility of State to furnish information on uses of Federal funds in State. See section 1226b(a) and (f) of this title.

Section 1221e-1b, Pub. L. 90-247, title IV, § 406B, formerly § 406A, as added Pub. L. 96-374, title XIII, § 1303, Oct. 3, 1980, 94 Stat. 1497; renumbered § 406B, Pub. L. 99-159, title IV, § 401(1), Nov. 22, 1985, 99 Stat. 903, authorized appropriations for fiscal year 1981 for Pre-College Science Teacher Training Program and Minority Institutions Science Improvement program.

Section 1221e-1c, Pub. L. 90-247, title IV, § 406C, as added Pub. L. 99-159, title IV, § 401(2), Nov. 22, 1985, 99 Stat. 903, authorized appropriations for fiscal years 1985 and 1986 for Minority Institutions Science Improvement Program.

**§ 1221e-1d. Use of Council staff and facilities**

The National Advisory Council on Educational Research and Improvement, the Advisory Council on Education Statistics, and members of such councils may not use any staff, facilities, equipment, supplies, or franking privileges of

the councils for activities unrelated to the purposes of the councils.

(Pub. L. 99-498, title XIV, §1403, Oct. 17, 1986, 100 Stat. 1599.)

#### CODIFICATION

Section was enacted as part of the Higher Education Amendments of 1986, and not as part of the General Education Provisions Act which comprises this chapter.

#### § 1221e-2. Repealed. Pub. L. 103-382, title II, § 212(a)(1), Oct. 20, 1994, 108 Stat. 3913

Section, Pub. L. 90-247, title IV, §407, as added Pub. L. 93-380, title V, §502(a)(1), Aug. 21, 1974, 88 Stat. 559; amended Pub. L. 96-88, title III, §301(b)(2), title V, §507, Oct. 17, 1979, 93 Stat. 678, 692, related to education officers of United States.

#### § 1221e-3. General authority of Secretary

The Secretary, in order to carry out functions otherwise vested in the Secretary by law or by delegation of authority pursuant to law, and subject to limitations as may be otherwise imposed by law, is authorized to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of operation of, and governing the applicable programs administered by, the Department.

(Pub. L. 90-247, title IV, §410, formerly §408, as added Pub. L. 93-380, title V, §502(a)(1), Aug. 21, 1974, 88 Stat. 559; amended Pub. L. 95-561, title XII, §§1243(b), 1244, Nov. 1, 1978, 92 Stat. 2353; renumbered §410 and amended Pub. L. 103-382, title II, §§212(b)(1), 222, Oct. 20, 1994, 108 Stat. 3913, 3914.)

#### AMENDMENTS

1994—Pub. L. 103-382, §222, amended section generally, substituting single par. relating to general authority of Secretary for former subsecs. (a) to (d) relating to general authority of administrative heads of education agencies.

1978—Subsec. (a). Pub. L. 95-561, §1243(b), inserted “or by delegation of authority pursuant to law” after “vested in him by law” in provisions preceding par. (1) and, in par. (1), inserted “, and governing the applicable programs administered by” after “the manner of operation of”.

Subsecs. (b) to (d). Pub. L. 95-561, §1244, added subsec. (b), redesignated former subsecs. (b) and (c) as (c) and (d), and in subsec. (d) as so redesignated substituted “For the purposes of this chapter” for “For the purposes of this section”.

#### EFFECTIVE DATE OF 1978 AMENDMENT

Pub. L. 95-561, title XV, §1530, Nov. 1, 1978, 92 Stat. 2380, as amended by Pub. L. 96-46, §2(a)(10), Aug. 6, 1979, 93 Stat. 340, provided that:

“(a) Except as otherwise specifically provided in this Act, the provisions of this Act and the amendments and repeals made by this Act [see Tables for classification] shall take effect October 1, 1978.

“(b) The provisions of section 412(b)(2) [now 421(b)(2)] of the General Education Provisions Act [section 1225(b)(2) of this title], as added by section 1245 of this Act, shall not take effect with respect to the use of funds under section 421 of the Elementary and Secondary Education Act of 1965 [former section 3101 of this title] until October 1, 1980, except at the option of local educational agencies.”

#### EFFECTIVE DATE

Pub. L. 93-380, title V, §502(b), Aug. 21, 1974, 88 Stat. 560, provided that: “The amendments made by this sec-

tion [enacting this section and section 1221e-2 and amending sections 1221b and 1221e of this title] shall be effective on the tenth day after the date of enactment of this Act [Aug. 21, 1974].”

#### § 1221e-4. Educational impact statement

Notwithstanding any other provision of law, no regulation affecting any institution of higher education in the United States, promulgated on or after October 3, 1980, shall become effective unless such agency causes to be published in the Federal Register a copy of such proposed regulation together with an educational impact assessment statement which shall determine whether any information required to be transmitted under such regulation is already being gathered by or is available from any other agency or authority of the United States. Notwithstanding the exception provided under section 553(b) of title 5, such statement shall be based upon the record established under the provisions of section 553 of title 5, compiled during the rule-making proceeding regarding such regulation.

(Pub. L. 90-247, title IV, §411, formerly §409, as added Pub. L. 96-374, title XIII, §1306, Oct. 3, 1980, 94 Stat. 1498; renumbered §411, Pub. L. 103-382, title II, §212(b)(1), Oct. 20, 1994, 108 Stat. 3913.)

#### CODIFICATION

October 3, 1980, referred to in text, was in the original “the date of enactment of this Act”, which was translated as meaning the date of enactment of Pub. L. 96-374, which enacted this section, to reflect the probable intent of Congress.

#### PRIOR PROVISIONS

A prior section 411 of Pub. L. 90-247 was renumbered section 420, and is classified to section 1223 of this title.

Another prior section 411 of Pub. L. 90-247 was classified to section 1222 of this title prior to repeal by Pub. L. 93-380.

Another prior section 411 of Pub. L. 90-247 was renumbered section 430, and is classified to section 1231 of this title.

#### EFFECTIVE DATE

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

#### §§ 1221f to 1221h. Repealed. Pub. L. 100-297, title V, § 5352(4), Apr. 28, 1988, 102 Stat. 414

Section 1221f, Pub. L. 92-318, title IV, §441, June 23, 1972, 86 Stat. 343, established Office of Indian Education. See section 2641 of Title 25, Indians.

Section 1221g, Pub. L. 92-318, title IV, §442, June 23, 1972, 86 Stat. 343; Pub. L. 93-380, title V, §505(a)(2), title VIII, §845(d), Aug. 21, 1974, 88 Stat. 562, 612; Pub. L. 94-273, §§3(11), 13(1), Apr. 21, 1976, 90 Stat. 376, 378; Pub. L. 95-561, title XI, §1141(c)(3), Nov. 1, 1978, 92 Stat. 2329; Pub. L. 98-511, title V, §513(b)(5), Oct. 19, 1984, 98 Stat. 2400, established National Advisory Council on Indian Education. See section 2642 of Title 25.

Section 1221h, Pub. L. 92-318, title IV, §453, June 23, 1972, 86 Stat. 345; Pub. L. 95-561, title XI, §§1147, 1148, 1151, Nov. 1, 1978, 92 Stat. 2330, 2331, 2333; Pub. L. 96-46, §7, Aug. 6, 1979, 93 Stat. 343, defined “Indian” for purposes of the Indian Education Act. See section 2651 of Title 25.

#### EFFECTIVE DATE OF REPEAL

For effective date and applicability of repeal, see section 6303 of Pub. L. 100-297, set out as an Effective Date of 1988 Amendment note under section 1071 of this title.