

tion 1221 of this title” and “under any such Act”, respectively.

NATIONAL POLICY WITH RESPECT TO ADVANCE FUNDING OF EDUCATION PROGRAMS

Pub. L. 93-380, title VIII, §802, Aug. 21, 1974, 88 Stat. 597, provided that: “The Congress declares it to be the policy of the United States to implement immediately and continually section 411 [now 420] of the General Education Provisions Act [this section], relating to advance funding for education programs, so as to afford responsible State, local, and Federal officers adequate notice of available Federal financial assistance for education authorized under this [Act, Pub. L. 93-380, see Short Title of 1974 Amendment note set out under section 6301 of this title] and other Acts of Congress.”

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

§ 1224. Repealed. Pub. L. 93-380, title V, § 506(a)(1)(B), Aug. 21, 1974, 88 Stat. 562

Section, Pub. L. 90-247, title IV, §413, formerly §404, Jan. 2, 1968, 81 Stat. 814; amended Pub. L. 91-230, title IV, §401(a)(5), (6), Apr. 13, 1970, 84 Stat. 165; renumbered §413, Pub. L. 92-318, title III, §301(a)(1), June 23, 1972, 86 Stat. 326, provided for annual evaluation reports to Congressional committees, penultimate fiscal year reports, and contingent extension of expiring appropriation authority.

EFFECTIVE DATE OF REPEAL

Repeal effective Aug. 21, 1974, see section 506(b) of Pub. L. 93-380, set out as an Effective Date of 1974 Amendment note under section 1225 of this title.

§ 1225. Availability of appropriations on academic or school-year basis; additional period for obligation of funds

(a) Academic or differing fiscal year

Appropriations for any fiscal year for grants, loans, contracts, or other payments under any applicable program may, in accordance with regulations of the Secretary, be made available for obligation by the recipient on the basis of an academic or school year differing from such fiscal year.

(b) Succeeding fiscal year

(1) Notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this subsection, any funds from appropriations to carry out any programs to which this chapter is applicable during any fiscal year, 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 institu-

tions 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).