

kins Career and Technical Education Improvement Act of 2006” and substituted “July 31, 2018” for “August 12, 2006” in two places.

Pub. L. 115-224, §8(3), substituted “Carl D. Perkins Vocational and Technical Education Act of 2006” for “Carl D. Perkins Vocational and Technical Education Act of 1998”.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-224 effective July 1, 2019, see section 4 of Pub. L. 115-224, set out as a note under section 2301 of this title.

§ 2304. Privacy

(a) GEPA

Nothing in this chapter shall be construed to supersede the privacy protections afforded parents and students under section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

(b) Prohibition on development of national database

Nothing in this chapter shall be construed to permit the development of a national database of personally identifiable information on individuals receiving services under this chapter.

(Pub. L. 88-210, §5, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 690.)

PRIOR PROVISIONS

A prior section 2304, Pub. L. 88-210, §5, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3082, related to privacy, prior to the general amendment of this chapter by Pub. L. 109-270.

§ 2305. Limitation

All of the funds made available under this chapter shall be used in accordance with the requirements of this chapter.

(Pub. L. 88-210, §6, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 690.)

PRIOR PROVISIONS

A prior section 2305, Pub. L. 88-210, §6, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3082, related to limitation on use of funds, prior to the general amendment of this chapter by Pub. L. 109-270.

§ 2306. Special rule

In the case of a local community in which no employees are represented by a labor organization, for purposes of this chapter, the term “representatives of employees” shall be substituted for “labor organization”.

(Pub. L. 88-210, §7, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 690.)

PRIOR PROVISIONS

A prior section 2306, Pub. L. 88-210, §7, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3083, related to special rule, prior to the general amendment of this chapter by Pub. L. 109-270.

§ 2306a. Prohibitions

(a) Local control

Nothing in this chapter shall be construed to authorize an officer or employee of the Federal Government—

(1) to condition or incentivize the receipt of any grant, contract, or cooperative agree-

ment, or the receipt of any priority or preference under such grant, contract, or cooperative agreement, upon a State, local educational agency, eligible agency, eligible recipient, eligible entity, or school’s adoption or implementation of specific instructional content, academic standards and assessments, curricula, or program of instruction (including any condition, priority, or preference to adopt the Common Core State Standards developed under the Common Core State Standards Initiative, any other academic standards common to a significant number of States, or any assessment, instructional content, or curriculum aligned to such standards);

(2) through grants, contracts, or other cooperative agreements, to mandate, direct, or control a State, local educational agency, eligible agency, eligible recipient, eligible entity, or school’s specific instructional content, academic standards and assessments, curricula, or program of instruction (including any requirement, direction, or mandate to adopt the Common Core State Standards developed under the Common Core State Standards Initiative, any other academic standards common to a significant number of States, or any assessment, instructional content, or curriculum aligned to such standards); or

(3) except as required under sections 2322(b), 2391(b), and 2413 of this title—

(A) to mandate, direct, or control the allocation of State or local resources; or

(B) to mandate that a State or a political subdivision of a State spend any funds or incur any costs not paid for under this chapter.

(b) No preclusion of other assistance

Any State that declines to submit an application to the Secretary for assistance under this chapter shall not be precluded from applying for assistance under any other program administered by the Secretary.

(c) Prohibition on requiring Federal approval or certification of standards

Notwithstanding any other provision of Federal law, no State shall be required to have academic and career and technical content standards or student academic and career and technical achievement standards approved or certified by the Federal Government, in order to receive assistance under this chapter.

(d) Rule of construction

Nothing in this section affects the applicability of subchapter II of chapter 5, and chapter 7, of title 5 (commonly known as the “Administrative Procedure Act”) or chapter 8 of title 5, commonly¹ known as the “Congressional Review Act”).

(e) Coherent and rigorous content

For the purposes of this chapter, coherent and rigorous content shall be determined by the State consistent with section 6311(b)(1) of this title.

¹ So in original. Probably should be “title 5 (commonly”).

(f) Congressional notice and comment**(1) Notice to Congress**

Not less than 15 business days prior to issuing a notice of proposed rulemaking related to this chapter in the Federal Register, the Secretary shall provide to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and the Workforce of the House of Representatives, and other relevant congressional committees, notice of the Secretary's intent to issue a notice of proposed rulemaking that shall include—

- (A) a copy of the proposed regulation;
- (B) the need to issue the regulation;
- (C) a description of how the regulation is consistent with the scope of this chapter;
- (D) the anticipated burden (including the time, cost, and paperwork burden) the regulation will impose on an eligible agency, institution, or recipient that may be impacted by the regulation, including the potential impact on rural areas;
- (E) the anticipated benefits to an eligible agency, institution, or recipient that may be impacted by the regulation, including in rural areas; and
- (F) any regulations that will be repealed when the new regulation is issued.

(2) Comment period for Congress

The Secretary shall—

- (A) before issuing any notice of proposed rulemaking under this subsection, provide Congress with a comment period of 15 business days to make comments on the proposed regulation, beginning on the date that the Secretary provides the notice of intent to the appropriate committees of Congress under paragraph (1); and
- (B) include and seek to address all comments submitted by members of Congress in the public rulemaking record for the regulation published in the Federal Register.

(3) Comment and review period; emergency situations

The comment and review period for any proposed regulation shall be not less than 60 days unless an emergency requires a shorter period, in which case the Secretary shall—

- (A) designate the proposed regulation as an emergency with an explanation of the emergency in the notice to Congress under paragraph (1);
- (B) publish the length of the comment and review period in such notice and in the Federal Register; and
- (C) conduct immediately thereafter regional meetings to review such proposed regulation before issuing any final regulation.

(Pub. L. 88-210, § 8, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 690; amended Pub. L. 114-95, title IX, §9215(n)(2), Dec. 10, 2015, 129 Stat. 2169; Pub. L. 115-224, §9, title II, §201(b), July 31, 2018, 132 Stat. 1574, 1622.)

PRIOR PROVISIONS

A prior section 8 of Pub. L. 88-210 was classified to section 2307 of this title prior to the general amendment of this chapter by Pub. L. 109-270.

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-224, §201(b), which made technical amendment to references in original Act which appeared in text as references to sections 2391(b) and 2413 of this title, could not be executed because of the intervening amendment by Pub. L. 115-224, §9(1), which had already amended those references. See below.

Pub. L. 115-224, §9(1), substituted “Federal Government—” for “Federal Government to mandate, direct, or control a State, local educational agency, or school’s curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this chapter, except as required under sections 2322(b), 2391(b), and 2413 of this title.” and added pars. (1) to (3).

Subsec. (d). Pub. L. 115-224, §9(2), amended subsec. (d) generally. Prior to amendment, text read as follows: “Nothing in this section shall be construed to affect the requirements under section 2323 of this title.”

Subsec. (f). Pub. L. 115-224, §9(3), added subsec. (f). 2015—Subsec. (e). Pub. L. 114-95 substituted “section 6311(b)(1) of this title” for “section 6311(b)(1)(D) of this title”.

CHANGE OF NAME

Committee on Education and the Workforce of House of Representatives changed to Committee on Education and Labor of House of Representatives by House Resolution No. 6, One Hundred Sixteenth Congress, Jan. 9, 2019.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-224 effective July 1, 2019, see section 4 of Pub. L. 115-224, set out as a note under section 2301 of this title.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of this title.

§ 2307. Authorization of appropriations

There are authorized to be appropriated to carry out this chapter (other than sections 2324 and 2327 of this title)—

- (1) \$1,229,568,538 for fiscal year 2019;
- (2) \$1,246,782,498 for fiscal year 2020;
- (3) \$1,264,237,452 for fiscal year 2021;
- (4) \$1,281,936,777 for fiscal year 2022;
- (5) \$1,299,883,892 for fiscal year 2023; and
- (6) \$1,318,082,266 for fiscal year 2024.

(Pub. L. 88-210, §9, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 691; amended Pub. L. 115-224, §10, July 31, 2018, 132 Stat. 1576.)

PRIOR PROVISIONS

A prior section 2307, Pub. L. 88-210, §8, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3083, related to authorization of appropriations, prior to the general amendment of this chapter by Pub. L. 109-270.

AMENDMENTS

2018—Pub. L. 115-224 amended section generally. Prior to amendment, text read as follows: “There is authorized to be appropriated to carry out this chapter (other than sections 2324, 2327, and 2328 of this title, and subchapter II) such sums as may be necessary for each of the fiscal years 2007 through 2012.”

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-224 effective July 1, 2019, see section 4 of Pub. L. 115-224, set out as a note under section 2301 of this title.