

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.)

Editorial Notes

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”.

Statutory Notes and Related Subsidiaries

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 section [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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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.

Statutory Notes and Related Subsidiaries

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.

§ 1221i. Repealed. Pub. L. 104-208, div. A, title I, §101(e) [title VII, §708(d)], Sept. 30, 1996, 110 Stat. 3009-233, 3009-312

Section, Pub. L. 93-380, title V, §519, Aug. 21, 1974, 88 Stat. 576; Pub. L. 96-88, title III, §301(a)(1), (b)(2), title

V, § 507, Oct. 17, 1979, 93 Stat. 677, 678, 692, related to Office of Libraries and Learning Resources.

§ 1221j. Television program assistance

(a) Granting and contracting authority

The Secretary of Education is authorized to make grants to and contracts with public and private agencies for the production, development, or distribution (or any combination thereof) of programs designed for television systems, whether broadcast or nonbroadcast.

(b) Administration and studies

The Secretary of Education shall be responsible for the administration of this section and shall also conduct surveys, research, and evaluation studies which may assist in decisions to support pilot programs for full scale production.

(Pub. L. 95-561, title XV, § 1527, Nov. 1, 1978, 92 Stat. 2379; Pub. L. 96-88, title III, § 301, title V, § 507, Oct. 17, 1979, 93 Stat. 677, 692.)

Editorial Notes

CODIFICATION

Section was enacted as part of Education Amendments of 1978, and not as part of General Education Provisions Act which comprises this chapter.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Oct. 1, 1978, see section 1530 of Pub. L. 95-561, set out as an Effective Date of 1974 Amendment note under section 1221e-3 of this title.

TRANSFER OF FUNCTIONS

“Secretary of Education” substituted for “Secretary” in subsec. (a) and “Assistant Secretary for Education” in subsec. (b), pursuant to sections 301 and 507 of Pub. L. 96-88, which are classified to sections 3441 and 3507 of this title and which transferred functions (relating to education) of Secretary of Health, Education, and Welfare, and functions of Assistant Secretary for Education, to Secretary of Education.

SUBCHAPTER II—APPROPRIATIONS AND EVALUATIONS

Editorial Notes

CODIFICATION

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

Pub. L. 91-230, title IV, § 401(a)(10), Apr. 13, 1970, 84 Stat. 166, added subchapter II heading.

PART 1—APPROPRIATIONS

Editorial Notes

CODIFICATION

Pub. L. 93-380, title V, § 506(a)(1)(A), Aug. 21, 1974, 88 Stat. 562, added part 1 heading.

§ 1222. Repealed. Pub. L. 93-380, title V, § 506(a)(1)(B), Aug. 21, 1974, 88 Stat. 562

Section, Pub. L. 90-247, title IV, § 411, formerly § 402, Jan. 2, 1968, 81 Stat. 814; amended Pub. L. 91-230, title IV, § 401(a)(3), Apr. 13, 1970, 84 Stat. 165; renumbered § 411, Pub. L. 92-318, title III, § 301(a)(1), June 23, 1972, 86 Stat. 326, provided for program planning and evaluation and report to Congressional committees.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Section repealed 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.

§ 1223. Forward funding

(a) To the end of affording the responsible Federal, State, and local officers adequate notice of available Federal financial assistance for carrying out ongoing education activities and projects, appropriations for grants, contracts, or other payments under any applicable program are authorized to be included in the appropriations Act for the fiscal year preceding the fiscal year during which such activities and projects shall be carried out.

(b) In order to effect a transition to the timing of appropriation action authorized by subsection (a), the application of this section may result in the enactment, in a fiscal year, of separate appropriations for an applicable program (whether in the same appropriations Act or otherwise) for two consecutive fiscal years.

(Pub. L. 90-247, title IV, § 420, formerly § 403, Jan. 2, 1968, 81 Stat. 814; Pub. L. 91-230, title IV, § 401(a)(4), Apr. 13, 1970, 84 Stat. 165; renumbered § 412, Pub. L. 92-318, title III, § 301(a)(1), June 23, 1972, 86 Stat. 326; renumbered § 411, Pub. L. 93-380, title V, § 506(a)(1)(C), Aug. 21, 1974, 88 Stat. 562; renumbered § 420 and amended Pub. L. 103-382, title II, §§ 212(b)(1), 231, Oct. 20, 1994, 108 Stat. 3913, 3914.)

Editorial Notes

PRIOR PROVISIONS

A prior section 420 of Pub. L. 90-247 was renumbered section 426, and was classified to former section 1228 of this title.

AMENDMENTS

1994—Pub. L. 103-382, § 231, amended section generally. Prior to amendment, section read as follows: “To the end of affording the responsible State, local, and Federal officers concerned adequate notice of available Federal financial assistance for education, appropriations for grants, contracts, or other payments under any applicable program are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation. In order to effect a transition to this method of timing appropriation action, the preceding sentence shall apply notwithstanding that its initial application under such program will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.”

1970—Pub. L. 91-230 substituted “applicable program” and “under such program” for “Act referred to in section 1221 of this title” and “under any such Act”, respectively.

Statutory Notes and Related Subsidiaries

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 ad-