

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