

former section 3101 of this title until Oct. 1, 1980, except at the option of local educational agencies, see section 1530 of Pub. L. 95-561, as amended, set out as a note under section 1221e-3 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Pub. L. 93-380, title V, §506(b), Aug. 21, 1974, 88 Stat. 565, provided that: "The amendments made by subsection (a) of this section [enacting sections 1226a to 1226d of this title, amending this section and section 1227 of this title, and repealing sections 1222 and 1224 of this title] shall become effective on the date of enactment of this Act [Aug. 21, 1974]."

INDOCHINESE REFUGEE CHILDREN EDUCATION ASSISTANCE PROGRAMS; APPLICABILITY OF CONTINGENT EXTENSION PROVISIONS

Pub. L. 94-482, title III, §327, Oct. 12, 1976, 90 Stat. 2220, provided that: "The provisions of section 414 [now 422] of the General Education Provisions Act [section 1226a of this title], relating to the contingent extension of applicable programs, shall not apply to the Indochina Refugee Children Assistance Act of 1976 [former section 1211b of this title], or to any program of financial assistance for educational purposes for Indochinese refugee children."

§ 1226. Repealed. Pub. L. 103-382, title II, §212(a)(1), Oct. 20, 1994, 108 Stat. 3913

Section, Pub. L. 90-247, title IV, §413, formerly §406, as added Pub. L. 90-576, title III, §301(b), Oct. 16, 1968, 82 Stat. 1094; amended Pub. L. 91-230, title IV, §401(a)(9), Apr. 13, 1970, 84 Stat. 166; renumbered §415, Pub. L. 92-318, title III, §301(a)(1), June 23, 1972, 86 Stat. 326; renumbered §413, Pub. L. 93-380, title V, §506(a)(2)(A), Aug. 21, 1974, 88 Stat. 563, related to availability of appropriations.

§ 1226a. Contingent extension of programs

(a) Automatic extension

The authorization of appropriations for, or duration of, an applicable program shall be automatically extended for one additional fiscal year unless Congress, in the regular session that ends prior to the beginning of the terminal fiscal year of such authorization or duration, has passed legislation that becomes law and extends or repeals the authorization or duration of such program.

(b) Amount of appropriation

The amount authorized to be appropriated for the period of automatic extension under subsection (a) of an applicable program shall be the amount authorized to be appropriated for such program for the terminal fiscal year of the applicable program.

(c) Acts and determinations necessary for program continuation

If the Secretary is required, in the terminal fiscal year of an applicable program, to carry out certain acts or make certain determinations that are necessary for the continuation of such program, such acts or determinations shall be required to be carried out or made during the period of automatic extension under subsection (a).

(d) Application to commissions, councils, and committees required by law to terminate

This section shall not apply to the authorization of appropriations for a commission, council, or committee which is required by an applicable statute to terminate on a date certain.

(Pub. L. 90-247, title IV, §422, formerly §414, as added Pub. L. 93-380, title V, §506(a)(2)(B), Aug. 21, 1974, 88 Stat. 563; amended Pub. L. 96-374, title XIII, §1301, Oct. 3, 1980, 94 Stat. 1496; renumbered §422 and amended Pub. L. 103-382, title II, §212(b)(1), 233, Oct. 20, 1994, 108 Stat. 3913, 3915.)

Editorial Notes

PRIOR PROVISIONS

A prior section 422 of Pub. L. 90-247 was renumbered section 431, and is classified to section 1231a of this title.

Another prior section 422 of Pub. L. 90-247 was renumbered section 438, and is classified to section 1232a of this title.

AMENDMENTS

1994—Pub. L. 103-382, §233, amended section generally, revising and restating former subsecs. (a) and (b) as subsecs. (a) to (c) and adding subsec. (d).

1980—Subsec. (a). Pub. L. 96-374 inserted provisions for the automatic extension of an authorization or duration of two additional fiscal years for any applicable program authorized to be included in the Appropriation Act for the fiscal year preceding the fiscal year for which appropriations are available for obligation.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1980 AMENDMENT

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

ADDITIONAL EXTENSIONS NOT PERMITTED

Pub. L. 114-105, §2(c), Dec. 18, 2015, 129 Stat. 2220, provided that: "Section 422 of the General Education Provisions Act (20 U.S.C. 1226a) shall not apply to further extend the duration of the authority under paragraph (1) of section 461(b) of the Higher Education Act of 1965 (20 U.S.C. 1087aa(b)), as amended by subsection (a)(1) of this section, beyond September 30, 2017, on the basis of the extension under such subsection."

INDOCHINESE REFUGEE CHILDREN EDUCATION ASSISTANCE PROGRAMS; APPLICABILITY OF CONTINGENT EXTENSION PROVISIONS

Applicability of contingent extension provisions to any program of financial assistance for educational purposes for Indochinese refugee children, see section 327 of Pub. L. 94-482, set out as a note under section 1225 of this title.

LIMITATION ON EXTENSION OF PROGRAMS

Pub. L. 94-328, §2(d), June 30, 1976, 90 Stat. 727, provided that: "The amendments made by this section [amending sections 1070a, 1074, 1078 and 1078a of this title] shall not be deemed to authorize the automatic extension of the programs so amended, under section 414 [now 422] of the General Education Provisions Act [this section], beyond the date specified in such amendments."

§ 1226a-1. Payments; installments, advances or reimbursement, and adjustments

Payments pursuant to grants or contracts under any applicable program may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

(Pub. L. 90-247, title IV, §423, formerly §425, as added Pub. L. 91-230, title IV, §401(a)(10), Apr. 13,

1970, 84 Stat. 170; renumbered §435, Pub. L. 92-318, title III, §301(a)(1), June 23, 1972, 86 Stat. 326; renumbered §415, Pub. L. 95-561, title XII, §1231(a)(1), Nov. 1, 1978, 92 Stat. 2342; renumbered §423 and amended Pub. L. 103-382, title II, §§212(b)(1), 261(a), Oct. 20, 1994, 108 Stat. 3913, 3927.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 1232d of this title prior to its renumbering by Pub. L. 95-561.

PRIOR PROVISIONS

A prior section 423 of Pub. L. 90-247 was classified to section 1231b of this title prior to repeal by Pub. L. 103-382.

Another prior section 423 of Pub. L. 90-247 was renumbered section 439, and is classified to section 1232b of this title.

AMENDMENTS

1994—Pub. L. 103-382, §261(a), substituted “Secretary” for “Commissioner”.

PART 2—PLANNING AND EVALUATION OF FEDERAL EDUCATION ACTIVITIES

Editorial Notes

CODIFICATION

Pub. L. 93-380, title V, §506(a)(3)(C), Aug. 21, 1974, 88 Stat. 563, added part 2 heading.

§ 1226b. Responsibility of States to furnish information

(a) Biennial reports; contents

Each State educational agency shall submit to the Secretary a report on or before March 15 of every second year. Each such report shall include—

- (1) information with respect to the uses of Federal funds in such State in the two preceding fiscal years under any applicable program under the jurisdiction of the State educational agency; and
- (2) information with respect to the uses of Federal funds in such State in the two preceding fiscal years under any Federal program administered by the State that provided grants or contracts to a local educational agency in the State.

(b) Additional contents

Each report submitted under subsection (a) shall—

- (1) list, with respect to each program for which information is provided, all grants made to and contracts entered into with local educational agencies and other public and private agencies and institutions within the State during each fiscal year concerned;
- (2) analyze the information included in the report by local educational agency and by program;
- (3) include the total amount of funds available to the State under each such program for each fiscal year concerned; and
- (4) be made readily available by the State to local educational agencies and institutions within the State and to the public.

(c) Delinquent or incomplete reports

If the Secretary does not receive a report by the date required under subsection (a), or receives an incomplete report, the Secretary, not later than 30 days after such report is required to be submitted, shall take all reasonable measures to obtain the delinquent or incomplete information from the State educational agency.

(d) Availability of information

When the Secretary receives a report required under subsection (a), the Secretary shall provide such information to the National Center for Education Statistics, and shall make such information available, at a reasonable cost, to any individual who requests such information.

(e) Congressional telecommunications network

The Secretary shall consult with the Speaker and Minority Leader of the House of Representatives and the Majority and Minority Leaders of the Senate regarding the costs and feasibility of making the information described in subsection (a) available as part of a telecommunications network that is readily accessible to every member of Congress and other interested parties.

(f) Reports by Secretary

On or before August 15 of each year in which reports are submitted under subsection (a), the Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate. Such report shall include—

- (1) an analysis of the content and data quality of such reports;
- (2) a compilation of statistical data derived from such reports; and
- (3) information obtained by the Secretary with respect to—
 - (A) direct grants made to local educational agencies by the Federal Government; and
 - (B) contracts entered into between such agencies and the Federal Government.

(Pub. L. 90-247, title IV, §424, as added Pub. L. 103-382, title II, §234, Oct. 20, 1994, 108 Stat. 3915.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in subsecs. (a), (b), and (f) of this section were contained in section 1221e-1a of this title prior to repeal by Pub. L. 103-382.

A prior section 1226b, Pub. L. 90-247, title IV, §416, as added Pub. L. 93-380, title V, §506(a)(3)(C), Aug. 21, 1974, 88 Stat. 563, related to program planning and evaluation, prior to repeal by Pub. L. 103-382, title II, §212(a)(1), Oct. 20, 1994, 108 Stat. 3913.

A prior section 424 of Pub. L. 90-247 was classified to section 1231b-1 of this title prior to repeal by Pub. L. 103-382.

Another prior section 424 of Pub. L. 90-247 was renumbered section 433, and is classified to section 1231c of this title.

Another prior section 424 of Pub. L. 90-247 was renumbered section 434, and was classified to section 1232c of this title prior to repeal by Pub. L. 95-561.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Labor and Human Resources of Senate changed to Committee on Health, Education, Labor,