

92 Stat. 2342; renumbered § 436 and amended Pub. L. 103-382, title II, §§212(b)(1), 246, Oct. 20, 1994, 108 Stat. 3913, 3923.)

Editorial Notes

PRIOR PROVISIONS

A prior section 436 of Pub. L. 90-247 was renumbered section 442, and is classified to section 1232e of this title.

Another prior section 436 of Pub. L. 90-247 was classified to section 1232e of this title prior to repeal by Pub. L. 95-561.

Another prior section 436 of Pub. L. 90-247 was renumbered section 446, and was classified to section 1233e of this title prior to repeal by Pub. L. 103-382.

AMENDMENTS

1994—Pub. L. 103-382, §246(2), substituted “Secretary” for “Commissioner” wherever appearing.

Subsec. (a). Pub. L. 103-382, §246(1), substituted “for more than one fiscal year” for “for three fiscal years”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

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

§ 1232. Regulations

(a) “Regulation” defined

For the purpose of this section, the term “regulation” means any generally applicable rule, regulation, guideline, interpretation, or other requirement that—

(1) is prescribed by the Secretary or the Department; and

(2) has legally binding effect in connection with, or affecting, the provision of financial assistance under any applicable program.

(b) Citation of authority

Regulations shall contain, immediately following each substantive provision of such regulations, citations to the particular section or sections of statutory law or other legal authority on which such provision is based.

(c) Uniform application

All regulations shall be uniformly applied and enforced throughout the 50 States.

(d) Application of exemption

The exemption for public property, loans, grants and benefits in section 553(a)(2) of title 5 shall apply only to regulations—

(1) that govern the first grant competition under a new or substantially revised program authority as determined by the Secretary; or

(2) where the Secretary determines that the requirements of this subsection will cause extreme hardship to the intended beneficiaries of the program affected by such regulations.

(e) Schedule for promulgation of final regulations

Not later than 60 days after the date of enactment of any Act, or any portion of any Act, affecting the administration of any applicable program, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor

and Human Resources of the Senate a schedule in accordance with which the Secretary plans to promulgate final regulations that the Secretary determines are necessary to implement such Act or portion of such Act. Such schedule shall provide that all such final regulations shall be promulgated within 360 days after the date of enactment of such Act or portion of such Act.

(f) Transmittal of final regulations

Concurrently with the publication of any final regulations, the Secretary shall transmit a copy of such final regulations to the Speaker of the House of Representatives and the President pro tempore of the Senate.

(Pub. L. 90-247, title IV, §437, formerly §421, as added Pub. L. 91-230, title IV, §401(a)(10), Apr. 13, 1970, 84 Stat. 169; renumbered §431, Pub. L. 92-318, title III, §301(a)(1), June 23, 1972, 86 Stat. 326; amended Pub. L. 93-380, title V, §509(a), Aug. 21, 1974, 88 Stat. 566; Pub. L. 94-142, §7, Nov. 29, 1975, 89 Stat. 796; Pub. L. 94-482, title IV, §405, Oct. 12, 1976, 90 Stat. 2231; Pub. L. 96-374, title XIII, §1302, Oct. 3, 1980, 94 Stat. 1497; Pub. L. 97-35, title V, §533(a)(3), Aug. 13, 1981, 95 Stat. 453; renumbered §437 and amended Pub. L. 103-382, title II, §§212(b)(1), 247, Oct. 20, 1994, 108 Stat. 3913, 3923; Pub. L. 103-437, §7(a)(1), Nov. 2, 1994, 108 Stat. 4587.)

Editorial Notes

PRIOR PROVISIONS

A prior section 437 of Pub. L. 90-247 was renumbered section 443, and is classified to section 1232f of this title.

Another prior section 437 of Pub. L. 90-247 was renumbered section 406A, and was classified to section 1221e-1a of this title prior to repeal by Pub. L. 103-382.

Another prior section 437 of Pub. L. 90-247 was renumbered section 447, and was classified to section 1233f of this title prior to repeal by Pub. L. 103-382.

AMENDMENTS

1994—Pub. L. 103-437, which directed that section 431(b)(2)(B), (d)(2), and (g) of Pub. L. 90-247 be amended by substituting “Labor and Human Resources” for “Labor and Public Welfare”, could not be executed because this section, which was section 431 of Pub. L. 90-247, was renumbered section 437 and amended generally by Pub. L. 103-382.

Pub. L. 103-382, §247, amended section generally. Prior to amendment, section consisted of subsecs. (a) to (g) relating to promulgation of regulations by Secretary, and their publication, application, disapproval by Congress, and modification subsequent to disapproval.

1981—Subsec. (d)(1). Pub. L. 97-35 substituted “final regulation (except expected family contribution schedules and any amendments thereto promulgated pursuant to sections 1078(a)(2)(D) and (E) and 1089(a)(1) of this title) as required” for “final regulation as required”.

1980—Subsec. (d)(1). Pub. L. 96-374 inserted “, in whole or in part” after “disapprove such final regulation”.

1976—Subsec. (a). Pub. L. 94-482, §405(a), added par. (1), designated existing provisions which constituted entire subsec. (a) as par. (2) and, as so redesignated, struck out applicability to rules, guidelines, interpretations, or orders.

Subsec. (b)(1). Pub. L. 94-482, §405(b)(1), substituted “proposed regulation” for “standard, rule, regulation, or requirement of general applicability”.

Subsec. (b)(2)(A). Pub. L. 94-482, §405(b)(2), substituted “regulation” for “standard, rule, regulation, or general requirement” in two places.

Subsec. (c). Pub. L. 94-482, §405(c), struck out applicability to rules, guidelines, interpretations, or orders.

Subsec. (d)(1). Pub. L. 94-482, §405(d)(1), (2), struck out applicability to standards, rules, requirements, or requirements of general applicability.

Subsec. (d)(2). Pub. L. 94-482, §405(d)(3), substituted “regulation” for “standard, rule, regulation, or requirement” wherever appearing.

Subsec. (e). Pub. L. 94-482, §405(e), substituted “regulation” for “standard, rule, regulation, or requirement” wherever appearing and “final regulation” for “proposed standard, rule, regulation, or requirement of general applicability”.

Subsec. (g). Pub. L. 94-482, §405(f), substituted “final regulations” for “rules, regulations, and guidelines” wherever appearing.

1975—Subsec. (d)(1). Pub. L. 94-142, §7(a)(1), (b), inserted “final” before “standard” wherever appearing in existing provisions and inserted provisions covering the effect of the failure of Congress to adopt the concurrent resolution with respect to any final standard, rule, regulation, or requirement.

Subsec. (d)(2). Pub. L. 94-142, §7(a)(2), (3), substituted “objection to the final standard” for “objection to the proposed standard”, “effective date of the final standard” for “effective date of the standard”, and “In no event shall the final standard” for “In no event shall the standard”.

1974—Subsec. (b). Pub. L. 93-380, §509(a)(1), designated existing provisions as par. (1) and added par. (2).

Subsecs. (d) to (g). Pub. L. 93-380, §509(a)(2), added subsecs. (d) to (g).

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Labor and Human Resources of Senate changed to Committee on Health, Education, Labor, and Pensions of Senate by Senate Resolution No. 20, One Hundred Sixth Congress, Jan. 19, 1999.

EFFECTIVE DATE OF 1981 AMENDMENT

Pub. L. 97-35, title V, §540(a), Aug. 13, 1981, 95 Stat. 458, provided that the amendment made by Pub. L. 97-35 is effective Oct. 1, 1981.

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.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-482 effective 30 days after Oct. 12, 1976, except either as specifically otherwise provided or, if not so specifically otherwise provided, effective July 1, 1976, for those amendments providing for authorization of appropriations, see section 532 of Pub. L. 94-482, set out as a note under section 1001 of this title.

EFFECTIVE DATE OF 1975 AMENDMENT

Pub. L. 94-142, §8, Nov. 29, 1975, 89 Stat. 796, provided that:

“(a) Notwithstanding any other provision of law, the amendments made by sections 2(a), 2(b), and 2(c) [amending sections 1411 and 1412 of this title as in effect through Sept. 30, 1977, and amending provisions set out as notes under sections 1411 to 1413 of this title] shall take effect on July 1, 1975.

“(b) The amendments made by sections 2(d), 2(e), 3, 6, and 7 [enacting sections 1405 and 1406 of this title, amending this section and sections 1412 and 1453 of this title, enacting provisions set out as a note under section 1411 of this title, and amending provisions set out as a note under section 1401 of this title] shall take effect on the date of the enactment of this Act [Nov. 29, 1975].

“(c) The amendments made by sections 4 and 5(a) [enacting sections 1415 to 1420 of this title and amending

sections 1401, 1411, 1412, 1413, and 1414 of this title] shall take effect on October 1, 1977, except that the provisions of clauses (A), (C), (D), and (E) of paragraph (2) of section 612 of the Act [section 1412 of this title], as amended by this Act, section 617(a)(1)(D) of the Act [section 1417(a)(1)(D) of this title], as amended by this Act, section 617(b) of the Act [section 1417(b) of this title], as amended by this Act, and section 618(a) of the Act [section 1418(a) of this title], as amended by this Act, shall take effect on the date of the enactment of this Act [Nov. 29, 1975].

“(d) The provisions of section 5(b) [amending section 1411 of this title and enacting provisions set out as notes under section 1411 of this title] shall take effect on the date of the enactment of this Act [Nov. 29, 1975].”

EFFECTIVE DATE OF 1974 AMENDMENT

Pub. L. 93-380, title V, §509(b), Aug. 21, 1974, 88 Stat. 568, provided that: “The amendment made by paragraph (2) of subsection (a) [amending this section] shall be effective on the date of enactment of this [Aug. 21, 1974] and shall be effective with respect to the provisions of this Act [see Short Title note set out under section 821 of this title].”

STUDY AND REPORT ON RULES AND REGULATIONS

Pub. L. 92-318, title V, §503, June 23, 1972, 86 Stat. 346, provided for a study by the Commissioner of all rules, regulations, etc., in connection with the administration of any program to which the General Education Provisions Act [this chapter] applies, with a report to be submitted to Congress not later than one year after June 23, 1972. Such section further mandated the publication of all rules, regulations, etc., in the Federal Register not later than 60 days after submission of such report, followed by a public hearing on such matters within the 60 day period following such publication. Such section then required a subsequent report to the relevant Congressional Committees on such hearings, and a republication of all rules and regulations in the Federal Register, such republished rules, etc., to supercede all preceding rules and regulations.

§ 1232-1. Repealed. Pub. L. 98-511, title I, § 109(b), Oct. 19, 1984, 98 Stat. 2369

Section, Pub. L. 90-247, title IV, §431A, as added Pub. L. 94-482, title III, §323(b), Oct. 12, 1976, 90 Stat. 2218; amended Pub. L. 95-561, title XII, §1249, Nov. 1, 1978, 92 Stat. 2355; Pub. L. 96-88, title III, §301(a)(1), title V, §507, Oct. 17, 1979, 93 Stat. 677, 692, provided for maintenance of effort determinations, providing in subsection: (a) for promulgation of regulations and determination of amount expended, (b) for waiver of requirements, (c) for objective criteria in carrying out waiver authority, and (d) for duration of effectiveness of requirements.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 1985, see section 711(b) of Pub. L. 98-511, set out as an Effective Date of 1984 Amendment note under section 1226c of this title.

§ 1232a. Prohibition against Federal control of education

No provision of any applicable program shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution or school