

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 Repealed.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-

vance funding for education programs, so as to afford responsible State, local, and Federal officers adequate notice of available Federal financial assistance for education authorized under this [Act, Pub. L. 93-380, see Short Title of 1974 Amendment note set out under section 6301 of this title] and other Acts of Congress.”

Provision effective on and after sixtieth day after Aug. 21, 1974, see section 2(c) of Pub. L. 93-380, set out as an Effective Date note under section 1221-1 of this title.

§ 1224. Repealed. Pub. L. 93-380, title V, § 506(a)(1)(B), Aug. 21, 1974, 88 Stat. 562

Section, Pub. L. 90-247, title IV, § 413, formerly § 404, Jan. 2, 1968, 81 Stat. 814; amended Pub. L. 91-230, title IV, § 401(a)(5), (6), Apr. 13, 1970, 84 Stat. 165; renumbered § 413, Pub. L. 92-318, title III, § 301(a)(1), June 23, 1972, 86 Stat. 326, provided for annual evaluation reports to Congressional committees, penultimate fiscal year reports, and contingent extension of expiring appropriation authority.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal 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.

§ 1225. Availability of appropriations on academic or school-year basis; additional period for obligation of funds**(a) Academic or differing fiscal year**

Appropriations for any fiscal year for grants, loans, contracts, or other payments under any applicable program may, in accordance with regulations of the Secretary, be made available for obligation by the recipient on the basis of an academic or school year differing from such fiscal year.

(b) Succeeding fiscal year

(1) Notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this subsection, any funds from appropriations to carry out any programs to which this chapter is applicable during any fiscal year, which are not obligated and expended by educational agencies or institutions prior to the beginning of the fiscal year succeeding the fiscal year for which such funds were appropriated shall remain available for obligation and expenditure by such agencies and institutions during such succeeding fiscal year.

(2) Any funds under any applicable program which, pursuant to paragraph (1), are available for obligation and expenditure in the year succeeding the fiscal year for which they were appropriated shall be obligated and expended in accordance with—

(A) the Federal statutory and regulatory provisions relating to such program which are in effect for such succeeding fiscal year, and

(B) any program plan or application submitted by such educational agencies or institutions for such program for such succeeding fiscal year.

(c) Institution of judicial proceedings

If any funds appropriated to carry out any applicable program are not obligated pursuant to a spending plan submitted in accordance with section 1341(a) of title 31 and become available for