

(B) Special rule

No such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

(3) Waiver

The Secretary may waive paragraph (2) due to exceptional or uncontrollable circumstances affecting the ability of the State to meet the requirement of paragraph (1) such as a natural disaster or an unforeseen and precipitous decline in financial resources. No level of funding permitted under such a waiver may be used as the basis for computing the fiscal effort or aggregate expenditures required under this section for years subsequent to the year covered by such waiver. The fiscal effort or aggregate expenditures for the subsequent years shall be computed on the basis of the level of funding that would, but for such waiver, have been required.

(Pub. L. 88-210, title II, §211, formerly title III, §311, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 742; renumbered title II, §211, and amended Pub. L. 115-224, title II, §201(a)(1), (5), (6), July 31, 2018, 132 Stat. 1620, 1621.)

Editorial Notes**PRIOR PROVISIONS**

A prior section 2391, Pub. L. 88-210, title III, §311, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3121, related to fiscal requirements, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2391, Pub. L. 88-210, title III, §331, formerly §341, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2463; renumbered §331 and amended Pub. L. 101-392, title III, §307(a)(2), (c), Sept. 25, 1990, 104 Stat. 787, stated findings of Congress, prior to the general amendment of this chapter by Pub. L. 105-332.

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-224, §201(a)(1)(A), struck out “and tech prep program activities” before period at end.

Subsec. (b)(1)(A). Pub. L. 115-224, §201(a)(1)(B)(i)(I), amended subpar. (A) generally. Prior to amendment, text read as follows: “Except as provided in subparagraphs (B) and (C), no payments shall be made under this chapter for any fiscal year to a State for career and technical education programs or tech prep programs unless the Secretary determines that the fiscal effort per student or the aggregate expenditures of such State for career and technical education programs for the fiscal year preceding the fiscal year for which the determination is made, equaled or exceeded such effort or expenditures for career and technical education programs for the second fiscal year preceding the fiscal year for which the determination is made.”

Subsec. (b)(1)(B). Pub. L. 115-224, §201(a)(1)(B)(i)(II), substituted “shall, at the request of the State, exclude competitive or incentive-based programs established by the State, capital expenditures, special one-time project costs, and the cost of pilot programs.” for “shall exclude capital expenditures, special 1-time project costs, and the cost of pilot programs.”

Subsec. (b)(1)(D). Pub. L. 115-224, §201(a)(1)(B)(i)(III), added subpar. (D).

Subsec. (b)(2), (3). Pub. L. 115-224, §201(a)(1)(B)(ii), added pars. (2) and (3) and struck out former par. (2). Prior to amendment, text of par. (2) read as follows: “The Secretary may waive the requirements of this section, with respect to not more than 5 percent of expenditures by any eligible agency for 1 fiscal year only, on making a determination that such waiver would be

equitable due to exceptional or uncontrollable circumstances affecting the ability of the eligible agency to meet such requirements, such as a natural disaster or an unforeseen and precipitous decline in financial resources. No level of funding permitted under such a waiver may be used as the basis for computing the fiscal effort or aggregate expenditures required under this section for years subsequent to the year covered by such waiver. The fiscal effort or aggregate expenditures for the subsequent years shall be computed on the basis of the level of funding that would, but for such waiver, have been required.”

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 2018 AMENDMENT**

Amendment by Pub. L. 115-224 effective July 1, 2019, see section 4 of Pub. L. 115-224, set out as a note under section 2301 of this title.

§ 2392. Authority to make payments

Any authority to make payments or to enter into contracts under this chapter shall be available only to such extent or in such amounts as are provided in advance in appropriation Acts.

(Pub. L. 88-210, title II, §212, formerly title III, §312, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 743; renumbered title II, §212, Pub. L. 115-224, title II, §201(a)(5), (6), July 31, 2018, 132 Stat. 1621.)

Editorial Notes**PRIOR PROVISIONS**

A prior section 2392, Pub. L. 88-210, title III, §312, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3122, related to authority to make payments, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2392, Pub. L. 88-210, title III, §332, formerly §342, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2464; amended Pub. L. 99-159, title VII, §709, Nov. 22, 1985, 99 Stat. 906; renumbered §332 and amended Pub. L. 101-392, title III, §307(a)(2), (d), Sept. 25, 1990, 104 Stat. 787, authorized business-labor-education partnership training grants, prior to the general amendment of this chapter by Pub. L. 105-332.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 2018 AMENDMENT**

Amendment by Pub. L. 115-224 effective July 1, 2019, see section 4 of Pub. L. 115-224, set out as a note under section 2301 of this title.

§ 2393. Construction

Nothing in this chapter shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of a private, religious, or home school, regardless of whether a home school is treated as a private school or home school under State law. This section shall not be construed to bar students attending private, religious, or home schools from participation in programs or services under this chapter.

(Pub. L. 88-210, title II, §213, formerly title III, §313, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 743; renumbered title II, §213, Pub. L. 115-224, title II, §201(a)(5), (6), July 31, 2018, 132 Stat. 1621.)

Editorial Notes**PRIOR PROVISIONS**

A prior section 2393, Pub. L. 88-210, title III, §313, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3122,