

Public Law 98-511
98th Congress

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98th Congress

An Act

Oct. 19, 1984
[S. 2496] To extend the authorization of appropriations for certain education programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Education Amendments of 1984.

SHORT TITLE

20 USC 2701 note.

SECTION 1. This Act may be cited as the "Education Amendments of 1984".

TITLE I—ADULT EDUCATION ACT AMENDMENTS

STATEMENT OF PURPOSE

20 USC 1201.

SEC. 101. Section 302 of the Adult Education Act (20 U.S.C. 1201 et seq.), hereafter in this title referred to as "the Act", is amended—
(1) by inserting after "basic" in clause (1) the following: "literacy", and
(2) by inserting after "training" in clause (3) the following: "and education".

DEFINITIONS

20 USC 1202.

SEC. 102. (a) Section 303(a) of the Act is amended to read as follows:

Post, p. 2367.

"(a) The term 'adult' means an individual who has attained 16 years of age or who is beyond the age of compulsory school attendance under State law, except that for the purpose of section 305(a), the term 'adult' means an individual 16 years of age or older."

(b) Section 303(b) of the Act is amended to read as follows: "(b) The term 'adult education' means instruction or services below the college level for adults who do not have—

"(1) the basic skills to enable them to function effectively in society; or

"(2) a certificate of graduation from a school providing secondary education (and who have not achieved an equivalent level of education)."

(c) Section 303(d) of the Act is amended to read as follows:

"(d) The term 'Secretary' means the Secretary of Education."

(d) Section 303(g) of the Act is amended to read as follows:

"(g) The term 'State' includes, in addition to the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands."

(e) Section 303(j) of the Act is amended by striking out "section 801(e) of the Elementary and Secondary Education Act of 1965" and inserting in lieu thereof "section 481 of the Higher Education Act of 1965".

(f) The Act is amended—

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- (1) by striking out "Commissioner" each time it appears, except the second time it appears in section 311(c), and inserting in lieu thereof "Secretary"; and
- (2) by striking out "Commissioners" in section 308(b) and inserting in lieu thereof "Secretary".

20 USC 1202 *et seq.*

20 USC 1207.

STATE GRANTS

SEC. 103. (a) Section 304(a) of the Act is amended—

20 USC 1203.

(1) by striking out "establishment of expansion" each time it appears and inserting in lieu thereof "establishment or expansion"; and

(2) by striking out "nonprofit" each time it appears.

(b) Section 304(a) of the Act is amended—

(1) by inserting (1) after the subsection designation;

(2) by redesignating clauses (1) and (2) as clauses (A) and (B); and

(3) by adding at the end thereof the following new paragraph:

"(2) Grants provided under this section may not be used to carry out programs by a for-profit agency, organization, or institution unless such agency, organization, or institution (A) can make a significant contribution to attaining the objectives of this Act, and (B) can provide substantially equivalent education at a lesser cost or can provide services and equipment not available in public institutions. Whenever the establishment or expansion of programs is carried out by a for-profit agency, organization, or institution, the State educational agency or eligible applicant shall enter into a contract with such agency, organization, or institution, for the establishment or expansion of such programs."

STATE ALLOTMENTS

SEC. 104. (a) Section 305(a) of the Act is amended—

20 USC 1204.

(1) by striking out "From" and inserting in lieu thereof "Subject to the last sentence of this subsection, from";

(2) by striking out "not more than 1 per centum thereof among" in clause (1) and inserting in lieu thereof "\$100,000 each to"; and

(3) by striking out "\$150,000" in clause (2) and inserting in lieu thereof "\$250,000".

(b) The last sentence of section 305(a) of the Act is amended to read as follows: "No State shall be allotted in any fiscal year beginning after September 30, 1984, an amount less than that State received for fiscal year 1984."

STATE PLANS

SEC. 105. (a) Section 306(a)(1) of the Act is amended by striking out "section 434" and inserting in lieu thereof "section 435".

20 USC 1205.

(b) Section 306(b) of the Act is amended—

(1) by striking out "and" at the end of clause (13);

(2) by striking out clause (14) and inserting in lieu thereof the following:

"(14) provide such information about the State's adult education students, programs, expenditures, and goals as the Secretary may require, together with information with respect to the age, sex, and race of students in the programs assisted under this Act and whether the students complete such programs; and

“(15) provide such further assurances and information as the Secretary may require.”.

PAYMENTS

20 USC 1206.

SEC. 106. Section 307(b) of the Act is amended by inserting “(1)” after the subsection designation and by adding at the end thereof the following new paragraph:

“(2) The Secretary may waive, for one fiscal year only, the requirements of paragraph (1) of this subsection, if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State educational agency.”.

ADMINISTRATION OF STATE PLANS

20 USC 1207.

SEC. 107. Section 308 of the Act is amended to read as follows:

“ADMINISTRATION OF STATE PLANS

“SEC. 308. Whenever the Secretary has reason to believe that, in administering its State plan, a State has failed to comply substantially with any provision of that State plan, the Secretary may take appropriate action under sections 453 and 454 of the General Education Provisions Act.”.

20 USC 1234b,
1234c.

NATIONAL PROGRAMS

20 USC 1207a.

SEC. 108. Section 309 of the Act is amended to read as follows:

“RESEARCH, DEVELOPMENT, DEMONSTRATION, DISSEMINATION, AND EVALUATION

“SEC. 309. (a)(1) The Secretary shall, with funds set aside under section 314(b), support applied research, development, demonstration, dissemination, evaluation, and related activities which will contribute to the improvement and expansion of adult education in the United States. The activities required by this subsection may include—

“(A) improving adult education opportunities for elderly individuals and adult immigrants,

“(B) evaluating educational technology and computer software suitable for providing instruction to adults, and

“(C) supporting exemplary cooperative adult education programs which combine the resources of businesses, schools and community organizations.

“(2)(A) The Secretary may support such activities directly, or through grants to, or contracts or cooperative agreements with, public or private institutions, agencies, or organizations, or individuals, including business concerns.

“(B) Whenever the Secretary makes a grant or enters into a contract or cooperative agreement with any private for-profit institution, agency, organization, individual, or business concern, the Secretary shall assure that participants in the program assisted under this subsection are not charged for their participation.

“(b) In addition to the responsibilities of the Director under section 405 of the General Education Provisions Act, the Director of the National Institute of Education may, with funds available under

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20 USC 1221e.

that section or with funds set aside under section 314(b) of this Act, support research on the special needs of individuals requiring adult education. The Director may support such research directly, or through grants to, or contracts or cooperative agreements with, public or private institutions, agencies, or organizations, or individuals.”

Infra.

Grants.
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REPEALS AND REDESIGNATIONS

SEC. 109. (a)(1) Sections 311 and 318 of the Act are repealed.
(2) Sections 312, 313, 314, 315, and 316 of the Act are redesignated as sections 311, 312, 313, 314, and 315, respectively.
(b) Section 431A of the General Education Provisions Act is repealed.

20 USC 1208a,
1211c,
20 USC 1208b,
1209, 1210, 1211,
1211a,
20 USC 1232-1.

STATE ADVISORY COUNCILS

SEC. 110. Section 311 of the Act (as redesignated by section 109) is amended to read as follows:

20 USC 1208b.

“STATE ADVISORY COUNCILS

“SEC. 311. Any State may use funds granted under section 304 to support a State advisory council which assists the State educational agency to plan, implement, or evaluate programs or activities assisted under this Act.”

Ante, p. 2367.

NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

SEC. 111. Section 312 of the Act (as redesignated by section 109) is amended by striking out “1984” and inserting in lieu thereof “1988”.

20 USC 1209.

AUTHORIZATION OF APPROPRIATIONS

SEC. 112. Section 314 of the Act (as redesignated by section 109) is amended to read as follows:

20 USC 1211.

“APPROPRIATIONS AUTHORIZED

“SEC. 314. (a) For the purpose of carrying out this title there are authorized to be appropriated \$140,000,000 for fiscal year 1985 and such sums as may be necessary for each of the three succeeding fiscal years.

“(b)(1) From the amount appropriated pursuant to subsection (a) for any fiscal year the Secretary may set aside not to exceed 5 per centum of that amount for programs under section 309. The remainder of the amount appropriated in each fiscal year shall be available for grants made under section 304.

Ante, p. 2496.

“(2) No set aside may be made pursuant to paragraph (1) of this subsection in any fiscal year in which the amount appropriated pursuant to subsection (a) of this section is less than \$112,000,000.”

Ante, p. 2367.

TITLE II—REVISION OF THE BILINGUAL EDUCATION ACT

SEC. 201. The Bilingual Education Act (20 U.S.C. 3221 et seq.) is amended to read as follows:

Bilingual
Education Act.

“TITLE VII—BILINGUAL EDUCATION PROGRAMS

“SHORT TITLE

20 USC 3221.

“SEC. 701. This title may be cited as the ‘Bilingual Education Act’.

“POLICY; APPROPRIATIONS

20 USC 3222.

“SEC. 702. (a) Recognizing—

“(1) that there are large and growing numbers of children of limited English proficiency;

“(2) that many of such children have a cultural heritage which differs from that of English proficient persons;

“(3) that the Federal Government has a special and continuing obligation to assist in providing equal educational opportunity to limited English proficient children;

“(4) that the Federal Government has a special and continuing obligation to assist language minority students to acquire the English language proficiency that will enable them to become full and productive members of society;

“(5) that a primary means by which a child learns is through the use of such child’s native language and cultural heritage;

“(6) that, therefore, large numbers of children of limited English proficiency have educational needs which can be met by the use of bilingual educational methods and techniques;

“(7) that in some school districts establishment of bilingual education programs may be administratively impractical due to the presence of small numbers of students of a particular native language or because personnel who are qualified to provide bilingual instructional services are unavailable;

“(8) that States and local school districts should be encouraged to determine appropriate curricula for limited English proficient students within their jurisdictions and to develop and implement appropriate instructional programs;

“(9) that children of limited English proficiency have a high dropout rate and low median years of education;

“(10) that the segregation of many groups of limited English proficient students remains a serious problem;

“(11) that both limited English proficient children and children whose primary language is English can benefit from bilingual education programs, and that such programs help develop our national linguistic resources;

“(12) that research, evaluation, and data collection capabilities in the field of bilingual education need to be strengthened so as to better identify and promote those programs and instructional practices which result in effective education;

“(13) that parent and community participation in bilingual education programs contributes to program effectiveness; and

“(14) that because of limited English proficiency, many adults are not able to participate fully in national life, and that limited English proficient parents are often not able to participate effectively in their children’s education,

the Congress declares it to be the policy of the United States, in order to establish equal educational opportunity for all children and to promote educational excellence (A) to encourage the establishment and operation, where appropriate, of educational programs using bilingual educational practices, techniques, and methods, (B)

to encourage the establishment of special alternative instructional programs for students of limited English proficiency in school districts where the establishment of bilingual education programs is not practicable or for other appropriate reasons, and (C) for those purposes, to provide financial assistance to local educational agencies, and, for certain related purposes, to State educational agencies, institutions of higher education, and community organizations. The programs assisted under this title include programs in elementary and secondary schools as well as related preschool and adult programs which are designed to meet the educational needs of individuals of limited English proficiency, with particular attention to children having the greatest need for such programs. Such programs shall be designed to enable students to achieve full competence in English. Such programs may additionally provide for the development of student competence in a second language.

“(b)(1) For the purposes of carrying out the provisions of this title, there are authorized to be appropriated for fiscal year 1985 and each of the three succeeding years such sums as may be necessary, subject to paragraph (7). Appropriation authorization.

“(2) There are further authorized to be appropriated to carry out the provisions of section 732, such sums as may be necessary for fiscal year 1985 and each of the three succeeding fiscal years, subject to paragraph (7). Post, p. 2380.

“(3) From the sums appropriated under paragraph (1) for any fiscal year which do not exceed \$140,000,000, the Secretary shall reserve 4 percent for special alternative instructional programs and related activities authorized under this Act. From the sums appropriated under paragraph (1) for any fiscal year in excess of \$140,000,000, the Secretary shall reserve 50 percent for special alternative instructional programs and related activities authorized under this Act, except that the amount of funds reserved for special alternative instructional programs and related activities pursuant to this paragraph shall not exceed 10 percent of the funds appropriated under paragraph (1). Ante, p. 2369.

“(4) From the sums appropriated under paragraph (1) for any fiscal year, the Secretary shall reserve at least 60 percent for the programs carried out under part A of this Act; and of this amount, at least 75 percent shall be reserved for the programs of transitional bilingual education carried out under section 721(a)(1). Post, p. 2374.

“(5) From the sums appropriated under paragraph (1) for any fiscal year, the Secretary shall reserve at least 25 percent for training activities carried out under part C. Post, p. 2383.

“(6) The Secretary shall reserve from the amount not reserved pursuant to paragraphs (4) and (5) of this subsection such amount as may be necessary, but not in excess of 1 percent thereof, for the purposes of section 752. Post, p. 2386.

“(7) Notwithstanding paragraphs (1) and (2), no amount in excess of \$176,000,000 is authorized to be appropriated to carry out the provisions of this title (including section 732) for fiscal year 1985. Post, p. 2380.

“DEFINITIONS; REGULATIONS

“SEC. 703. (a) The following definitions shall apply to the terms used in this title: 20 USC p. 3223.

“(1) The terms ‘limited English proficiency’ and ‘limited English proficient’ when used with reference to individuals means—

“(A) individuals who were not born in the United States or whose native language is a language other than English;

“(B) individuals who come from environments where a language other than English is dominant, as further defined by the Secretary by regulation; and

“(C) individuals who are American Indian and Alaskan Natives and who come from environments where a language other than English has had a significant impact on their level of English language proficiency, subject to such regulations as the Secretary determines to be necessary; and who, by reason thereof, have sufficient difficulty speaking, reading, writing, or understanding the English language to deny such individuals the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in our society.

“(2) The term ‘native language’, when used with reference to an individual of limited English proficiency, means the language normally used by such individuals, or in the case of a child, the language normally used by the parents of the child.

“(3) The term ‘low-income’ when used with respect to a family means an annual income for such a family which does not exceed the poverty level determined pursuant to section 111(c)(2) of title I of the Elementary and Secondary Education Act of 1965.

“(4)(A) The term ‘program of transitional bilingual education’ means a program of instruction, designed for children of limited English proficiency in elementary or secondary schools, which provides, with respect to the years of study to which such program is applicable, structured English language instruction, and, to the extent necessary to allow a child to achieve competence in the English language, instruction in the child’s native language. Such instruction shall incorporate the cultural heritage of such children and of other children in American society. Such instruction shall, to the extent necessary, be in all courses or subjects of study which will allow a child to meet grade-promotion and graduation standards.

“(B) In order to prevent the segregation of children on the basis of national origin in programs of transitional bilingual education, and in order to broaden the understanding of children about languages and cultural heritages other than their own, a program of transitional bilingual education may include the participation of children whose language is English, but in no event shall the percentage of such children exceed 40 percent. The program may provide for centralization of teacher training and curriculum development, but it shall serve such children in the schools which they normally attend.

“(C) In such courses or subjects of study as art, music, and physical education, a program of transitional bilingual education shall make provision for the participation of children of limited English proficiency in regular classes.

“(D) Children enrolled in a program of transitional bilingual education shall, if graded classes are used, be placed, to the extent practicable, in classes with children of approximately the same age and level of educational attainment. If children of significantly varying ages or levels of educational attainment are placed in the same class, the program of transitional bilingual education shall seek to insure that each child is provided

with instruction which is appropriate for his or her level of educational attainment.

“(5)(A) The term ‘program of developmental bilingual education’ means a full-time program of instruction in elementary and secondary schools which provides, with respect to the years of study to which such program is applicable, structured English-language instruction and instruction in a second language. Such programs shall be designed to help children achieve competence in English and a second language, while mastering subject matter skills. Such instruction shall, to the extent necessary, be in all courses or subjects of study which will allow a child to meet grade-promotion and graduation standards.

“(B) Where possible, classes in programs of developmental bilingual education shall be comprised of approximately equal numbers of students whose native language is English and limited English proficient students whose native language is the second language of instruction and study in the program.

“(6) The term ‘special alternative instructional programs’ means programs of instruction designed for children of limited English proficiency in elementary and secondary schools. Such programs are not transitional or developmental bilingual education programs, but have specially designed curricula and are appropriate for the particular linguistic and instructional needs of the children enrolled. Such programs shall provide, with respect to the years of study to which such program is applicable, structured English language instruction and special instructional services which will allow a child to achieve competence in the English language and to meet grade-promotion and graduation standards.

“(7) The term ‘family English literacy program’ means a program of instruction designed to help limited English proficient adults and out-of-school youth achieve competence in the English language. Such programs of instruction may be conducted exclusively in English or in English and the student’s native language. Where appropriate, such programs may include instruction on how parents and family members can facilitate the educational achievement of limited English proficient children. To the extent feasible, preference for participation in such programs shall be accorded to the parents and immediate family members of children enrolled in programs assisted under this title.

“(8) The term ‘programs of academic excellence’ means programs of transitional bilingual education, developmental bilingual education, or special alternative instruction which have an established record of providing effective, academically excellent instruction and which are designed to serve as models of exemplary bilingual education programs and to facilitate the dissemination of effective bilingual educational practices.

“(9) The term ‘Office’ means the Office of Bilingual Education and Minority Language Affairs.

“(10) The term ‘Director’ means the Director of the Office of Bilingual Education and Minority Languages Affairs.

“(11) The term ‘Council’ means the National Advisory and Coordinating Council on Bilingual Education.

“(12) The term ‘Secretary’ means the Secretary of Education.

“(13) The term ‘other programs for persons of limited English proficiency’ when used in this title means any programs within

Ante, p. 2477.
20 USC 1205.

20 USC 351d.
Regulations.

the Department of Education directly involving bilingual education activities serving persons of limited English proficiency, such as the programs carried out in coordination with the provisions of this title pursuant to part E of title IV of the Carl D. Perkins Vocational Education Act, and section 306(a)(11) of the Adult Education Act, and programs and projects serving areas with high concentrations of persons of limited English proficiency pursuant to section 6(b)(4) of the Library Services and Construction Act.

“(b)(1) In prescribing regulations under this title, the Secretary shall, through the National Advisory and Coordinating Council on Bilingual Education, consult with State and local educational agencies, organizations representing persons of limited English proficiency, and organizations representing teachers and other personnel involved in bilingual education.

“(2) The Secretary shall not prescribe under this title any regulations further defining the terms defined in paragraphs (4), (5), (6), (7), and (8) of subsection (a), or any regulations restricting or expanding the definitions contained in such paragraphs.

“(c) Parents of children participating in programs assisted under this title shall be informed of the instructional goals of the program and the progress of their children in such program.

“PART A—FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION PROGRAMS

“BILINGUAL EDUCATION PROGRAMS

Grants.
20 USC 3231.

“SEC. 721. (a) Funds available for grants under this part shall be used for the establishment, operation, and improvement of—

“(1) programs of transitional bilingual education;

“(2) programs of developmental bilingual education;

“(3) special alternative instructional programs for students of limited English proficiency;

“(4) programs of academic excellence;

“(5) family English literacy programs;

“(6) bilingual preschool, special education, and gifted and talented programs preparatory or supplementary to programs such as those assisted under this Act; and

“(7) programs to develop instructional materials in languages for which such materials are commercially unavailable.

“(b)(1)(A) A grant may be made under subsection (a) (1), (2), (3), or (4) of this section only upon application therefore by one or more local educational agencies or by institutions of higher education, including junior or community colleges, applying jointly with one or more local educational agencies.

“(B) A grant may be made under subsection (a) (5) or (6) only upon application therefore by one or more local educational agencies; institutions of higher education, including junior or community colleges; and private nonprofit organizations, applying separately or jointly.

“(c)(1) Any application for a grant authorized under subsection (a) of this section shall be made to the Secretary at such time, and in such manner, as the Secretary deems appropriate.

“(2) Applications for grants authorized under subsections (a)(1), (a)(2), and (a)(3) of this section, shall contain information regarding—

“(A) the number of children enrolled in programs conducted by the local educational agency;

“(B) the number of children residing in the area served by the local educational agency who are enrolled in private schools;

“(C)(i) the number of children enrolled in public and private schools in the area served by the local educational agency who are limited in their English proficiency; (ii) the method used by the applicant to make this determination; and (iii) evidence of the educational condition of the limited English proficient students, such as reading, mathematics, and subject matter test scores, and, where available, data on grade retention rates, rates of referral to or placement in special education programs, and student dropout rates;

“(D) the number of limited English proficient children who are enrolled in instructional programs specifically designed to meet their educational needs, as well as descriptions of such programs;

“(E) the number of limited English proficient children enrolled in public or private schools in the area served by the local educational agency who need or could benefit from education programs such as those assisted under this title;

“(F) the number of children who are to receive instruction through the proposed program and the extent of their educational needs;

“(G) a statement of the applicant's ability to serve children of limited English proficiency, including an assessment of the qualifications of personnel who will participate in the proposed project and of the need for further training of such personnel;

“(H) the resources needed to develop and operate or improve the proposed program;

“(I) the activities which would be undertaken under the grant and how these activities will improve the educational attainment of students and expand the capacity of the applicant to operate programs such as those assisted under this Act when Federal assistance under this section is no longer available; and

“(J) the specific educational goals of the proposed program and how achievement of these goals will be measured.

“(3) Applications for grants authorized under subsection (a)(3) of this section from applicants who desire to obtain priority in the awarding of such grants may contain information regarding (A) the administrative impracticability of establishing a bilingual education program due to the presence of small number of students of a particular native language, (B) the unavailability of personnel qualified to provide bilingual instructional services, or (C) the applicant's current or past efforts to establish a bilingual education program.

“(4) Applications for grants authorized under subsection (a)(4) shall contain information regarding—

“(A) the number of children served by the existing bilingual education program and evidence of their educational condition prior to enrollment in the program;

“(B) a description of the existing program as well as the educational background and linguistic competencies of program personnel;

“(C) the extent to which the program has promoted student academic achievement as indicated by objective evidence, such as improvements in language, mathematics, and subject matter test scores; grade retention rates; rates of referral to or place-

ment in special education programs; student dropout rates; and, where appropriate, postsecondary education and employment experiences of students;

“(D) the extent of parent involvement in and satisfaction with the existing bilingual education program; and

“(E) how the activities carried out under the grant would utilize and promote programs of academic excellence which employ bilingual educational practices, techniques, and methods.

“(5) Applications for grants authorized under subsection (a)(5) shall contain information regarding—

“(A) the number of limited English proficient parents and out-of-school family members of limited English proficient students who would be served by the English literacy program;

“(B) the activities which would be undertaken under the grant and how these activities will promote English literacy and enable parents and family members to assist in the education of limited English proficient children;

“(C) the extent to which the persons to be served by the program have been involved in its development;

“(D) applicant’s prior experience and performance in providing educational programs to limited English proficient adults and out-of-school youth;

“(E) with respect to applications by a local educational agency, the extent to which limited English proficient students enrolled in the educational agency are served by programs specifically designed to meet their needs; and

“(F) with respect to other applicants, a description of how the applicant will coordinate its program with a local education agency to ensure that the program will help limited English proficient family members promote the academic progress of limited English proficient children.

“(d)(1)(A) Grants made pursuant to subsections (a)(1), (a)(2), and (a)(3) of this section shall be for three years.

“(B) During the first six months of grants made pursuant to subsections (a)(1), (a)(2), and (a)(3) of this section, an applicant shall engage exclusively in preservice activities. Such activities may include program design, materials development, staff recruitment and training, development of evaluation mechanisms and procedures, and the operation of programs to involve parents in the educational program and to enable parents and family members to assist in the education of limited English proficient children. This subparagraph may be waived by the Secretary upon a determination that an applicant is prepared to operate successfully the proposed instructional program.

“(C) Upon reapplication, grants authorized under subsections (a)(1), (a)(2), and (a)(3) of this section shall be renewed for two additional years unless the Secretary determines that—

“(i) the applicant’s program does not comply with the requirements set out in this title;

“(ii) the applicant’s program has not made substantial progress in achieving the specific educational goals set out in the original application; or

“(iii) there is no longer a need for the applicant’s program.

“(D) Parents or legal guardians of students identified for enrollment in bilingual education programs shall be informed of (i) the reasons for the selection of their child as in need of bilingual

education, (ii) the alternative educational programs that are available, and (iii) the nature of the bilingual education program and of the instructional alternatives. Parents shall also be informed that they have the option of declining enrollment of their children in such programs and shall be given an opportunity to do so if they so choose.

“(2) Grants made pursuant to subsections (a)(4) and (a)(5) shall be for three years.

“(3) Grants made pursuant to subsections (a)(6) and (a)(7) shall be for a period of one to three years.

“(e) An application for a grant authorized under subsections (a)(1), (a)(2), and (a)(3) of this section shall—

“(1) be developed in consultation with an advisory council, of which a majority shall be parents and other representatives of the children to be served in such programs, in accordance with criteria prescribed by the Secretary;

“(2) be accompanied by documentation of such consultation and by the comments which the Council makes on the application;

“(3) contain assurances that, after the application has been approved, the applicant will provide for the continuing consultation with, and participation by, the committee of parents, teachers, and other interested individuals which shall be selected by and predominantly composed of parents of children participating in the program, and in the case of programs carried out in secondary schools, representatives of the secondary students to be served; and

“(4) include evidence that the State educational agency has been notified of the application and has been given the opportunity to offer recommendations thereon to the applicant and to the Secretary.

“(f) An application for a grant under subsections (a)(1), (a)(2), and (a)(3) of this section may be approved only if the Secretary determines—

“(1) that the program will use qualified personnel, including only those personnel who are proficient in the language or languages used for instruction;

“(2) that in designing the program for which application is made, the needs of the children in nonprofit private elementary and secondary schools have been taken into account through consultation with appropriate private school officials; and, consistent with the number of such children enrolled in such schools in the area to be served whose educational needs are of the type and whose language and grade levels are of a similar type which the program is intended to address, after consultation with appropriate private school officials, provision has been made for the participation of such children on a basis comparable to that provided for public school children;

“(3) that the program will be evaluated in accordance with a plan that meets the requirements of section 733 of this title;

“(4) that Federal funds made available for the project or activity will be used so as to supplement the level of State and local funds that, in the absence of those Federal funds, would have been expended for special programs for children of limited English proficiency and in no case to supplant such State and local funds, except that nothing in this clause shall—

Post., p. 2381.

42 USC 2000d.

“(A) preclude a local education agency from using funds under this title for activities carried out under an order of a court of the United States or of any State respecting services to be provided such children, or to carry out a plan approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 with respect to services to be provided such children; or

“(B) authorize any priority or preference to be assigned by the Secretary to the funding of the activities under this title;

“(5) that the assistance provided under the application will contribute toward building the capacity of the applicant to provide a program on a regular basis, similar to that proposed for assistance, which will be of sufficient size, scope, and quality to promise significant improvement in the education of children of limited English proficiency, and that the applicant will have the resources and commitment to continue the program when assistance under this title is reduced or no longer available;

“(6) that the applicant will provide or secure training for personnel participating, or preparing to participate, in the program and that, to the extent possible, college or university credit will be awarded for such training; and

“(7) that the provision of assistance proposed in the application is consistent with criteria established by the Secretary, after consultation with the State educational agency, for the purpose of achieving an equitable distribution of assistance under this part within the State in which the applicant is located, taking into consideration—

“(A) the geographic distribution of children of limited English proficiency;

“(B) the relative need of persons in different geographic areas within the State for the kinds of services and activities authorized under this title;

“(C) and with respect to grants to carry out programs described in subsections (a)(1), (a)(2), and (a)(3) of this section, the relative ability of particular local educational agencies within the State to provide such services and activities; and

“(D) with respect to such grants, the relative numbers of persons from low-income families sought to be benefited by such programs.

“(g) An application for a grant under subsection (a)(3) of this section may receive priority based upon the information provided by the applicant pursuant to clause (A), (B), or (C) of subsection (c)(3) of this section.

“(h) In the consideration of applications from local educational agencies to carry out programs authorized under this section, the Secretary shall give priority to applications from local educational agencies which are located in various geographical regions of the Nation and which propose to assist children of limited English proficiency who have historically been underserved by programs of bilingual education, taking into consideration the relative numbers of such children in the schools of such local educational agencies and the relative need for such programs. In approving such applications, the Secretary shall, to the extent feasible, allocate funds appropriated in proportion to the geographical distribution of children of limited English proficiency throughout the Nation, with due

regard for the relative ability of particular local educational agencies to carry out such programs and the relative numbers of persons from low-income families sought to be benefited by such programs.

“(i) Programs authorized under this title in the Commonwealth of Puerto Rico may, notwithstanding any other provision of this title, include programs of instruction, teacher training, curriculum development, research, evaluation, and testing designed to improve the English proficiency of children, and may also make provision for serving the needs of students of limited proficiency in Spanish.

“(j) If the Secretary determines that an applicant for assistance under this title is unable or unwilling to provide for the participation in the program for which assistance is sought of children of limited English proficiency enrolled in nonprofit, private schools, as required by subsection (f)(2) of this section, the Secretary shall—

“(1) withhold approval of such application until the applicant demonstrates that it is in compliance with those requirements; or

“(2) reduce the amount of the grant to such applicant by the amount which is required for the Secretary to arrange (such as through a contract with a nonprofit, nonsectarian agency, organization, or institution) to assess the needs of the children in the area to be served for programs of the type authorized in this title and to carry out such programs for the children.

“INDIAN CHILDREN IN SCHOOLS

“SEC. 722. (a) For the purpose of carrying out programs under this title for individuals served by elementary, secondary, or postsecondary schools operated predominantly for Indian or Alaskan Native children, an Indian tribe or a tribally sanctioned educational authority may be considered to be a local educational agency as such term is used in this title, subject to the following qualifications: 20 USC 3232.

“(1) The term ‘Indian tribe’ means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act (85 Stat. 688) which is recognized for the special programs and services provided by the United States to Indians because of their status as Indians. 43 USC 1601 note.

“(2) The term ‘tribally sanctioned educational authority’ means any department or division of education operating within the administrative structure of the duly constituted governing body of an Indian tribe, as well as any nonprofit institution or organization which is chartered by the governing body of an Indian tribe to operate any such school or otherwise to oversee delivery of educational services to members of that tribe and which is approved by the Secretary for the purposes of this section.

“(b) From the sums appropriated pursuant to section 702(b), the Secretary is authorized to make payments to the applicants to carry out programs of bilingual education for Indian children on reservations served by elementary and secondary schools operated or funded by the Bureau of Indian Affairs.

“(c) The Assistant Secretary of the Interior for the Bureau of Indian Affairs shall submit to the Congress, the President, and the Secretary by September 30 of each year an annual report which provides— Report.

“(1) an assessment of the needs of the Indian children with respect to the purposes of this title in schools operated or funded by the Department of the Interior, including those tribes and local educational agencies receiving assistance under the Johnson-O'Malley Act (25 U.S.C. 452 et seq.); and

“(2) an assessment of the extent to which such needs are being met by funds provided to such schools for educational purposes through the Secretary of the Interior.

“PART B—DATA COLLECTION, EVALUATION, AND RESEARCH

“USE OF FUNDS

20 USC 3241. “SEC. 731. Funds available under this part shall be used for (1) collecting data on the number of limited English proficient persons and the educational services available to such persons, (2) evaluating the operation and effectiveness of programs assisted under this title, (3) conducting research to improve the effectiveness of bilingual education programs, and (4) collecting, analyzing, and disseminating data and information on bilingual education.

“GRANTS FOR STATE PROGRAMS

20 USC 3242. “SEC. 732. (a) Upon an application from a State educational agency, the Secretary shall make provision for the submission and approval of a State program for the collection, aggregation, analysis, and publication of data and information on the State's population of limited English proficient persons and the educational services provided or available to such persons.

Report.
Regulations.
Ante, p. 2374.
Public
information.

“(b) State programs under this part shall provide for the annual submission of a report to the Secretary containing data and information on such matters as the Secretary shall, by regulation, determine necessary and proper to achieve the purposes of this title, including the matters specified in section 721(c)(2). Such reports shall be in such form and shall be submitted on such date as the Secretary shall specify by regulation. State programs shall provide for the dissemination of information regarding these matters to the public, and particularly to persons of limited English proficiency.

“(c) State programs authorized under this section may also provide for—

“(1) the planning and development of educational programs such as those assisted under this title;

“(2) the review and evaluation of programs of bilingual education, including bilingual education programs that are not funded under this title;

“(3) the provision, coordination, or supervision of technical and other forms of nonfinancial assistance to local educational agencies, community organizations, and private elementary and secondary schools that serve limited English proficient persons;

“(4) the development and administration of instruments and procedures for the assessment of the educational needs and competencies of persons of limited English proficiency;

“(5) the training of State and local educational agency staff to carry out the purposes of this title; and

“(6) other activities and services designed to build the capacity of State and local educational agencies to serve the educational needs of persons of limited English proficiency.

“(d) Except as provided in the second sentence of this subparagraph, the Secretary shall pay from the amounts appropriated for the purposes of this section pursuant to section 702(b)(2) for each fiscal year to each State educational agency which has a State program submitted and approved under subsection (a) of this section such sums as may be necessary for the proper and efficient conduct of such State program. The amount paid by the Secretary to any State educational agency under the preceding sentence for any fiscal year shall not be less than \$50,000 nor greater than 5 percent of the aggregate of the amounts paid under section 721 for programs within such State in the fiscal year preceding the fiscal year to which this limitation applies.

Ante, p. 2370.

Ante, p. 2374.

“(e) Funds made available under this section for any fiscal year shall be used by the State educational agency to supplement and, to the extent practical, to increase the level of funds that would, in the absence of such funds, be made available by the State for the purposes described in this section, and in no case to supplant such funds.

“PROGRAM EVALUATION REQUIREMENTS

“SEC. 733. (a) The Secretary shall issue, within six months of the date of enactment of this section, regulations which set forth a comprehensive design for evaluating the programs assisted under part A of this title. Such regulations shall be developed by the Director in consultation with the National Advisory and Coordinating Council on Bilingual Education. Such regulations shall provide for the collection of information and data including—

Regulations.
20 USC 3243.

Ante, p. 2374.

“(1) the educational background, needs, and competencies of the limited English proficient persons served by the program;

“(2) the specific educational activities undertaken pursuant to the program; the pedagogical materials, methods, and techniques utilized in the program; and with respect to classroom activities, the relative amount of instructional time spent with students on specified tasks;

“(3) the educational and professional qualifications, including language competencies, of the staff responsible for planning and operating the program; and

“(4) the extent of educational progress achieved through the program measured, as appropriate, by (A) tests of academic achievement in English language arts, and where appropriate, second language arts; (B) tests of academic achievement in subject matter areas; and (C) changes in the rate of student grade-retention, dropout, absenteeism, referral to or placement in special education classes, placement in programs for the gifted and talented, and enrollment in postsecondary education institutions.

“EVALUATION ASSISTANCE CENTERS

“SEC. 734. The Secretary shall establish, through competitive grants to institutions of higher education, at least two evaluation assistance centers. Such centers shall provide, upon the request of State or local educational agencies, technical assistance regarding methods and techniques for identifying the educational needs and competencies of limited English proficient persons and assessing the educational progress achieved through programs such as those as-

Grants.
20 USC 3244.

sisted under this title. Grants made pursuant to this section shall be for a period of three years.

“RESEARCH

Contracts with
U.S.
20 USC 3245.

“SEC. 735. (a) The Secretary shall, through competitive contracts under this section, provide financial assistance for research and development proposals submitted by institutions of higher education, private for-profit and nonprofit organizations, State and local educational agencies, and individuals.

“(b) Research activities authorized to be assisted under this section shall include—

“(1) studies to determine and evaluate effective models for bilingual education programs;

“(2) studies which examine the process by which individuals acquire a second language and master the subject matter skills required for grade-promotion and graduation, and which identify effective methods for teaching English and subject matter skills within the context of a bilingual education program or special alternative instructional program to students who have language proficiencies other than English;

“(3) longitudinal studies to measure the effect of this title on the education of students who have language proficiencies other than English, and the effect of this title on the capacity of local educational agencies to operate bilingual programs following the termination of assistance under this title;

“(4) studies to determine effective and reliable methods for identifying students who are entitled to services under this title and for determining when their English language proficiency is sufficiently well developed to permit them to derive optimal benefits from an all-English instructional program;

“(5) the operation of a clearinghouse which shall collect, analyze, and disseminate information about bilingual education and related programs;

“(6) studies to determine effective methods of teaching English to adults who have language proficiencies other than English;

“(7) studies to determine and evaluate effective methods of instruction for bilingual programs, taking into account language and cultural differences among students; and

“(8) studies to determine effective approaches to preservice and inservice training for teachers, taking into account the language and cultural differences of their students.

“(c) In carrying out the responsibilities of this section, the Secretary may delegate authority to the Director, and in any event, shall consult with the Director, the National Advisory and Coordinating Council on Bilingual Education, representatives of State and local educational agencies, and appropriate groups and organizations involved in bilingual education.

“(d) The Secretary shall publish and disseminate all requests for proposals in research and development assisted under this title.

“COORDINATION OF RESEARCH

Public
information.

20 USC 3246.
20 USC 1221e.

“SEC. 736. Notwithstanding section 405(b)(1) of the General Education Provisions Act, the Director of the National Institute of Education shall consult with the Director and the National Advisory and

Coordinating Council on Bilingual Education to insure that research activities undertaken pursuant to section 405(b)(2)(C) of the General Education Provisions Act complement and do not duplicate the activities conducted pursuant to this part.

“EDUCATION STATISTICS

“SEC. 737. (a) Notwithstanding section 406 of the General Education Provisions Act, the National Center for Education Statistics shall collect and publish, as part of its annual report on the condition of education, data for States, Puerto Rico, and the Trust Territories with respect to the population of limited English proficient persons, the special educational services and programs available to limited English proficient persons, and the availability of educational personnel qualified to provide special educational services and programs to limited English proficient persons.

Public
information.
20 USC 3247.

“(b) In carrying out its responsibilities under this section, the National Center for Education Statistics shall utilize, to the extent feasible, data submitted to the Department of Education by State and local educational agencies and institutions of higher education pursuant to the provisions of this title.

“PART C—TRAINING AND TECHNICAL ASSISTANCE

“USE OF FUNDS

“SEC. 741. (a) Funds available under this part shall be used for—

20 USC 3251.

“(1) the establishment, operation, and improvement of training programs for educational personnel preparing to participate in, or personnel participating in, the conduct of programs of bilingual education or special alternative instructional programs for limited English proficient students, which shall emphasize opportunities for career development, advancement, and lateral mobility, and may provide training to teachers, administrators, counselors, paraprofessionals, teacher aides, and parents;

“(2) the training of persons to teach and counsel such persons;

“(3) the encouragement of reform, innovation, and improvement in applicable education curricula in graduate education, in the structure of the academic profession, and in recruitment and retention of higher education and graduate school faculties, as related to bilingual education;

“(4) the operation of short-term training institutes designed to improve the skills of participants in programs of bilingual education or special alternative instructional programs for limited English proficient students; which may include summer programs designed to improve the instructional competence of educational personnel in the languages used in the program; and

“(5) the provision of inservice training and technical assistance to parents and educational personnel participating in, or preparing to participate in, bilingual education programs or special alternative instructional programs for limited English proficient students.

“(b)(1) A grant or contract may be made under subsection (a)(1), (a)(2), or (a)(3) of this section upon application of an institution of higher education.

Grants.
Contracts with
U.S.

“(2) A grant or contract may be made under subsection (a)(4) of this section upon application of (A) institutions of higher education (including junior colleges and community colleges) and private for-profit or nonprofit organizations which apply, after consultation with, or jointly with, one or more local educational agencies or a State educational agency; (B) local educational agencies; or (C) a State educational agency.

“(3) A grant or contract may be made under subsection (a)(5) of this section upon application of (A) institutions of higher education (including junior colleges and community colleges), (B) private for-profit or nonprofit organizations, or (C) a State educational agency.

“(c) An application for a grant or contract for preservice or inservice training activities described in subsection (a)(1) of this section shall be considered an application for a program of bilingual education for the purposes of section 721(e) of this title.

Ante, p. 2374.

“(d) In making a grant or contract for preservice training programs described in subsection (a)(1) of this section, the Secretary shall give preference to programs which contain coursework in—

“(1) teaching English as a second language;

“(2) use of a non-English language for instructional purposes;

“(3) linguistics; and

“(4) evaluation and assessment;

and involving parents in the educational process. Preservice training programs shall be designed to ensure that participants become proficient in English and a second language of instruction.

“MULTIFUNCTIONAL RESOURCE CENTERS

Grants.
Contracts with
U.S.
20 USC 3252.

“SEC. 742. (a) Pursuant to subsection (a)(5) of section 741, the Secretary shall establish, through competitive grants or contracts, at least 16 multifunctional resource centers (hereafter in this section referred to as ‘centers’). Grants and contracts shall be awarded with consideration given to the geographic and linguistic distribution of children of limited English proficiency.

“(b) In addition to providing technical assistance and training to persons participating in or preparing to participate in bilingual education programs or special alternative instructional programs for limited English proficient students, each center shall be responsible for gathering and providing information to other centers on a particular area of bilingual education, including (but not limited to) bilingual special education, bilingual education for gifted and talented limited English proficient students, bilingual vocational education, bilingual adult education, bilingual education program administration, literacy, education technology in bilingual programs, mathematics and science education in bilingual programs, counseling limited English proficient students, and career education programs for limited English proficient students.

“FELLOWSHIPS

20 USC 3253.

“SEC. 743. (a) Pursuant to subsection (a)(2) of section 741, the Secretary is authorized to award fellowships for advanced study of bilingual education or special alternative instructional programs for limited English proficient students in such areas as teacher training, program administration, research and evaluation, and curriculum development. For the fiscal year ending September 30, 1985, not less than 500 fellowships leading to a graduate degree shall be

awarded under the preceding sentence. Such fellowships shall be awarded, to the extent feasible, in proportion to the needs of various groups of individuals with limited English proficiency. In awarding fellowships, the Secretary shall give preference to individuals intending to study bilingual education or special alternative instructional programs for limited English proficient students in the following specialized areas: vocational education, adult education, gifted and talented education, special education, education technology, literacy, and mathematics and science education. The Secretary shall include information on the operation of the fellowship program in the report required under section 751(c) of this title.

“(b) The Secretary shall undertake an on-going longitudinal study of the impact of recipients of such fellowships on the field of bilingual education and alternative instructional programs for students of limited English proficiency and shall, through the clearinghouse established pursuant to section 735(b)(5) of this title, disseminate research undertaken by recipients of such fellowships.

Infra.
Study.
Public
information.

“(c) Any person receiving a fellowship under this section shall agree either to repay such assistance or to work for a period equivalent to the period of time during which such person received assistance, and such work shall be in an activity related to programs and activities such as those authorized under this Act. The Secretary may waive this requirement in extraordinary circumstances.

“PRIORITY

“SEC. 744. In making grants or contracts under this part, the Secretary shall give priority to eligible applicants with demonstrated competence and experience in programs and activities such as those authorized under this Act.

20 USC 3254.

“STIPENDS

“SEC. 745. In the terms of any arrangement described in this part, the Secretary shall provide for the payment, to persons participating in training programs so described, of such stipends (including allowances for subsistence and other expenses for such persons and their dependents) as the Secretary may determine to be consistent with prevailing practices under comparable federally supported programs.

20 USC 3255.

“PART D—ADMINISTRATION

“OFFICE OF BILINGUAL EDUCATION AND MINORITY LANGUAGES AFFAIRS

“SEC. 751. (a) There shall be, in the Department of Education, an Office of Bilingual Education and Minority Languages Affairs (hereafter in this section referred to as the ‘Office’) through which the Secretary shall carry out functions relating to bilingual education.

Establishment.
20 USC 3261.

“(b)(1) The Office shall be headed by a Director of Bilingual Education and Minority Languages Affairs, appointed by the Secretary, to whom the Secretary shall delegate all delegable functions relating to bilingual education. The Director shall also be assigned responsibility for coordinating the bilingual education aspects of other programs administered by the Secretary.

“(2) The Office shall be organized as the Director determines to be appropriate in order to enable the Director to carry out such functions and responsibilities effectively, except that there shall be

a division, within the Office, which is exclusively responsible for the collection, aggregation, analysis, and publication of data and information on the operation and effectiveness of programs assisted under this title.

Report.

"(c) The Secretary, in consultation with the Council, shall prepare and, not later than February 1 of 1986 and 1988, shall submit to the Congress and the President a report on the condition of bilingual education in the Nation and the administration and operation of this title and of other programs for persons of limited English proficiency. Such report shall include—

"(1) a national assessment of the educational needs of children and other persons with limited English proficiency and of the extent to which such needs are being met from Federal, State, and local efforts;

"(2) a plan, including cost estimates, to be carried out during the five-year period beginning on such date, for extending programs of bilingual education and bilingual vocational and adult education programs to all such preschool and elementary school children and other persons of limited English proficiency, including a phased plan for the training of the necessary teachers and other educational personnel necessary for such purpose;

"(3) a report on and evaluation of the activities carried out under this title during the preceding two fiscal years and the extent to which each of such activities achieves the policy set forth in section 702(a);

Ante, p. 2370.

"(4) a statement of the activities intended to be carried out during the succeeding period, including an estimate of the cost of such activities;

"(5)(A) an assessment of the number of teachers and other educational personnel needed to carry out programs of bilingual education under this title and those carried out under other programs for persons of limited English proficiency;

"(B) a statement describing the activities carried out thereunder designed to prepare teachers and other educational personnel for such programs; and

"(C) the number of other educational personnel needed to carry out programs of bilingual education in the States; and

"(6) an estimate of the number of fellowships in the field of training teachers for bilingual education which will be necessary for the two succeeding fiscal years.

"(d) In order to maximize Federal efforts aimed at serving the educational needs of children of limited English proficiency, the Secretary shall coordinate and closely cooperate with other programs administered by the Department of Education, including such areas as teacher training, program content, research, and curriculum. The Secretary's report under subsection (c) shall include demonstration that such coordination has taken place.

"(e) The Secretary shall ensure that the Office of Bilingual Education and Minority Languages Affairs is staffed with sufficient personnel trained, or with experience in, bilingual education to discharge effectively the provisions of this title.

"NATIONAL ADVISORY AND COORDINATING COUNCIL ON BILINGUAL
EDUCATION

Establishment.
20 USC 3262.

"SEC. 752. (a) Subject to part D of the General Education Provisions Act, there shall be a National Advisory and Coordinating

Council on Bilingual Education composed of twenty members appointed by the Secretary, one of whom shall be designated by the Secretary as Chairman. Members of the Council shall be persons experienced in dealing with the educational problems of children and other persons who are of limited English proficiency. Five members of the Council shall be State directors of bilingual education programs, at least three of whom shall represent States with large populations of limited English proficient students. Two members of the Council shall be experienced in research on bilingual education or evaluation of bilingual education programs. One member of the Council shall be experienced in research on methods of alternative instruction for language minority students or evaluation of alternative methods of instruction for such students. One member of the council shall be a classroom teacher of demonstrated teaching abilities using bilingual methods and techniques. One member of the Council shall be a classroom teacher of demonstrated teaching abilities using alternative instructional methods and techniques. One member of the Council shall be experienced in the training of teachers for programs of bilingual education. One member of the Council shall be experienced in the training of teachers for programs of alternative instruction. Two members of the Council shall be parents of students whose language is other than English, and one member of the Council shall be an officer of a professional organization representing bilingual education personnel. The members of the Council shall be appointed in such a way as to be generally representative of the significant segments of the population of persons of limited English proficiency and the geographic areas in which they reside. Subject to section 448(b) of the General Education Provisions Act, the Council shall continue to exist until October 1, 1988.

20 USC 1233g.

“(b) The Council shall meet at the call of the Chairman, but, notwithstanding the provisions of section 446(a) of the General Education Provisions Act, not less often than four times in each year.

20 USC 1233e.

“(c) The Council shall advise the Secretary in the preparation of general regulations and with respect to policy matters arising in the administration and operation of this title, including the development of criteria for approval of applications and plans under this title, and in the administration and operation of other programs for persons of limited English proficiency. The Council shall prepare and, not later than March 31 of each year, submit a report to the Congress and the President on the condition of bilingual education in the Nation and on the administration and operation of this title, including those items specified in section 751(c), and the administration and operation of other programs for persons of limited English proficiency.

Report.

Ante, p. 2385.

“(d) The Secretary shall procure temporary and intermittent services of such personnel as are necessary for the conduct of the functions of the Council, in accordance with section 445 of the General Education Provisions Act, and shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities effectively.”.

20 USC 1233d.

TITLE III—AMENDMENTS TO FEDERAL IMPACT AID LAWS

GENERAL EXTENSIONS OF AUTHORIZATIONS

20 USC 237, 238,
239, 241-1.

SEC. 301. (a)(1) The Act of September 30, 1950 (Public Law 874, Eighty-first Congress; 20 U.S.C. 236) is amended by striking out "October 1, 1983" each place it appears in sections 2(a), 3(b), 4(a), and 7(a)(1) and inserting in lieu thereof "October 1, 1988".

(2) Section 3(d)(2)(E) of such Act is amended—

(A) by striking out "fiscal year 1983 or 1984" in division (ii) and inserting in lieu thereof "any of the fiscal years 1983 through 1988"; and

(B) by striking out division (iii).

(3) Section 3(c)(2)(A) of such Act is amended—

(A) by striking out division (i); and

(B) by redesignating divisions (ii) and (iii) as divisions (i) and (ii), respectively.

20 USC 631
note.

(4)(A) Section 504 of the Omnibus Education Reconciliation Act of 1981 is repealed.

20 USC 237
note.

(B) Section 505(a)(1) of such Act is amended by striking out the first sentence and inserting in lieu thereof the following: "The total amount of appropriations to make payments under the Act of September 30, 1950 (Public Law 874, 81st Congress) shall not exceed \$740,000,000 for fiscal year 1985, \$760,000,000 for fiscal year 1986, \$780,000,000 for fiscal year 1987, and \$800,000,000 for fiscal year 1988."

20 USC 236
note.

(C) Subsections (a)(3) and (b) of section 505 of such Act are each amended by striking out "1982, 1983, 1984, or 1985" and inserting in lieu thereof "1985, 1986, 1987, or 1988".

20 USC 237
note, 238 note.

(b) The Act of September 23, 1950 (Public Law 815, Eighty-first Congress; 20 U.S.C. 631) is amended—

20 USC 633.

(1) by striking out "September 30, 1983" in section 3 and inserting in lieu thereof "September 30, 1988"; and

20 USC 646.

(2) by striking out "October 1, 1983" in section 16(a)(1)(A) and inserting in lieu thereof "October 1, 1988".

COLLECTION OF OVERPAYMENTS

20 USC 240
note.

SEC. 302. In the case of any local educational agency which the Secretary of Education determines has received, for any fiscal year after fiscal year 1976, an overpayment under section 2 of the Act of September 30, 1950 (20 U.S.C. 237) as a consequence of a recomputation of need based on revised data, the Secretary shall not require more than 10 percent of the amount of the overpayment to be repaid (or deducted from current payments) in any fiscal year.

AMENDMENTS TO IMPACT AID PROGRAM

20 USC 238.

SEC. 303. (a)(1) Section 3(d)(2)(B) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) is amended by inserting at the end thereof the following new sentence: "In carrying out the provisions of this subparagraph, the Secretary shall not prorate the amounts computed under this subparagraph attributable to the number of children determined under subsection (a) or (b), or both."

(2)(A) The second sentence of section 3(d)(2)(B) of such Act is amended by striking out "The" and inserting in lieu thereof "Subject to the provisions of subsection (h) of this section, the".

(B) Section 3 of such Act is amended by adding at the end thereof the following new subsection: 20 USC 238.

“SPECIAL PROVISIONS

“(h) Any local educational agency for which the boundaries of the school district of such agency are coterminous with the boundaries of a military installation and which is not eligible to receive payments under subsection (d)(2)(B) shall receive 100 percent of the amounts to which such agency is entitled under subsection (a) of this section.”

(b)(1) The last two sentences of section 5(c) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) (as added by section 23 of Public Law 98-211 (97 Stat. 1419)) are redesignated as subsection (h) of section 5 of that Act. 20 USC 240.

(2) The amendment made by paragraph (1) of this subsection shall be effective December 8, 1983. Effective date. 20 USC 240 note.

TITLE IV—WOMEN'S EDUCATIONAL EQUITY

SHORT TITLE; CONFORMING AMENDMENT

SEC. 401. (a) This title may be cited as the “Women’s Educational Equity Amendments of 1984”.

(b) The Women’s Educational Equity Act of 1978 (20 U.S.C. 3341 et seq.), hereafter in this title referred to as “the Act”, is amended by striking out “Commissioner” each place it appears and inserting in lieu thereof “Secretary of Education”. Women’s Educational Equity Amendments of 1984. 20 USC 2701 note. 20 USC 3342 et seq.

FINDINGS AND PURPOSE

SEC. 402. (a) Section 931(b)(1) of the Act is amended by adding at the end thereof the following: “The Congress finds and declares that excellence in education cannot be achieved without equity for women and girls.” 20 USC 3341.

(b) Section 931(b)(2) of the Act is amended by adding at the end thereof the following: “It is also the purpose of this part to provide educational equity for women and girls who suffer multiple discrimination, bias, or stereotyping based on sex and on race, ethnic origin, disability, or age.”

GRANT AND CONTRACT AUTHORITY

SEC. 403. (a) Section 932(a) of the Act is amended by adding at the end thereof the following: “The Secretary shall ensure that at least 1 grant or contract is available during each fiscal year for the performance of each of the activities described in paragraph (1) of this subsection.” 20 USC 3342.

(b) Section 932(b) of the Act is amended—

(1) by striking out “\$15,000,000” each place it appears and inserting in lieu thereof “\$6,000,000”;

(2) by striking out “shall be used” and all that follows in the second sentence and inserting in lieu thereof “may be used to support new activities described in paragraph (1) or to support activities described in paragraph (2), or both.”

CHALLENGE GRANTS

SEC. 404. Section 934 of the Act is amended to read as follows: 20 USC 3344.

"CHALLENGE GRANTS

Ante, p. 2389. "SEC. 934. (a) In addition to the authority of the Secretary under section 932, the Secretary shall carry out a program of challenge grants (as part of the grant program administered under section 932(a)(1)), not to exceed \$40,000 each, in order to support projects to develop—

"(1) comprehensive plans for implementation of equity programs at every educational level;

"(2) innovative approaches to school-community partnerships;

"(3) new dissemination and replication strategies; and

"(4) other innovative approaches to achieving the purposes of this part.

"(b) For the purposes described in clauses (1) through (4) of subsection (a), the Secretary is authorized to make grants to public and private nonprofit agencies and to individuals."

CRITERIA AND PRIORITIES

20 USC 3345.

SEC. 405. Section 935 of the Act is amended—

(1) by inserting "separate" after "Secretary shall establish"; and

(2) by inserting "under sections 932(a)(1) and 932(a)(2)" after "priorities for awards".

NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

20 USC 3346.

SEC. 406. Section 936 of the Act is amended—

(1) by striking out "Office of Education" in subsection (a) and inserting in lieu thereof "Department of Education";

(2) by striking out paragraph (1) of such subsection and inserting in lieu thereof the following:

"(1) seventeen individuals, some of whom shall be students, and who shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals, broadly representative of the general public and including (A) individuals who are experts in a wide range of issues of educational equity for women at all levels of education, including preschool, elementary and secondary education, higher education, and vocational and adult education; (B) individuals who are representative of and expert in the educational needs of racial and ethnic minority women, older women, and disabled women; (C) both women and men who have demonstrated commitment to and expertise in the purposes of this part; and (D) individuals who are representative of and expert in student financial assistance programs authorized under title IV of the Higher Education Act of 1965;"

20 USC 1070.

(3) by striking out "advise" and all that follows through "on matters" in subsection (c)(1) and inserting in lieu thereof "advise the Secretary and the Congress on matters";

(4) by inserting "selection of funding priorities and" before "allocation of any funds" in subsection (c)(2); and

(5) by striking out subsection (c)(3) and inserting in lieu thereof the following:

"(3) advise all Federal agencies which have education programs concerning those aspects of the programs which relate to the educational needs and opportunities of women;"

REPORT OF THE SECRETARY

SEC. 407. Section 937 of the Act is amended—

20 USC 3347.

(1) by striking out the heading of such section and inserting in lieu thereof the following:

“REPORTS, EVALUATION, AND DISSEMINATION”;

(2) by striking out “, 1980, 1982, and 1984” and inserting in lieu thereof “of each of the years 1985 through 1989”;

(3) by striking out “shall evaluate” in the last sentence and inserting in lieu thereof “shall oversee the evaluation of”;

(4) by striking out “include such evaluation” in such sentence and inserting in lieu thereof “report on such evaluation”; and

(5) by inserting “(a)” after “SEC. 937.” and by adding at the end thereof the following new subsection:

“(b) The Office of Women’s Educational Equity shall evaluate and disseminate (at low cost) all materials and programs developed under this part.”

Public information.

AUTHORIZATION OF APPROPRIATIONS

SEC. 408. Section 938 of the Act is amended to read as follows:

20 USC 3348.

“AUTHORIZATION OF APPROPRIATIONS

“SEC. 938. For the purpose of carrying out this part there are authorized to be appropriated \$10,000,000 for fiscal year 1985, \$12,000,000 for fiscal year 1986, \$14,000,000 for fiscal year 1987, \$16,000,000 for fiscal year 1988, and \$20,000,000 for fiscal year 1989.”

TITLE V—AMENDMENTS TO TITLE XI OF THE EDUCATION AMENDMENTS OF 1978

Indian Education Amendments of 1984.

SHORT TITLE; REFERENCE

SEC. 501. (a) This title may be cited as the “Indian Education Amendments of 1984”.

25 USC 2001

(b) Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title XI of the Education Amendments of 1978 (25 U.S.C. 2001 et seq.).

note.
Schools and colleges.

STANDARDS

SEC. 502. (a) Section 1121(b)(2) is amended by adding at the end thereof the following: “Such standards shall include a requirement, developed in coordination with Indian tribes, the affected local school boards, the Indian Health Service of the Department of Health and Human Services, the State health departments, and the Federal Center for Disease Control, on immunization for childhood diseases, including provisions for in-school immunization, where necessary.”

25 USC 2001.

(b) The first sentence of section 1121(d) is amended by striking out everything after “ill-conceived” and inserting in lieu thereof a period and the following: “The tribal governing body or designated school board shall thereafter submit to the Secretary a proposal for

alternative standards that takes into account the specific needs of the tribe's children.”

25 USC 2001.

(c) Section 1121(e) is amended—

(1) by inserting “(1)” after “(e)”;

(2) by striking out the second sentence thereof; and

(3) by adding at the end thereof the following new paragraphs:

“(2) Within two years of the initial contract for the provision of educational services under Indian Self-Determination and Education Assistance Act each such school shall (A) be in compliance with the standards prescribed under subsection (a), or (B) have obtained accreditation, or be a candidate for accreditation, with one of the accrediting agencies recognized by the Secretary of Education or the State in which it is found.

25 USC 450
note.

“(3) Within one year of the date of enactment of this paragraph, the Bureau shall, through contract with a national Indian organization, establish uniform fiscal control and fund accounting procedures for all contract schools. Such procedures shall yield data results comparable to those used by Bureau schools.”

Contracts with
U.S.

(d) Section 1121(f) is amended by adding at the end thereof the following: “Failure to implement or meet such standards shall not serve as the basis for taking any personnel action against any individual if (1) the failure is related to inadequate resources (as determined under sections 1128 and 1129 of this title), and (2) the Secretary has not submitted the information required by this subsection and has not requested sufficient funds to cover the cost (as determined under such sections) of meeting such standards at the school concerned.”

Post, pp.
2394-2396.

(e) Section 1121 is further amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

“(g)(1) Except as specifically required by statute, no school operated by the Bureau of Indian Affairs on January 1, 1984, may be closed or its program curtailed unless done according to the requirements of this subsection, except that, in those cases where the tribal governing body, or the local school board concerned (if so designated by the tribal governing body), requests closure or consolidation, the requirements of this subsection shall not apply.

Regulations.

“(2) The Secretary shall, by regulation, promulgate standards and procedures for the closing or consolidation of Bureau schools in accordance with the requirements of this subsection.

“(3) Such standards and procedures shall require that, whenever closure or consolidation of a school is under consideration or review by any division of the Bureau or the Department of the Interior, the affected tribe, tribal governing body, designated local school board, and parents will be notified as soon as such consideration or review begins and kept fully and currently informed with respect to such consideration or review. Copies of any such notices and information shall be transmitted promptly to the Congress and published in the Federal Register.

Federal
Register,
publication.
Study.

“(4) Prior to ordering any such school closing or consolidation, the Secretary shall insure that a study is made of each Indian child's educational and (where applicable) social needs and that adequate alternative services are guaranteed. Such a study shall include a description of the consultation conducted between the potential service provider, current service provider, parents, tribal representative of the tribe involved, and the Director of the Bureau of Indian

Affairs, Office of Indian Education Programs, with regard to such child.

"(5) Prior to taking any action to close or consolidate any such school, the Secretary shall make a full report to Congress describing the plans made (including schedules and plans for follow-up studies on the students affected), and the study and consultations undertaken pursuant to paragraph (4) of this subsection. No action may be taken in furtherance of any such proposed school closing or consolidation (including any action which would prejudice the personnel or programs of such school) until the end of the academic year following the academic year in which such report is made."

Report.

SCHOOL BOUNDARIES

SEC. 503. Section 1124 is amended to read as follows:

25 USC 2004.

"SCHOOL BOUNDARIES

"SEC. 1124. (a) The Secretary shall, in accordance with this section, establish separate geographical attendance areas for each Bureau school.

"(b) No attendance area shall be established with respect to any such school unless the tribal governing body or the local school board concerned (if so designated by the tribal governing body) has been given one year from the date of enactment of the Indian Education Amendments of 1984 to propose such boundaries. Such proposed boundaries shall be accepted unless the Secretary finds, after consultation with such body or board, that such boundaries do not reflect the needs of the Indian students to be served or do not provide adequate stability to all of the programs affected.

Ante, p. 2391.

"(c) In any case where there is only one Bureau operated program located on an Indian reservation, the attendance area for the program shall be the boundaries of the reservation served, and those students residing near the reservation shall also receive services from such program.

"(d) The Bureau of Indian Affairs shall include in the final rules the requirement that each superintendent for education coordinate and consult with the affected tribes and relevant school boards in the establishment of such geographic boundaries."

BUREAU OF INDIAN AFFAIRS EDUCATION FUNCTIONS

SEC. 504. (a) Section 1126(b) is amended by striking the second sentence and inserting in lieu thereof the following: "All contract functions relating to education (including those pursuant to the Indian Self-Determination and Education Assistance Act) shall be supervised by the Director of the Office."

25 USC 2006.

(b) Section 1126(b) is further amended by striking out "Nothing" in the last sentence and inserting in lieu thereof "Subject to the provisions in subsection (c), nothing".

25 USC 450
note.

(c) Section 1126(c) is amended by striking out "and" at the end of paragraph (1), and by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) provide all services and support functions for education programs with respect to personnel matters involving staffing actions and functions, and

"(3) provide technical and coordinating assistance in areas such as procurement, contracting, budgeting, personnel, and curriculum."

25 USC 2006.

(d) Section 1126 is further amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

"(d)(1) The Assistant Secretary shall submit in the annual Budget a plan—

25 USC 2005.

"(A) for school facilities to be constructed under the system required by section 1125(c); and

"(B) for establishing priorities among projects and for the improvement and repair of education facilities, which together shall form the basis for the distribution of appropriated funds.

"(2) The Assistant Secretary shall establish a program, including the distribution of appropriated funds, for the operation and maintenance of education facilities. Such program shall be implemented by the Director of the Office. Such program shall include, but not be limited to—

"(A) a method of computing the amount necessary for each education facility;

"(B) similar treatment of all Bureau and contract schools; and

"(C) the allocation of appropriated funds from the Director of the Office directly to the agency superintendents for education, or to the area education program administrators in the case of multitribal boarding schools located off reservation.

The agency superintendents for education, or the area education program administrator in the case of multitribal boarding schools located off reservation, shall make arrangements for the maintenance of education facilities with the local supervisors of the Bureau maintenance personnel who are under the authority of the agency superintendent or area directors, respectively. The local supervisors of Bureau maintenance personnel shall take appropriate action to implement the decisions made in this regard by the agency superintendents for education and by the area education program administrators, except that no funds from this program may be expended or transferred by an agency superintendent for education or by an area education program administrator unless such superintendent or administrator is assured that the necessary maintenance has been, or will be, provided in a reasonable manner. Subject to the requirements of subsection (b) of this section, nothing in this Act shall be construed to require the provision of separate operations and maintenance personnel for the Office.

"(3) The Director of the Office shall supervise all Bureau education facilities, including local Bureau housing constructed for the purpose of housing Bureau personnel at the school site.

"(4) The requirements of this subsection shall be implemented within 270 days following the date of enactment of the Indian Education Amendments of 1984."

Ante, p. 2391.

ALLOTMENT FORMULA

25 USC 2008.

SEC. 505. (a) Section 1128(a)(2) is amended—

(1) by striking out subparagraph (D);

(2) by redesignating subparagraph (E) as subparagraph (D);

and

(3) by adding at the end thereof the following new subparagraphs:

“(E) special transportation and other costs of isolated and small schools;

“(F) the costs of boarding arrangements, where determined necessary by a tribal governing body or designated local school board;

“(G) costs associated with greater lengths of service by educational personnel;

“(H) special programs for gifted and talented students; and

“(I) costs associated with operating education and recreational programs on a 12-month basis.”

(b) Section 1128(c) is amended by inserting “(1)” after “(c)”, redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and by adding at the end thereof the following: 25 USC 2008.

“(2) All Bureau and contract schools receiving funds under this section shall receive an equal amount as an allowance for local school board training and activities including, notwithstanding any other provision of law, meeting expenses and the cost of membership in or support of organizations engaged in activities on behalf of Indian education.

“(3) The Secretary shall, subject to appropriations, provide to all contract schools an amount for administrative and indirect costs which is at least equal to the amount which would be expended by the Secretary if such school were directly operated by the Secretary. The Secretary shall take such actions as are necessary to provide contract schools with the full amount as determined by this paragraph without reducing funds available under subsection (a) of this section.”

(c) Section 1128 is further amended by adding at the end thereof the following new subsection:

“(e) The Director of the Office shall establish a separate fund from which monetary awards and quality step increases for employees shall be paid. Such payments shall not affect school allotments under this section.”

UNIFORM DIRECT FUNDING

SEC. 506. (a) Section 1129(a) is amended—

25 USC 2009.

(1) by striking out “section 1128,” and all that follows in the second sentence and inserting in lieu thereof “section 1128.”; and

(2) by inserting “(1)” after “(a)” and adding at the end thereof the following:

“(2)(A) For the purpose of affording adequate notice of funding available pursuant to the allotments made by this section, amounts appropriated in an appropriation Act for any fiscal year shall become available for obligation by the affected schools on July 1 of the fiscal year in which they are appropriated without further action by the Secretary, and shall remain available for obligation through the succeeding fiscal year. In order to effect a transition to the forward funding method of distribution described in the preceding sentence, there are authorized to be appropriated, in an appropriation Act or Acts for the same fiscal year, two separate appropriations for such allotments, the first of which shall not be subject to the preceding sentence.

“(B) The Secretary shall, on the basis of the amount appropriated in accordance with this paragraph—

“(i) publish, on July 1 preceding the fiscal year for which the funds are appropriated, allotments to each affected school made under this section of 85 percent of such appropriation; and

“(ii) publish, no later than September 30 of such preceding fiscal year, the allotments to be made under this section of the remaining 15 percent of such appropriation, adjusted to reflect actual student attendance.

“(3) Notwithstanding any law or regulation governing procurement by Federal agencies, the supervisor of each school receiving funds under this section shall, subject to school board approval, have the authority to expend no more than 10 percent of the funds allotted by this section to procure supplies and equipment, with or without competitive bidding.”.

25 USC 2009.

(b) Section 1129(c) is amended by inserting at the end thereof the following: “The Secretary shall institute a program for funding tribal divisions of education and the development of tribal codes of education.”.

APPEALS FROM ACTIONS OF SCHOOL BOARDS

SEC. 507. (a) Section 1129(b) is amended by striking out the last sentence and inserting in lieu thereof the following: “The supervisor of the school may appeal any such action of the local school board to the superintendent for education of the Bureau agency by filing a written statement describing the action and the reasons the supervisor believes such action should be overturned. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the superintendent may, for good cause, overturn the action of the local school board. The superintendent shall transmit the determination of such appeal in the form of a written opinion to such board and to such supervisor identifying the reasons for overturning such action.”.

25 USC 2011.

(b) Section 1131(d) is amended by striking out paragraphs (2) and (3) and inserting in lieu thereof the following:

“(2)(A) The supervisor of a school may appeal to the appropriate agency superintendent for education any determination by the local school board for the school that an individual be employed, or not be employed, in an education position in the school (other than that of supervisor) by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the superintendent may, for good cause, overturn the determination of the local school board. The superintendent shall transmit the determination of such appeal in the form of a written opinion to such board and to such supervisor identifying the reasons for overturning such determination.

“(B) The superintendent for education of an agency office of the Bureau may appeal to the Director of the Office any determination by the local school board for the school that an individual be employed, or not be employed, as the supervisor of a school by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned. A copy of such statement shall be submitted to the local school board

and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the Director may, for good cause, overturn the determination of the local school board. The Director shall transmit the determination of such appeal in the form of a written opinion to such board and to such superintendent identifying the reasons for overturning such determination.

“(3) The superintendent for education of an agency office of the Bureau may appeal to the Director of the Office any determination by the agency school board that an individual be employed, or not be employed, in an education position in such agency office by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned. A copy of such statement shall be submitted to the agency school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the Director may, for good cause, overturn the determination of the agency school board. The Director shall transmit the determination of such appeal in the form of a written opinion to such board and to such superintendent identifying the reasons for overturning such determination.”.

MANAGEMENT INFORMATION SYSTEM

SEC. 508. Section 1132 is amended—

25 USC 2012.

(1) by striking out “the Bureau,” and inserting in lieu thereof “the Office,”;

(2) by striking out “this Act” and inserting in lieu thereof “the Indian Education Amendments of 1984”; and

(3) by striking out “to all agency and area offices of the Bureau and”.

AUDITS

SEC. 509. Section 1136 is amended by inserting “(a)” after “SEC. 1136.” and by adding at the end thereof the following new subsection:

25 USC 2016.

“(b) The Inspector General of the Department of the Interior shall establish a system to ensure that financial and compliance audits are conducted of the Bureau, the Office, and each Bureau school at least once in every three years. Audits of Bureau schools shall be based upon the extent to which such school has complied with its local financial plan under section 1129.”.

Ante, pp. 2395, 2396.

REGULATIONS

SEC. 510. Section 1138 is amended by adding at the end thereof the following: “Such 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 upon which such provision is based.”.

25 USC 2018.

VOLUNTARY SERVICES

SEC. 511. Title XI of the Education Amendments of 1978 is further amended by adding after section 1139 the following new section:

"VOLUNTARY SERVICES

Government
organization
and employees.
25 USC 2020.

"SEC. 1140. Notwithstanding section 1342 of title 31, United States Code, an officer or employee of the Bureau or the Office may, subject to the approval of the local school board concerned, accept voluntary services on behalf of Bureau and contract schools. Nothing in this title shall be construed to require Federal employees to work without compensation or to allow the use of volunteer services to displace or replace Federal employees."

EMPLOYEE BENEFITS

SEC. 512. Title XI of the Education Amendments of 1978 is further amended by adding after section 1140 the following new sections:

"PRORATION OF PAY

25 USC 2021.

"SEC. 1141. (a) Notwithstanding any other provision of law, the Secretary, at the election of the employee, shall prorate the salary of an employee employed in an education position for the academic school-year over the entire twelve month period. Each educator employed for the academic school-year shall annually elect to be paid on a twelve month basis or for those months while school is in session. No educator shall suffer a loss of pay or benefits because of such election.

"(b) During the course of such year the employee may change election once.

"(c) That portion of the employee's pay which would be paid between academic school years may be paid in lump sum at the election of the employee.

"(d) For the purposes of this section the terms 'educator' and 'education position' have the meaning contained in section 1131(n)(1) and (n)(2) of this title. This section applies to those individuals employed under the provisions of section 1131 of this title or title 5, United States Code.

25 USC 2011.

"EXTRACURRICULAR ACTIVITIES

25 USC 2022.

"SEC. 1142. (a) Notwithstanding any other provision of law, the Secretary shall provide a stipend in lieu of overtime premium pay or compensatory time off. Any employee of the Bureau who performs additional activities to provide services to students or otherwise support the school's academic and social programs may elect to be compensated for all such work on the basis of the stipend. Such stipend shall be paid as a supplement to the employee's base pay.

"(b) The amount of such stipends shall be determined at the area level.

"(c) If an employee elects not to be compensated through the stipend established by this section, the appropriate provisions of title 5, United States Code, shall apply.

"(d) This section applies to all Bureau employees, whether employed under section 1131 of this title or title 5, United States Code.

25 USC 2011.

"HOUSING

25 USC 2023.

"SEC. 1143. (a) The Secretary shall continue to apply rental rates for employee housing in accordance with all applicable laws and

regulations. Proceeds from rental receipts shall be used for the improvement and repair of employee quarters.

“(b) Notwithstanding any other provision of law, the agency superintendent for education, or (for boarding schools located off-reservation) the area education program administrator, shall have the authority to waive up to 90 percent of the rental rate for educators on school-wide basis to aid the school in recruiting and retaining educators. Decisions on rent waivers will be made after consultation with the appropriate level school board and the employees. Such superintendent’s or administrator’s decision (as the case may be) on the need for this assistance in recruitment and retention is final and not reviewable.

“(c) During periods when schools are not in session and educators have been placed in non-pay status, all rents payable by those educators shall be waived.

“(d) For the purposes of this section the term ‘educator’ has the meaning contained in section 1131(n)(1) of this title. This section applies to those individuals employed under both the provisions of section 1131 of this title and title 5, United States Code.”

25 USC 2011.

EXTENSIONS OF AUTHORIZATION OF OTHER INDIAN EDUCATION
PROGRAMS

SEC. 513. (a)(1) Section 303(a)(1) of the Indian Elementary and Secondary School Assistance Act (20 U.S.C. 241bb(a)(1)) is amended by striking out “For the purpose of computing the amount to which a local educational agency is entitled under this title for any fiscal year ending prior to October 1, 1983,” and inserting in lieu thereof “For any fiscal year for which appropriations are authorized under section 307 of this Act.”

Infra.

(2) Section 303(a)(2)(A) of such Act is amended to read as follows:

“(2)(A) From the sums appropriated under section 307(a) for any fiscal year, the Secretary shall allocate to each local educational agency which has an application approved under this title an amount which bears the same ratio to such sums as the product of (i) the number of eligible Indian children (as determined under paragraph (1)), multiplied by (ii) the average per pupil expenditure per agency (as determined under subparagraph (c)), bears to the sum of such products for all such local educational agencies.”

(3) Section 303 of such Act is further amended—

(A) by inserting “(1)” after “(b)” in subsection (b); and

(B) by striking out all after “financial assistance” in subsection (b) and inserting in lieu thereof the following:

“in accordance with the provisions of this title to schools which—

“(A) are located on or near reservations; and

“(B)(i) are not local educational agencies; or

“(ii) have not been local educational agencies for more than three years.

“(2) The requirements of clause (A) of paragraph (1) shall not apply to any school serving Indian children in California, Oklahoma or Alaska.”

(4) Section 305(b)(2)(B)(ii) of such Act is amended by inserting “written” before “approval of a committee”.

20 USC 241dd.

(5) Section 307 of such Act is amended to read as follows:

20 USC 241ff.

"AUTHORIZATION OF APPROPRIATIONS; ADJUSTMENTS

"SEC. 307. (a) For the purpose of making payments under this title, there are authorized to be appropriated (1) for each of the fiscal years ending prior to October 1, 1986, such sums as may be necessary, and (2) for each of the fiscal years 1987, 1988, and 1989, an amount not to exceed the amount appropriated for such purpose for fiscal year 1986.

"(b) The Secretary may reallocate, in such manner as will best assist in advancing the purposes of this title, any amount which the Secretary determines, based upon estimates made by local educational agencies, will not be needed by any such agency to carry out its approved project."

20 USC 241aa et
seq.

(8) Such Act is further amended by striking out "Commissioner" each place it appears and inserting in lieu thereof "Secretary".

(b)(1) Section 422(c) of the Indian Education Act (20 U.S.C. 3385a(c)) is amended by striking out "October 1, 1983" and inserting in lieu thereof "October 1, 1986".

(2) Section 422(c) of such Act is further amended by adding at the end thereof the following: "There is also authorized to be appropriated to carry out the provisions of this section for each of the fiscal years 1987, 1988, and 1989, an amount not to exceed the amount appropriated for such purpose for fiscal year 1986."

20 USC 3385b.

(3) Section 423(a) of such Act is amended—

(A) by striking out "1983" and inserting in lieu thereof "1989";

(B) by striking out "not to exceed two hundred" in the first sentence;

(C) by inserting "psychology," after "medicine," in the second sentence; and

(D) by striking out the last sentence and inserting in lieu thereof the following: "The Commissioner may, if a fellowship is vacated prior to the end of the period for which it was awarded, award an additional fellowship for the remainder of such period."

(4) Section 423 of such Act is further amended by adding at the end thereof the following new subsection:

"(d) The amount that is authorized to be appropriated to carry out the provisions of this section for each of the fiscal years 1987, 1988, and 1989, is the amount appropriated for such purpose for fiscal year 1986."

20 USC 1221g.

(5) Section 442(a) of such Act is amended by striking out "October 1, 1983" and inserting in lieu thereof "October 1, 1989".

(c) Section 1005(g) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3385(g)) is amended—

(1) by striking out "October 1, 1983" each place it appears and inserting in lieu thereof "October 1, 1989"; and

(2) by adding at the end thereof the following new paragraph:

"(3) Notwithstanding paragraphs (1) and (2), the amount that is authorized to be appropriated to under this subsection for each of the fiscal years 1987, 1988, and 1989, is the amount appropriated for such purpose for fiscal year 1986."

(d) Section 316(e) of the Adult Education Act (20 U.S.C. 1211a(e)) is amended—

(1) by striking out "October 1, 1983" and inserting in lieu thereof "October 1, 1986"; and

(2) by adding at the end thereof the following new sentence:
 "There is also authorized to be appropriated for such purpose for each of the fiscal years 1987, 1988, and 1989, an amount not to exceed the amount appropriated for such purpose for fiscal year 1986."

(e) Notwithstanding the provisions of any authorization of appropriations amended by this section, the total amount which may be appropriated pursuant to all such authorizations (amended by this section) shall not exceed \$100,000,000 for fiscal year 1985.

20 USC 241ff note.

TITLE VI—EMERGENCY IMMIGRANT EDUCATION ASSISTANCE

Emergency Immigrant Education Act of 1984.

SHORT TITLE

SEC. 601. This title may be cited as the "Emergency Immigrant Education Act of 1984".

20 USC 4101 note.

DEFINITIONS

SEC. 602. As used in this title—

20 USC 4101.

(1) The term "immigrant children" means children who were not born in any State and who have been attending schools in any one or more States for less than three complete academic years.

(2) The terms "elementary school", "local educational agency", "secondary school", "State", and "State educational agency" have the meanings given such terms under section 198(a) of the Elementary and Secondary Education Act of 1965.

(3) The term "elementary or secondary nonpublic schools" means schools which comply with the applicable compulsory attendance laws of the State and which are exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954.

26 USC 501.

(4) The term "Secretary" means the Secretary of Education.

AUTHORIZATIONS AND ALLOCATION OF APPROPRIATIONS

SEC. 603. (a) There are authorized to be appropriated to make payments to which State educational agencies are entitled under this title and payments for administration under section 604 \$30,000,000 for fiscal year 1985, and \$40,000,000 for fiscal year 1986 and for each of the three succeeding fiscal years.

20 USC 4102.

(b)(1) If the sums appropriated for any fiscal year to make payments to States under this title are not sufficient to pay in full the sum of the amounts which State educational agencies are entitled to receive under this title for such year, the allocations to State educational agencies shall be ratably reduced to the extent necessary to bring the aggregate of such allocations within the limits of the amounts so appropriated.

(2) In the event that funds become available for making payments under this title for any period after allocations have been made under paragraph (1) of this subsection for such period, the amounts reduced under such paragraph shall be increased on the same basis as they were reduced.

STATE ADMINISTRATIVE COSTS

20 USC 4103.

SEC. 604. The Secretary is authorized to pay to each State educational agency amounts equal to the amounts expended by it for the proper and efficient administration of its functions under this title, except that the total of such payments for any period shall not exceed 1.5 per centum of the amounts which that State educational agency is entitled to receive for that period under this title.

WITHHOLDING

20 USC 4104.

SEC. 605. Whenever the Secretary, after reasonable notice and opportunity for a hearing to any State educational agency, finds that there is a failure to meet the requirements of any provision of this title, the Secretary shall notify that agency that further payments will not be made to the agency under this title, or in the discretion of the Secretary, that the State educational agency shall not make further payments under this title to specified local educational agencies whose actions cause or are involved in such failure until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made to the State educational agency under this title, or payments by the State educational agency under this title shall be limited to local educational agencies whose actions did not cause or were not involved in the failure, as the case may be.

STATE ENTITLEMENTS

20 USC 4105.

SEC. 606. (a) The Secretary shall, in accordance with the provisions of this section, make payments to State educational agencies for each of the fiscal years 1985, 1986, 1987, 1988, and 1989 for the purpose set forth in section 607.

Grants.

(b)(1) Except as provided in paragraph (3) and in subsections (c) and (d) of this section, the amount of the grant to which a State educational agency is entitled under this title shall be equal to the product of (A) the number of immigrant children enrolled during such fiscal year in elementary and secondary public schools under the jurisdiction of each local educational agency described under paragraph (2) within that State, and in any elementary or secondary nonpublic school within the district served by each such local educational agency, multiplied by (B) \$500.

(2) The local educational agencies referred to in paragraph (1) are those local educational agencies in which the sum of the number of immigrant children who are enrolled in elementary or secondary public schools under the jurisdiction of such agencies, and in elementary or secondary nonpublic schools within the districts served by such agencies, during the fiscal year for which the payments are to be made under this title, is equal to—

(A) at least five hundred; or

(B) at least 3 per centum of the total number of students enrolled in such public or nonpublic schools during such fiscal year;

whichever number is less.

(3)(A) The amount of the grant of any State educational agency for any fiscal year as determined under paragraph (1) shall be reduced by the amounts made available for such fiscal year under any other Federal law for expenditure within the State for the same purpose as those for which funds are available under this title, but such

reduction shall be made only to the extent that (i) such amounts are made available for such purpose specifically because of the refugee, parolee, asylee, or other immigrant status of the individuals served by such funds, and (ii) such amounts are made available to provide assistance to individuals eligible for services under this title.

(B) No reduction of a grant under this title shall be made under subparagraph (A) for any fiscal year if a reduction is made, pursuant to a comparable provision in any such other Federal law, in the amount made available for expenditure in the State for such fiscal year under such other Federal law, based on the amount assumed to be available under this title.

(c)(1) Determinations by the Secretary under this section for any period with respect to the number of immigrant children shall be made on the basis of data or estimates provided to the Secretary by each State educational agency in accordance with criteria established by the Secretary, unless the Secretary determines, after notice and opportunity for a hearing to the affected State educational agency, that such data or estimates are clearly erroneous.

(2) No such determination with respect to the number of immigrant children shall operate because of an underestimate or overestimate to deprive any State educational agency of its entitlement to any payment (or the amount thereof) under this section to which such agency would be entitled had such determination been made on the basis of accurate data.

(d) Whenever the Secretary determines that any amount of a payment made to a State under this title for a fiscal year will not be used by such State for carrying out the purpose for which the payment was made, the Secretary shall make such amount available for carrying out such purpose to one or more other States to the extent the Secretary determines that such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from an appropriation for a fiscal year in accordance with the preceding sentence shall, for purposes of this title, be regarded as part of such State's payment (as determined under subsection (b)) for such year, but shall remain available until the end of the succeeding fiscal year.

USES OF FUNDS

SEC. 607. (a) Payments made under this title to any State may be used in accordance with applications approved under section 608 for supplementary educational services and costs, as described under subsection (b) of this section, for immigrant children enrolled in the elementary and secondary public schools under the jurisdiction of the local educational agencies of the State described in section 606(b)(2) and in elementary and secondary nonpublic schools of that State within the districts served by such agencies.

20 USC 4106.

(b) Financial assistance provided under this title shall be available to meet the costs of providing immigrant children supplementary educational services, including but not limited to—

(1) supplementary educational services necessary to enable those children to achieve a satisfactory level of performance, including—

- (A) English language instruction;
- (B) other bilingual educational services; and
- (C) special materials and supplies;

(2) additional basic instructional services which are directly attributable to the presence in the school district of immigrant children, including the costs of providing additional classroom supplies, overhead costs, costs of construction, acquisition or rental of space, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services; and

(3) essential inservice training for personnel who will be providing instruction described in either paragraph (1) or (2) of this subsection.

APPLICATIONS

20 USC 4107.

SEC. 608. (a) No State educational agency shall be entitled to any payment under this title for any period unless that agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require. Each such application shall—

(1) provide that the educational programs, services, and activities for which payments under this title are made will be administered by or under the supervision of the agency;

(2) provide assurances that payments under this title will be used for purposes set forth in section 607;

(3) provide assurances that such payments will be distributed among local educational agencies within that State on the basis of the number of children counted with respect to such local educational agency under section 606(b)(1), adjusted to reflect any reductions imposed pursuant to section 606(b)(3) which are attributable to such local educational agency;

(4) provide assurances that the State educational agency will not finally disapprove in whole or in part any application for funds received under this title without first affording the local educational agency submitting an application for such funds reasonable notice and opportunity for a hearing;

(5) provide for making such reports as the Secretary may reasonably require to perform the functions under this title; and

(6) provide assurances—

(A) that to the extent consistent with the number of immigrant children enrolled in the elementary or secondary nonpublic schools within the district served by a local educational agency, such agency, after consultation with appropriate officials of such schools, shall provide for the benefit of these children secular, neutral, and nonideological services, materials, and equipment necessary for the education of such children;

(B) that the control of funds provided under this title and the title to any materials, equipment, and property repaired, remodeled, or constructed with those funds shall be in a public agency for the uses and purposes provided in this title, and a public agency shall administer such funds and property; and

(C) that the provision of services pursuant to this paragraph shall be provided by employees of a public agency or through contract by such public agency with a person, association, agency, or corporation who or which, in the provision of such services, is independent of such elemen-

tary or secondary nonpublic school and of any religious organization; and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this paragraph shall not be commingled with State or local funds.

(b) The Secretary shall approve an application which meets the requirements of subsection (a). The Secretary shall not finally disapprove an application of a State educational agency except after reasonable notice and opportunity for a hearing on the record to such agency.

PAYMENTS

SEC. 609. (a) Except as provided in section 603(b), the Secretary shall pay to each State educational agency having an application approved under section 608 the amount which that State is entitled to receive under this title.

20 USC 4108.

(b) If by reason of any provision of law a local educational agency is prohibited from providing educational services for children enrolled in elementary and secondary nonpublic schools, as required by section 608(a)(6), or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in such schools, the Secretary may waive such requirement and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this title. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with section 557(b) (3) and (4) of the Education Consolidation and Improvement Act of 1981.

20 USC 3806.

TITLE VII—GENERAL ADMINISTRATION AND ORGANIZATION

AMENDMENTS TO THE DEPARTMENT OF EDUCATION ORGANIZATION ACT

SEC. 701. (a) Section 204 of the Department of Education Organization Act (20 U.S.C. 3418) is amended by adding at the end thereof the following new sentence: "There shall be within the Office of Elementary and Secondary Education and directly under the supervision of the Assistant Secretary for Elementary and Secondary Education, an Office of Migrant Education, which shall be responsible for the administration of programs established by subpart 1 of part B of title I of the Elementary and Secondary Education Act of 1965 and by subpart 5 of part A of title IV of the Higher Education Act of 1965."

20 USC 3414.

(b) For the purposes of section 413(a) of the Department of Education Organization Act (20 U.S.C. 3473), the Office of Migrant Education shall be considered to be an organizational entity established by such Act and shall not be subject to the reorganizational authority of the Secretary of Education under that section or any other provision of law.

20 USC 3473
note.

EXTENSION OF AUTHORIZATIONS UNDER THE GENERAL EDUCATION PROVISIONS ACT

SEC. 702. (a) Section 405(k)(7) of the General Education Provisions Act (20 U.S.C. 1221e(k)(7)) is amended by striking out "\$10,500,000

for each fiscal year ending prior to October 1, 1983" and inserting in lieu thereof "\$8,000,000 for fiscal year 1985, and \$10,800,000 for each succeeding fiscal year ending prior to October 1, 1989".

20 USC 1221e-1.

(b) Section 406(g) of such Act (20 U.S.C. 1221-1(g)) is amended—

(1) by striking out "October 1, 1983" in paragraph (1) and inserting in lieu thereof "October 1, 1989"; and

(2) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) The amount available for grants and contracts by the Assistant Secretary under subsection (e) shall not exceed \$10,000,000 for fiscal year 1985, \$12,000,000 for fiscal year 1986, \$14,000,000 for fiscal year 1987, \$16,000,000 for fiscal year 1988, and \$18,000,000 for fiscal year 1989."

NATIONAL INSTITUTE OF EDUCATION

SEC. 703. (a) Section 405(k)(1) of the General Education Provisions Act (20 U.S.C. 1221e(k)(1)) is amended by striking out "and" at the end of subparagraph (C), by striking out the period at the end of subparagraph (D) and inserting in lieu thereof "; and", and by inserting after such subparagraph the following:

"(E) with respect to each State which voluntarily participates in accordance with paragraph (5), provide for a statement of information collected by the National Assessment for each such State."

(b) Section 405(k)(3) of such Act is amended by adding at the end thereof the following: "The appropriateness of all cognitive, background, and attitude items developed as part of the National Assessment shall be the responsibility of the Assessment Policy Committee. Such items shall be subject to review by the Department of Education and the Office of Management and Budget for a single period of not more than 60 days."

COLLECTION OF DATA

SEC. 704. (a) Section 405 of the General Education Provisions Act (20 U.S.C. 1221e) is further amended by adding at the end thereof the following new subsection:

"(1) For purposes of this section, the terms 'United States' and 'State' include the District of Columbia and Puerto Rico."

20 USC 1221e-1.

(b) Section 406 of such Act (20 U.S.C. 1221-1) is amended—

(1) by redesignating subsection (i) as subsection (h); and

(2) by adding at the end thereof the following new subsection:

"(i) For purposes of this section, the terms 'United States' and 'State' include the District of Columbia and Puerto Rico."

ANNUAL EVALUATION REPORTS

SEC. 705. Section 417(a) of the General Education Provisions Act (20 U.S.C. 1226c(a)) is amended by striking out "November 1" and inserting in lieu thereof "December 31".

CONFLICT-OF-INTEREST

SEC. 706. (a) Section 435(b) of the General Education Provisions Act (20 U.S.C. 1232d(b)) is amended—

(1) by striking out "and" at the end of paragraph (6);

(2) by striking out the period at the end of paragraph (7) and inserting in lieu thereof “; and”; and

(3) by inserting after such paragraph the following new paragraph:

“(8) that none of the funds expended under any applicable program will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity or its employees or any affiliate of such an organization.”.

(b) Section 436(b) of the General Education Provisions Act (20 U.S.C. 1232e(b)) is amended—

(1) by striking out “and” at the end of paragraph (7);

(2) by striking out the period at the end of paragraph (8) and inserting in lieu thereof “; and”; and

(3) by inserting after such paragraph the following new paragraph:

“(9) that none of the funds expended under any applicable program will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity or its employees or any affiliate of such an organization.”.

STUDENT FINANCIAL ASSISTANCE TECHNICAL AMENDMENTS ACT OF 1982

SEC. 707. The Student Financial Assistance Technical Amendments Act of 1982 is amended—

(1) in section 3(a), by striking out “and 1984-1985” and inserting in lieu thereof “, 1984-1985, 1985-1986, and 1986-1987”;

20 USC 1070a note.

(2) in section 3(b), by striking out “year 1984-1985” and inserting in lieu thereof “years 1984-1985, 1985-1986, and 1986-1987”;

20 USC 1070a note.

(3) by striking out “and 1985-1986” each place it appears in sections 4, 5(a), 5(b)(1), 5(c), and 6 and inserting in lieu thereof “, 1985-1986, and 1986-1987”;

20 USC 1070a note, 1089 note.

(4) in section 5(b)(2), by striking out “and” at the end of clause (A), by striking out the period at the end of clause (B) and inserting in lieu thereof “; and”, and by inserting after clause (B) the following new clause:

20 USC 1070a note.

“(C) for the period from October 1, 1983, through September 30, 1984, and the arithmetic mean of such index for the period from October 1, 1984, through September 30, 1985, in the case of academic year 1986-1987.”;

(5) in section 5(b)(3), by striking out “and immediately” and inserting in lieu thereof “, immediately” and by inserting before the period at the end thereof a comma and the following: “and immediately after such publication for September 1985 (with respect to academic year 1986-1987)”;

20 USC 1070a note.

(6) in section 5(d), by striking out “and” at the end of paragraph (1), by striking out the period at the end of paragraph (2) and inserting in lieu thereof “; and”, and by inserting after such paragraph the following new paragraph:

20 USC 1070a note.

“(3) not later than April 1, 1985, for academic year 1986-1987.”;

(7) in section 9(a), by inserting “and from July 1, 1986, through June 30, 1987,” after “June 30, 1986,”; and

20 USC 1078 note.

20 USC 1078
note.

(8) in section 9(c), by striking out "and" at the end of paragraph (2), by striking out the comma at the end of paragraph (3) and inserting in lieu thereof "; and", and by inserting after such paragraph the following new paragraph:

"(4) April 1, 1986, for the period of instruction from July 1, 1986, through June 30, 1987,".

EFFECTIVE DATE AMENDMENT

20 USC 3804
note.

SEC. 708. Section 25(b) of Public Law 98-211 (97 Stat. 1419) is amended by striking out "June 30, 1983" and inserting in lieu thereof "June 30, 1984".

EDUCATION AMENDMENTS OF 1978: ASSISTANCE TO TERRITORIES

92 Stat. 2379.

SEC. 709. (a) Sections 1524 and 1525 of the Education Amendments of 1978 are each amended by striking out "1979" and inserting in lieu thereof "1985".

(b) No funds in excess of \$5,000,000 are authorized to be appropriated for fiscal year 1985 to carry out the provision of such sections.

CONTRACT AUTHORITY

20 USC 2701
note.

SEC. 710. Any authority to make payments or to enter into contracts under this Act shall be available only to such extent or in such amounts as are provided in advance in appropriation Acts.

EFFECTIVE DATE

20 USC 2701
note.

SEC. 711. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of enactment of this Act or October 1, 1984, whichever occurs later.

(b) The amendments made by title I of this Act shall take effect on July 1, 1985.

Approved October 19, 1984.

LEGISLATIVE HISTORY—S. 2496 (H.R. 11):

HOUSE REPORTS: No. 98-748 accompanying H.R. 11 (Comm. on Education and Labor) and No. 98-1128 (Comm. of Conference).

SENATE REPORT No. 98-503 (Comm. on Labor and Human Resources).

CONGRESSIONAL RECORD, Vol. 130 (1984):

June 28, considered and passed Senate.

July 26, H.R. 11 considered and passed House; S. 2496, amended, passed in lieu.

Oct. 3, Senate agreed to conference report.

Oct. 4, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 42 (1984):

Oct. 19, Presidential statement.