gram of consolidating Federal programs for elementary and secondary education.

Section 3862, Pub. L. 97–35, title V, § 586, Aug. 13, 1981, 95 Stat. 477, related to participation of children enrolled in private schools.

Section 3863, Pub. L. 97–35, title V, § 587, Aug. 13, 1981, 95 Stat. 480, related to repeal of various programs included in consolidation of Federal programs for elementary and secondary education.

EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 1988, see section 6303 of Pub. L. 100–297, set out as an Effective Date note under section 1201 of this title.

SUBCHAPTER III—GENERAL PROVISIONS

§§ 3871 to 3876. Repealed. Pub. L. 100–297, title I, § 1003(a), Apr. 28, 1988, 102 Stat. 293

Section 3871, Pub. L. 97–35, title V, § 591, Aug. 13, 1981, 95 Stat. 480; Pub. L. 98–211, § 15, Dec. 8, 1983, 97 Stat. 1416, related to Federal regulations.

Section 3872, Pub. L. 97–35, title V, § 592, Aug. 13, 1981, 95 Stat. 480; Pub. L. 98–211, § 16, Dec. 8, 1983, 97 Stat. 1417, related to withholding of payments.

Section 3873, Pub. L. 97–35, title V, § 593, Aug. 13, 1981, 95 Stat. 481; Pub. L. 98–211, § 17, Dec. 8, 1983, 97 Stat. 1417, related to judicial review.

Section 3874, Pub. L. 97–35, title V, § 594, Aug. 13, 1981, 95 Stat. 481, related to availability of appropriations.

Section 3875, Pub. L. 97–35, title V, § 595, Aug. 13, 1981, 95 Stat. 481, related to definitions.

Section 3876, Pub. L. 97–35, title V, § 596, Aug. 13, 1981, 95 Stat. 482; Pub. L. 98–211, § 18(a), Dec. 8, 1983, 97 Stat. 1417, related to application of other laws.

EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 1988, see section 6303 of Pub. L. 100–297, set out as an Effective Date note under section 1201 of this title.

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§ 3901. Statement of purpose

It is the purpose of this chapter to improve the quality of mathematics and science teaching and instruction in the United States.

(Pub. L. 98–377, § 2, Aug. 11, 1984, 98 Stat. 1267.)

SHORT TITLE OF 1985 AMENDMENT

Pub. L. 99–159, § 1, Nov. 22, 1985, 99 Stat. 887, provided: ''That this Act [enacting sections 366, 1221e–1c, and 3911 to 3922 of this title, and section 1886 of Title 42, The Public Health and Welfare, amending sections 351a, 351c, 351d, 353, 1134h, 1221e–1b, 1411, 2007, 2311, 2312, 2322, 2323, 2333, 2361 to 2363, 2383, 2392, 2417, 2462, 2464, 2471, 2763, 3902, 3963 to 3973, 3982, 3983, 3985 to 3988, 4003, 4033, 4051, 4053, 4056, and 4059 of this title, sections 1503 and 1753 of Title 29, Labor, and sections 1862 to 1864, 1868 to 1872, 1873, 1874, 1881a, 1882, and 1885 to 1885d of Title 42, omitting sections 3911 to 3915, 3921 to 3923, 3931 to 3933, 3941, and 3951 to 3954 of this title, repealing sections 1873a and 1884 of Title 42, enacting provisions set out as notes under sections 351f, 1087bb, 1411, and 2311 of this title and section 1861 of Title 42, and amending provisions set out as notes under sections 1087bb and 2301 of this title and sections 1861 and 1882 of Title 42] may be cited as the 'National Science, Engineering, and Mathematics Authorization Act of 1986'.''

SHORT TITLE

Section 1 of Pub. L. 98–377 provided: ''That this Act [enacting this chapter] may be cited as the 'Education for Economic Security Act'.''

Part A of title III of Pub. L. 98–377, as amended, which enacted part A of subchapter III of this chapter, is known as ''Partnerships in Education for Mathematics, Science, and Engineering Act'', see note set out under section 3981 of this title.

Title V of Pub. L. 98–377, which enacted subchapter V of this chapter, is known as ''Asbestos School Hazard Abatement Act of 1984'', see note set out under section 4011 of this title.

Title VI of Pub. L. 98–377, which enacted subchapter VI of this chapter, is known as ''Excellence in Education Act'', see note set out under section 4031 of this title.

Title VIII of Pub. L. 98–377, which enacted subchapter VIII of this chapter, is known as ''The Equal Access Act'', see note set out under section 4071 of this title.

Title IX of Pub. L. 98–377, which enacted subchapter IX of this chapter, is known as the ''Star Schools Program Assistance Act'', see note set out under section 4081 of this title.

§ 3902. Definitions

For the purpose of this chapter—

(1) The term ''area vocational education school'' has the same meaning given that term under section 2471(3)[1] of this title..[2]

(2) The term ''Director'' means the Director of the National Science Foundation.

(3) The term ''elementary school'' has the same meaning given that term under section 198(a)(7)[1] of the Elementary and Secondary Education Act of 1965.

(4) The term ''Governor'' means the chief executive of a State.

(5) The term ''Foundation'' means the National Science Foundation.

(6) The term ''institution of higher education'' has the same meaning given that term by section 1141(a) of this title.

(7) The term ''local educational agency'' has the same meaning given that term under section 198(a)(10)[1] of the Elementary and Secondary Education Act of 1965.

(8) The term ''secondary school'' has the same meaning given that term under section 198(a)(7)[1] of the Elementary and Secondary Education Act of 1965.

(9) The term ''Secretary'' means the Secretary of Education.

(10) The term ''State'' means each of the several States, the District of Columbia, the

[1] See References in Text note below.

[2] So in original.

Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

(11) The term ''State agency for higher education'' means the State board of higher education or other agency or officer primarily responsible for the State supervision of higher education, or, if there is no such officer or agency, an officer or agency designated for the purpose of this chapter[1] by the Governor or by State law.

(12) The term ''State educational agency'' has the meaning given that term under section 198(a)(17)[1] of the Elementary and Secondary Education Act of 1965.

(Pub. L. 98–377, § 3, Aug. 11, 1984, 98 Stat. 1267; Pub. L. 99–159, title II, § 221, Nov. 22, 1985, 99 Stat. 897.)

REFERENCES IN TEXT

Section 2471(3) of this title, referred to in par. (1), was redesignated section 2471(4) of this title by Pub. L. 101–392, title V, § 502, Sept. 25, 1990, 104 Stat. 834.

Section 198 of the Elementary and Secondary Education Act of 1965, referred to in pars. (3), (7), (8), and (12), is section 198 of Pub. L. 89–10, title I, as added by Pub. L. 95–561, title I, § 101(a), Nov. 1, 1978, 92 Stat. 2198, which was classified to section 2854 of this title prior to the general amendment of Pub. L. 89–10 by Pub. L. 100–297, Apr. 28, 1988, 102 Stat. 140. For definitions, see section 8801 of this title.

This chapter, referred to in par. (11), was in the original ''this title'' and has been translated as if the reference was to ''this Act'' to reflect the probable intent of Congress inasmuch as this section is not part of a title of Pub. L. 98–377.

AMENDMENTS

1985—Par. (1). Pub. L. 99–159 substituted reference to section 2471(3) of this title for reference to section 195(2) of the Vocational Education Act of 1965.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

SUBCHAPTER I—NATIONAL SCIENCE FOUNDATION SCIENCE AND ENGINEERING EDUCATION

§ 3911. Congressional declaration of policy

(a) The Congress declares that the science and engineering education responsibilities of the National Science Foundation are—

(1) to improve the quality of instruction in the fields of mathematics, science, and engineering;

(2) to support research, fellowships, teacher-faculty-business exchange programs in mathematics, science, and engineering;

(3) to improve the quality and availability of instrumentation for mathematics, science, and engineering instruction;

(4) to encourage partnerships in education between local and State education agencies, business and industry, colleges and universities, and cultural and professional institutions and societies; and

(5) to improve the quality of education at all levels in the fields of mathematics, science, and engineering.

(b) In exercising its responsibilities to strengthen scientific and engineering research potential and science and engineering education programs at all levels, the Foundation shall avoid undue concentration of support for research and education activities.

(Pub. L. 98–377, title I, § 101, as added Pub. L. 99–159, title II, § 201, Nov. 22, 1985, 99 Stat. 893.)

PRIOR PROVISIONS

A prior section 3911, Pub. L. 98–377, title I, § 101, Aug. 11, 1984, 98 Stat. 1268, related to grants for teacher institutes, prior to the general revision of this subchapter by section 201 of Pub. L. 99–159. See section 3913 of this title.

UNDERGRADUATE SCIENCE IMPROVEMENT

Pub. L. 100–570, title I, § 112, Oct. 31, 1988, 102 Stat. 2870, provided that:

''(a) The Congress finds that the support of undergraduate science and engineering education is a critical component in a comprehensive national policy intended to ensure the Nation's future supply of scientists and engineers.

''(b) In accordance with the provisions of this Act [see Tables for classification], the Foundation shall support undergraduate science and engineering activities in instrumentation and laboratory improvement, undergraduate faculty enhancement, undergraduate research opportunities, undergraduate curriculum development, and efforts to encourage the participation of women, minorities, and the disabled in such fields.

''(c) In carrying out the provisions of this section, the Foundation shall take into account the special needs of two-year and four-year colleges and universities.''

§ 3912. Functional objectives; uses of funds

(a) In carrying out its science and engineering education responsibilities, the Foundation shall have the following functional objectives: public understanding of science and technology, faculty enhancement, student education and training, instructional development and instrumentation, and materials development and dissemination.

(b) Funds under this subchapter shall, consistent with such functional objectives, be used for—

(1) enhancement of public understanding of science and engineering through informal education activities using a variety of mediums such as broadcasting, museums, clubs, and amateur science societies;

(2) development of new science and engineering faculty resources and talents;

(3) enhancement of the quality of science and engineering instruction in colleges of teacher education;

(4) development of four-year college faculty and instructors in high technology fields;

(5) development of two-year community college faculty and instructors especially in high technology fields;

(6) development of precollege mathematics, science and engineering education and training;

(7) encouragement of potential students, including underrepresented and underserved populations, to pursue careers in mathematics, science, engineering, and critical foreign languages;

(8) development of instructional instrumentation and systems for postsecondary tech-

nical, engineering, and scientific education; and

(9) development of science, engineering, and education networks to aid in the development and dissemination of successful curricula, methods, and materials.

(Pub. L. 98–377, title I, § 102, as added Pub. L. 99–159, title II, § 201, Nov. 22, 1985, 99 Stat. 894.)

PRIOR PROVISIONS

A prior section 3912, Pub. L. 98–377, title I, § 102, Aug. 11, 1984, 98 Stat. 1268, related to submission, contents, etc., of applications, prior to the general revision of this subchapter by section 201 of Pub. L. 99–159.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3916 of this title.

§ 3913. Teacher institutes

(a) Authorization to make competitive grants; covered institutions, businesses, etc.; purpose

The Foundation shall, in accordance with the provisions of this subchapter, make competitive grants to institutions of higher education, businesses, nonprofit private organizations (including schools), local education agencies, professional engineering and scientific associations, museums, libraries, public broadcasting entities (as defined in section 397(11) of title 47), and appropriate State agencies to support institutes and workshops for supervisors and teachers in public and private elementary and secondary schools for the purpose of improving the subject knowledge and teaching skills of such teachers in the areas of mathematics and science.

(b) Equitable distribution of grants; awards in each State

In making grants under this section, the Foundation shall assure that there is an equitable distribution among States of institutes established and operated with funds made available under this section. The Foundation shall award not less than one institute in each State, except that the Foundation may waive this requirement if there is no proposal from a State which meets the requirements of this subchapter. Proposals which exceed $300,000 in any fiscal year incorporating the services or resources of more than two entities in the design and operation of the institute, may be funded at the discretion of the Director of the Foundation.

(c) Cooperation of advanced technology businesses and other businesses

Institutes assisted under this subchapter may, to the extent possible, involve the cooperation of advanced technology businesses and other businesses which are able to supply assistance in the teaching of mathematics and science.

(d) Requirement of involvement in planning and development

In making grants under this subchapter, the Foundation shall require assurances that local education agencies will be involved in the planning and development of the institute in the case of applications submitted by other eligible applicants described in subsection (a) of this section, or that one or more such applicants will be involved in the planning and development of the institute in the case of applications submitted by State or local education agencies.

(Pub. L. 98–377, title I, § 103, as added Pub. L. 99–159, title II, § 201, Nov. 22, 1985, 99 Stat. 894.)

PRIOR PROVISIONS

A prior section 3913, Pub. L. 98–377, title I, § 113, Aug., 11, 1984, 98 Stat. 1269, related to distribution of assistance and limitation on grants, prior to the general revision of this subchapter by section 201 of Pub. L. 99–159. See subsec. (b) of this section.

§ 3914. Materials development and methods research for mathematics, science, and engineering

(a) Authorization to award competitive grants; covered institutions, businesses, etc.; purposes

The Foundation is authorized, in accordance with the provisions of this subchapter, to award competitive grants to institutions of higher education, businesses, nonprofit private organizations, local education agencies, professional engineering and scientific associations, museums, libraries, public broadcasting entities (as defined in section 397(11) of title 47), and appropriate State agencies—

(1) for instructional curriculum improvement and faculty development in mathematics, science, and engineering;

(2) for programs designed to enhance public understanding of mathematics, science, and engineering, including the use of public broadcasting entities; and

(3) for research on methods of instruction and educational programs in mathematics, science, engineering, and critical foreign languages.

(b) Scope of studies

Studies conducted under subsection (a)(3) of this section may include—

(1) teaching and learning research and its application to local and private sector instructional materials development and to improved teacher training programs;

(2) research on the use of local and informal science education activities;

(3) research on recruitment, retention, and improvement of mathematics, science, engineering, and critical languages faculties; and

(4) analysis of materials and methods for mathematics, science, and engineering education used in other countries and their potential application in the United States.

(c) Matching grant requirements

Funds awarded for such competitive grants shall be expended through a system requiring matching of the grant. The minimum amount required as a match shall be equal to a percentage of the grant that is determined by the Foundation. Funds made available for matching purposes may include in-kind services or other resources.

(d) Materials or methods research application requirements

In making grant applications for materials or methods research for the purposes described in

subsections (a)(1) and (a)(3) of this section, the Foundation shall assure the involvement of appropriate State or local education agencies in the case of applications submitted by other entities described in subsection (a) of this section, or that one or more of such other entities will be consulted in the case of applications submitted by State or local education agencies.

(Pub. L. 98–377, title I, § 104, as added Pub. L. 99–159, title II, § 201, Nov. 22, 1985, 99 Stat. 895.)

PRIOR PROVISIONS

A prior section 3914, Pub. L. 98–377, title I, § 114, Aug. 11, 1984, 98 Stat. 1269, related to cooperation with business concerns, prior to the general revision of this subchapter by section 201 of Pub. L. 99–159. See section 3913(c) of this title.

§ 3915. Graduate fellowships

The Foundation is authorized, in accordance with the provisions of this subchapter, to establish and carry out a program of graduate fellowships for the purpose of encouraging and assisting promising students to continue their education and research in mathematics, science, and engineering.

(Pub. L. 98–377, title I, § 105, as added Pub. L. 99–159, title II, § 201, Nov. 22, 1985, 99 Stat. 896.)

PRIOR PROVISIONS

A prior section 3915, Pub. L. 98–377, title I, § 115, Aug. 11, 1984, 98 Stat. 1269, related to special consideration for applications meeting the needs of underrepresented and underserved populations, prior to the general revision of this subchapter by section 201 of Pub. L. 99–159. See section 3919 of this title.

§ 3916. Other functional activities

(a) The Foundation is authorized to expend up to 15 per centum of the funds available for science and engineering education for applications which the Foundation determines will meet one or more of the functional objectives described in section 3912(b) of this title.

(b) Such programs may include a program for the exchange of mathematics, science, or engineering faculty between institutions of higher education (particularly institutions having nationally recognized research facilities) and eligible institutions. For the purposes of this section, the term ''eligible institution'' means an institution of higher education which—

(1) has an enrollment which includes a substantial percentage of students who are members of a minority group, or who are economically or educationally disadvantaged; or

(2) is located in a community that is not within commuting distance of a major institution of higher education; and

(3) demonstrates a commitment to meet the special educational needs of students who are members of a minority group or are economically or educationally disadvantaged.

(Pub. L. 98–377, title I, § 106, as added Pub. L. 99–159, title II, § 201, Nov. 22, 1985, 99 Stat. 896.)

§ 3917. Repealed. Pub. L. 104–66, title II, § 2141(a), Dec. 21, 1995, 109 Stat. 731

Section, Pub. L. 98–377, title I, § 107, as added Pub. L. 99–159, title II, § 201, Nov. 22, 1985, 99 Stat. 896; amended Pub. L. 103–437, § 7(c), Nov. 2, 1994, 108 Stat. 4588, related to developing and annual update of a strategic plan for science and engineering education.

§ 3918. Approval of proposals

The Foundation shall adopt approval procedures designed to assure that awards are made on the basis of the scientific and educational merit as determined by the peer review process. To the maximum extent possible, the Foundation shall assure that there is an equitable distribution of resources with respect to institutions and geographical areas.

(Pub. L. 98–377, title I, § 108, as added Pub. L. 99–159, title II, § 201, Nov. 22, 1985, 99 Stat. 896.)

§ 3919. Special consideration of underrepresented and underserved population

In providing financial assistance under this subchapter, the Foundation shall make every effort to ensure that consideration is given to proposals which contain provisions designed to meet the needs of underrepresented and underserved populations.

(Pub. L. 98–377, title I, § 109, as added Pub. L. 99–159, title II, § 201, Nov. 22, 1985, 99 Stat. 897.)

§ 3920. Availability of funds

Funds to carry out this subchapter for any fiscal year shall be made available from amounts appropriated pursuant to annual authorizations of appropriations for the National Science Foundation for Science and Engineering Education. For fiscal year 1986, funds to carry out this subchapter shall be available from amounts authorized by section 102(a)(8) of the National Science Foundation Authorization Act for fiscal year 1986.

(Pub. L. 98–377, title I, § 110, as added Pub. L. 99–159, title II, § 201, Nov. 22, 1985, 99 Stat. 897.)

REFERENCES IN TEXT

Section 102(a)(8) of the National Science Foundation Authorization Act for fiscal year 1986, referred to in text, is section 102(a)(8) of Pub. L. 99–159, title I, Nov. 22, 1985, 99 Stat. 887, which is not classified to the Code.

§ 3921. Prohibition against the Federal control of education

The provisions of section 1232a[1] of this title, relating to prohibition against Federal control of education, shall apply to each program and award authorized by this subchapter.

(Pub. L. 98–377, title I, § 111, as added Pub. L. 99–159, title II, § 201, Nov. 22, 1985, 99 Stat. 897.)

REFERENCES IN TEXT

Section 1232a of this title, referred to in text, was in the original a reference to section 432 of the General Education Provisions Act. Sections 425 and 432 of that Act were renumbered as sections 432 and 438, respectively, by Pub. L. 103–382, title II, § 212(b)(1), Oct. 20, 1994, 108 Stat. 3913, and are classified to sections 1231b–2 and 1232a, respectively, of this title.

PRIOR PROVISIONS

A prior section 3921, Pub. L. 98–377, title I, § 121, Aug. 11, 1984, 98 Stat. 1269, related to programs authorized

[1] See References in Text note below.

for mathematics and science education development, prior to the general revision of this subchapter by section 201 of Pub. L. 99–159. See section 3914 of this title.

§ 3922. Participation of teachers from private schools

The Foundation shall, after consultation with appropriate private school representatives, make provision for the benefit of teachers in private elementary and secondary schools in the programs authorized by this subchapter, in order to assure equitable participation of such teachers.

(Pub. L. 98–377, title I, § 112, as added Pub. L. 99–159, title II, § 201, Nov. 22, 1985, 99 Stat. 897.)

PRIOR PROVISIONS

Prior sections 3922 to 3954 were omitted in the general revision of this subchapter by section 201 of Pub. L. 99–159.

Prior section 3922, Pub. L. 98–377, title I, § 122, Aug. 11, 1984, 98 Stat. 1269, related to requirements, contents, etc., for applications and defined ''eligible applicant''.

Prior section 3923, Pub. L. 98–377, title I, § 123, Aug. 11, 1984, 98 Stat. 1270, related to special consideration for applications meeting the needs of underrepresented and underserved populations. See section 3919 of this title.

Prior section 3931, Pub. L. 98–377, title I, § 132, Aug. 11, 1984, 98 Stat. 1270, related to establishment, etc., of the merit scholarship program.

Prior section 3932, Pub. L. 98–377, title I, § 133, Aug. 11, 1984, 98 Stat. 1271, related to criteria, etc., for selection of merit scholars.

Prior section 3933, Pub. L. 98–377, title I, § 134, Aug. 11, 1984, 98 Stat. 1271, related to amount of stipends and conditions for scholarships.

Prior section 3941, Pub. L. 98–377, title I, § 141, Aug. 11, 1984, 98 Stat. 1272, related to authority, etc., of the Director to make grants, to enter into contracts, and to conduct programs from discretionary funds. See section 3916 of this title.

Prior section 3951, Pub. L. 98–377, title I, § 161, Aug. 11, 1984, 98 Stat. 1272, related to the administrative authorities of the Foundation and reporting requirements.

Prior section 3952, Pub. L. 98–377, title I, § 162, Aug. 11, 1984, 98 Stat. 1273, related to participation of teachers from private schools. See section 3922 of this title.

Prior section 3953, Pub. L. 98–377, title I, § 163, Aug. 11, 1984, 98 Stat. 1273, related to prohibition against Federal control of education. See section 3921 of this title.

Prior section 3954, Pub. L. 98–377, title I, § 164, Aug. 11, 1984, 98 Stat. 1273, related to authorization of appropriations for purposes of former provisions. See section 3920 of this title.

SUBCHAPTER II—EDUCATION FOR ECONOMIC SECURITY

§§ 3961 to 3973. Repealed. Pub. L. 100–297, title II, § 2303, Apr. 28, 1988, 102 Stat. 324

Section 3961, Pub. L. 98–377, title II, § 201, Aug. 11, 1984, 98 Stat. 1273, related to purpose of subchapter.

Section 3962, Pub. L. 98–377, title II, § 202, Aug. 11, 1984, 98 Stat. 1274, defined ''junior or community college''.

Section 3963, Pub. L. 98–377, title II, § 203, Aug. 11, 1984, 98 Stat. 1274; Pub. L. 99–159, title II, § 222(a), Nov. 22, 1985, 99 Stat. 897; Pub. L. 100–418, title VI, § 6005, Aug. 23, 1988, 102 Stat. 1471, related to program authorized.

Section 3964, Pub. L. 98–377, title II, § 204, Aug. 11, 1984, 98 Stat. 1274; Pub. L. 99–159, title II, § 223, Nov. 22, 1985, 99 Stat. 897, related to allotment to States.

Section 3965, Pub. L. 98–377, title II, § 205, Aug. 11, 1984, 98 Stat. 1275; Pub. L. 99–159, title II, § 222(b), Nov. 22, 1985, 99 Stat. 897, related to in-State apportionment.

Section 3966, Pub. L. 98–377, title II, § 206, Aug. 11, 1984, 98 Stat. 1275; Pub. L. 99–159, title II, § 224, Nov. 22, 1985, 99 Stat. 898, related to elementary and secondary education programs.

Section 3967, Pub. L. 98–377, title II, § 207, Aug. 11, 1984, 98 Stat. 1277; Pub. L. 99–159, title II, § 225, Nov. 22, 1985, 99 Stat. 899, related to higher education programs.

Section 3968, Pub. L. 98–377, title II, § 208, Aug. 11, 1984, 98 Stat. 1278; Pub. L. 99–159, title II, § 226, Nov. 22, 1985, 99 Stat. 899, related to State assessments of mathematics, science, foreign languages, and computer learning.

Section 3969, Pub. L. 98–377, title II, § 209, Aug. 11, 1984, 98 Stat. 1279; Pub. L. 99–159, title II, § 227, Nov. 22, 1985, 99 Stat. 899, related to State applications.

Section 3970, Pub. L. 98–377, title II, § 210, Aug. 11, 1984, 98 Stat. 1280; Pub. L. 99–159, title II, § 228, Nov. 22, 1985, 99 Stat. 900, related to local educational agency assessments.

Section 3971, Pub. L. 98–377, title II, § 211, Aug. 11, 1984, 98 Stat. 1281; Pub. L. 99–159, title II, § 228A, Nov. 22, 1985, 99 Stat. 900, related to participation of children and teachers from private nonprofit schools.

Section 3972, Pub. L. 98–377, title II, § 212, Aug. 11, 1984, 98 Stat. 1281; Pub. L. 99–159, title II, § 229, Nov. 22, 1985, 99 Stat. 900, related to Secretary's discretionary fund for programs of national significance.

Section 3973, Pub. L. 98–377, title II, § 213, Aug. 11, 1984, 98 Stat. 1282; Pub. L. 99–159, title II, § 230, Nov. 22, 1985, 99 Stat. 900, related to payments.

EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 1988, see section 6303 of Pub. L. 100–297, set out as an Effective Date note under section 1201 of this title.

SUBCHAPTER III—PARTNERSHIPS IN EDUCATION FOR MATHEMATICS, SCIENCE, AND ENGINEERING

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 8001 of this title.

PART A—HIGHER EDUCATION PARTNERSHIPS

§ 3981. Statement of purpose

It is the purpose of this part to supplement State and local resources to—

(1) improve the quality of instruction in the fields of mathematics, science, and engineering in the State;

(2) furnish additional resources and support for research, student scholarships, and faculty exchange programs in the fields of mathematics, science, and engineering; and

(3) encourage partnerships in education between the business community, institutions of higher education, and elementary and secondary schools in the community.

(Pub. L. 98–377, title III, § 302, Aug. 11, 1984, 98 Stat. 1283; Pub. L. 100–418, title VI, § 6031(b)(2), Aug. 23, 1988, 102 Stat. 1483.)

AMENDMENTS

1988—Pub. L. 100–418 substituted ''part'' for ''subchapter'' in introductory text.

SHORT TITLE

Section 301 of Pub. L. 98–377, as amended by Pub. L. 100–418, title VI, § 6031(b)(2), Aug. 23, 1988, 102 Stat. 1483, provided that: ''This part [part A (§§ 301–309) of title III of Pub. L. 100–418 enacting this part] may be cited as the 'Partnerships in Education for Mathematics, Science, and Engineering Act'.''

§ 3982. Definitions

As used in this part—

(1) the term ''applicant'' means with respect to activities described in section 3984(a) of this title an institution of higher education and the other participants described in paragraph (3) of section 3984(a) of this title, and with respect to activities described in section 3984(b) of this title a local educational agency and the other participants described in paragraph (3) of section 3984(b) of this title;

(2) the term ''equipment'' includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture, printed, published, and audio-visual instructional materials, and books, periodicals, documents, and other related materials; and

(3) the term ''State agency for higher education'' means the State board of higher education or other agency or officer primarily responsible for the State supervision of higher education, or if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(Pub. L. 98–377, title III, § 303, Aug. 11, 1984, 98 Stat. 1283; Pub. L. 99–159, title II, § 232, Nov. 22, 1985, 99 Stat. 900; Pub. L. 100–418, title VI, § 6031(b)(2), Aug. 23, 1988, 102 Stat. 1483.)

AMENDMENTS

1988—Pub. L. 100–418 substituted ''part'' for ''subchapter'' in introductory text.

1985—Pub. L. 99–159 struck out pars. (3), (4), and (5) which defined ''Foundation'', ''institution of higher education'', and ''States'', respectively, and redesignated par. (6) as (3).

§ 3983. Program authorized

(a) Authority of Secretary

The Secretary is authorized, in accordance with the provisions of this part, to make grants to applicants to pay the Federal share of the costs of the activities described in section 3984 of this title.

(b) Authorization of appropriations

There are authorized to be appropriated $50,000,000 for each of the fiscal years 1986 and 1987. There are authorized to be appropriated to carry out the provisions of this part $15,000,000 for fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990, 1991, 1992, and 1993.

(Pub. L. 98–377, title III, § 304, Aug. 11, 1984, 98 Stat. 1284; Pub. L. 99–159, title II, §§ 231, 233, Nov. 22, 1985, 99 Stat. 900, 901; Pub. L. 100–297, title II, § 2301, Apr. 28, 1988, 102 Stat. 319; Pub. L. 100–418, title VI, § 6031(b)(2), Aug. 23, 1988, 102 Stat. 1483.)

AMENDMENTS

1988—Pub. L. 100–418 substituted ''part'' for ''subchapter'' wherever appearing.

Subsec. (b). Pub. L. 100–297 substituted ''1986 and 1987'' for ''1986, 1987, and 1988, to carry out the provisions of this subchapter'' and inserted provision authorizing appropriations to carry out provisions of this part of $15,000,000 for fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990, 1991, 1992, and 1993.

1985—Subsec. (a). Pub. L. 99–159, § 231, substituted ''Secretary'' for ''Foundation''.

Subsec. (b). Pub. L. 99–159, § 233, amended subsec. (b) generally, substituting authorizations of $50,000,000 for each of the fiscal years 1986, 1987, and 1988, for authorizations of $30,000,000 for fiscal year 1984 and $60,000,000 for fiscal year 1985.

EFFECTIVE DATE OF 1988 AMENDMENT

For effective date and applicability of amendment by Pub. L. 100–297, see section 6303 of Pub. L. 100–297, set out as an Effective Date note under section 1201 of this title.

§ 3984. Authorized activities

(a) Higher education partnership in education programs and activities; eligible applicants

(1) An applicant may use payments received under this part in any fiscal year for higher education programs and activities described in this subsection.

(2) Grants under this subsection may be used for partnership in education programs—

(A) for the improvement of instruction in mathematics, science, computer science, and engineering education at the postsecondary level;

(B) for awarding scholarships to students at institutions of higher education in the fields of mathematics, science, computer science, and engineering;

(C) for the operation of faculty exchange programs by the institutions of higher education and business concerns within the State;

(D) for research in the fields of mathematics, science, computer science, and engineering;

(E) for the acquisition, rehabilitation, and renovation of equipment and instrumentation for use in instruction in the fields of mathematics, science, computer science, and engineering; and

(F) to promote public understanding of science, mathematics, and computer science.

(3) Education partnerships under this subsection may include institutions of higher education, business concerns, nonprofit private organizations, local educational agencies, professional mathematic and scientific associations, museums, libraries, educational television stations, and if the State so desires, appropriate State agencies.

(b) Elementary and secondary partnership in education programs and activities; eligible applicants

(1) An applicant may use payments received under this part in any fiscal year for programs and activities described in this subsection.

(2) A local educational agency may carry out an elementary and secondary school partnership in education program under which—

(A) elementary and secondary school teachers in the schools of local educational agencies who teach mathematics, science, or computer science are made available to local business concerns and business concerns with establishments located in the community to serve in such concerns or establishments;

(B) personnel of local business concerns and business concerns with establishments located in the community serve as consultants, lecturers, teaching assistants, or teachers of mathematics, science, or computer science in the elementary and secondary schools within the State;

(C) training and retraining is furnished to elementary and secondary school teachers of mathematics, science, and computer science under a cooperative arrangement between the State or local educational agency and appropriate business concerns;

(D) secondary school students observe, participate, and work in local business concerns and business concerns with establishments located in the community; and

(E) computer clubs and extracurricular activities involving modern technologies are established in elementary and secondary schools.

(3) Partnerships under this subsection may include local educational agencies, business concerns, nonprofit private organizations, institutions of higher education, professional mathematic and scientific associations, museums, libraries, educational television stations, and, if the State so desires, appropriate State agencies.

(Pub. L. 98–377, title III, § 305, Aug. 11, 1984, 98 Stat. 1284; Pub. L. 100–418, title VI, § 6031(b)(2), Aug. 23, 1988, 102 Stat. 1483.)

AMENDMENTS

1988—Subsecs. (a)(1), (b)(1). Pub. L. 100–418 substituted ''part'' for ''subchapter'' wherever appearing.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3982, 3983, 3986 of this title.

§ 3985. Application

(a) Requirements; terms, assurances, and conditions

Any applicant which desires to receive a grant under this part shall submit an application approved under section 3986 of this title to the Secretary, at such time, in such manner, and accompanied by such additional information as the Secretary may reasonably require. Each such application shall—

(1) describe the activities for which assistance under this part is sought;

(2) provide assurances that not more than 5 per centum of the amount received by the applicant in any fiscal year may be expended on administrative expenses;

(3) with respect to each program for which assistance is sought, provide assurances that—

(A) 30 per centum of the funds for each such project will be furnished by business concerns within the community;

(B) 20 per centum of the funds will be supplied by—

(i) the State,

(ii) the institution of higher education or the local educational agency, as the case may be, participating in the program; and

(iii) the other parties participating in the program;

(C) no stipend will be paid directly to employees of a profitmaking business concern; and

(D) teachers participating in the exchange program may not be employed by the participating business concern with which the teacher served within three years after the end of the exchange program unless the teacher repays the full cost of the exchange program to the State and local educational agency, as the case may be; and

(4) provide assurances that whenever the program for which assistance is sought includes scholarships, the scholarships be awarded to undergraduate students at institutions of higher education within the State who wish to pursue a course of study in mathematics or science, engineering or computer science, and that each student awarded a scholarship under this part will receive a stipend which shall not exceed the cost of tuition at the institution of higher education plus a stipend of not to exceed $750 for each academic year of study for which the scholarship is awarded;

(5) set forth policies and procedures to assure that whenever the application includes a local educational agency, to the extent consistent with the number and location of children in the school district of such agency who are enrolled in private elementary and secondary schools, provision is made for the participation of such children in the program assisted under this part;

(6) provide assurances that consideration is given to programs and activities designed to meet the needs of underrepresented and underserved populations;

(7) provide assurances that in the consideration of applications submitted under section 3986(a) of this title that equitable consideration is given to applications submitted by private and public institutions of higher education; and

(8) provide such additional assurances as the Secretary determines essential to ensure compliance with the requirements of this part.

(b) Regional joint application

A regional consortium of applicants in two or more States may file a joint application under the provisions of subsection (a) of this section.

(Pub. L. 98–377, title III, § 306, Aug. 11, 1984, 98 Stat. 1285; Pub. L. 99–159, title II, § 231, Nov. 22, 1985, 99 Stat. 900; Pub. L. 100–418, title VI, § 6031(b)(2), Aug. 23, 1988, 102 Stat. 1483.)

AMENDMENTS

1988—Subsec. (a). Pub. L. 100–418 substituted ''part'' for ''subchapter'' wherever appearing.

1985—Subsec. (a). Pub. L. 99–159 substituted ''Secretary'' for ''Foundation'' in two places in provisions preceding par. (1) and in par. (8).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3986 of this title.

§ 3986. Submission of applications

Each applicant within a State which desires to receive a grant under this part shall submit the application prepared in accordance with section 3985 of this title to the State agency on[1] higher education or the State educational agency, as

[1] So in original. Probably should be ''for''.

the case may be, for approval and shall submit the approved application to the Secretary under section 3985 of this title. Each such application shall be submitted jointly by the local educational agency in the case of activities described in section 3984(a) of this title, or an institution of higher education in the case of activities described in section 3984(b) of this title, and each business concern or other party that is to participate in the program for which assistance is sought.

(Pub. L. 98–377, title III, § 307, Aug. 11, 1984, 98 Stat. 1286; Pub. L. 99–159, title II, § 231, Nov. 22, 1985, 99 Stat. 900; Pub. L. 100–418, title VI, § 6031(b)(2), Aug. 23, 1988, 102 Stat. 1483.)

AMENDMENTS

1988—Pub. L. 100–418 substituted ''part'' for ''subchapter''.

1985—Pub. L. 99–159 substituted ''Secretary'' for ''Foundation''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3985 of this title.

§ 3987. Approval of applications

(a) Criteria; consistency of applications with State plans

(1) The Secretary shall establish criteria for approval of applications under this part.

(2) No application may be approved by the Secretary unless the State educational agency or the State agency for higher education, as the case may be, determines that the application is consistent with State plans for elementary and secondary education or State plans for higher education, as the case may be, in the State.

(b) Procedures for equitable distribution of grants among States

The Secretary shall adopt approval procedures designed to assure that there is equitable distribution of grants among the States.

(Pub. L. 98–377, title III, § 308, Aug. 11, 1984, 98 Stat. 1286; Pub. L. 99–159, title II, § 231, Nov. 22, 1985, 99 Stat. 900; Pub. L. 100–418, title VI, § 6031(b)(2), Aug. 23, 1988, 102 Stat. 1483.)

AMENDMENTS

1988—Subsec. (a)(1). Pub. L. 100–418 substituted ''part'' for ''subchapter''.

1985—Pub. L. 99–159 substituted ''Secretary'' for ''Foundation'' in pars. (1) and (2) of subsec. (a) and in subsec. (b).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3988 of this title.

§ 3988. Payments; Federal share; limitation

(a) Federal and non-Federal shares

(1) The Secretary shall pay, to each applicant having an application approved under section 3987 of this title, the Federal share of the cost of the program described in the application.

(2) The Federal share for each fiscal year shall be 50 per centum.

(3) The non-Federal share of payments under this part may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

(b) Fiscal year State limitation

Not more than 15 per centum of the funds appropriated under this part in any fiscal year may be paid to applicants in any single State.

(Pub. L. 98–377, title III, § 309, Aug. 11, 1984, 98 Stat. 1286; Pub. L. 99–159, title II, § 231, Nov. 22, 1985, 99 Stat. 900; Pub. L. 100–418, title VI, § 6031(b)(2), Aug. 23, 1988, 102 Stat. 1483.)

AMENDMENTS

1988—Subsecs. (a)(3), (b). Pub. L. 100–418 substituted ''part'' for ''subchapter''.

1985—Subsec. (a)(1). Pub. L. 99–159 substituted ''Secretary'' for ''Foundation''.

PART B—ELEMENTARY AND SECONDARY EDUCATION PARTNERSHIPS

§ 3991. Purpose

It is the purpose of this part to supplement State and local resources to—

(1) improve the quality of instruction in the fields of mathematics and science in elementary and secondary schools;

(2) furnish additional resources and support for the acquisition of equipment, and instructional and reference materials and improvement of laboratory facilities in elementary and secondary schools; and

(3) encourage partnerships in science and mathematics education between the business community, museums, libraries, professional mathematics and scientific associations, private nonprofit organizations, appropriate State agencies and elementary and secondary schools.

(Pub. L. 98–377, title III, § 321, as added Pub. L. 100–418, title VI, § 6031(a)(2), Aug. 23, 1988, 102 Stat. 1479.)

§ 3992. Programs authorized

(a) Grants

The Secretary may make grants to States to pay the Federal share of the cost of the programs described in section 3994 of this title.

(b) Authorization of appropriations

There are authorized to be appropriated for purposes of carrying out this part[1] $20,000,000 for fiscal year 1988.

(Pub. L. 98–377, title III, § 322, as added Pub. L. 100–418, title VI, § 6031(a)(2), Aug. 23, 1988, 102 Stat. 1480.)

REFERENCES IN TEXT

This part, referred to in subsec. (b), was in the original ''this chapter'' and was translated as reading ''this part'' to reflect the probable intent of Congress because title III of Pub. L. 98–377, which comprises this subchapter, does not contain chapters.

§ 3993. Amendment to State application

(a) Application

A State shall be eligible to receive a grant under this part if—

(1) the State submits to the Secretary as part of its application under section 209[1] such information and assurances as the Secretary may require at such time as the Secretary shall establish; and

(2) the Secretary approves such application.

[1] See References in Text note below.

[1] See References in Text note below.

(b) Application requirements

The Secretary shall require each application to include—

(1) a description of the State's procedures relating to the use of funds from grants received under this part, including the approval process for local applications;

(2) an assurance that not more than 1 percent of the amount received shall be used for administrative expenses; and

(3) an assurance that the State will, to the extent possible, assist local school districts in economically depressed areas to obtain matching funds from business concerns.

(Pub. L. 98–377, title III, § 323, as added Pub. L. 100–418, title VI, § 6031(a)(2), Aug. 23, 1988, 102 Stat. 1480.)

REFERENCES IN TEXT

Section 209, referred to in subsec. (a)(1), is section 209 of Pub. L. 98–377, title II, Aug. 11, 1984, 98 Stat. 1279, as amended, which was classified to section 3969 of this title prior to repeal by Pub. L. 100–297, title II, § 2303, Apr. 28, 1988, 102 Stat. 324.

§ 3994. Eligible programs

(a) In general

A State may use funds from grants received in any fiscal year under this part for elementary and secondary programs described in this section. The State educational agency shall administer such funds, which shall be awarded to such programs on a competitive basis.

(b) Use of funds

Funds from grants received under this part may be used for the following:

(1) Improvement of elementary and secondary resources

Such funds may be used for acquisition of equipment, instructional and reference materials, and partnership in education programs designed to—

(A) improve instruction in mathematics and science education at the elementary and secondary level;

(B) improve laboratory facilities, classroom and library resources in elementary and secondary mathematics and science education; and

(C) attract matching dollars and in kind contributions of equipment, learning resources or shared time from business concerns, libraries, museums, nonprofit private organizations, professional mathematics and scientific associations, and appropriate State agencies.

(2) Advanced placement programs

(A) Such funds may be used for advanced placement programs operated by local educational agencies that are designed to allow qualified secondary students to attend college preparatory schools, colleges, or universities on a part-time or full-time basis with respect to science and mathematics instruction.

(B) A local educational agency that receives funds from a grant under this part for an advanced placement program described in subparagraph (A) shall allocate to such program a percentage of funds received from the State on a per student basis according to—

(i) the number of students participating in the program; and

(ii) the instruction time such students receive under the program.

(Pub. L. 98–377, title III, § 324, as added Pub. L. 100–418, title VI, § 6031(a)(2), Aug. 23, 1988, 102 Stat. 1480.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3992, 3996 of this title.

§ 3995. Local applications

(a) Eligibility

An applicant that desires to receive a grant under this part shall submit an application to the State educational agency, at such time, and in such manner, as the State may require. Such application may take the form of an amendment to an assessment submitted by the local educational agency under section 210,[1] if appropriate.

(b) Requirements for application

The State shall require each application to include—

(1) a description of the activities for which assistance under this part is sought;

(2) assurances that not more than 5 percent of the amount received by the applicant in any fiscal year shall be expended on administrative expenses;

(3) if the funds are to be used for improvement of elementary and secondary resources as described in subsection (b)(1) of this section—

(A) an estimate of the amount to be spent on equipment, facilities improvement, library resources, and classroom instructional material;

(B) an estimate of the number of elementary and secondary students who will be aided by activities and expenditures under the grant;

(C) assurances that—

(i) except as provided in subsection (c) of this section, a minimum of 25 percent of the funds for each project will be supplied by business concerns within the community;

(ii) no stipend shall be paid directly to employees of a profitmaking business concern;

(iii) provision shall be made for the equitable participation in the project of children who are enrolled in private elementary and secondary schools; and

(iv) consideration will be given to programs and activities designed to meet the needs of educationally disadvantaged and other traditionally underserved populations; and

(4) if the funds are to be used for advanced placement programs as described in subsection (b)(2) of this section, a commitment as to the percentage of funds received from the State on

[1] See References in Text note below.

a per student basis that shall be used by the local educational agency to defray costs of the advanced placement program.

(c) Waiver

The State may waive or reduce the amount of matching funds required under subsection (b)(3)(C)(i) of this section if the State determines that—

(1) substantial need exists in the area served by the applicant for a grant under this part; and

(2) the required amount of matching funds cannot be made available.

(d) Joint applications

A regional consortium of applicants in 2 or more local school districts may file a joint application under subsection (a) of this section.

(Pub. L. 98–377, title III, § 325, as added Pub. L. 100–418, title VI, § 6031(a)(2), Aug. 23, 1988, 102 Stat. 1481.)

REFERENCES IN TEXT

Section 210, referred to in subsec. (a), is section 210 of Pub. L. 98–377, title II, Aug. 11, 1984, 98 Stat. 1280, as amended, which was classified to section 3970 of this title prior to repeal by Pub. L. 100–297, title II, § 2303, Apr. 28, 1988, 102 Stat. 324.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3996, 3998 of this title.

§ 3996. Submission of applications

An applicant within a State that desires to receive a grant under this part[1] shall submit an application prepared in accordance with section 3995 of this title to the State educational agency for approval. Each application with respect to funds for improvement of elementary and secondary resources under section 3994(b)(1) of this title shall be submitted jointly by the local educational agency and each business concern or other party that is to participate in the activities for which assistance is sought.

(Pub. L. 98–377, title III, § 326, as added Pub. L. 100–418, title VI, § 6031(a)(2), Aug. 23, 1988, 102 Stat. 1482.)

REFERENCES IN TEXT

This part, referred to in text, was in the original "this chapter" and was translated as reading "this part" to reflect the probable intent of Congress because title III of Pub. L. 98–377, which comprises this subchapter, does not contain chapters.

§ 3997. Approval of applications

(a) Criteria

The State shall establish criteria for approval of applications under this section. Such criteria shall include—

(1) consideration of the local district's need for, and inability to locally provide for, the activities, equipment, library and instructional materials requested;

(2) the number and nature of elementary and secondary students who will benefit from the planned program; and

(3) the expressed level of financial and in-kind commitment from other parties to the program.

(b) Approval procedures

The State shall adopt approval procedures designed to ensure that grants are equitably distributed among—

(1) rural, urban, and suburban areas; and

(2) small, medium, and large local educational agencies.

(Pub. L. 98–377, title III, § 327, as added Pub. L. 100–418, title VI, § 6031(a)(2), Aug. 23, 1988, 102 Stat. 1482.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3998 of this title.

§ 3998. Computation of grant amounts

(a) Payments to grantees

(1) Payment by State

The State shall pay to the extent of amounts received by it from the Secretary under this part, to each applicant having an application approved under section 3997 of this title, the Federal share of the cost of the program described in the application.

(2) Amount

(A) Except as provided in subparagraph (B), the Federal share for each fiscal year shall be 75 percent.

(B) In the case of an applicant that receives a waiver under section 3995(c) of this title, the Federal share for each fiscal year may be as much as 100 percent.

(3) Non-Federal share

The non-Federal share of payments under this part may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

(b) Payments to States

Except as provided in subsection (c) of this section, each State shall receive under this part the greater of—

(1) an amount equal to its share of funds appropriated under chapter 1 of the Education Consolidation and Improvement Act; or

(2) $225,000.

(c) Reduction for insufficient funding

If sums appropriated to carry out this part are not sufficient to permit the Secretary to pay in full the grants which States may receive under subsection (b) of this section, the amount of such grants shall be ratably reduced.

(Pub. L. 98–377, title III, § 328, as added Pub. L. 100–418, title VI, § 6031(a)(2), Aug. 23, 1988, 102 Stat. 1482.)

REFERENCES IN TEXT

The Education Consolidation and Improvement Act, referred to in subsec. (b)(1), probably means the Education Consolidation and Improvement Act of 1981, which is subtitle D [§§ 551 to 596] of title V of Pub. L. 97–35, Aug. 13, 1981, 95 Stat. 463, as amended. Chapter 1 of the Act was classified generally to subchapter I (§ 3801 et seq.) of chapter 51 of this title, prior to repeal by Pub. L. 100–297, title I, § 1003(a), Apr. 28, 1988, 102 Stat. 293. For complete classification of this Act to the Code, see Tables.

[1] See References in Text note below.

SUBCHAPTER IV—PRESIDENTIAL AWARDS FOR TEACHING EXCELLENCE IN MATHEMATICS AND SCIENCE

§§ 4001 to 4003. Repealed. Pub. L. 100–297, title II, § 2303, Apr. 28, 1988, 102 Stat. 324

Section 4001, Pub. L. 98–377, title IV, § 401, Aug. 11, 1984, 98 Stat. 1287, related to Presidential awards.

Section 4002, Pub. L. 98–377, title IV, § 402, Aug. 11, 1984, 98 Stat. 1287, related to administrative provisions.

Section 4003, Pub. L. 98–377, title IV, § 403, Aug. 11, 1984, 98 Stat. 1287; Pub. L. 99–159, title II, § 241, Nov. 22, 1985, 99 Stat. 901, related to authorization of appropriations.

EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 1988, see section 6303 of Pub. L. 100–297, set out as an Effective Date note under section 1201 of this title.

SUBCHAPTER V—ASBESTOS SCHOOL HAZARD ABATEMENT

CROSS REFERENCES

Detection and control of asbestos hazards in schools, see section 3601 et seq. of this title.

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in title 15 section 2646.

§ 4011. Findings and purpose

(a) Findings

The Congress finds that—

(1) exposure to asbestos fibers has been identified over a long period of time and by reputable medical and scientific evidence as significantly increasing the incidence of cancer and other severe or fatal diseases, such as asbestosis;

(2) medical evidence has suggested that children may be particularly vulnerable to environmentally induced cancers;

(3) medical science has not established any minimum level of exposure to asbestos fibers which is considered to be safe to individuals exposed to the fibers;

(4) substantial amounts of asbestos, particularly in sprayed form, have been used in school buildings, especially during the period 1946 through 1972;

(5) partial surveys in some States have indicated that (A) in a number of school buildings materials containing asbestos fibers have become damaged or friable, causing asbestos fibers to be dislodged into the air, and (B) asbestos concentration far exceeding normal ambient air levels have been found in school buildings containing such damaged materials;

(6) the presence in school buildings of friable or easily damaged asbestos creates an unwarranted hazard to the health of the school children and school employees who are exposed to such materials;

(7) the Department of Health and Human Services and the Environmental Protection Agency, as well as several States, have attempted to publicize the potential hazards to school children and employees from exposure to asbestos fibers, but there is no systematic program for remedying hazardous conditions in schools;

(8) because there is no Federal health standard regulating the concentration of asbestos fibers in noncommercial workplace environments such as schools, school employees and students may be exposed to hazardous concentrations of asbestos fibers in the school buildings which they use each day;

(9) without a program of information distribution, technical and scientific assistance, and financial support, many local educational agencies and States will not be able to mitigate the potential asbestos hazards in their schools; and

(10) the effective regulation of interstate commerce for the protection of the public health requires the establishment of programs under this subchapter to mitigate hazards from exposure to asbestos fibers and materials emitting such fibers.

(b) Purpose

It is the purpose of this subchapter to—

(1) direct the Administrator of the Environmental Protection Agency to establish a program to assist States and local educational agencies to ascertain the extent of the danger to the health of school children and employees from asbestos materials in schools;

(2) provide continuing scientific and technical assistance to State and local agencies to enable them to identify and abate asbestos hazards in schools;

(3) provide financial assistance for the abatement of asbestos threats to the health and safety of school children or employees; and

(4) assure that no employee of any local educational agency suffers any disciplinary action as a result of calling attention to potential asbestos hazards which may exist in schools.

(Pub. L. 98–377, title V, § 502, Aug. 11, 1984, 98 Stat. 1287; Pub. L. 101–637, § 14(a)(2), (b)(1), (2), Nov. 28, 1990, 104 Stat. 4594, 4595.)

AMENDMENTS

1990—Pub. L. 101–637, § 14(a)(2), made technical amendment to section catchline.

Subsecs. (a), (b). Pub. L. 101–637, § 14(b)(1), (2), inserted headings.

SHORT TITLE OF 1990 AMENDMENT

Section 1 of Pub. L. 101–637 provided that: ''This Act [enacting section 2656 of Title 15, Commerce and Trade, amending this section, sections 4012 to 4022 of this title, and sections 2643, 2646, and 2647 of Title 15, enacting provisions set out as notes under this section and sections 2646 and 2656 of Title 15, and amending provisions set out as a note under this section] may be cited as the 'Asbestos School Hazard Abatement Reauthorization Act of 1990'.''

SHORT TITLE

Section 501 of title V of Pub. L. 98–377, as amended by Pub. L. 101–637, § 14(a)(1), Nov. 28, 1990, 104 Stat. 4594, provided that: ''This title [enacting this subchapter] may be cited as the 'Asbestos School Hazard Abatement Act of 1984'.''

FINDINGS AND PURPOSES

Section 2 of Pub. L. 101–637 provided that:

''(a) FINDINGS.—Congress finds the following:

''(1) The Environmental Protection Agency has estimated that more than forty-four thousand school buildings contain friable asbestos, exposing more than fifteen million school children and one million five hundred thousand school employees to unwarranted health hazards.

''(2) All elementary and secondary schools are required by the Asbestos Hazard Emergency Response Act [of 1986, see Short Title of 1986 Amendment note set out under section 2601 of Title 15, Commerce and Trade] to inspect for asbestos, develop an asbestos management plan, and implement such plan.

''(3) The Environmental Protection Agency has estimated it will cost local education agencies more than $3,000,000,000 to comply with the Asbestos Hazard Emergency Response Act.

''(4) Without a continuing program of information assistance, technical and scientific assistance, training, and financial support, many local educational agencies will be unable to carry out sufficient response actions to prevent the release of asbestos fibers into the air.

''(5) Without the provisions of sufficient financial support, the cost to local educational agencies of implementing asbestos response actions may have an adverse impact in their educational mission.

''(6) The effective regulation of interstate commerce for the protection of human health and the environment requires the continuation of programs to mitigate hazards of asbestos fibers and materials emitting such fibers.

''(b) PURPOSES.—The purposes of this Act [see Short Title of 1990 Amendment note above] are the following:

''(1) To direct the Environmental Protection Agency to maintain a program to assist local schools in carrying out their responsibilities under the Asbestos Hazard Emergency Response Act.

''(2) To provide continuing scientific and technical assistance to State and local agencies to enable them to identify and abate asbestos health hazards.

''(3) To provide financial assistance to State and local agencies for training of persons involved with inspections and abatement of asbestos, for conducting necessary reinspections of school buildings, and for the actual abatement of asbestos threats to the health and safety of school children or employees.

''(4) To assure that no employee of a local educational agency suffers any disciplinary action as a result of calling attention to potential asbestos hazards which may exist in schools.''

§ 4012. Asbestos hazard abatement program

(a) Abatement program

There is hereby established a program within the Environmental Protection Agency to be known as the Asbestos Hazards Abatement Program (hereinafter in this subchapter referred to as ''Program'').

(b) Duties

The duties of the Administrator in implementing and effectuating the Program shall include—

(1) the compilation of medical, scientific, and technical information including, but not limited to—

(A) the health and safety hazards associated with asbestos materials;

(B) the means of identifying, sampling, and testing materials suspected of emitting asbestos fibers; and

(C) the means of abating the threat posed by asbestos and asbestos containing materials;

(2) the distribution of the information described in paragraph (1) (in any appropriate form such as pamphlets, reports, or instructions) to State and local educational agencies and to other institutions, including parent and employee organizations, for the purpose of carrying out activities described in this subchapter;

(3) not later than November 15 of each year for which this subchapter is authorized, the development and distribution of applications, or notifications to all local educational agencies of the availability of application forms including information for obtaining such forms; and

(4) the review of applications for financial assistance, and the approval or disapproval of such applications, in accordance with the provisions of section 4014 of this title.

(Pub. L. 98–377, title V, § 503, Aug. 11, 1984, 98 Stat. 1288; Pub. L. 101–637, §§ 4, 14(a)(3), (b)(3), (4), Nov. 28, 1990, 104 Stat. 4590, 4594, 4595.)

AMENDMENTS

1990—Pub. L. 101–637, § 14(a)(3), made technical amendment to section catchline.

Subsec. (a). Pub. L. 101–637, § 14(b)(3), inserted heading and struck out par. (1) designation before ''There is hereby established''.

Subsec. (b). Pub. L. 101–637, § 14(b)(4), inserted heading.

Subsec. (b)(2). Pub. L. 101–637, § 4(1), (2), substituted ''educational agencies'' for ''agencies'' and ''institutions, including parent and employee organizations,'' for ''institutions''.

Subsec. (b)(3). Pub. L. 101–637, § 4(3), amended par. (3) generally. Prior to amendment, par. (3) read as follows: ''the development within forty-five days of August 11, 1984, of an interim or final application form, which shall be distributed promptly to local educational agencies; and''.

§ 4013. State records and priority lists

(a) Records

The Governor of each State shall maintain records on—

(1) the presence of asbestos materials in school buildings of local educational agencies;

(2) the asbestos detection and abatement activities and other response actions conducted by local educational agencies (including activities relating to the replacement of the asbestos materials removed from school buildings with other appropriate building materials); and

(3) repairs made to restore school buildings to conditions comparable to those which existed before the abatement activities referred to in paragraph (2) were undertaken.

(b) Priority list

(1) Each year, in accordance with procedures established by the Administrator, the Governor of each State shall:

(A) submit to the Administrator a priority list of all schools under the authority of a local educational agency within the State, without regard to the public or private nature of the school involved, that are candidates for abatement activities and other response actions; and

(B) forward to the Administrator for each candidate for abatement activities and other response actions all applications for financial assistance prepared by the local educational agencies in accordance with the provisions of section 4014 of this title; and[1]

[1] So in original. Probably should end with a period instead of ''; and''.

(2) The priority list shall rank the potential candidates for abatement action based on the nature and magnitude of the existing and potential exposure presented by the asbestos materials.

(3) For each school listed, the Governor shall certify that the statement of need contained in the application for assistance accurately reflects the financial resources available to the local educational agency for the asbestos abatement program.

(4) For the purpose of determining the adequacy of the financial resources available to a local educational agency for the abatement of asbestos threats the Governor shall, to the extent practicable, consider the following:

(A) A measure of financial need used by the State in which the local educational agency is located.

(B) The estimated per capita income of the locality of such agency or of those directly or indirectly providing financial support for such agency.

(C) The extent to which the local school millage rate falls above or below (i) the millage rate average of the State and (ii) the millage rate of other local educational agencies with comparable enrollment, per capita income, and resource base.

(D) The ratio, expressed as a percentage, of the estimated cost of the project to the total budget of the local educational agency.

(E) The borrowing capacity of the local educational agency.

(F) Any additional costs to the local educational agency of meeting the special needs of disadvantaged students.

(G) Any other factor that demonstrates that the local educational agency has limited financial resources.

(Pub. L. 98–377, title V, § 504, Aug. 11, 1984, 98 Stat. 1289; Pub. L. 101–637, §§ 5, 14(a)(4), (b)(5), (6), Nov. 28, 1990, 104 Stat. 4590, 4594, 4595.)

AMENDMENTS

1990—Pub. L. 101–637, § 14(a)(4), substituted ''State records and priority lists'' for ''State plans'' in section catchline.

Subsec. (a). Pub. L. 101–637, §§ 5(a)(1), 14(b)(5), inserted heading and substituted ''The Governor of each State shall maintain records on'' for ''Not later than three months after August 11, 1984, the Governor of each State shall submit to the Administrator a plan which describes the procedures to be used by the State for maintaining records on'' in introductory provisions.

Subsec. (a)(2). Pub. L. 101–637, § 5(a)(2), (3), inserted ''and other response actions'' after ''abatement activities'' and inserted ''and'' after semicolon at end.

Subsec. (a)(3). Pub. L. 101–637, § 5(a)(4), substituted ''paragraph (2)'' for ''subparagraph (B)''.

Subsec. (b). Pub. L. 101–637, § 14(b)(6)(A), inserted heading.

Subsec. (b)(1). Pub. L. 101–637, § 5(b)(1), substituted ''Each year, in accordance with procedures established by the Administrator,'' for ''Not later than six months after August 11, 1984, and annually thereafter,'' in introductory provisions.

Subsec. (b)(1)(A). Pub. L. 101–637, §§ 5(b)(2), (3), 14(b)(6)(B), substituted ''abatement activities and other response actions'' for ''abatement'', struck out ''and the Secretary of the Department of Education'' after ''submit to the Administrator'', and inserted ''and'' after semicolon at end.

Subsec. (b)(1)(B). Pub. L. 101–637, §§ 5(b)(2), 14(b)(6)(B), (C), substituted ''abatement activities and other response actions'' for ''abatement'', struck out ''section 4012(b)(3) of this title and'' before ''section 4014'', and struck out ''and the Secretary of the Department of Education'' after ''forward to the Administrator''.

Subsec. (b)(1)(C). Pub. L. 101–637, § 5(b)(4), struck out subpar. (C) which read as follows: ''forward to the Secretary of the Department of Education a copy of all information submitted to the Administrator in accordance with subsection (b)(3) of this section.''

Subsec. (b)(4)(C). Pub. L. 101–637, § 14(b)(6)(D), inserted a comma after ''per capita income''.

Subsec. (b)(4)(F), (G). Pub. L. 101–637, § 5(c), added subpar. (F) and redesignated former subpar. (F) as (G).

Subsec. (c). Pub. L. 101–637, § 5(d), struck out subsec. (c) which read as follows: ''Not later than nine months after the submission of the plan described in subsection (a) of this section, and each twelve months thereafter, the Governor shall submit to the Administrator a report which describes the actions taken by the State in accordance with its plan under such subsection.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4014 of this title.

§ 4014. Financial assistance

(a) Assistance Program

There is hereby established within the Environmental Protection Agency an Asbestos Hazards Abatement Assistance Program (hereinafter in this chapter referred to as the ''Assistance Program''), which shall be administered in accordance with this section.

(b) Application submission

(1) Applications for financial assistance shall be submitted by a local educational agency to the Governor, or the Governor's designee, who shall establish a priority list based on the criteria of section 4013(b)(2) of this title.

(2) Pursuant to section 4013 of this title, the Governor shall submit applications, together with the Governor's report and priority list, to the Administrator who shall review and rank such applications pursuant to subsection (c)(2) of this section and propose financing pursuant to the criteria of section 4013(b)(4) of this title. The Administrator shall approve or disapprove applications for financial assistance no later than April 30 of each year.

(c) Review of application

(1) The Administrator shall provide financial assistance on a school-by-school basis to local educational agencies in accordance with other provisions of this section to carry out projects for—

(A) abating the threat posed by materials containing asbestos to the health and safety of children or employees;

(B) replacing the asbestos materials removed from school buildings with other appropriate building materials; and

(C) restoring school buildings to conditions comparable to those existing before abatement activities were undertaken pursuant to this section.

(2) The Administrator shall review and list in priority order applications for financial assistance. In ranking applications, the Administrator shall consider—

(A) the priority assigned to the abatement program by the Governor pursuant to section 4013(b)(2) of this title; and

(B)(i) the likelihood of release of asbestos fibers into a school environment;

(ii) any other evidence of the risk caused by the presence of asbestos including, but not limited to, situations in which there is a substantial quantity of dry loose asbestos-containing material on horizontal surfaces or asbestos-containing material is substantially deteriorated or damaged, and there is asbestos-containing material in an air plenum or in a high traffic area, confined space, or within easy reach of a passerby;

(iii) the extent to which the corrective action proposed by the applicant will reduce the exposure of school children and school employees; and

(iv) the extent to which the corrective action proposed by the applicant uses the least burdensome methods which protect human health and the environment.

(3) In determining whether an applicant is eligible for assistance, and the nature and amount of financial assistance, the Administrator shall consider the financial resources available to the applicant as certified by the Governor pursuant to section 4013(b)(4) of this title.

(d) Limitation

In no event shall financial assistance be provided under this subchapter to an applicant if—

(1) the Administrator determines that such applicant has resources adequate to support an appropriate asbestos materials abatement program; or

(2) the applicant is not in compliance with title II of the Toxic Substances Control Act (15 U.S.C. 2641 et seq.).

(e) Amount of loan or grant

(1) An applicant for financial assistance may be granted a loan of up to 100 percent of the costs of an abatement program or, if the Administrator determines the applicant is unable to undertake and complete an asbestos materials abatement program with a loan, such applicant may also receive a grant (alone or in combination with a loan) not to exceed 50 percent of the total costs of abatement, in the amount which the Administrator deems necessary.

(2) In approving any grant, the Administrator shall state with particularity the reasons why the applicant is unable to undertake and complete the abatement program with loan funds.

(f) Loan agreement

Loans under this section shall be made pursuant to agreements which shall provide for the following:

(1) the loan shall not bear interest;

(2) the loan shall have a maturity period of not more than twenty years (as determined by the Administrator) and shall be repayable during such period at such times and in such amounts as the Administrator may specify in the loan agreement;

(3) repayment shall be made to the Secretary of the Treasury for deposit in the Asbestos Trust Fund established by section 4022 of this title; and

(4) such other terms and conditions that the Administrator determines necessary to protect the financial interest of the United States.

(g) Application requirements

(1) No financial assistance may be provided under this section unless an application has been submitted to the Administrator in accordance with such procedures as may be developed by the Administrator.

(2) The Administrator shall not approve an application unless—

(A) the application contains such information as the Administrator may require, including but not limited to information describing—

(i) the nature and extent of the asbestos problem for which the assistance is sought;

(ii) the asbestos content of the material to be abated;

(iii) the methods which will be used to abate the asbestos materials;

(iv) the amount and type of financial assistance requested;

(v) a description of the financial resources of the local educational agency; and

(vi) a justification for the type and amount of the financial assistance requested.

(B) the application contains a certification that—

(i) the local educational agency has prepared and is implementing an asbestos management plan, as required under title II of the Toxic Substances Control Act (15 U.S.C. 2641 et seq.); and

(ii) all activities to be conducted with the financial assistance will be performed by individuals trained and accredited in conformance with title II of the Toxic Substances Control Act (15 U.S.C. 2641 et seq.) and regulations promulgated under that title;

(C) the application contains assurances that the local educational agency will furnish such information as is necessary for the Administrator to make the report required by section 4016 of this title.

(3) No financial assistance may be provided by the Administrator under this section for projects described in subsection (a)(2) of this section on which abatement action was completed prior to January 1, 1984.

(4) Except as provided in section 4021(b)(1) of this title, in approving applications the Administrator shall provide assistance to the local educational agencies having the highest priority among applications being considered in order of ranking until the appropriated funds are expended.

(Pub. L. 98–377, title V, § 505, Aug. 11, 1984, 98 Stat. 1290; Pub. L. 99–519, § 3(a), Oct. 22, 1986, 100 Stat. 2988; Pub. L. 100–368, § 6(b), July 18, 1988, 102 Stat. 833; Pub. L. 101–637, §§ 6, 14(a)(5), (b)(7), (c)(1)–(4), Nov. 28, 1990, 104 Stat. 4591, 4594–4596.)

REFERENCES IN TEXT

The Toxic Substances Control Act, referred to in subsecs. (d)(2) and (g)(2)(B), is Pub. L. 94–469, Oct. 11, 1976, 90 Stat. 2003, as amended. Title II of the Act, as added by Pub. L. 99–519, § 2, Oct. 22, 1986, 100 Stat. 2970, is classified generally to subchapter II (§ 2641 et seq.) of chapter 53 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of Title 15 and Tables.

AMENDMENTS

1990—Pub. L. 101–637, § 14(a)(5), made technical amendment to section catchline.

Subsec. (a). Pub. L. 101–637, § 14(b)(7)(A), inserted heading.

Subsec. (b). Pub. L. 101–637, § 14(b)(7)(B), inserted heading.

Subsec. (b)(1). Pub. L. 101–637, § 14(c)(1), struck out comma after ''educational agency''.

Subsec. (b)(2). Pub. L. 101–637, § 6(a)(1), (2), substituted ''the Governor shall submit applications,'' for ''applications shall be submitted,'' and inserted ''The Administrator shall approve or disapprove applications for financial assistance no later than April 30 of each year.''

Subsec. (b)(3). Pub. L. 101–637, § 6(a)(3), struck out par. (3) which read as follows: ''Within sixty days of receipt of the information described in section 4013(b)(1) of this title, the Secretary of the Department of Education shall review such information and, in the Secretary's discretion, provide to the Administrator comments and recommendations based upon the needs of local educational agencies for financial assistance. Within sixty days of receipt of the Secretary's report, or expiration of the time allowed for such report, the Administrator shall approve or disapprove applications for financial assistance.''

Subsec. (c). Pub. L. 101–637, § 14(b)(7)(C), inserted heading.

Subsec. (c)(2)(A). Pub. L. 101–637, § 14(c)(2)(A), inserted ''and'' after semicolon at end.

Subsec. (c)(2)(B)(ii). Pub. L. 101–637, § 14(c)(2)(B), inserted a comma after ''confined space''.

Subsec. (c)(2)(B)(iv). Pub. L. 101–637, § 14(c)(2)(B), which directed the insertion of a comma after ''techniques'', could not be executed because of the intervening amendment by Pub. L. 101–637, § 6(b). See below.

Pub. L. 101–637, § 6(b), substituted ''uses the least burdensome methods which protect human health and the environment'' for ''is cost-effective compared to other techniques including management of material containing asbestos''.

Subsec. (c)(3). Pub. L. 101–637, § 6(c), substituted ''shall consider the financial resources available to the applicant as certified by the Governor pursuant to section 4013(b)(4) of this title.'' for ''shall consider—

''(A) the financial resources available to the applicant as certified by the Governor pursuant to section 4013(b)(4) of this title; and

''(B) the report, if any, of the Secretary of Education pursuant to section 4013(b)(5) of this title.''

Subsec. (d). Pub. L. 101–637, § 6(d), inserted heading and amended text generally. Prior to amendment, text read as follows: ''In no event shall financial assistance be provided under this subchapter to an applicant if the Administrator determines that such applicant has resources adequate to support an appropriate asbestos materials abatement program. In making such a determination, the Administrator may consult with the Secretary of Education.''

Subsec. (e). Pub. L. 101–637, § 14(b)(7)(D), inserted heading.

Subsec. (e)(1). Pub. L. 101–637, § 14(c)(3), substituted ''percent'' for ''per centum'' in two places.

Subsec. (f). Pub. L. 101–637, § 14(b)(7)(E), inserted heading.

Subsec. (f)(3). Pub. L. 101–637, § 6(e), substituted ''for deposit in the Asbestos Trust Fund established by section 4022 of this title'' for ''for deposit in the general fund''.

Subsec. (g). Pub. L. 101–637, § 14(b)(7)(F), inserted heading.

Subsec. (g)(1). Pub. L. 101–637, § 6(f)(1), substituted ''in accordance with such procedures as may be developed by the Administrator'' for ''within the five-year period beginning on August 11, 1984''.

Subsec. (g)(2)(B)(i), (ii). Pub. L. 101–637, § 6(f)(2), amended cls. (i) and (ii) generally. Prior to amendment, cls. (i) and (ii) read as follows:

''(i) any employee engaged in an asbestos material abatement program will be trained and equipped pursuant to section 4015(b)(2)(B) of this title; and

''(ii) no child or inadequately informed or protected school employee will be permitted in the vicinity of any asbestos abatement activity;''.

Subsec. (g)(3), (4). Pub. L. 101–637, §§ 6(f)(3), 14(c)(4), redesignated subpar. (B) appearing after par. (3) as par. (4), inserted a comma after ''section 4021(b)(1) of this title'', and struck out former par. (4) which read as follows:

''(A) No financial assistance may be provided under this section to any school—

''(i) which uses any person who has not been accredited pursuant to section 2646(b) or (c) of title 15, to carry out activities described in section 2646(a) of title 15, or

''(ii) which uses any laboratory which has not been accredited pursuant to section 2646(d) of title 15, to carry out activities described in such section.

''(B) This paragraph shall apply to any financial assistance provided under this section after October 22, 1986, for activities performed after the following dates:

''(i) In the case of activities performed by persons, after the date which is one year after October 22, 1986.

''(ii) In the case of activities performed by laboratories, after the date which is 180 days after the date on which a laboratory accreditation program is completed under section 2646(d) of title 15.''

1988—Subsec. (g)(4)(B)(i). Pub. L. 100–368, § 6(b)(1), substituted reference to October 22, 1986, for reference to August 11, 1984.

Subsec. (g)(4)(B)(ii). Pub. L. 100–368, § 6(b)(2), substituted ''section 2646(d) of title 15'' for ''subsection (d)''.

1986—Subsec. (g)(4). Pub. L. 99–519 added par. (4).

FINANCIAL ASSISTANCE TO CARRY OUT INSPECTIONS FOR ASBESTOS-CONTAINING MATERIAL

Section 4(b) of Pub. L. 99–519 provided that:

''(1) Notwithstanding section 505(c) of the Asbestos School Hazard Abatement Act of 1984 [20 U.S.C. 4014(c)], for fiscal years 1988 and 1989 the Administrator shall provide financial assistance under section 505 of such Act in the form of grants to States or local educational agencies to carry out inspections for asbestos-containing material in school buildings and preparation of management plans for school buildings under this title [probably means title II of the Toxic Substances Control Act, 15 U.S.C. 2641 et seq.].

''(2) Not more than 2 percent of any grant awarded to a State pursuant to paragraph (1) may be used by the State for administrative purposes. For purposes of the preceding sentence, administrative purposes do not include salaries of persons who inspect for asbestos-containing material or assist in the preparation of management plans.

''(3) In determining which local educational agencies to approve grants for, the Administrator shall take into account the financial need of the agency. Of the amount available under the Asbestos School Hazard Abatement Act of 1984 [20 U.S.C. 4011 et seq.] for fiscal years 1988 and 1989, not more than 10 percent may be obligated for the purposes described in this subsection.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4012, 4013, 4015, 4016, 4017, 4022 of this title; title 15 sections 2646, 2655.

§ 4015. Administrative provisions

(a) Regulations

The Administrator shall promulgate rules and regulations as necessary to implement the authorities and requirements of this subchapter.

(b) Procedures

The Administrator also shall establish procedures to be used by local educational agencies, in programs for which financial assistance is made available under section 4014 of this title, for—

(1) abating asbestos materials in school buildings;

(2) replacing the asbestos materials removed from school buildings with other appropriate building materials; and

(3) restoring such school buildings to conditions comparable to those existing before asbestos containment or removal activities were undertaken.

(c) Relationship to other laws

Nothing contained in this subchapter shall be construed, interpreted, or applied to diminish in any way the level of protection required under any other State or Federal worker protection or other applicable laws.

(d) Other authority

In order to effectuate the purposes of this subchapter, the Administrator may also adopt such other procedures, standards, and regulations as the Administrator deems necessary, including—

(1) procedures for testing the level of asbestos fibers in schools, including safety measures to be followed in conducting such tests;

(2) standards for evaluating (on the basis of such tests) the likelihood of the leakage of asbestos fibers into the school environment; and

(3) periodic reporting with respect to the activities that have taken place using funds loaned or granted under this subchapter.

(Pub. L. 98–377, title V, § 506, Aug. 11, 1984, 98 Stat. 1292; Pub. L. 101–637, §§ 7, 14(a)(6), (b)(8), (9), Nov. 28, 1990, 104 Stat. 4592, 4594, 4595.)

AMENDMENTS

1990—Pub. L. 101–637 inserted section catchline.

Subsec. (a). Pub. L. 101–637, § 14(b)(8), inserted heading.

Subsec. (b). Pub. L. 101–637, § 7(2), added subsec. (b) and struck out former subsec. (b) which read as follows: ''The Administrator shall also establish—

''(1) procedures to be used by local educational agencies, in programs for which financial assistance is made available under section 4014 of this title for—

''(A) abating asbestos materials in school buildings;

''(B) replacing the asbestos materials removed from school buildings with other appropriate building materials; and

''(C) restoring such school buildings to conditions comparable to those existing before asbestos containment or removal activities were undertaken; and

''(2) within ninety days, standards for determining—

''(A) which contractors are qualified to carry out the activities referred to in paragraph (1), and

''(B) what training, equipment, protective clothing and other information and material must be supplied to adequately advise and protect school employees utilized to carry out the activities in paragraph (1).

''(3) nothing contained in this subchapter shall be construed, interpreted or applied to diminish in any way the level of protection required under State or Federal worker protection laws.''

Subsec. (c). Pub. L. 101–637, § 7(2), added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 101–637, §§ 7(1), 14(b)(9), redesignated subsec. (c) as (d), inserted heading, and inserted a comma after ''standards'' in introductory provisions.

§ 4016. Annual report

During each calendar year until 1999, the Administrator shall prepare and submit, not later than June 1 of each year, to the Committee on Environment and Public Works of the Senate and to the Committee on Energy and Commerce of the House of Representatives a report on the loan and grant program authorized by section 4014 of this title.

(1) describe the number of applications received;

(2) describe the number of loans and grants made in the preceding calendar year and specify each applicant for and recipient of a loan or grant;

(3) specify the number of loan or grant applications which were disapproved during the preceding calendar year and describe the reasons for such disapprovals;

(4) describe the types of programs for which loans or grants were made;

(5) specify the estimated total costs of such programs to the recipients of loans or grants and specify the amount of loans or grants made under the program authorized by this section; and

(6) estimate the number of schools still in need of assistance and the amount of resources needed by such schools, categorized by State, to abate all remaining asbestos hazards.

(Pub. L. 98–377, title V, § 507, Aug. 11, 1984, 98 Stat. 1293; Pub. L. 101–637, §§ 8, 14(a)(7), Nov. 28, 1990, 104 Stat. 4592, 4594.)

AMENDMENTS

1990—Pub. L. 101–637, § 14(a)(7), made technical amendment to section catchline.

Pub. L. 101–637, § 8(a), amended first sentence generally. Prior to amendment, first sentence read as follows: ''During each of the ten calendar years after 1984, the Administrator shall prepare and submit not later than February 1 of each year a report to the Committee on Environment and Public Works of the United States Senate and the Committee on Energy and Commerce of the United States House of Representatives on the loan and grant program authorized by section 4014 of this title.''

Par. (6). Pub. L. 101–637, § 8(b), inserted before period at end ''and the amount of resources needed by such schools, categorized by State, to abate all remaining asbestos hazards''.

CHANGE OF NAME

Committee on Energy and Commerce of House of Representatives treated as referring to Committee on Commerce of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4014 of this title.

§ 4017. Recovery of costs

(a) Loan condition

(1) As a condition of the award of any financial assistance under section 4014 of this title, the recipient of any such loan or grant shall permit the United States to sue on behalf of such recipient any person determined by the Attorney General to be liable to the recipient for the costs of any activities undertaken by the recipient under such section.

(2) The proceeds from any judgment recovered in any suit brought by the United States under paragraph (1) (or, if the recipient files a similar

suit on its own behalf, the proceeds from a judgment recovered by the recipient in such suit) shall be used to repay to the United States, by deposit in the Asbestos Trust Fund established by section 4022 of this title, to the extent that the proceeds are sufficient to provide for such repayment, an amount equal to the sum of—

(A) the amount (i) outstanding on any loan and (ii) of any grant made to the recipient; and

(B) an amount equal to the interest which would have been charged on such loan were the loan made by a commercial lender at prevailing interest rates (as determined by the Administrator).

(b) Expeditious recovery

The Attorney General shall, where appropriate, proceed in an expeditious manner to recover the amounts expended by the United States to carry out this subchapter from the persons identified by the Attorney General as being liable for such costs.

(Pub. L. 98–377, title V, § 508, Aug. 11, 1984, 98 Stat. 1293; Pub. L. 101–637, §§ 9, 14(a)(8), (b)(10), (11), (c)(5), Nov. 28, 1990, 104 Stat. 4592, 4594–4596.)

AMENDMENTS

1990—Pub. L. 101–637, § 14(a)(8), inserted section catchline.

Subsec. (a). Pub. L. 101–637, § 14(b)(10), inserted heading.

Subsec. (a)(1). Pub. L. 101–637, § 14(c)(5), substituted ''section'' for ''sections'' after ''such''.

Subsec. (a)(2). Pub. L. 101–637, § 9, inserted ''by deposit in the Asbestos Trust Fund established by section 4022 of this title,'' after ''repay to the United States,''.

Subsec. (b). Pub. L. 101–637, § 14(b)(11), inserted heading.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4019, 4022 of this title.

§ 4018. Employee protection

No State or local educational agency receiving assistance under this subchapter may discharge any employee or otherwise discriminate against any employee with respect to the employee's compensation, terms, conditions, or privileges of employment because the employee has brought to the attention of the public information concerning any asbestos problem in the school buildings within the jurisdiction of such agency.

(Pub. L. 98–377, title V, § 509, Aug. 11, 1984, 98 Stat. 1294; Pub. L. 101–637, § 14(a)(9), Nov. 28, 1990, 104 Stat. 4594.)

AMENDMENTS

1990—Pub. L. 101–637 inserted section catchline.

§ 4019. Affect on rights under other laws

Except as otherwise provided in section 4017 of this title, nothing in this subchapter shall—

(1) affect the right of any party to seek legal redress in connection with the purchase or installation of asbestos materials in schools or any claim of disability or death related to exposure to asbestos in a school setting; or

(2) affect the rights of any party under any other law.

(Pub. L. 98–377, title V, § 510, Aug. 11, 1984, 98 Stat. 1294; Pub. L. 101–637, § 14(a)(10), Nov. 28, 1990, 104 Stat. 4594.)

AMENDMENTS

1990—Pub. L. 101–637 inserted section catchline.

§ 4020. Definitions

For purposes of this subchapter:

(1) The term ''asbestos'' means—

(A) chrysotile, amosite, or crocidolite; or

(B) in fibrous form, tremolite, anthophyllite, or actinolite.

(2) The term ''Attorney General'' means the Attorney General of the United States.

(3) The term ''threat'' or ''hazard'' means that an asbestos material is friable or easily damaged, or within reach of students or employees or otherwise susceptible to damage (including damage from water, vibration, or air circulation) which could result in the dispersal of asbestos fibers into the school environment.

(4) The term ''local educational agency'' means—

(A) any local educational agency as defined in section 8801 of this title; and

(B) the governing authority of any nonprofit elementary or secondary school.

(5) The term ''nonprofit elementary or secondary school'' means—

(A) any elementary or secondary school as defined in section 8801 of this title owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual; and

(B) any school of any agency of the United States.

(6) The term ''school buildings'' means—

(A) structures suitable for use as classrooms, laboratories, libraries, school eating facilities, or facilities used for the preparation of food;

(B) any gymnasium or other facility which is specially designed for athletic or recreational activities for an academic course in physical education;

(C) other facilities used for the instruction of students, for research, or for the administration of educational or research programs; and

(D) maintenance, storage, or utility facilities essential to the operation of the facilities described in subparagraphs (A) through (C) of this paragraph.

(7) The term ''Administrator'' means the Administrator of the Environmental Protection Agency, or the Administrator's designee.

(8) The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Bureau of Indian Affairs.

(9) The term ''response action'' has the meaning given such term by section 2642(11) of title 15.

(Pub. L. 98–377, title V, § 511, Aug. 11, 1984, 98 Stat. 1294; Pub. L. 101–637, §§ 10, 14(a)(11), (c)(6), Nov. 28, 1990, 104 Stat. 4592, 4594, 4596; Pub. L. 103–382, title III, § 394(c), Oct. 20, 1994, 108 Stat. 4027.)

AMENDMENTS

1994—Par. (4)(A). Pub. L. 103–382, § 394(c)(1), substituted ''section 8801 of this title'' for ''section 198(a)(10) of the Elementary and Secondary Education Act of 1965''.

Par. (5)(A). Pub. L. 103–382, § 394(c)(2), substituted ''section 8801 of this title'' for ''section 198(a)(7) of the Elementary and Secondary Education Act of 1965''.

1990—Pub. L. 101–637, § 14(a)(11), (c)(6)(A), inserted section catchline and substituted ''this subchapter:'' for ''this subchapter—''.

Pars. (1), (2). Pub. L. 101–637, § 14(c)(6)(B), (C), substituted ''The'' for ''the'' at beginning and a period for semicolon at end.

Par. (3). Pub. L. 101–637, §§ 10(1), 14(c)(6)(B)–(D), substituted ''The'' for ''the'' at beginning and a period for semicolon at end, struck out ''each'' before ''reach of students'', and inserted '', vibration,'' after ''damage from water''.

Par. (4). Pub. L. 101–637, § 14(c)(6)(B), (C), substituted ''The'' for ''the'' at beginning and a period for semicolon at end.

Par. (5). Pub. L. 101–637, § 14(c)(6)(E), which directed the insertion of ''secondary'' before ''school'', was executed by making the insertion in the introductory provisions to reflect the probable intent of Congress.

Pub. L. 101–637, § 14(c)(6)(B), (C), substituted ''The'' for ''the'' at beginning and a period for semicolon at end.

Pars. (6), (7). Pub. L. 101–637, § 14(c)(6)(B), (C), substituted ''The'' for ''the'' at beginning and a period for semicolon at end.

Par. (8). Pub. L. 101–637, § 14(c)(6)(B), substituted ''The'' for ''the'' at beginning.

Par. (9). Pub. L. 101–637, § 10(2), added par. (9).

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

§ 4021. Authorization

(a) Amount; availability until expended

(1) There are hereby authorized to be appropriated for the asbestos abatement program not more than $200,000,000 for each of fiscal years 1991, 1992, 1993, 1994, and 1995. In addition, for such purposes and for each of such fiscal years there are authorized to be appropriated out of the Asbestos Trust Fund established by section 4022 of this title such sums as are contained in such trust fund in each of such fiscal years.

(2) The sums appropriated under this subchapter shall remain available until expended.

(b) Minimum State amount; fiscal year obligation requirement; reserved funds for administration and asbestos abatement oriented program expenditures; appropriations out of Asbestos Trust Fund

(1) A State with qualified applicants shall receive no less than one-half of 1 per centum of the sums appropriated under this subchapter or the total of the amounts requested by such applicants, whichever is less. Those amounts available in each fiscal year under this paragraph shall be obligated before the end of that fiscal year. For the purposes of this paragraph the term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Bureau of Indian Affairs and, taken together, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(2) Of those sums appropriated for the implementation of this subchapter, not more than 5 percent may be reserved during each fiscal year for the administration of this subchapter and for programs including (but not limited to) the following:

(A) The establishment of training centers for contractors, engineers, school employees, parents, and other personnel to provide instruction, in accordance with title II of the Toxic Substances Control Act (15 U.S.C. 2641 et seq.), on asbestos assessment and abatement.

(B) The development and dissemination of abatement guidance documents to assist in evaluation of potential hazards and the determination of proper abatement programs.

(C) The development of rules and regulations regarding inspection, reporting, and recordkeeping.

(D) The development of a comprehensive testing and technical assistance program.

(3) Of those sums appropriated for any fiscal year for the implementation of this subchapter, the Administrator may use not more than 5 percent to provide grants to States for the following purposes:

(A) Assisting local educational agencies in performing the periodic reinspections and training activities required under title II of the Toxic Substances Control Act (15 U.S.C. 2641 et seq.).

(B) Establishing and maintaining programs to accredit personnel performing asbestos inspections and response actions.

(Pub. L. 98–377, title V, § 512, Aug. 11, 1984, 98 Stat. 1295; Pub. L. 99–519, § 4(a), Oct. 22, 1986, 100 Stat. 2989; Pub. L. 100–368, § 6(a), July 18, 1988, 102 Stat. 833; Pub. L. 101–637, §§ 11, 14(a)(12), Nov. 28, 1990, 104 Stat. 4592, 4595.)

REFERENCES IN TEXT

The Toxic Substances Control Act, referred to in subsec. (b)(2)(A), (3)(A), is Pub. L. 94–469, Oct. 11, 1976, 90 Stat. 2003, as amended. Title II of the Act, as added by Pub. L. 99–519, § 2, Oct. 22, 1986, 100 Stat. 2970, is classified generally to subchapter II (§ 2641 et seq.) of chapter 53 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of Title 15 and Tables.

AMENDMENTS

1990—Pub. L. 101–637, § 14(a)(12), inserted section catchline.

Subsec. (a)(1). Pub. L. 101–637, § 11(a), amended par. (1) generally. Prior to amendment, par. (1) read as follows: ''There are hereby authorized to be appropriated for the asbestos abatement program not more than $50,000,000 for the fiscal year ending on September 30, 1984, $50,000,000 for the fiscal year ending on September 30, 1985, and $100,000,000 for each of the five succeeding fiscal years. In addition, for such purposes there are authorized to be appropriated out of the Asbestos Trust Fund established by section 4022 of this title $25,000,000 for each of fiscal years 1987, 1988, 1989, and 1990.''

Subsec. (b)(2). Pub. L. 101–637, § 11(b), added par. (2) and struck out former par. (2) which read as follows: ''Of those sums appropriated for the implementation of this subchapter, up to 10 per centum shall be reserved

during the fiscal year ending September 30, 1984, and up to 5 per centum for the fiscal year ending September 30, 1985, for the administration of this subchapter and for programs including, but not limited to, the following:

''(A) the establishment of a training center for contractors, engineers, school employees, parents and other personnel to provide instruction on asbestos assessment and abatement;

''(B) the development and dissemination of abatement guidance documents to assist in evaluation of potential hazards, and the determination of proper abatement programs;

''(C) the development of rules and regulations regarding inspection, reporting and record-keeping; and

''(D) the development of a comprehensive testing and technical assistance program.''

Subsec. (b)(3). Pub. L. 101–637, § 11(b), added par. (3).

1988—Pub. L. 100–368 moved last sentence (as added by Pub. L. 98–377) to end of subsec. (a)(1).

1986—Pub. L. 99–519 inserted sentence at end authorizing appropriations out of the Asbestos Trust Fund for years 1987, 1988, 1989, and 1990.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4014 of this title; title 15 section 2656.

§ 4022. Asbestos Trust Fund

(a) Creation of Trust Fund

There is established in the Treasury of the United States a trust fund to be known as the ''Asbestos Trust Fund'', consisting of such amounts as may be transferred or credited to such Trust Fund as provided in this section.

(b) Transfers to Trust Fund

(1) Transfer

There are hereby transferred to the Asbestos Trust Fund amounts equivalent to—

(A) amounts received in the Treasury on or after January 1, 1987, as repayments of loans made under section 4014 of this title,

(B) amounts received as deposits from local educational agencies under section 2647(a) of title 15, and

(C) amounts received as proceeds from any judgment recovered in any suit brought pursuant to section 4017(a)(1) of this title.

(2) Monthly transfers

The amounts transferred by paragraph (1) shall be transferred at least monthly from the general fund of the Treasury to the Asbestos Trust Fund on the basis of estimates made by the Secretary of the Treasury of the amounts referred to in such paragraph. Adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were more or less than the amounts required to be transferred.

(c) Management of Trust Fund

(1) Investment

(A) In general

The Secretary of the Treasury shall invest such portion of the Asbestos Trust Fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States and may be acquired—

(i) on original issue at the issue price, or

(ii) by purchase of outstanding obligations at the market price.

(B) Sale of obligations

Any obligation acquired by the Asbestos Trust Fund may be sold by the Secretary of the Treasury at the market price.

(C) Interest on certain proceeds

The interest on, and the proceeds from the sale or redemption of, any obligations held in the Asbestos Trust Fund shall be credited to and form a part of the Trust Fund.

(2) Repealed. Pub. L. 104–66, title I, § 1131(c), Dec. 21, 1995, 109 Stat. 725

(d) Expenditures from Asbestos Trust Fund

Amounts in the Asbestos Trust Fund shall be available, as provided by appropriation Acts, only for purposes of carrying out the Asbestos Hazards Abatement Assistance Program under section 4014 of this title.

(e) Authority to borrow

(1) In general

There are authorized to be appropriated to the Asbestos Trust Fund, as repayable advances, $25,000,000 for each of fiscal years 1987, 1988, 1989, and 1990.

(2) Repayment of advances

(A) In general

Advances made under this subsection shall be repaid, and interest on such advances shall be paid, to the general fund of the Treasury when the Secretary determines that moneys are available for such purposes in the Asbestos Trust Fund.

(B) Rate of interest

Interest on advances made under this subsection shall be at a rate determined by the Secretary (as of the close of the calendar month preceding the month in which the advance is made) to be equal to the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the anticipated period during which the advance will be outstanding and shall be compounded annually.

(f) Effective date

The amendments made by this section shall take effect on January 1, 1986.

(Pub. L. 99–519, § 5, Oct. 22, 1986, 100 Stat. 2990; Pub. L. 101–637, § 12, Nov. 28, 1990, 104 Stat. 4593; Pub. L. 104–66, title I, § 1131(c), Dec. 21, 1995, 109 Stat. 725.)

CODIFICATION

Section was enacted as part of the Asbestos Hazard Emergency Response Act of 1986, and not as part of the Asbestos School Hazard Abatement Act of 1984 which comprises this subchapter nor as part of the Education for Economic Security Act which comprises this chapter.

AMENDMENTS

1995—Subsec. (c)(2). Pub. L. 104–66 struck out heading and text of par. (2). Text read as follows: ''It shall be

the duty of the Secretary of the Treasury to hold the Asbestos Trust Fund and to report to the Congress each year on the financial condition and the results of the operations of the Trust Fund during the preceding fiscal year and on its expected condition and operations during the next 5 fiscal years.''

1990—Subsec. (b)(1). Pub. L. 101–637, §12(a), substituted a comma for ''as in effect on October 22, 1986, and'' in subpar. (A) and '', and'' for period at end of subpar. (B), and added subpar. (C).

Subsec. (d). Pub. L. 101–637, §12(b), struck out before period at end ''as in effect on October 22, 1986''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4014, 4017, 4021 of this title; title 15 section 2647.

SUBCHAPTER VI—EXCELLENCE IN EDUCATION PROGRAM

§§ 4031 to 4037. Repealed. Pub. L. 100–297, title II, § 2303, Apr. 28, 1988, 102 Stat. 324

Section 4031, Pub. L. 98–377, title VI, §602, Aug. 11, 1984, 98 Stat. 1295, related to statement of purpose.

Section 4032, Pub. L. 98–377, title VI, §603, Aug. 11, 1984, 98 Stat. 1296, related to definitions.

Section 4033, Pub. L. 98–377, title VI, §604, Aug. 11, 1984, 98 Stat. 1296; Pub. L. 99–159, title II, §251, Nov. 22, 1985, 99 Stat. 901; Pub. L. 99–425, title VII, §701, Sept. 30, 1986, 100 Stat. 977, related to school excellence awards.

Section 4034, Pub. L. 98–377, title VI, §605, Aug. 11, 1984, 98 Stat. 1296, related to selection of schools for awards.

Section 4035, Pub. L. 98–377, title VI, §606, Aug. 11, 1984, 98 Stat. 1298, related to amount and conditions of awards.

Section 4036, Pub. L. 98–377, title VI, §607, Aug. 11, 1984, 98 Stat. 1298, related to special school awards.

Section 4037, Pub. L. 98–377, title VI, §608, Aug. 11, 1984, 98 Stat. 1298, related to research, evaluation, dissemination, and monitoring activities.

EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 1988, see section 6303 of Pub. L. 100–297, set out as an Effective Date note under section 1201 of this title.

SHORT TITLE

Pub. L. 98–377, title VI, §601, Aug. 11, 1984, 98 Stat. 1295, which provided that title VI of Pub. L. 98–377 was to be cited as the ''Excellence in Education Act'', was repealed by Pub. L. 100–297, title II, §2303, Apr. 28, 1988, 102 Stat. 324.

SUBCHAPTER VII—MAGNET SCHOOLS ASSISTANCE

§§ 4051 to 4062. Repealed. Pub. L. 100–297, title II, § 2303, Apr. 28, 1988, 102 Stat. 324

Section 4051, Pub. L. 98–377, title VII, §701, Aug. 11, 1984, 98 Stat. 1299; Pub. L. 99–159, title II, §261, Nov. 22, 1985, 99 Stat. 901, related to authorization of appropriations.

Section 4052, Pub. L. 98–377, title VII, §702, Aug. 11, 1984, 98 Stat. 1299, related to eligibility requirements.

Section 4053, Pub. L. 98–377, title VII, §703, Aug. 11, 1984, 98 Stat. 1299; Pub. L. 99–159, title II, §262, Nov. 22, 1985, 99 Stat. 901, related to statement of purpose.

Section 4054, Pub. L. 98–377, title VII, §704, Aug. 11, 1984, 98 Stat. 1299, related to program authorization.

Section 4055, Pub. L. 98–377, title VII, §705, Aug. 11, 1984, 98 Stat. 1300, defined term ''magnet school''.

Section 4056, Pub. L. 98–377, title VII, §706, Aug. 11, 1984, 98 Stat. 1300; Pub. L. 99–159, title II, §263, Nov. 22, 1985, 99 Stat. 902, related to uses of funds.

Section 4057, Pub. L. 98–377, title VII, §707, Aug. 11, 1984, 98 Stat. 1300, related to applications and requirements.

Section 4058, Pub. L. 98–377, title VII, §708, Aug. 11, 1984, 98 Stat. 1301, related to special considerations in approving applications.

Section 4059, Pub. L. 98–377, title VII, §709, Aug. 11, 1984, 98 Stat. 1301; Pub. L. 99–159, title II, §264, Nov. 22, 1985, 99 Stat. 902, related to prohibitions on use of grants.

Section 4060, Pub. L. 98–377, title VII, §710, Aug. 11, 1984, 98 Stat. 1301, related to limitation on payments.

Section 4061, Pub. L. 98–377, title VII, §711, Aug. 11, 1984, 98 Stat. 1301; Pub. L. 98–558, title VII, §702, Oct. 30, 1984, 98 Stat. 2900, related to payments.

Section 4062, Pub. L. 98–377, title VII, §712, Aug. 11, 1984, 98 Stat. 1302, related to withholding.

For similar provisions, see section 7201 et seq. of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 1988, see section 6303 of Pub. L. 100–297, set out as an Effective Date note under section 1201 of this title.

SUBCHAPTER VIII—EQUAL ACCESS

§ 4071. Denial of equal access prohibited

(a) Restriction of limited open forum on basis of religious, political, philosophical, or other speech content prohibited

It shall be unlawful for any public secondary school which receives Federal financial assistance and which has a limited open forum to deny equal access or a fair opportunity to, or discriminate against, any students who wish to conduct a meeting within that limited open forum on the basis of the religious, political, philosophical, or other content of the speech at such meetings.

(b) "Limited open forum" defined

A public secondary school has a limited open forum whenever such school grants an offering to or opportunity for one or more noncurriculum related student groups to meet on school premises during noninstructional time.

(c) Fair opportunity criteria

Schools shall be deemed to offer a fair opportunity to students who wish to conduct a meeting within its limited open forum if such school uniformly provides that—

(1) the meeting is voluntary and student-initiated;

(2) there is no sponsorship of the meeting by the school, the government, or its agents or employees;

(3) employees or agents of the school or government are present at religious meetings only in a nonparticipatory capacity;

(4) the meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and

(5) nonschool persons may not direct, conduct, control, or regularly attend activities of student groups.

(d) Construction of subchapter with respect to certain rights

Nothing in this subchapter shall be construed to authorize the United States or any State or political subdivision thereof—

(1) to influence the form or content of any prayer or other religious activity;

(2) to require any person to participate in prayer or other religious activity;

(3) to expend public funds beyond the incidental cost of providing the space for student-initiated meetings;

(4) to compel any school agent or employee to attend a school meeting if the content of the speech at the meeting is contrary to the beliefs of the agent or employee;

(5) to sanction meetings that are otherwise unlawful;

(6) to limit the rights of groups of students which are not of a specified numerical size; or

(7) to abridge the constitutional rights of any person.

(e) Federal financial assistance to schools unaffected

Notwithstanding the availability of any other remedy under the Constitution or the laws of the United States, nothing in this subchapter shall be construed to authorize the United States to deny or withhold Federal financial assistance to any school.

(f) Authority of schools with respect to order, discipline, well-being, and attendance concerns

Nothing in this subchapter shall be construed to limit the authority of the school, its agents or employees, to maintain order and discipline on school premises, to protect the well-being of students and faculty, and to assure that attendance of students at meetings is voluntary.

(Pub. L. 98–377, title VIII, § 802, Aug. 11, 1984, 98 Stat. 1302.)

SHORT TITLE

Section 801 of title VIII of Pub. L. 98–377 provided that: ''This title [enacting this subchapter] may be cited as 'The Equal Access Act'.''

§ 4072. Definitions

As used in this subchapter—

(1) The term ''secondary school'' means a public school which provides secondary education as determined by State law.

(2) The term ''sponsorship'' includes the act of promoting, leading, or participating in a meeting. The assignment of a teacher, administrator, or other school employee to a meeting for custodial purposes does not constitute sponsorship of the meeting.

(3) The term ''meeting'' includes those activities of student groups which are permitted under a school's limited open forum and are not directly related to the school curriculum.

(4) The term ''noninstructional time'' means time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends.

(Pub. L. 98–377, title VIII, § 803, Aug. 11, 1984, 98 Stat. 1303.)

§ 4073. Severability

If any provision of this subchapter or the application thereof to any person or circumstances is judicially determined to be invalid, the provisions of the remainder of the subchapter and the application to other persons or circumstances shall not be affected thereby.

(Pub. L. 98–377, title VIII, § 804, Aug. 11, 1984, 98 Stat. 1304.)

§ 4074. Construction

The provisions of this subchapter shall supersede all other provisions of Federal law that are inconsistent with the provisions of this subchapter.

(Pub. L. 98–377, title VIII, § 805, Aug. 11, 1984, 98 Stat. 1304.)

SUBCHAPTER IX—STAR SCHOOLS PROGRAM

§§ 4081 to 4086. Repealed. Pub. L. 103–382, title III, § 364, Oct. 20, 1994, 108 Stat. 3975

Section 4081, Pub. L. 98–377, title IX, § 902, as added Pub. L. 100–297, title II, § 2302, Apr. 28, 1988, 102 Stat. 320; amended Pub. L. 102–103, title III, § 301, Aug. 17, 1991, 105 Stat. 499, related to purpose of star schools program.

Section 4082, Pub. L. 98–377, title IX, § 903, as added Pub. L. 100–297, title II, § 2302, Apr. 28, 1988, 102 Stat. 320; amended Pub. L. 102–103, title III, § 302, Aug. 17, 1991, 105 Stat. 499, authorized grants for telecommunications facilities and equipment, instructional programming, and technical assistance.

Section 4083, Pub. L. 98–377, title IX, § 904, as added Pub. L. 100–297, title II, § 2302, Apr. 28, 1988, 102 Stat. 321; amended Pub. L. 102–103, title III, § 303, Aug. 17, 1991, 105 Stat. 500, related to eligibility of telecommunications partnerships for grants.

Section 4084, Pub. L. 98–377, title IX, § 905, as added Pub. L. 100–297, title II, § 2302, Apr. 28, 1988, 102 Stat. 321; amended Pub. L. 102–103, title III, § 304, Aug. 17, 1991, 105 Stat. 501, related to applications for grants.

Section 4085, Pub. L. 98–377, title IX, § 906, as added Pub. L. 100–297, title II, § 2302, Apr. 28, 1988, 102 Stat. 323, related to dissemination of courses and materials under star schools program.

Section 4085a, Pub. L. 98–377, title IX, § 907, as added Pub. L. 102–103, title III, § 305(2), Aug. 17, 1991, 105 Stat. 502, related to continuing eligibility for grants.

Section 4085b, Pub. L. 98–377, title IX, § 908, as added Pub. L. 102–103, title III, § 305(2), Aug. 17, 1991, 105 Stat. 503; amended Pub. L. 103–227, title IX, § 961, Mar. 31, 1994, 108 Stat. 263, required independent evaluation of the star schools program.

Section 4085c, Pub. L. 98–377, title IX, § 909, as added Pub. L. 102–103, title III, § 305(2), Aug. 17, 1991, 105 Stat. 504, authorized assistance for acquiring satellite time.

Section 4085d, Pub. L. 98–377, title IX, § 910, as added Pub. L. 102–103, title III, § 305(2), Aug. 17, 1991, 105 Stat. 504, authorized grants for dissemination and technical assistance to State and local educational agencies.

Section 4086, Pub. L. 98–377, title IX, § 911, formerly § 907, as added Pub. L. 100–297, title II, § 2302, Apr. 28, 1988, 102 Stat. 324; amended Pub. L. 102–73, title VIII, § 802(c), July 25, 1991, 105 Stat. 361; renumbered § 911, Pub. L. 102–103, title III, § 305(1), Aug. 17, 1991, 105 Stat. 502, defined terms used in this subchapter.

For similar provisions, see section 6891 et seq. of this title.

SHORT TITLE

Section 901 of title IX of Pub. L. 98–377, as added by Pub. L. 100–297, title II, § 2302, Apr. 28, 1988, 102 Stat. 320, provided that title IX of Pub. L. 98–377 [enacting this subchapter] could be cited as the ''Star Schools Program Assistance Act'', prior to repeal by Pub. L. 103–382, title III, § 364, Oct. 20, 1994, 108 Stat. 3975.

CHAPTER 53—EMERGENCY IMMIGRANT EDUCATION ASSISTANCE

§§ 4101 to 4108. Repealed. Pub. L. 100–297, title I, § 1003(c), Apr. 28, 1988, 102 Stat. 293

Section 4101, Pub. L. 98–511, title VI, § 602, Oct. 19, 1984, 98 Stat. 2401; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095, related to definitions for chapter.