

of this title, that an asbestos material is, according to standards established by the Secretary, friable or easily damaged, or within easy reach of students or otherwise susceptible to damage (including damage from water 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 198(a)(10)¹ of the Elementary and Secondary Education Act of 1965;

(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 198(a)(7)¹ of the Elementary and Secondary Education Act of 1965) 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 “Secretary” means the Secretary of Education, or his 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, the Bureau of Indian Affairs, and the Office of Overseas Schools of the Department of Defense; and

(9) the term “State educational agency” has the same meaning given such term by section 198(a)(17)¹ of the Elementary and Secondary Education Act of 1965.

(Pub. L. 96-270, § 11, June 14, 1980, 94 Stat. 496.)

REFERENCES IN TEXT

Section 198 of the Elementary and Secondary Education Act of 1965, referred to in pars. (4)(A), (5)(A), and (9), 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.

¹ See References in Text note below.

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.

§ 3611. Authorization of appropriations

(a) Sums available during obligation period for asbestos detection and asbestos hazards control loan programs

(1) There are authorized to be appropriated—

(A) for the asbestos detection program under section 3604 of this title, for the fiscal year ending September 30, 1981, and for the succeeding fiscal year, a total of not more than \$22,500,000; and

(B) for the asbestos hazards control loan program under section 3605 of this title, not more than \$75,000,000 for the fiscal year ending September 30, 1981, and \$75,000,000 for the fiscal year ending September 30, 1982.

(2) Sums appropriated under paragraph (1) of this subsection shall remain available for obligation until September 30, 1983.

(b) Programs automatically eligible for contingent extension

Programs under this chapter shall be considered automatically eligible for the one-year contingent extension under section 1226a¹ of this title.

(c) Greatest financial need as basis for approval of applications in case of insufficient funds

If funds appropriated to carry out this chapter are insufficient to pay the total amount required to make all the grants and loans authorized under this chapter, the Secretary shall establish criteria to be used in determining which applicants for grants or loans under this chapter have the greatest financial need for receiving funds under this chapter and shall make determinations regarding the approval of applications for such grants or loans in accordance with such criteria.

(d) Authority of Secretary dependent on specific appropriations

Notwithstanding any other provision of this chapter, the authority of the Secretary to enter into agreements, or to make payments, under this chapter shall be effective for any fiscal year only to the extent or in such amounts as are provided in appropriation Acts.

(Pub. L. 96-270, § 12, June 14, 1980, 94 Stat. 497.)

REFERENCES IN TEXT

Section 1226a of this title, referred to in subsec. (b), was in the original a reference to section 414 of the General Education Provisions Act. Section 414 of that Act was renumbered as section 422 by Pub. L. 103-382, title II, § 212(b)(1), Oct. 20, 1994, 108 Stat. 3913, and is classified to section 1226a of this title.

CHAPTER 50—NATIONAL CENTER FOR THE STUDY OF AFRO-AMERICAN HISTORY AND CULTURE

Sec.

3701. National Afro-American History and Culture Commission.

¹ See References in Text note below.

- Sec.
- (a) Establishment and membership.
 - (b) Duties.
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3702. Organization of Commission.
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3703. Report to Congress.

§ 3701. National Afro-American History and Culture Commission

(a) Establishment and membership

There is established a commission to be known as the National Afro-American History and Culture Commission (hereinafter in this chapter referred to as the "Commission") which shall be composed of fifteen members, as specified in section 3702 of this title.

(b) Duties

The Commission shall have the following duties:

- (1) The Commission shall be responsible for the development of a definitive plan for the construction and operation of the National Center for the Study of Afro-American History and Culture and shall submit the plan, together with any recommendations for additional legislation, to the President of the United States and the Congress not later than twenty-four months after October 10, 1980. The plan shall include, but not be limited to, identification of—

(A) the main objectives to be achieved by the establishment, development, and operation of the National Center for the Study of Afro-American History and Culture;

(B) the types of uses, both public and private, to be accommodated by such a center;

(C) the criteria and recommendations for the design and appearance of such a center;

(D) the proposed ownership and operation of the center;

(E) the criteria and recommendations for interpretive, cultural, and educational programs and uses of the center;

(F) the areas where cooperative agreements might be developed between the center and Afro-American institutions, organizations, and universities to enhance their programs and projects relating to the knowledge, preservation, and presentation of the history and culture of Afro-Americans;

(G) the estimates of costs, both public and private, for implementing the plan; and

(H) the procedures to be used in implementing the plan.

- (2)(A) The Commission shall solicit subscriptions of funds from private and public sources to help meet the costs of carrying out its duties under this section; the costs of the con-

struction, furnishing, and operation of the center; the costs of research programs and research staff positions, and reasonable administrative costs which may include, subject to the availability of funds, payment to members of the Commission of travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5. Any funds so received by the Commission shall be placed in a special deposit account with the Treasurer of the United States, and may be expended by the Commission only to meet the costs specified in this subparagraph.

(B) The General Services Administration, the Smithsonian Institution, and other agencies of the Government may donate or loan to the Commission for the purposes of the center any works of art, artifacts, or other materials under their control.

(c) Acquisition and disposal of property

For the purpose of carrying out this chapter, the Commission may—

- (1) acquire by gift, purchase with appropriated or donated funds (including funds from State or local sources), transfer from any Federal or State agency, exchange, or otherwise, suitable land (together with any buildings or other improvements thereon) and interest in land in the vicinity of Wilberforce, Ohio, for the location of the headquarters of the center;

- (2) borrow or acquire by gift, purchase with appropriated or donated funds (including funds from State or local sources), or otherwise, any other real or personal property necessary for the establishment and operation of the center; and

- (3) sell, exchange, or otherwise dispose of any property acquired under this subsection and designate any proceeds from such disposal for the benefit of the center.

(Pub. L. 96-430, title II, §202, Oct. 10, 1980, 94 Stat. 1846.)

SHORT TITLE

Section 201 of title II of Pub. L. 96-430 provided that: "This title [enacting this chapter] may be cited as the 'National Center for the Study of Afro-American History and Culture Act'."

§ 3702. Organization of Commission

(a) Membership

The Commission shall be composed of fifteen members as follows:

- (1) The Secretary of the Interior (or his designee).

- (2) The Secretary of Education (or his designee).

- (3) The Librarian of Congress (or his designee).

- (4) The President of the Association for the Study of Afro-American Life and History.

- (5) The presidents of Wilberforce University and Central State University in Ohio.

- (6) Nine members appointed by the President, who are especially qualified to serve on the Commission by reason of their background and experience. No more than two members appointed under this paragraph shall be from any one State.

(b) Terms of office

Subject to subsection (c) of this section, the members of the Commission specified in paragraphs (1) through (5) of subsection (a) of this section shall serve for the life of the Commission. The members of the Commission appointed under paragraph (6) of such subsection shall serve for terms of four years, except that of the members first appointed—

- (1) three shall be appointed for terms of one year;
- (2) three shall be appointed for terms of two years; and
- (3) three shall be appointed for terms of four years;

as designated by the President at the time of appointment.

(c) Membership continuation

If any member of the Commission who was appointed to the Commission under paragraphs (1) through (5)¹ as an officer designated under such paragraphs leaves such office, such member may continue as a member of the Commission for not longer than the thirty-day period beginning on the date he leaves that office.

(d) Vacancies

(1) Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(2) Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. Members may be reappointed.

(e) Quorum

Six members of the Commission shall constitute a quorum.

(f) Voting

The Commission shall act by affirmative majority vote.

(g) Officers

The Commission shall elect a chairman and other officers from among its members to serve for terms established by the Commission.

(h) Meetings

The Commission shall meet at the call of the chairman or a majority of its members, but not less than two times each year. The headquarters of the Commission shall be at Wilberforce, Ohio, and the Commission shall conduct its meetings in such city unless circumstances otherwise require.

(i) Seal; bylaws; rules and regulations

The Commission may adopt an official seal which shall be judicially noticed and may make such bylaws, rules, and regulations as it considers necessary to carry out its functions under this chapter.

(j) Compensation

Members of the Commission shall serve without pay.

(k) Temporary services

The Commission may procure, subject to the availability of funds, temporary and intermit-

tent services to the same extent as is authorized by section 3109(b) of title 5.

(l) Personnel details

Upon request of the Commission, and subject to the availability of funds, the head of any Federal agency may detail to the Commission on a reimbursable basis any of the personnel of such agency to assist the Commission in carrying out its duties under this chapter.

(m) Administrative support services

The Administrator of the General Services Administration shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request to carry out its duties under this chapter.

(Pub. L. 96-430, title II, § 203, Oct. 10, 1980, 94 Stat. 1847.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3701 of this title.

§ 3703. Report to Congress

On the first January 1 occurring after October 10, 1980, and on each subsequent January 1, the Commission shall submit to appropriate committees of the Congress a report which contains a detailed statement of the financial transactions of the Commission and the activities undertaken by the Commission during the previous year. The report shall contain such other appropriate information as the committees to whom the report is submitted may from time to time request.

(Pub. L. 96-430, title II, § 204, Oct. 10, 1980, 94 Stat. 1848.)

CHAPTER 51—ELEMENTARY AND SECONDARY EDUCATION BLOCK GRANT**SUBCHAPTER I—FINANCIAL ASSISTANCE TO MEET SPECIAL EDUCATIONAL NEEDS OF DISADVANTAGED CHILDREN****§§ 3801 to 3808. Repealed. Pub. L. 100-297, title I, § 1003(a), Apr. 28, 1988, 102 Stat. 293**

Section 3801, Pub. L. 97-35, title V, § 552, Aug. 13, 1981, 95 Stat. 464, set out declaration of policy for program of financial assistance to meet the special educational needs of disadvantaged children.

Section 3802, Pub. L. 97-35, title V, § 553, Aug. 13, 1981, 95 Stat. 464, related to duration of assistance.

Section 3803, Pub. L. 97-35, title V, § 554(a)-(c), Aug. 13, 1981, 95 Stat. 464, related to applicability of title I of the Elementary and Secondary Education Act of 1965.

Section 3804, Pub. L. 97-35, title V, § 555, Aug. 13, 1981, 95 Stat. 465; Pub. L. 98-211, § 1, Dec. 8, 1983, 97 Stat. 1412; Pub. L. 98-312, § 5, June 12, 1984, 98 Stat. 234, related to programs authorized for assistance.

Section 3805, Pub. L. 97-35, title V, § 556, Aug. 13, 1981, 95 Stat. 465; Pub. L. 98-211, §§ 2-4, Dec. 8, 1983, 97 Stat. 1412-1414, related to approval of applications.

Section 3806, Pub. L. 97-35, title V, § 557, Aug. 13, 1981, 95 Stat. 466; Pub. L. 98-211, § 5, Dec. 8, 1983, 97 Stat. 1415, related to participation of children in private schools.

Section 3807, Pub. L. 97-35, title V, § 558, Aug. 13, 1981, 95 Stat. 468; Pub. L. 98-211, §§ 6-8, Dec. 8, 1983, 97 Stat. 1415, related to general provisions for program of financial assistance to meet the special educational needs of disadvantaged children.

Section 3808, Pub. L. 97-35, title V, § 559, as added Pub. L. 98-211, § 22, Dec. 8, 1983, 97 Stat. 1418, related to na-

¹ So in original. Probably should be followed by "of subsection (a) of this section".