

Public Law 102-103
102d Congress

An Act

To amend the School Dropout Demonstration Assistance Act of 1988 to extend authorization of appropriations through fiscal year 1993, and for other purposes.

Aug. 17, 1991
[H.R. 2313]

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

Children and youth.

**TITLE I—AMENDMENTS TO SCHOOL
DROPOUT DEMONSTRATION ASSIST-
ANCE ACT OF 1988**

National
Dropout
Prevention
Act of 1991.

SEC. 101. SHORT TITLE.

This title may be cited as the “National Dropout Prevention Act of 1991”.

20 USC 3241
note.

SEC. 102. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.

Section 6003(a) of the School Dropout Demonstration Assistance Act of 1988 (hereafter in this title referred to as the “Act”) (20 U.S.C. 3243(a)) is amended to read as follows:

“(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated for the purposes of this part \$50,000,000 for fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992 and 1993.”.

SEC. 103. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

(a) AMENDMENTS.—Section 6004 of the Act (20 U.S.C. 3244) is amended—

(1) in subsection (a), by striking “\$1,500,000” and inserting “\$2,000,000”;

(2) in subsection (c), by inserting after “value as a demonstration.” the following: “Any local educational agency, educational partnership, or community-based organization that has received a grant under this Act shall be eligible for additional funds subject to the requirements under this Act.”; and

(3) in subparagraph (B) of subsection (f)(1), by striking “for the second such year” and inserting “in each succeeding fiscal year”.

(b) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 1992.

20 USC 3244
note.

SEC. 104. DROPOUT PREVENTION.

Section 6005 of the Act (20 U.S.C. 3245) is amended by adding at the end thereof the following new subsection:

“(e) GRANTS FOR NEW GRANTEES.—In awarding grants under this part in fiscal year 1992 and each fiscal year thereafter to applicants who did not receive a grant under this part in fiscal year 1991, the Secretary shall utilize only those priorities and special considerations described in subsections (c) and (d).”.

SEC. 105. AUTHORIZED ACTIVITIES.

Section 6006(b) of the Act (20 U.S.C. 3246(b)) is amended—

- (1) in paragraph (8), by striking “and”; and
- (2) by striking paragraph (9) and inserting the following new paragraphs:
 - “(9) mentoring programs; and
 - “(10) any other activity described in subsection (a).”

SEC. 106. REPORTS.

The Act (20 U.S.C. 3241 et seq.) is further amended by adding at the end the following new section:

20 USC 3248.

“SEC. 6008. REPORTS.

“(a) **ANNUAL REPORTS.**—The Secretary shall submit to the Congress a report by January 1 of each year, beginning on January 1, 1993, which sets forth the progress of the Commissioner of Education Statistics, established under section 406(a) of the General Education Provisions Act, to implement a definition and data collection process for school dropouts in elementary and secondary schools, including statistical information for the number and percentage of elementary and secondary school students by race and ethnic origin who drop out of school each year including dropouts—

“(1) throughout the Nation by rural and urban location as defined by the Secretary; and

“(2) in each of the individual States and the District of Columbia.

“(b) **RECOMMENDATIONS.**—The report under subsection (a) shall also contain recommendations on ways in which the Federal Government, States and localities can further support the implementation of an effective methodology to accurately measure dropout and retention rates on the national, State, and local levels.”.

TITLE II—DEPARTMENT OF EDUCATION TECHNICAL AMENDMENTS

SEC. 201. ESTABLISHMENT OF POSITION.

Section 202 of the Department of Education Organization Act (20 U.S.C. 3412) is amended—

- (1) by redesignating subsection (d) as subsection (e); and
- (2) by inserting after subsection (c) the following new subsection:

“(d) There may be in the Department an Under Secretary of Education who shall perform such functions as the Secretary may prescribe. The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.”.

President.

SEC. 202. COMPENSATION.

Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

“Under Secretary of Education”.

SEC. 203. EFFECTIVE DATE.

20 USC 3412
note.

(a) **IN GENERAL.**—This Act shall take effect on the first day of the first Department of Education pay period that begins on or after the date of enactment of this Act.

(b) **SPECIAL RULE.**—An incumbent in a position within the Department of Education on the day preceding the day that this Act takes effect who has been appointed by the President to a position within the Department of Education with the advice and consent of the Senate may serve as the Under Secretary at the pleasure of the President after the day preceding the day that this Act takes effect.

TITLE III—MISCELLANEOUS PROVISIONS

PART A—STAR SCHOOLS

SEC. 301. STATEMENT OF PURPOSE.

Section 902 of the Star Schools Program Assistance Act (hereafter in this title referred to as the “Act”) (20 U.S.C. 4081) is amended—

(1) by striking “vocational education” and inserting “literacy skills and vocational education and to serve underserved populations including the disadvantaged, illiterate, limited-English proficient, and disabled”;

(2) by striking “demonstration”; and

(3) by inserting “to” before “obtain”.

SEC. 302. PROGRAM AUTHORIZED.

Section 903 of the Act (20 U.S.C. 4082) is amended—

(1) in subsection (a)—

(A) by inserting “(1)” before “The Secretary”; and

(B) by inserting at the end thereof the following new paragraphs:

“(2) The Secretary shall award grants pursuant to paragraph (1) Grants.
for a period of 2 years.

“(3) Grants awarded pursuant to paragraph (1) may be awarded for an additional 2-year period in accordance with section 907.”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “\$100,000,000 for the period beginning October 1, 1987, and ending September 30, 1992” and inserting “\$50,000,000 for fiscal year 1992 and such sums as may be necessary in fiscal year 1993”;

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2);

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking “(A)”;

(II) by striking “demonstration”; and

(III) by inserting “in any one fiscal year” after “\$10,000,000”; and

(ii) by striking subparagraph (B); and

(B) in paragraph (2)—

(i) by inserting “(A)” after “(2)”;

(ii) by inserting “to the Secretary” after “available”;

and

(iii) by inserting at the end thereof the following new subparagraph:

“(B) Not less than 25 percent of the funds available to the Secretary in any fiscal year under this title shall be used for telecommunications facilities and equipment.”; and

(4) by inserting at the end thereof the following new subsection:

“(e) COORDINATION.—The Department of Education, the National Science Foundation, the Department of Agriculture, and any other Federal agency operating a telecommunications network for educational purposes shall coordinate the activities assisted under such programs.”.

SEC. 303. ELIGIBLE TELECOMMUNICATIONS PARTNERSHIPS.

Subsection (a) of section 904 of the Act (20 U.S.C. 4083(a)) is amended—

(1) in the matter preceding paragraph (1) by striking “demonstration”;

(2) in paragraph (2)—

(A) in subparagraph (B), by striking “, or a State higher education agency”;

(B) in subparagraph (C), by inserting “or a State higher education agency” after “education”;

(C) in subparagraph (D)—

(i) in the matter preceding clause (i), by inserting “or academy” after “center”; and

(ii) by striking “or” at the end of clause (ii); and

(D) in subparagraph (E)—

(i) by amending clause (i) to read as follows:

“(i) a public or private entity with experience and expertise in the planning and operation of a telecommunications network, including entities involved in telecommunications through satellite, cable, telephone, or computer; or”;

(ii) by striking clause (ii);

(iii) by redesignating clause (iii) as clause (ii); and

(iv) by striking the period at the end of clause (ii) (as redesignated by clause (iii)) and inserting a comma and “or”; and

(E) by inserting at the end thereof the following new subparagraph:

“(F) a public or private elementary or secondary school.”; and

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

“(c) SPECIAL STATEWIDE NETWORK.—

“(1) IN GENERAL.—The Secretary may fund one statewide telecommunications network under this title if such network—

“(A) provides two-way full motion interactive video and audio communications;

“(B) links together public colleges and universities and secondary schools throughout the State; and

“(C) meets any other requirements determined appropriate by the Secretary.

“(2) STATE CONTRIBUTION.—A statewide telecommunications network funded under paragraph (1) shall contribute (either directly or through private contributions) non-Federal funds equal to not less than 50 percent of the cost of such network.”.

SEC. 304. APPLICATIONS.

Section 905 of the Act (20 U.S.C. 4084) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B), by inserting “, or any combination thereof” after “equipment”; and

(ii) in subparagraph (G) by—

(I) striking “elementary and secondary school teachers (particularly teachers in schools receiving assistance under chapter 1 of title I of the Elementary and Secondary Education Act of 1965) in” and inserting “instructors who will be”; and

(II) inserting “in using such facilities and equipment, and in integrating programs into the class curriculum” after “sought”;

(B) in paragraph (2)—

(i) by striking “describe,”;

(ii) by inserting “describe” after “instructional programming,”; and

(iii) by inserting “and provide assurances that such programming will be designed in consultation with professionals who are experts in the applicable subject matter and grade level” after “training”;

(C) in paragraph (3), by inserting “(in accordance with section 907)” after “languages,”;

(D) in paragraph (4)—

(i) by striking “teacher”; and

(ii) by inserting “for teachers and other school personnel” after “policies”;

(E) in paragraph (6)—

(i) by striking “the facilities” and inserting “any facilities”;

(ii) by striking “will be made available to” and inserting “for”; and

(iii) by inserting “will be made available to schools” after “schools”;

(F) in paragraph (7)—

(i) by inserting “(such as students who are disadvantaged, limited-English proficient, disabled, or illiterate)” after “students”; and

(ii) in paragraph (7), by inserting “and will use existing telecommunications equipment, where available” before the semicolon at the end thereof;

(G) by striking “and” at the end of paragraph (8);

(H) by redesignating paragraph (9) as paragraph (10); and

(I) by inserting after paragraph (8) the following new paragraph:

“(9) describe the activities or services for which assistance is sought, including activities and services such as—

“(A) providing facilities, equipment, training, services, and technical assistance described in paragraphs (1), (2), (4) and (7);

“(B) making programs accessible to individuals with disabilities through mechanisms such as closed captioning and descriptive video services;

“(C) linking networks together, for example, around an issue of national importance such as elections;

“(D) sharing curriculum materials between networks;

“(E) providing teacher and student support services;

“(F) incorporating community resources such as libraries and museums into instructional programs;

“(G) providing teacher training to early childhood development and Head Start teachers and staff;

“(H) providing teacher training to vocational education teachers and staff; and

“(I) providing programs for adults at times other than the regular school day in order to maximize the use of telecommunications facilities and equipment.”;

(2) in subsection (c)—

(A) in paragraph (3)—

(i) by striking “public and private” and inserting “, in the case of elementary and secondary schools, those”;

(ii) striking “(particularly schools”;

(iii) striking “1965” and inserting “1965”;

(B) by striking “and” at the end of paragraph (6);

(C) by redesignating paragraph (7) as paragraph (9);

(D) by redesignating paragraph (6) as paragraph (7);

(E) by inserting after paragraph (5) the following new paragraph:

“(6) the eligible telecommunications partnership will—

“(A) provide a comprehensive range of courses for educators with different skill levels to teach instructional strategies for students with different skill levels;

“(B) provide training to participating educators in ways to integrate telecommunications courses into the existing school curriculum; and

“(C) include instruction for students, teachers, and parents;”;

(F) by inserting after paragraph (7) (as redesignated by subparagraph (D)) the following new paragraph:

“(8) a telecommunications entity (such as a satellite, cable, telephone, computer, or public or private television station) will participate in the partnership and will donate equipment or in-kind services for telecommunications linkages; and”.

SEC. 305. CONTINUING ELIGIBILITY.

The Act (20 U.S.C. 4081 et seq.) is amended—

20 USC 4086.

(1) by redesignating section 907 as section 911; and

(2) by inserting after section 906 the following new sections:

“CONTINUING ELIGIBILITY

20 USC 4085a.

“SEC. 907. (a) IN GENERAL.—In order to be eligible to receive an additional grant under section 903(a)(3) in any fiscal year, an eligible telecommunications partnership shall demonstrate in the application submitted pursuant to section 905 that such partnership will—

“(1) continue to provide services in the subject areas and geographic areas assisted with funds received under this title in previous fiscal years; and

“(2) use all such grant funds to provide expanded services by—

“(A) increasing the number of students, schools or school districts served by the courses of instruction assisted under this title in previous fiscal years;

“(B) providing new courses of instruction; or

“(C) serving new populations of underserved individuals, such as children or adults who are disadvantaged, have limited-English proficiency, are disabled, are illiterate, lack high school diplomas or their equivalent.

“(b) SPECIAL RULES.—Grant funds received pursuant to the application of subsection (a) shall be used to supplement and not supplant services provided by the recipient under this title in previous fiscal years.

“EVALUATION

“SEC. 908. (a) IN GENERAL.—From amounts appropriated pursuant to the authority of section 903(b), the Secretary shall reserve the greater of not more than \$500,000 or 5 percent of such appropriations to conduct an independent evaluation by grant, contract or cooperative agreement, of the Star Schools Assistance Program. 20 USC 4085b.

“(b) REPORT.—The Secretary shall prepare and submit an interim report on the evaluation described in subsection (a) not later than January 1, 1993 and shall prepare and submit a final report on such evaluation not later than June 1, 1993.

“(c) EVALUATION.—Such evaluation shall include—

“(1) a review of the effectiveness of telecommunications partnerships and programs after Federal funding ceases;

“(2) an analysis of non-Federal funding sources, including funds leveraged by Star Schools funds and the permanency of such funding;

“(3) an analysis of how Star Schools grantees spend funds appropriated under this Act;

“(4) a review of the subject matter, content effectiveness, and success of distance learning through Star Schools program funds, including an in-depth study of student learning outcomes as measured against stated course objectives of distance learning courses offered by Star Schools grantees;

“(5) a comprehensive review of in-service teacher training programs through Star Schools programming, including the number of teachers trained, time spent in training programs, and a comparison of the effectiveness of such training and conventional teacher training programs;

“(6) an analysis of Star School projects that focus on teacher certification and other requirements and the resulting effect on the delivery of instructional programming;

“(7) the effects of distance learning on curricula and staffing patterns at participating schools;

“(8) the number of students participating in the Star Schools program and an analysis of the socioeconomic characteristics of students participating in Star Schools programs, including a review of the differences and effectiveness of programming and services provided to economically and educationally disadvantaged and minority students;

“(9) an analysis of the socioeconomic and geographic characteristics of schools participating in Star Schools projects, including a review of the variety of programming provided to different schools; and

“(10) the impact of dissemination grants under section 910 on the use of technology-based programs in local educational agencies.

“FEDERAL ACTIVITIES

20 USC 4085c.

“SEC. 909. The Secretary may assist grant recipients under this title in acquiring satellite time, where appropriate, as economically as possible.

“DISSEMINATION GRANTS

Tele-
communications.
20 USC 4085d.

“SEC. 910. (a) IN GENERAL.—The Secretary shall make grants under this section to telecommunications partnerships funded by the Star Schools Program and to other eligible entities to enable such partnerships and entities to provide dissemination and technical assistance to State and local educational agencies not presently served by telecommunication partnerships.

“(b) SPECIAL RULE.—The Secretary shall make grants under this section in any fiscal year in which the amount appropriated for this title exceeds the amount appropriated for this title in fiscal year 1991 by not less than 10 percent.

“(c) RESERVATION.—In any fiscal year in which the Secretary awards grants under this section in accordance with subsection (b), the Secretary shall reserve not less than 5 percent but not more than 10 percent of the amount appropriated under this title for such fiscal year to award such grants.

“(d) APPLICATIONS.—

“(1) IN GENERAL.—Each telecommunications partnership and other eligible entity that desires to receive a grant under this section shall submit an application to the Secretary, at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

“(2) CONTENTS.—Each application described in paragraph (2) shall contain assurances that the telecommunications partnership or other eligible entity shall provide technical assistance to State and local educational agencies to plan and implement technology-based systems, including—

“(A) information regarding successful distance learning resources for States, local educational agencies, and schools;

“(B) assistance in connecting users of distance learning, regional educational service centers, colleges and universities, the private sector, and other relevant entities;

“(C) assistance and advice in the design and implementation of systems to include needs assessments and technology design; and

“(D) support for the identification of possible connections, and cost-sharing arrangements for users of such systems.

“(e) DEFINITION.—For purposes of this section, the term ‘eligible entity’ means a federally funded program or an institution of higher education that has demonstrated expertise in educational applications of technology and provides comprehensive technical assistance to educators and policy makers at the local level.”.

PART B—TECHNICAL AND MISCELLANEOUS PROVISIONS

SEC. 311. CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT.

(a) **CORRECTIONS EDUCATION.**—Subsection (c) of section 102 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2312) is amended—

(1) in paragraph (1), by—

(A) striking “paragraph (2)” and inserting “paragraph (3)”;

(B) inserting “and” before “the sex equity”; and

(C) striking “and the program for criminal offenders under section 225,”;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting the following new paragraph after paragraph

(1):

“(2) Except as provided in paragraph (3) and notwithstanding the provisions of subsection (a), each State shall reserve for the program for criminal offenders under section 225, an amount that is not less than the amount such State expended under this Act for such program for the fiscal year 1990.”.

(b) **INDIAN AND NATIVE HAWAIIAN PROGRAMS.**—Paragraph (1) of section 103(b) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2313(b)(1)) is amended by inserting at the end thereof the following new subparagraph:

“(D)(i) Funds received pursuant to grants and contracts described in subparagraph (A) may be used to provide stipends to students who are enrolled in vocational education programs and who have acute economic needs which cannot be met through work-study programs.

“(ii) Stipends described in clause (i) shall not exceed reasonable amounts as prescribed by the Secretary.”.

SEC. 312. THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

Subsection (c) of section 1221 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2791(c)) is amended by adding at the end thereof the following new paragraph:

“(3) **SPECIAL RULE.**—Notwithstanding any other provision of law, for purposes of determining the amount of a grant under this subsection for which a State educational agency is eligible from funds appropriated for the program assisted under this subpart for each fiscal year beginning after October 1, 1990, the Secretary shall allow intermediate school districts to count children with disabilities in the same manner as such children were counted in determining such amount in fiscal year 1990, regardless of whether such children receive services directly from the intermediate school district.”.

Handicapped.

SEC. 313. NATIONAL LITERACY ACT AMENDMENTS.

Section 601 of the National Literacy Act of 1991 is amended to read as follows: 20 USC 1211-2.

"SEC. 601. FUNCTIONAL LITERACY AND LIFE SKILLS PROGRAMS FOR STATE AND LOCAL PRISONERS.

"(a) ESTABLISHMENT.—The Secretary is authorized to make grants to eligible entities to assist such entities in establishing, improving, and expanding a demonstration or system-wide functional literacy program.

"(b) PROGRAM REQUIREMENTS.—(1) To qualify for funding under subsection (d), each functional literacy program shall—

"(A) to the extent possible, make use of advanced technologies, such as interactive video- and computer-based adult literacy learning; and

"(B) include—

"(i) a requirement that each person incarcerated in the system, prison, jail, or detention center who is not functionally literate, except a person described in paragraph (2), shall participate in the program until the person—

"(I) achieves functional literacy, or in the case of an individual with a disability, achieves a level of functional literacy commensurate with his or her ability;

"(II) is granted parole;

"(III) completes his or her sentence; or

"(IV) is released pursuant to court order; and

"(ii) a prohibition on granting parole to any person described in clause (i) who refuses to participate in the program, unless the State parole board determines that the prohibition should be waived in a particular case; and

"(iii) adequate opportunities for appropriate education services and the screening and testing of all inmates for functional literacy and disabilities affecting functional literacy, including learning disabilities, upon arrival in the system or at the prison, jail, or detention center.

"(2) The requirement of paragraph (1)(B)(i) may not apply to a person who—

"(A) is serving a life sentence without possibility of parole;

"(B) is terminally ill; or

"(C) is under a sentence of death.

"(c) ANNUAL REPORT.—(1) Within 90 days after the close of the first calendar year in which a literacy program authorized by subsection (a) is placed in operation, and annually for each of the 4 years thereafter, a grantee shall submit a report to the Secretary with respect to its literacy program.

"(2) A report under paragraph (1) shall disclose—

"(A) the number of persons who were tested for eligibility during the preceding year;

"(B) the number of persons who were eligible for the literacy program during the preceding year;

"(C) the number of persons who participated in the literacy program during the preceding year;

"(D) the names and types of tests that were used to determine functional literacy and the names and types of tests that were used to determine disabilities affecting functional literacy;

"(E) the average number of hours of instruction that were provided per week and the average number per student during the preceding year;

“(F) sample data on achievement of participants in the program, including the number of participants who achieved functional literacy;

“(G) data on all direct and indirect costs of the program; and

“(H) information on progress toward meeting the program’s goals.

“(d) COMPLIANCE GRANTS.—(1) The Secretary shall make grants to eligible entities that elect to establish a program described in subsection (a) for the purpose of assisting in carrying out the programs, developing the plans, and submitting the reports required by this section.

“(2) An eligible entity may receive a grant under this subsection if the entity—

“(A) submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require;

“(B) agrees to provide the Secretary—

“(i) such data as the Secretary may request concerning the cost and feasibility of operating the functional literacy programs authorized by subsection (a), including the annual reports required by subsection (c); and

“(ii) a detailed plan outlining the methods by which the provisions of subsections (a) and (b) will be met, including specific goals and timetables.

“(e) LIFE SKILLS TRAINING GRANTS.—(1) The Secretary is authorized to make grants to eligible entities to assist them in establishing and operating programs designed to reduce recidivism through the development and improvement of life skills necessary for reintegration into society.

“(2) To receive a grant under this subsection, an eligible entity shall—

“(A) submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall require; and

“(B) agree to report annually to the Secretary on the participation rate, cost, and effectiveness of the program and any other aspect of the program on which the Secretary may request information.

“(3) In awarding grants under this subsection, the Secretary shall give priority to programs that have the greatest potential for innovation, effectiveness, and replication in other systems, jails, and detention centers.

“(4) Grants awarded under this subsection shall be for a period not to exceed 3 years, except that the Secretary may establish a procedure for renewal of the grants under paragraph (1).

“(f) DEFINITIONS.—For the purposes of this section—

“(1) the term ‘eligible entity’ means a State correctional agency, a local correctional agency, a State correctional education agency, and a local correctional education agency;

“(2) the term ‘functional literacy’ means at least an eighth grade equivalence or a functional criterion score on a nationally recognized literacy assessment; and

“(3) the term ‘life skills’ includes self-development, communication skills, job and financial skills development, education, interpersonal and family relationship development, and stress and anger management.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for purposes of carrying out this section \$10,000,000 for fiscal year 1992, \$15,000,000 for fiscal year 1993, \$20,000,000 for fiscal year 1994, and \$25,000,000 for fiscal year 1995.”

SEC. 314. REAUTHORIZATION OF SCIENCE SCHOLARSHIP PROGRAMS.

(a) NATIONAL SCIENCE SCHOLARS PROGRAM.—Subsection (b) of section 601 of the Excellence in Mathematics, Science and Engineering Act of 1990 (20 U.S.C. 5381(b)) is amended by inserting “, \$4,500,000 for fiscal year 1992 and \$10,000,000 for fiscal year 1993” after “1991”.

(b) NATIONAL ACADEMY OF SCIENCE, SPACE, AND TECHNOLOGY.—Subsection (o) of section 621 of the Excellence in Mathematics, Science and Engineering Act of 1990 (20 U.S.C. 5411(o)) is amended by striking “fiscal year 1991” and inserting “each of the fiscal years 1992 and 1993”.

SEC. 315. TECHNICAL AMENDMENT.

Section 343(a)(2)(A) of the Tech-Prep Education Act (20 U.S.C. 2394a(a)(2)(A)) is amended by striking “subject to a default management plan required by the Secretary” and inserting “prohibited from receiving assistance under part B of the Higher Education Act of 1965 pursuant to the provisions of section 435(a)(3) of such Act”.

TITLE IV—IMPACT AID

SEC. 401. ADJUSTMENT FOR CERTAIN DECREASES IN FEDERAL ACTIVITIES.

Section 3(e) of the Act of September 30, 1950 (Public Law 81-874) (hereafter in this title referred to as the “Act”) (20 U.S.C. 238(e)) is amended—

(1) in the matter following subparagraph (C) of paragraph (1), by inserting “this subsection and” before “subsections (a) and (b)”; and

(2) in paragraph (2), by striking “section” and inserting “subsection”.

SEC. 402. PAYMENT AMOUNTS.

Section 5 of the Act (20 U.S.C. 240) is amended:

(1) by amending paragraph (2) of subsection (b) to read as follows:

“(2) As soon as possible after the beginning of any fiscal year, the Secretary shall, on the basis of a written request for a preliminary payment from any local educational agency that was eligible for a payment for the preceding fiscal year on the basis of an entitlement established under section 2, make such a preliminary payment of 50 percent of the amount that such agency received for such preceding fiscal year on the basis of such entitlement.”; and

(2) by amending subparagraph (D) of subsection (e)(1) to read as follows:

“(D) For any fiscal year after September 30, 1991, the Secretary is authorized to modify the per pupil amount described in subparagraph (A) of this paragraph, in any case in which, in the fiscal year for which the determination is made, a local educational agency is

described under a different clause of section 5(c)(2)(A) than such agency was in fiscal year 1987.”.

SEC. 403. SPECIAL PAYMENT RULES.

(a) **PAYMENTS TO LOCAL EDUCATIONAL AGENCIES.**—Any local educational agency that received a payment for fiscal year 1987, 1988, 1989, or 1990 under section 3 of the Act of September 30, 1950 (Impact Aid) (20 U.S.C. 238), the amount of which was incorrect because of a failure by the Secretary of Education to apply any of the limitations on per pupil payments or local contribution rates specified in Public Law 99-500, Public Law 99-591, and Public Law 100-202, and which such payment resulted in or would result in an overpayment, shall be entitled to the amount of such payment.

20 USC 238
note.

(b) **FEDERAL CONTRIBUTIONS.**—No portion of any payment received by a local educational agency for fiscal year 1988, 1989, or 1990 under section 2 of the Act of September 30, 1950 (Impact Aid) (20 U.S.C. 237) may be recovered on the ground that such payment was determined incorrectly by employing a formula using such agency's base revenue limit per average daily attendance.

20 USC 237
note.

Approved August 17, 1991.

LEGISLATIVE HISTORY—H.R. 2313:

HOUSE REPORTS: No. 102-77 (Comm. on Education and Labor).
CONGRESSIONAL RECORD, Vol. 137 (1991):

June 3, considered and passed House.
July 30, considered and passed Senate, amended.
Aug. 1, House concurred in Senate amendment.