Public Law 94-94
94th Congress

An Act

Sept. 10, 1975
[H.R. 5901]

Making appropriations for the Education Division and related agencies, for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes.

Education Division and Related Agencies Appropriation Act, 1976.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Education Division and related agencies, for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes, namely:

TITLE I—EDUCATION DIVISION

Office of Education

ELEMENTARY AND SECONDARY EDUCATION

20 USC 241c, 241d, 1831, 880b.
20 USC 1901; 20 USC 1531 note.
20 USC 1226c.
20 USC 1393.
47 USC 390.
21 USC 1001 note.
42 USC 2929.

For carrying out, to the extent not otherwise provided, title I, part A ($2,023,981,000), title I, part B ($24,769,000), title IV, part C ($172,888,000), and title VII of the Elementary and Secondary Education Act ($97,770,000); title VII of the Education Amendments of 1974; the Environmental Education Act ($3,000,000); section 417(a)(2) of the General Education Provisions Act; part J of the Vocational Education Act; part IV of title III of the Communications Act of 1934; the Alcohol and Drug Abuse Education Act; and part B of the Headstart-Follow Through Act ($59,000,000), $2,414,158,000, of which $12,500,000 shall be for educational broadcasting facilities and shall remain available until expended: *Provided*, That of the amounts appropriated above the following amounts shall become available for obligation on July 1, 1976, and shall remain available until September 30, 1977: title I, part A ($2,023,981,000), title I, part B ($24,769,000), title IV, part C ($172,888,000) of the Elementary and Secondary Education Act and section 417(a)(2) of the General Education Provisions Act ($1,250,000): *Provided further*, That amounts appropriated for carrying out title I of the Elementary and Secondary Education Act in the fiscal year 1976, shall be available for carrying out section 822 of Public Law 93-380. For carrying out title IV of the Elementary and Secondary Education Act an additional $11,633,852 for fiscal year 1977: *Provided*, That none of such funds may be paid to any State for which the allocation for fiscal year 1977 exceeds the allocation for comparable purposes for fiscal year 1974.

20 USC 241a.
20 USC 241c note.
20 USC 1801.

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

20 USC 236 *et seq.*
20 USC 241.
20 USC 237, 238, 239, 240.
20 USC 238.
20 USC 631 *et seq.*

For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), $660,000,000 of which $46,000,000 shall be for payments under section 6, $603,000,000 shall be for payments under sections 2, 3, and 4 in accordance with subsection 5(c) of said Act, and $11,000,000 shall be for payments under subparagraphs (B) and (C) of section 305 of the Education Amendments of 1974. For carrying out the Act of September 23, 1950, as amended (20 U.S.C., ch. 19),

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$20,000,000, which shall remain available until expended, shall be for providing school facilities as authorized by said Act of September 23, 1950: *Provided*, That, with the exception of up to $5,000,000 for repairs for facilities constructed under section 10, none of the funds contained herein for providing school facilities shall be available to pay for any other section of the Act of September 23, 1950, until payment has been made of 100 per centum of the amounts payable under section 5 and subsections 14(a) and 14(b): *Provided further*, That of the funds provided herein for carrying out the Act of September 23, 1950, no more than 47.5 per centum may be used to fund section 5 of said Act: *Provided further*, That the Commissioner of Education is hereby authorized to provide amounts necessary to meet the costs of providing increased school facilities in communities located near the Trident Support Site, Bangor, Washington; notwithstanding section 421A (c)(2)(A) of the General Education Provisions Act, the Commissioner is authorized to approve applications for funds for this purpose on such terms and conditions as he may reasonably require without regard to any provision in law. For "School assistance in federally affected areas" for the period July 1, 1976, through September 30, 1976, $70,000,000.

20 USC 640.

20 USC 635, 644.

20 USC 1231.

EMERGENCY SCHOOL AID

For carrying out title IV of the Civil Rights Act of 1964 and the Emergency School Aid Act, $241,700,000. For carrying out title IV of the Civil Rights Act of 1964 and the Emergency School Aid Act, for the period July 1, 1976, through September 30, 1976, $325,000.

42 USC 2000c.
20 USC 1601 note.

EDUCATION FOR THE HANDICAPPED

For carrying out, to the extent not otherwise provided, the Education of the Handicapped Act, $236,375,000: *Provided*, That of this amount, $110,000,000 for part B shall become available for obligation on July 1, 1976, and shall remain available until September 30, 1977. For "Education for the handicapped" for the period July 1, 1976, through September 30, 1976, $10,500,000.

20 USC 1401 note.

OCCUPATIONAL, VOCATIONAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, section 102 (b) ($20,000,000), parts B and C ($433,529,100), D, F ($40,994,000), G ($19,500,000), H ($9,849,000) and I of the Vocational Education Act of 1963, as amended (20 U.S.C. 1241–1391), and parts B–1, D, and F of the Education Professions Development Act, and the Adult Education Act of 1966, $669,650,100, including $16,000,000 for exemplary programs under part D of said 1963 Act of which 50 per centum shall remain available until expended and 50 per centum shall remain available through June 30, 1977, and not to exceed $18,000,000 for research and training under part C of said 1963 Act: *Provided*, That of this amount $71,500,000 for the Adult Education Act shall become available for obligation on July 1, 1976, and shall remain available until September 30, 1977. For "Occupational, vocational, and adult education" for the period July 1, 1976, through September 30, 1976, $151,000,000.

20 USC 1101, 1119, 1119c.
20 USC 1201 note.
20 USC 1301.
20 USC 1281.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles I, III, IV, and parts A, B, C, and D of title IX and section 1203 of the Higher Education Act, the Emergency Insured Student Loan Act of 1969,

20 USC 1001, 1051, 1070, 1134, 1134d, 1134i, 1134n, 1142b.

20 USC 1078a note.
20 USC 427, 511.
22 USC 2451 note.
20 USC 1230.
20 USC 900.
86 Stat. 907.

as amended, section 207 and title VI of the National Defense Education Act, the Mutual Educational and Cultural Exchange Act of 1961, section 22 of the Act of June 29, 1935, as amended (7 U.S.C. 329), section 421 of the General Education Provisions Act, title IX of the Elementary and Secondary Education Act, and Public Law 92-506, $2,439,309,000, of which $240,093,000 for supplemental educational opportunity grants and amounts available for work-study grants and for incentive grants shall remain available through September 30, 1977, $23,750,000 shall be for veterans cost-of-instruction payments to institutions of higher education, $715,000,000 shall be for basic opportunity grants (including not to exceed $11,500,000 for administrative expenses) of which $703,500,000 shall remain available through September 30, 1977, and $452,000,000 for subsidies on guaranteed student loans shall remain available until expended. For "Higher education" for the period July 1, 1976, through September 30, 1976, $124,000,000, to remain available until expended.

LIBRARY RESOURCES

20 USC 352, 355e.
20 USC 1021, 1121.
20 USC 1821.

For carrying out, to the extent not otherwise provided, titles I ($49,155,000) and III ($2,594,000) of the Library Services and Construction Act (20 U.S.C., ch. 16); titles II and VI ($7,500,000) of the Higher Education Act; and title IV, part B ($147,330,000) of the Elementary and Secondary Education Act, $218,054,000: *Provided*, That the amount appropriated above for title IV, part B of the Elementary and Secondary Education Act shall become available for obligation on July 1, 1976, and shall remain available until September 30, 1977.

INNOVATIVE AND EXPERIMENTAL PROGRAMS

20 USC 1851 note.

For carrying out the Special Projects Act (Public Law 93-380), $36,893,000.

EDUCATIONAL ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the Office of Education, as authorized by law, $2,000,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations to such office, for payments in the foregoing currencies.

For "Educational activities overseas (special foreign currency program)" for the period July 1, 1976, through September 30, 1976, $200,000, to remain available until expended.

SALARIES AND EXPENSES

20 USC 1221.
20 USC 821 note.

For carrying out, to the extent not otherwise provided, the General Education Provisions Act, and the Education Amendments of 1974, including rental of conference rooms in the District of Columbia, $105,224,000.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $24,643,000.

STUDENT LOAN INSURANCE FUND

20 USC 1001 note.

For the Student Loan Insurance Fund authorized by the Higher Education Act of 1965, $201,787,000, to remain available until expended.

For the "Student Loan Insurance Fund" for the period July 1, 1976, through September 30, 1976, $30,000,000, to remain available until expended.

HIGHER EDUCATION FACILITIES LOAN AND INSURANCE FUND

For the payment of such insufficiencies as may be required by the trustee on account of outstanding beneficial interest or participations in assets of the Office of Education authorized by the Department of Health, Education, and Welfare Appropriation Act, 1968, to be issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(c)), $2,192,000, to remain available until expended, and the Secretary is hereby authorized to make such expenditures, within the limits of funds available in the Higher Education Facilities Loan and Insurance Fund, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 849) as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such fund. 81 Stat. 386.

For "Higher Education Facilities Loan and Insurance Fund" for the period July 1, 1976, through September 30, 1976, for the payment of such insufficiencies as may be required by the trustee on account of outstanding beneficial interest or participations in assets of the Office of Education authorized by the Department of Health, Education, and Welfare Appropriation Act, 1968, to be issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(c)), $548,000, to remain available until expended, and the Secretary is hereby authorized to make such expenditures, within the limits of funds available in the Higher Education Facilities Loan and Insurance Fund, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 849) as may be necessary in carrying out the program for the current fiscal period for such fund.

NATIONAL INSTITUTE OF EDUCATION

NATIONAL INSTITUTE OF EDUCATION

For carrying out section 405 of the General Education Provisions Act, including rental of conference rooms in the District of Columbia, $70,000,000, of which up to $30,000,000 shall be made available by the Institute to the educational laboratories and research and development centers: *Provided*, That none of the funds appropriated under this heading may be used to award a grant or contract to any educational laboratory, research and development center, or any other project if any employee of said laboratory, center, or project is compensated, directly or indirectly, in whole or in part from Federal funds at an annual salary in excess of the salary paid to the U.S. Commissioner of Education or the Director of the National Institute of Education. 20 USC 1221e.

For "National Institute of Education" for the period July 1, 1976, through September 30, 1976, $20,000,000.

OFFICE OF THE ASSISTANT SECRETARY FOR EDUCATION

SALARIES AND EXPENSES

20 USC 1221b, 1221d, 1221e-1.

For necessary expenses to carry out sections 402, 404, and 406 of the General Education Provisions Act, $32,500,000, of which not to exceed $1,500 may be for official reception and representation expenses.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $5,599,000, of which not to exceed $400 may be for official reception and representation expenses.

TITLE II—RELATED AGENCIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101-105), $2,408,000.

For "American Printing House for the Blind" for the period July 1, 1976, through September 30, 1976, $602,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For carrying out the National Technical Institute for the Deaf Act (20 U.S.C. 681, et seq.), $9,836,000.

For "National Technical Institute for the Deaf" for the period July 1, 1976, through September 30, 1976, $2,932,000.

GALLAUDET COLLEGE

68 Stat. 265.

For carrying out the Model Secondary School for the Deaf Act (80 Stat. 1027) and for the partial support of Gallaudet College authorized by the Act of June 18, 1954, $22,435,000, of which $2,255,000 shall be for construction and shall remain available until expended: *Provided*, That if requested by the college, such construction shall be supervised by the General Services Administration.

For "Gallaudet College" for the period July 1, 1976, through September 30, 1976, $5,606,000.

HOWARD UNIVERSITY

For the partial support of Howard University, $84,158,000, of which $10,000,000 shall be for construction and shall remain available until expended: *Provided*, That if requested by the university, such construction shall be supervised by the General Services Administration.

For "Howard University" for the period July 1, 1976, through September 30, 1976, $18,728,000.

TITLE III—GENERAL PROVISIONS

Experts and consultants.

5 USC 5332 note.

SEC. 301. Appropriations contained in this Act, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18.

SEC. 302. Appropriations contained in this Act available for salaries and expenses shall be available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

SEC. 303. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein except as provided in section 204 of Public Law 93-554.

Fiscal year limitation.

88 Stat. 1784.

SEC. 304. No part of any appropriation contained in this Act shall be used to finance any Civil Service Interagency Board of Examiners.

Restrictions.

SEC. 305. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution.

SEC. 306. The Secretary of Health, Education, and Welfare is authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

Transfer of funds.

SEC. 307. Funds contained in this Act used to pay for contract services by profitmaking consultant firms or to support consultant appointments shall not exceed the fiscal year 1973 level: *Provided*, That obligations made from funds contained in this Act for consultant fees and services to any individual or group of consulting firms on any one project in excess of $25,000 shall be reported to the Senate and House of Representatives at least twice annually.

Fiscal year limitation.

Report to Congress.

SEC. 308. No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

Funds restriction.

SEC. 309. No part of any appropriation contained in this Act shall be available for paying to the Administrator of the General Services Administration in excess of 90 percent of the standard level user charge established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended, for space and services.

Standard level user charges, limitation.

40 USC 490.

SEC. 310. None of the funds provided herein shall be used to pay any recipient of a grant for the conduct of a research project an amount equal to as much as the entire cost of such project.

SEC. 311. None of the funds contained in this Act shall be used for any activity the purpose of which is to require any recipient of any project grant for research, training, or demonstration made by any

Research grants.

officer or employee of the Department of Health, Education, and Welfare to pay to the United States any portion of any interest or other income earned on payments of such grant made before July 1, 1964; nor shall any of the funds contained in this Act be used for any activity the purpose of which is to require payment to the United States of any portion of any interest or other income earned on payments made before July 1, 1964, to the American Printing House for the Blind.

Audit.

SEC. 312. Funds appropriated in this Act to the American Printing House for the Blind, Howard University, the National Technical Institute for the Deaf, and Gallaudet College shall be awarded to these institutions in the form of lump-sum grants and expenditures made therefrom shall be subject to audit by the Secretary of Health, Education, and Welfare.

Federal positions in Washington area.

SEC. 313. None of the funds contained in this Act shall be available for additional permanent Federal positions in the Washington area if the proportion of additional positions in the Washington area in relation to the total new positions is allowed to exceed the proportion existing at the close of fiscal year 1966.

Forced student busing.
42 USC 2000c.

SEC. 314. No part of the funds contained in this Act may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to force on account of race, creed, or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

SEC. 315. (a) No part of the funds contained in this Act shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed, or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district, or school.

(b) No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

Short title.

This Act may be cited as the "Education Division and Related Agencies Appropriation Act, 1976".

CARL ALBERT
Speaker of the House of Representatives.

RICHARD (DICK) STONE
Acting President of the Senate pro tempore.

IN THE HOUSE OF REPRESENTATIVES, U.S.,
September 9, 1975.

The House of Representatives having proceeded to reconsider the bill (H.R. 5901) entitled "An Act making appropriations for the Education Division and related agencies, for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

Attest:

W. PAT JENNINGS
Clerk.

By Benjamin J. Guthrie
Assistant to the Clerk.

I certify that this Act originated in the House of Representatives.
W. PAT JENNINGS
Clerk.

IN THE SENATE OF THE UNITED STATES,
September 10, 1975.

The Senate having proceeded to reconsider the bill (H.R. 5901) entitled "An Act making appropriations for the Education Division and related agencies, for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes", returned by the President of the United States with his objections to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

Attest:

FRANCIS R. VALEO
Secretary.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-142 (Comm. on Appropriations)
and No. 94-347 (Comm. of Conference).
SENATE REPORT No. 94-198 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Apr. 16, July 16, 18, considered and passed House.
June 27, July 17, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 30:
July 25, vetoed; Presidential message.
CONGRESSIONAL RECORD, Vol. 121 (1975):
Sept. 9, House overrode veto.
Sept. 10, Senate overrode veto.