

Public Law 98-558  
98th Congress

An Act

Oct. 30, 1984

[S. 2565]

To extend programs under the Head Start Act, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Human Services Reauthorization Act".*

Human Services  
Reauthorization  
Act.  
42 USC 9801  
note.  
Children and  
youth.

TITLE I—HEAD START

TECHNICAL AMENDMENT

42 USC 9832.

SEC. 101. Section 637(2) of the Head Start Act is amended by inserting "the Commonwealth of" before "the Northern Mariana Islands".

AUTHORIZATION OF APPROPRIATIONS

42 USC 9834.

SEC. 102. Section 639 of the Head Start Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 639. There are authorized to be appropriated for carrying out the provisions of this subchapter \$1,093,030,000 for fiscal year 1985, and \$1,221,000,000 for fiscal year 1986."

RESERVATION OF FUNDS FOR TRAINING AND TECHNICAL ASSISTANCE

42 USC 9835.

SEC. 103. (a) Section 640(a)(2)(C) of the Head Start Act is amended by inserting before the semicolon the following: "as described in section 648 of this subchapter, in an amount for each fiscal year which is not less than the amount expended for training and technical assistance activities under this clause for fiscal year 1982".

(b) Section 640(a)(2) of the Head Start Act is amended by adding at the end thereof the following new flush sentences: "The minimum reservation contained in clause (C) of this paragraph shall not apply in any fiscal year in which the appropriation for the program authorized by this subchapter is less than the amount appropriated for fiscal year 1984. No funds reserved under this paragraph may be combined with funds appropriated under any other Act if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment, unless such funds appropriated under this subchapter are separately identified in such grant or payment and are used for the purposes of this subchapter."

DESIGNATION OF HEAD START AGENCIES

42 USC 9836.

SEC. 104. (a) Section 641(a) of the Head Start Act is amended by inserting after "agency" the second time it appears ", within a community,".

(b) Section 641(c) of the Head Start Act is amended—

(1) by striking out “, except that” in the matter preceding clause (1) and inserting in lieu thereof “unless”;

(2) by striking out “shall, before giving such priority, determine” in clause (1) and inserting in lieu thereof “makes a finding”;

(3) by striking out “meets” in clause (1) and inserting in lieu thereof “fails to meet”; and

(4) by inserting “except that” before “if” in clause (2).

(c) Section 641 of the Head Start Act is amended by redesignating subsection (d) as subsection (f) and by inserting after subsection (c) the following new subsections:

42 USC 9836.

“(d) If there is no Head Start agency as described in subsection (c)(2), and no existing Head Start program serving a community, then the Secretary may designate a Head Start agency from among qualified applicants in such community. Any such designation shall be governed by the program and fiscal requirements, criteria, and standards applicable on September 1, 1983, to then existing Head Start agencies.

“(e) The provisions of subsections (c) and (d) shall be applied by the Secretary in the distribution of any additional appropriations made available under this subchapter during any fiscal year as well as to initial designations of Head Start agencies.”.

#### PARTICIPATION IN HEAD START PROGRAMS

SEC. 105. (a) Section 645(a) of the Head Start Act is amended by adding at the end thereof the following: “During the period beginning on the date of the enactment of the Human Services Reauthorization Act and ending on October 1, 1986, and unless specifically authorized in any statute of the United States enacted after such date of enactment, the Secretary may not make any change in the method, as in effect on April 25, 1984, of calculating income used to prescribe eligibility for the participation of persons in the Head Start programs assisted under this subchapter if such change would result in any reduction in, or exclusion from, participation of persons in any of such programs.”.

42 USC 9840.

(b) Section 645 of the Head Start Act is amended by adding at the end thereof the following new subsection:

“(c) Each Head Start program operated in a community may provide more than one year of Head Start services to children from age 3 to the age of compulsory school attendance in the State in which the Head Start program is located.”.

#### TECHNICAL ASSISTANCE AND TRAINING

SEC. 106. Section 648 of the Head Start Act is amended—

42 USC 9843.

(1) by striking out “may” and inserting in lieu thereof “shall”; and

(2) by inserting before the period at the end thereof a comma and the following: “including a centralized child development training and national assessment program which may be administered at the State or local level leading to recognized credentials for such personnel, and resource access projects for personnel of handicapped children”.

## RESEARCH, DEMONSTRATION, AND PILOT PROJECTS

42 USC 9844.

SEC. 107. Section 649 of the Head Start Act is amended by adding at the end thereof the following new subsection:

“(c) No funds appropriated under this subchapter may be combined with funds appropriated under any other Act if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment, unless such funds appropriated under this subchapter are separately identified in such grant or payment and are used for the purposes of this title.”.

## EVALUATION

42 USC 9846.

SEC. 108. The second sentence of section 651(b) of the Head Start Act is amended to read as follows: “Any revisions in such standards shall not result in the elimination of nor any reduction in the scope or types of health, education, parental involvement, social or other services required to be provided under the standards in effect on November 2, 1978.”.

## STATE GRANTS FOR DEPENDENT CARE PLANNING AND DEVELOPMENT

SEC. 109. Chapter 8 of title VI of the Omnibus Budget Reconciliation Act of 1981, relating to community services programs, is amended by inserting at the end thereof the following new subchapter:

“Subchapter D—Grants to States for Planning and Development of Dependent Care Programs and for Other Purposes

## “AUTHORIZATION OF APPROPRIATIONS

42 USC 9871.

“SEC. 670A. For the purpose of allotments to States to carry out the activities described in section 670D, there are authorized to be appropriated \$20,000,000 for each of the fiscal years 1985 and 1986.

## “ALLOTMENTS

42 USC 9872.

“SEC. 670B. (a) From the amounts appropriated under section 670A for each fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to the total amount appropriated under such section for such fiscal year as the population of the State bears to the population of all States, except that no State may receive less than \$50,000 in each fiscal year.

“(b) For the purpose of the exception contained in subsection (a), the term ‘State’ does not include Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

## “PAYMENTS UNDER ALLOTMENTS TO STATES

42 USC 9873.

“SEC. 670C. The Secretary shall make payments, as provided by section 6503(a) of title 31, United States Code, to each State from its allotments under section 670B from amounts appropriated under section 670A.

## “USE OF ALLOTMENTS

42 USC 9874.

“SEC. 670D. (a) Subject to the provisions of subsections (c) and (d), amounts paid to a State under section 670C from its allotment under

section 670B for fiscal year 1985 and fiscal year 1986 may be used for the planning, development, establishment, expansion, or improvement by the States, directly or by grant or contract with public or private entities, of State and local resource and referral systems to provide information concerning the availability, types, costs, and locations of dependent care services. The information provided by any such system shall include—

“(1) the types of dependent care services available, including services provided by individual homes, religious organizations, community organizations, employers, private industry, and public and private institutions;

“(2) the costs of available dependent care services;

“(3) the locations in which dependent care services are provided;

“(4) the forms of transportation available to such locations;

“(5) the hours during which such dependent care services are available;

“(6) the dependents eligible to enroll for such dependent care services; and

“(7) any resource and referral system planned, developed, established, expanded, or improved with amounts paid to a State under this subchapter.

In carrying out clause (7) of the previous sentence, no information shall be included with respect to any dependent care services which are not provided in compliance with the laws of the State and localities in which such services are provided.

“(b)(1) Subject to the provisions of subsections (c) and (d), amounts paid to a State under section 670C from its allotment under section 670B for fiscal year 1985 and fiscal year 1986 may be used for the planning, development, establishment, expansion, or improvement by the States, directly, or by grant or contract, with public agencies or private nonprofit organizations of programs to furnish school-age child care services before and after school in public or private school facilities or in community centers in communities where school facilities are not available.

“(2) The State, with respect to the uses of funds described in paragraph (1) of this subsection shall—

“(A) provide assurances, in the case of an applicant that is not a State or local educational agency, that the applicant has or will enter into an agreement with the State or local educational agency, institution of higher education or community center containing provisions for—

“(i) the use of facilities for the provision of before or after school child care services (including such use during holidays and vacation periods),

“(ii) the restrictions, if any, on the use of such space, and

“(iii) the times when the space will be available for the use of the applicant;

“(B) provide an estimate of the costs of the establishment of the child care service program in the facilities;

“(C) provide assurances that the parents of school-age children will be involved in the development and implementation of the program for which assistance is sought under this Act;

“(D) provide assurances that the applicant is able and willing to seek to enroll racially, ethnically, and economically diverse as well as handicapped school-age children in the child care service program for which assistance is sought under this Act;



"(E) provide assurances that the child care program is in compliance with State and local licensing laws and regulations governing day care services for school-age children to the extent that such regulations are appropriate to the age group served; and

"(F) provide such other assurances as the Governor may reasonably require to carry out the provisions of this Act.

"(c) Of the allotment to each State in each fiscal year—

"(1) 40 percent shall be available for the activities described in subsection (a);

"(2) 60 percent shall be available for the activities described in subsection (b).

"(d) A State may not use amounts paid to it under this subchapter to—

"(1) pay the costs of operation of any resource and referral system or before or after school child care program established, expanded, or improved under subsection (a);

"(2) make cash payments to intended recipients of dependent care services including child care services;

"(3) subsidize the direct provision of dependent care services including child care services;

"(4) pay for construction or renovation; or

"(5) satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds.

"(e)(1) The Federal share of any project supported under this subchapter shall be not more than 75 percent.

"(2) Not more than 10 percent of the allotment of each State under this subchapter may be available for the cost of administration.

"(f) Projects supported under this section to plan, develop, establish, expand, or improve a State or local resource and referral system or before or after school child care program shall not duplicate any services, which prior to the date of enactment of this subchapter, are provided by the State or locality which will be served by such system.

"(g) The Secretary may provide technical assistance to States in planning and operating activities to be carried out under this subchapter.

#### "APPLICATION AND DESCRIPTION OF ACTIVITIES; REQUIREMENTS

42 USC 9875.

"SEC. 670E. (a)(1) In order to receive an allotment under section 670B, each State shall submit an application to the Secretary. Each such application shall be in such form and submitted by such date as the Secretary shall require.

"(2) Each application required under paragraph (1) for an allotment under section 670B shall contain assurances that the State will meet the requirements of subsection (b).

"(b) As part of the annual application required by subsection (a), the chief executive officer of each State shall—

"(1) certify that the State agrees to use the funds allotted to it under section 670B in accordance with the requirements of this subchapter; and

"(2) certify that the State agrees that Federal funds made available under section 670C for any period will be so used as to supplement and increase the level of State, local, and other non-Federal funds that would in the absence of such Federal funds

be made available for the programs and activities for which funds are provided under that section and will in no event supplant such State, local, and other non-Federal funds.

The Secretary may not prescribe for a State the manner of compliance with the requirements of this subsection.

“(c) The chief executive officer of a State shall, as part of the application required by subsection (a), also prepare and furnish the Secretary (in accordance with such form as the Secretary shall provide) with a description of the intended use of the payments the State will receive under section 670C, including information on the programs and activities to be supported. The description shall be made public within the State in such manner as to facilitate comment from any person (including any Federal or other public agency) during development of the description and after its transmittal. The description shall be revised (consistent with this section) until September 30, 1987, as may be necessary to reflect substantial changes in the programs and activities assisted by the State under this subchapter, and any revision shall be subject to the requirements of the preceding sentence.

“(d) Except where inconsistent with the provisions of this subchapter, the provisions of section 1903(b), paragraphs (1) through (5) of section 1906(a), and sections 1907, 1908, and 1909 of the Public Health Service Act shall apply to this subchapter in the same manner as such provisions apply to part A of title XIX of such Act.

42 USC 300w-2.

42 USC 300w-5-  
300w-8.  
42 USC 300w.

#### “REPORT

“SEC. 670F. Within three years after the date of enactment of this subchapter, the Secretary shall prepare and transmit to the Senate Committee on Labor and Human Resources and the House Committee on Education and Labor a report concerning the activities conducted by the States with amounts provided under this subchapter.

42 USC 9876.

#### “DEFINITIONS

“SEC. 670G. For purposes of this subchapter—

42 USC 9877.

“(1) the term ‘community center’ means facilities operated by nonprofit community-based organizations for the provision of recreational, social, or educational services to the general public;

“(2) the term ‘dependent’ means—

“(A) an individual who has not attained the age of 17 years;

“(B) an individual who has attained the age of 55 years;

or

“(C) a person with a developmental disability;

“(3) the term ‘developmental disability’ has the same meaning as in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act;

42 USC 6001.

“(4) the term ‘equipment’ has the same meaning given that term by section 198(a)(8) of the Elementary and Secondary Education Act of 1965;

20 USC 2854.

“(5) the term ‘institution of higher education’ has the same meaning given that term under section 1201(a) of the Higher Education Act of 1965;

20 USC 1141.

- 20 USC 2854. “(6) the term ‘local educational agency’ has the same meaning given that term under section 198(a)(10) of the Elementary and Secondary Education Act of 1965;
- “ (7) the term ‘school-age children’ means children aged five through thirteen;
- “ (8) the term ‘school facilities’ means classrooms and related facilities used for the provision of education;
- “ (9) the term ‘Secretary’ means the Secretary of Health and Human Services;
- “ (10) 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 Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands; and
- 20 USC 2854. “ (11) the term ‘State educational agency’ has the meaning given that term under section 198(a)(17) of the Elementary and Secondary Education Act of 1965.”

## TITLE II—COMMUNITY SERVICES BLOCK GRANT

### AUTHORIZATION OF APPROPRIATIONS

- 42 USC 9901. SEC. 201. Section 672(b) of the Community Services Block Grant Act (hereinafter in this title referred to as the “Act”) is amended by adding at the end thereof the following new sentence: “There is authorized to be appropriated \$400,000,000 for the fiscal year 1985, and \$415,000,000 for the fiscal year 1986, to carry out the provisions of this subtitle.”

### DEFINITIONS

- 42 USC 9902. SEC. 202. (a)(1) The second sentence of section 673(1) of the Act is amended to read as follows: “The term ‘eligible entity’ also includes any limited purpose agency designated under title II of the Economic Opportunity Act of 1964 for fiscal year 1981 which served the general purposes of a community action agency under title II of such Act, unless such designated agency lost its designation under title II of such Act as a result of a failure to comply with the provisions of such Act, any grantee which received financial assistance under section 222(a)(4) of the Economic Opportunity Act of 1964 in fiscal year 1981, and any organization to which a State which applied for and received a waiver from the Secretary under Public Law 98-139 made a grant under this Act in fiscal year 1984.”
- 42 USC 2781. (2) Section 673(1) of the Act is amended by adding at the end thereof the following two sentences: “In any geographic area of a State not presently served by an eligible entity, the Governor of the State may decide to serve such a new area by—
- 42 USC 2809. “(A) requesting an existing eligible entity which is located and provides services in an area contiguous to the new area to serve the new area;
- 97 Stat. 871. “(B) if no existing eligible entity is located and provides services in an area contiguous to the new area, requesting the eligible entity located closest to the area to be served or an existing eligible entity serving an area within reasonable proximity of the new area to provide services in the new area; or
- Supra.* “(C) where no existing eligible entity requested to serve the new area decides to do so, designating any existing eligible entity, any organization which has a board meeting the require-

ments of section 675(c)(3) or any political subdivision of the State to serve the new area. The Governor's designation of an organization which has a board meeting the requirements of section 675(c)(3) or a political subdivision of the State to serve the new area shall qualify such organization as an eligible entity under this Act."

42 USC 9904.

(b) Section 673(2) of the Act is amended by inserting at the end thereof the following new sentence: "Whenever the State determines that it serves the objectives of the block grant established by this subtitle the State may revise the poverty line to not to exceed 125 percent of the official poverty line otherwise applicable under this paragraph."

42 USC 9902.

## APPLICATIONS AND REQUIREMENTS

SEC. 203. (a)(1) Section 675(c)(2)(A)(i) of the Act is amended by striking "1982 only" and inserting in lieu thereof "1985 and for each subsequent fiscal year".

42 USC 9904.

(2) Section 675(c)(2)(A)(i) of the Act is amended by inserting before the semicolon a comma and the following: "except that no more than 7 percent of the funds available for this subclause shall be granted to organizations which were not eligible entities during the previous fiscal year".

(3) Section 675(c)(2)(A) of the Act is amended—

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

(B) by striking out division (ii).

(4) Section 675(c)(2)(B) of the Act is amended by inserting after "than" the following: "the greater of \$55,000 or".

(5) Section 675(c)(5) of the Act is amended—

(A) by striking out "or the energy" and inserting in lieu thereof "the energy", and

(B) by inserting ", or the Temporary Emergency Food Assistance Act of 1983" before the semicolon.

(b) Section 675 of the Act is amended—

(1) by striking out "and" at the end of clause (9);

(2) by striking out the period at the end of clause (10) and inserting in lieu thereof a semicolon and the word "and"; and

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

"(11) provide assurances that any community action agency or migrant and seasonal farmworker organization which received funding in the previous fiscal year under this Act will not have its present or future funding terminated under this Act unless after notice, and opportunity for hearing on the record, the State determines that cause existed for such termination subject to review by the Secretary as provided in section 676A."

Post, p. 2286.

(c) Section 675 is amended by adding at the end thereof the following new subsection:

"(i)(1) For purposes of determining compliance with this subchapter the Secretary shall conduct, in several States in each fiscal year, evaluations of the uses made of funds received under this subchapter by such States.

"(2) The results of such evaluations shall be submitted annually to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on Labor and Human Resources of the Senate."

(d) The Act is amended by inserting after section 676 the following new section:



**"TERMINATION OF FUNDING REVIEW**

42 USC 9905a.

"SEC. 676A. The Secretary shall upon request review any termination of funding to a community action agency or migrant and seasonal farmworker organization protected by a State's assurance under section 675(c)(11). Such review shall be conducted promptly and shall be based upon the record and no determination shall become effective until a finding by the Secretary confirming the State's finding of cause."

**DISCRETIONARY PROGRAM**

42 USC 9910.

SEC. 204. (a)(1) The matter preceding clause (1) of section 681(a) of the Act is amended by striking out "public and other organizations and agencies" both times it appears and inserting in lieu thereof "public agencies and private nonprofit organizations".

(2) Section 681(a) of the Act is amended—

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

(B) by striking out the period at the end of clause (2) and inserting in lieu thereof a semicolon and the word "and"; and

(C) by adding at the end thereof the following new clause:

"(3) training and technical assistance to aid States in carrying out their responsibilities under this subchapter."

(b) Section 681(a) of the Act is amended by adding at the end thereof the following new flush sentence: "In addition, grants, loans, and guarantees made pursuant to this subsection may be made to a private nonprofit organization applying jointly with a business concern."

**WITHHOLDING**

42 USC 9908.

SEC. 205. (a) Section 679(b) of the Act is amended—

(1) in paragraph (2) by striking out "he" and inserting in lieu thereof "the Secretary", and

(2) in paragraph (3) by striking out "may" and inserting in lieu thereof "shall".

(b) Section 679 of the Act is amended by striking out subsection (d).

**COMMUNITY FOOD AND NUTRITION PROGRAM**

SEC. 206. The Act is amended by inserting after section 681 the following new section:

**"COMMUNITY FOOD AND NUTRITION**

42 USC 9910a.

"SEC. 681A. (a) The Secretary may through grants to public and private nonprofit agencies, provide for community-based, local, and statewide programs—

"(1) to coordinate existing private and public food assistance resources, whenever such coordination is determined to be inadequate, to better serve low-income populations;

"(2) to assist low-income communities to identify potential sponsors of child nutrition programs and to initiate new programs in underserved or unserved areas; and

"(3) to develop innovative approaches at the State and local level to meet the nutrition needs of low-income people.

"(b) There is authorized to be appropriated \$2,500,000 for each of the fiscal years 1985 and 1986 to carry out the provisions of this section."

Appropriation  
authorization.

## CONSTRUCTION

SEC. 207. Notwithstanding any other provision of law the provisions of section 675(c)(2) of the Act made by the amendments contained in paragraphs (1), (2), and (3) of section 203 of this Act shall apply to the funds appropriated for the Act for fiscal year 1985.

42 USC 9904  
note.  
*Ante*, p. 2885.

## TITLE III—FOLLOW THROUGH

## AUTHORIZATION OF APPROPRIATIONS

SEC. 301. Section 663(a)(1) of the Follow Through Act is amended to read as follows:

42 USC 9862.

“(1) There is authorized to be appropriated for carrying out the purposes of this subchapter \$10,000,000 for the fiscal year 1985 and \$7,500,000 for the fiscal year 1986.”.

## REPEALER

SEC. 302. Section 670 of the Follow Through Act is amended by striking out “1984” and inserting in lieu thereof “1986”.

42 USC 9861  
note.

## TITLE IV—WEATHERIZATION PROGRAM

## STATE ELECTION OF LIHEAP INCOME ELIGIBILITY LEVEL

Energy.

SEC. 401. Section 412(7) of the Energy Conservation in Existing Buildings Act of 1976 (42 U.S.C. 6862(7)) is amended by striking out “or” before the beginning of clause (B), by striking out the period at the end of the paragraph and inserting in lieu thereof a comma, and by adding at the end of the paragraph “or (C) if a State elects, is the basis for eligibility for assistance under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621), provided that such basis is at least 125 percent of the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget.”.

## NEW TECHNOLOGY AND ELIMINATION OF A RULEMAKING REQUIREMENT

SEC. 402. Section 412(9) of the Energy Conservation in Existing Buildings Act of 1976 (42 U.S.C. 6862(9)) is amended by—

(1) amending paragraph (B) to read as follows:

“(B) furnace efficiency modifications, including, but not limited to—

“(i) replacement burners, furnaces, or boilers or any combination thereof;

“(ii) devices for minimizing energy loss through heating system, chimney, or venting devices; and

“(iii) electrical or mechanical furnace ignition systems which replace standing gas pilot lights;”;

(2) striking out “by rule” in paragraph (G).

## MAXIMUM EXPENSES

SEC. 403. Section 415 of the Energy Conservation in Existing Buildings Act of 1976 (42 U.S.C. 6865) is amended—

(1) by striking out the first sentence in subsection (a) and inserting in lieu thereof: “An average of at least forty percent of the funds provided in a State under this part for weatherization

materials, labor, and related matters described in subsection (c) shall be spent for weatherization materials.”; and

(2) by amending subsection (c) to read as follows:

“(c)(1) The expenditure of financial assistance provided under this part for labor, weatherization materials, and related matters shall not exceed an average of \$1,600 per dwelling unit weatherized in that State. Labor, weatherization materials, and related matter includes, but is not limited to—

“(A) the appropriate portion of the cost of tools and equipment used to install weatherization materials for a dwelling unit;

“(B) the cost of transporting labor, tools, and materials to a dwelling unit;

“(C) the cost of having onsite supervisory personnel; and

“(D) the cost of making incidental repairs to a dwelling unit if such repairs are necessary to make the installation of weatherization materials effective.

“(2) Dwelling units partially weatherized under this part or under other Federal programs during the period September 30, 1975, through September 30, 1979, may receive further financial assistance for weatherization under this part.”.

#### PERFORMANCE FUND

42 USC 6865. SEC. 404. Section 415 of the Energy Conservation in Existing Buildings Act of 1976 (42 U.S.C. 6862) is amended by adding at the end thereof the following new subsection:

“(d) Beginning in fiscal year 1986, not less than 5 percent and no more than 15 percent of the amount appropriated under this part for each fiscal year shall be allotted by the Secretary to a performance fund, which shall be available only to provide financial assistance under this part to those States which the Secretary determines to have demonstrated the best performance during the previous fiscal year in providing weatherization assistance. The Secretary shall make such determination on the basis of such information as may be available to the Secretary, to include, but not be limited to, the percentage of eligible dwelling units within the State which have been weatherized using low-income weatherization assistance program funds during the relevant reporting period. In assessing the quality of the weatherization assistance provided, the Secretary shall consider comparable energy savings data supplied by the States.”.

#### TITLE V—HIGHER EDUCATION AND RESEARCH PROJECT

##### CENTER FOR EXCELLENCE IN EDUCATION AUTHORIZED

Indiana  
University.

SEC. 501. (a) The Secretary of Education (hereinafter in this section referred to as the “Secretary”) is authorized in accordance with the provisions of this title, to provide financial assistance to Indiana University located in Bloomington, Indiana, to pay the Federal share of the cost of the construction, and related costs, including renovation costs, for the Center for Excellence in Education facility at Indiana University, to be used as a national research and training resource for individuals who intend to become exemplary elementary and secondary school teachers and administrators.

(b)(1) No financial assistance may be made under this title unless an application is made at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

(2) For the purpose of this section, the Federal share of the cost of the Center for Excellence in Education facility at the Indiana University should not exceed 50 percent.

(c) There are authorized to be appropriated such sums, not to exceed \$6,000,000, as may be necessary to carry out the provisions of this section. Funds appropriated pursuant to this title shall remain available until September 30, 1987.

Appropriation  
authorization.

#### RESEARCH CENTERS

SEC. 502. (a)(1) The Secretary of Health and Human Services (hereinafter in this section referred to as the "Secretary") is authorized, in accordance with the provisions of this section, to provide financial assistance to the University of Utah located in Salt Lake City, Utah, to pay the Federal share of the cost of the establishment and operation (including construction, and related costs, including renovation costs) of a center for research on the health effects of nuclear energy and other new energy technologies.

Health.  
Energy.  
University of  
Utah.

(2)(A) No financial assistance may be made under this subsection unless an application is made at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

(B) For the purpose of this subsection, the Federal share of the cost of the center shall not exceed 50 percent.

(3) There are authorized to be appropriated such sums, not to exceed \$4,000,000, as may be necessary to carry out the provisions of this subsection. Funds appropriated pursuant to this subsection shall remain available until September 30, 1987.

Appropriation  
authorization.

(b)(1) The Secretary shall, through the National Cancer Institute, establish or support at least one clinic or health facility for cancer screening and research in St. George, Utah. Such clinic shall be affiliated with a health science center capable of providing clinical, research, and interdisciplinary technical assistance to such clinic or facility, and shall make its services accessible to the preponderance of the residents of the areas that have received the greatest fallout from the Nevada nuclear tests.

St. George, Utah,  
cancer screening  
center.

(2) There are authorized to be appropriated such sums, not to exceed \$6,000,000, as may be necessary to carry out the provisions of this subsection. Funds appropriated pursuant to this subsection shall remain available until September 30, 1987.

Appropriation  
authorization.

### TITLE VI—LOW-INCOME HOME ENERGY ASSISTANCE

#### AUTHORIZATION OF APPROPRIATIONS

SEC. 601. Section 2602(b) of the Low-Income Home Energy Assistance Act of 1981 (hereinafter in this title referred to as the "Act") is amended to read as follows:

42 USC 8621.

"(b) There is authorized to be appropriated to carry out the provisions of this title \$2,140,000,000 for the fiscal year 1985, and \$2,275,000,000 for the fiscal year 1986."



## DEFINITION

42 USC 8622.

SEC. 602. (a) Section 2603(1) of the Act is amended—

(1) by striking out “intervention”; and

(2) by inserting before the period “and other household energy-related emergencies”.

(b) Section 2603(4) of the Act is amended to read as follows:

“(4) The term ‘poverty level’ means, with respect to a household in any State, the income poverty line as prescribed and revised at least annually pursuant to section 673(2) of the Community Services Block Grant Act, as applicable to such State.”.

*Ante*, p. 2885.

## ENERGY CRISIS INTERVENTION

42 USC 8623.

SEC. 603. (a) Section 2604(c) of the Act is amended—

(1) by inserting after “reserved” the following: “until March 15 of each program year”; and

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

“The program for which funds are reserved by this subsection shall be administered by public or nonprofit entities which have experience in administering energy crisis programs under the Low-Income Energy Assistance Act of 1980, or under this Act, experience in assisting low-income individuals in the area to be served, and the capacity to undertake a timely and effective energy crisis intervention program.”.

(b) Section 2604(d)(1) of the Act is amended by striking out “otherwise be paid” and inserting in lieu thereof “otherwise be payable”.

(c) Section 2604(e) of the Act is repealed.

(d) Section 2604(f) of the Act is amended by striking out “its allotment” and inserting in lieu thereof “the funds payable to it”.

## STATE ALLOTMENTS

42 USC 8623.

SEC. 604. (a) Section 2604(a)(2) is amended to read as follows:

“(2) For purposes of paragraph (1), for fiscal year 1985 and thereafter, a State’s allotment percentage is the percentage which expenditures for home energy by low-income households in that State bears to such expenditures in all States, except that States which thereby receive the greatest proportional increase in allotments by reason of the application of this paragraph from the amount they received pursuant to Public Law 98-139 shall have their allotments reduced to the extent necessary to ensure that—

“(A)(i) no State for fiscal year 1985 shall receive less than the amount of funds the State received in fiscal year 1984; and

“(ii) no State for fiscal year 1986 and thereafter shall receive less than the amount of funds the State would have received in fiscal year 1984 if the appropriations for this title for fiscal year 1984 had been \$1,975,000,000, and

“(B) any State whose allotment percentage out of funds available to States from a total appropriation of \$2,250,000,000 would be less than 1 percent, shall not, in any year when total appropriations equal or exceed \$2,250,000,000, have its allotment percentage reduced from the percentage it would receive from a total appropriation of \$2,140,000,000.”.

(b) Section 2604(a) is amended by adding at the end thereof the following new paragraph:

97 Stat. 871.

"(4) For the purpose of this section, the Secretary shall determine the expenditure for home energy by low-income households on the basis of the most recent satisfactory data available to the Secretary."

#### APPLICATIONS AND REQUIREMENTS

SEC. 605. (a)(1) Section 2605(b)(1) of the Act is amended by striking out "subsection" and inserting in lieu thereof "section".

42 USC 8624.

(2) Subclause (B) of section 2605(b)(2) of the Act is amended by inserting after the semicolon and flush to the margin of subclause (B) the following: "except that no household may be excluded from eligibility under this subclause for payments under this title for fiscal year 1986 and thereafter if the household has an income which is less than 110 percent of the poverty level for such State for such fiscal year".

(3) Section 2605(b)(5) is amended by inserting before the semicolon a comma and the following: "except that the State may not differentiate in implementing this section between the households described in clause (2)(A) and (2)(B) of this subsection".

(4) Section 2605(b)(7)(C) is amended by striking out "any differently" and inserting in lieu thereof "adversely".

(5) Section 2605(b)(8) of the Act is amended by inserting after "that" the following: "(A) the State will not exclude households described in clause (2)(B) of this subsection from receiving home energy assistance benefits under clause (2), and (B)".

(6) Section 2605(b)(9)(A) of the Act is amended to read as follows:

"(A) the State may use for planning and administering the use of funds under this title an amount not to exceed 10 percent of the funds payable to such State under this title for a fiscal year and not transferred pursuant to section 2604(f) for use under another block grant; and".

42 USC 8623.

(7) Section 2605(b)(10) of the Act is amended by striking out "every year" and inserting in lieu thereof "every two years".

(8) Section 2605(b) of the Act is amended—

(A) by striking out "and" at the end of clause (12);

(B) by striking out the period at the end of clause (13) and inserting in lieu thereof a semicolon; and

(C) by adding at the end thereof the following new clauses:

"(14) describe the procedures by which households in the State are identified as eligible to participate under this title and the manner in which the State determines benefit levels;

"(15) describe the amount that the State will reserve in accordance with section 2604(c) in each fiscal year for energy crisis intervention activities together with the administrative procedures (A) for designating an emergency, (B) for determining the assistance to be provided in any such emergency, and (C) for the use of funds reserved under such section for the purposes under this title in the event any portion of the amount so reserved is not expended for emergencies.

*Ante*, p. 2890.

"(16) describe energy usage and the average cost of home energy in the State, identified by type of fuel and by region of the State; and

"(17) cooperate with the Secretary with respect to data collecting and reporting under section 2610."

42 USC 8629.  
Regulations.

(9) Section 2605(b) is amended by adding at the end thereof the following new sentence: "The Secretary shall issue regulations to

prevent waste, fraud, and abuse in the programs assisted by this title.”.

42 USC 8624.

(b)(1) Section 2605(c)(1) of the Act is amended to read as follows:

“(c)(1) As part of the annual application required in subsection (a), the chief executive officer of each State shall prepare and furnish to the Secretary, in such format as the Secretary may require, a plan which—

“(A) describes how the State will carry out the assurances required under subsection (b);

“(B) contains estimates of the amount of funds the State will use for each of the programs under such plan;

“(C) describes the eligibility requirements to be used by the State for each type of assistance to be provided under this title;

“(D) describes weatherization and other energy-related home repair the State will provide under subsection (k); and

“(E) contains any other information determined by the Secretary to be appropriate for purposes of this title.

The chief executive officer may revise any plan prepared under this paragraph and shall furnish the revised plan to the Secretary.”.

(2) Section 2605(c)(2) of the Act is amended—

(A) by inserting “and each substantial revision thereof” after “Each plan prepared under paragraph (1)”, and

(B) by striking out the period at the end thereof and inserting in lieu thereof “or substantial revision.”.

(c) Section 2605(d) of the Act is amended to read as follows:

“(d) The State shall expend funds in accordance with the State plan under this title or in accordance with revisions applicable to such plan.”.

(d) Section 2605(e) of the Act is amended to read as follows:

Audits.

“(e) Each State shall, in carrying out the requirements of subsection (b)(10), obtain financial and compliance audits of any funds which the State receives under this title. Such audits shall be made public within the State on a timely basis. The audits shall be conducted at least every two years by an organization or person independent of any agency administering activities under this title. The audits shall be conducted in accordance with the Comptroller General’s standards for audit of governmental organizations, programs, activities, and functions. Within 30 days after completion of each audit, the chief executive officer of the State shall submit a copy of the audit to the legislature of the State and to the Secretary.”.

(e) Section 2605(f) of the Act is amended by inserting before the comma the first time it appears the following: “unless enacted in express limitation of this paragraph”.

(f) Section 2605(h) of the Act is amended by inserting “(but not less frequently than every three years)” after “time” the second place it appears.

#### PAYMENTS TO STATES

42 USC 8626.

SEC. 606. (a)(1) The second sentence of section 2607(b)(2)(A) of the Act is amended by inserting “or the amount payable to” after “of”.

(2) Section 2607(b)(2)(A) of the Act is amended by inserting after the first sentence thereof the following: “Such request shall include a statement of the reasons that the amount allotted to such State for a fiscal year will not be used by such State during such fiscal year and a description of the types of assistance to be provided with the amount held available for the following fiscal year.”.

(b)(1)(A) The first sentence of section 2607(b)(2)(B) of the Act is amended by striking out “25 percent” and inserting in lieu thereof “15 percent”. 42 USC 8626.

(B) The first sentence of section 2607(b)(2)(B) of the Act is further amended by striking out “allotted to such State for such prior fiscal year” and inserting in lieu thereof “payable to such State for such prior fiscal year and not transferred pursuant to section 2604(f)”.

(2) The second sentence of section 2607(b)(2)(B) of the Act is amended by striking out “allotted to a State” and inserting in lieu thereof “payable to a State but not transferred by the State”.

(c) Section 2607(b)(2) of the Act is amended by adding at the end thereof the following new subparagraph:

“(C) The Secretary shall reallocate amounts made available under this paragraph for the fiscal year following the fiscal year of the original allotment in accordance with paragraph (1) of this subsection.”.

#### STUDIES

SEC. 607. (a) Section 2610(a)(2) of the Act is amended—

42 USC 8629.

(1) by inserting “amount,” before “cost”; and

(2) by adding at the end thereof the following: “for households eligible for assistance under this title”.

(b) Section 2610(a) of the Act is amended by—

(1) striking out “and” at the end of clause (4);

(2) redesignating clause (5) as clause (6); and

(3) inserting after clause (4) the following new clause:

“(5) the number of households which received such assistance and include one or more individuals who are 60 years or older or handicapped; and”.

(c) Section 2610(a) of the Act is amended by adding at the end thereof the following new flush sentence: “Nothing in this subsection may be construed to require the Secretary to collect data which has been collected and made available to the Secretary by any other agency of the Federal Government.”

(d) Section 2610(b) of the Act is amended to read as follows:

Report.

“(b) The Secretary shall, no later than June 30 of each fiscal year, submit a report to the Congress containing a detailed compilation of the data under subsection (a) with respect to the prior fiscal year.”.

#### TECHNICAL AMENDMENT

SEC. 608. Section 2608(b)(2) of the Act is amended by striking out “he” and inserting in lieu thereof “the Secretary”.

42 USC 8627.

#### EFFECTIVE DATES

SEC. 609. (a) Except as provided in subsections (b), (c), and (d), the amendments made by this title shall take effect on the date of enactment of this Act.

42 USC 8621  
note.

(b) The amendments made by section 605 shall take effect on the first day of the first fiscal year beginning after the date of the enactment of this Act.

(c) The amendments made by section 606 shall apply to amounts held available for fiscal years beginning after September 30, 1985.

(d) The amendment made by section 607 shall apply to data collected and compiled after the date of the enactment of this Act. Section 2610 of the Act as in effect before the date of the enactment

42 USC 8629.



42 USC 8629. of this Act shall apply with respect to the report submitted under such section 2610 for fiscal year 1984.

## TITLE VII—POSTSECONDARY EDUCATION SCHOLARSHIP PROGRAM

### AMENDMENT TO TITLE V OF THE HIGHER EDUCATION ACT OF 1965

SEC. 701. Title V of the Higher Education Act of 1965 is amended by inserting after part D the following new parts E and F:

#### “PART E—CARL D. PERKINS SCHOLARSHIP PROGRAM

##### “DECLARATION OF PURPOSE; AUTHORIZATION OF APPROPRIATIONS

20 USC 1119d.

“SEC. 561. (a) It is the purpose of this part to make available, through grants to the States, scholarships during fiscal years 1986 through 1990 to a maximum of ten thousand individuals who are outstanding high school graduates and who demonstrate an interest in teaching, in order to enable and encourage those individuals to pursue teaching careers in education at the elementary or secondary level. Such scholarships shall be referred to as ‘Carl D. Perkins Scholarships’.

“(b) There are authorized to be appropriated \$20,000,000 for fiscal year 1986, \$21,000,000 for fiscal year 1987, \$22,000,000 for fiscal year 1988, and \$23,000,000 for fiscal year 1989, for Carl D. Perkins Scholarships to eligible students under this part.

##### “ALLOCATION AMONG STATES

20 USC 1119d-1.

“SEC. 562. (a) From the sums appropriated pursuant to section 561 for any fiscal year, the Secretary shall allocate to any State an amount which bears as nearly as possible the same ratio to such sums as the number of persons in that State bears to the number of persons in all States.

“(b) For the purpose of this section, the number of persons in a State and in all States shall be determined by the most recently available data from the United States Census Bureau.

##### “GRANT APPLICATIONS

20 USC 1119d-2.

“SEC. 563. (a) The Secretary is authorized to make grants to States in accordance with the provisions of this part. In order to receive a grant under this part, a State shall submit an application at such time or times, in such manner, and containing such information as the Secretary may prescribe by regulation. Such application shall set forth a program of activities for carrying out the purposes set forth in section 561(a) in such detail as will enable the Secretary to determine the degree to which such program will accomplish such purposes and such other policies, procedures, and assurances as the Secretary may require by regulation.

“(b) The Secretary shall approve an application only if the application—

“(1) describes the selection criteria and procedures to be used by the State in the selection of scholarships under this part which satisfy the provisions of this part;

20 USC 1070c.

“(2) designates the State agency which administers the program under subpart 3 of part A of title IV, relating to State

student incentive grants, or the State agency with which the Secretary has an agreement under section 428(b);

20 USC 1078.

"(3) describes the outreach effort the State agency intends to use to publicize the availability of Carl D. Perkins Scholarships to high school students in the State;

"(4) provides assurances that each recipient eligible under section 565(b) of this part who receives a Carl D. Perkins Scholarship shall enter into an agreement with the State agency under which the recipient shall—

"(A) within the ten-year period after completing the post-secondary education for which the Carl D. Perkins Scholarship was awarded, teach, for a period of not less than two years for each year for which assistance was received, in a public elementary or secondary school in any State, in a public education program in any State, or in a private nonprofit school located and serving students in a district eligible for assistance pursuant to chapter 1 of the Education Consolidation and Improvement Act of 1981, or, on a full-time basis, handicapped children or children with limited English proficiency in a private nonprofit school, except that, in the case of individuals who teach in a school serving large numbers or high concentrations of economically disadvantaged students, or who teach children with limited English proficiency or handicapped children, the requirements of this subparagraph shall be reduced by one-half;

20 USC 3801.

"(B) provide the State agency evidence of compliance with section 566 of this part as required by the State agency; and

"(C) repay all or part of a Carl D. Perkins Scholarship received under section 564 of this part plus interest and, if applicable, reasonable collection fees, in compliance with regulations issued by the Secretary under section 567 of this part, in the event that the conditions of clause (A) are not complied with, except as provided for in section 568 of this part;

"(5) provides that the agreement entered into with recipients shall fully disclose the terms and conditions under which assistance under this part is provided and under which repayment may be required. Such disclosure shall include—

"(A) a description of the procedures required to be established under paragraph (6); and

"(B) a description of the appeals procedures required to be established under paragraph (7) under which a recipient may appeal a determination of noncompliance with any provision under this part;

"(6) provides for procedures under which a recipient of assistance received under this part who teaches for less than the period required under paragraph (4)(A) will have the repayment requirements reduced or eliminated consistent with the provisions of sections 567 and 568 of this part;

"(7) provides for appeals procedures under which a recipient may appeal any determination of noncompliance with any provision under this part;

"(8) provides assurances that the State agency shall make particular efforts to attract students from low-income backgrounds or who express a willingness or desire to teach in

schools having less than average academic results or serving large numbers of economically disadvantaged students; and

“(9) provides assurances that Carl D. Perkins Scholarships will be awarded without regard to sex, race, handicapping condition, creed, or economic background.

“(c) The selection criteria and procedures to be used by the State shall reflect the present and projected teacher needs of the State, including the demand for and supply of elementary teachers in the State, the demand for and supply of secondary teachers in the State, and the demand for teachers with training in specific academic disciplines in the State.

“(d) In developing the selection criteria and procedures to be used by the State, the State shall solicit the views of State and local educational agencies, private educational institutions, and other interested parties. Such views—

“(1) shall be solicited by means of (A) written comments; and (B) publication of proposed selection criteria and procedures in final form for implementation; and

“(2) may be solicited by means of (A) public hearings on the teaching needs of elementary and secondary schools in the State (including the number of new teachers needed, the expected supply of new teachers, and the shortages in the State of teachers with training in specific academic disciplines); or (B) such other methods as the State may determine to be appropriate to gather information on such needs.

#### “AMOUNT AND DURATION OF AND RELATION TO OTHER ASSISTANCE

20 USC 1119d-3.

“SEC. 564. (a) Subject to subsection (c), each Carl D. Perkins Scholar shall receive a \$5,000 scholarship for each academic year of postsecondary education for study in preparation to become an elementary or secondary teacher. No individual shall receive scholarship assistance for more than four years of postsecondary education, as determined by the State agency.

Prohibition.

20 USC 1070.

“(b) Notwithstanding the provisions of title IV of this Act, scholarship funds awarded pursuant to this part shall be considered in determining eligibility for student assistance under title IV of this Act.

20 USC 1089.

“(c) Carl D. Perkins Scholarship assistance awarded by the statewide panel established pursuant to section 565 to any individual in any given year, when added to assistance received under title IV of this Act, shall not exceed the cost of attendance, as defined under section 482(d), at the institution the individual is attending. If the amount of the Carl D. Perkins Scholarship assistance and assistance received under title IV of this Act, exceeds the cost of attendance, the Carl D. Perkins Scholarship shall be reduced by an amount equal to the amount by which the combined awards exceed the cost of attendance.

Prohibition.

“(d) No individual shall receive an award under the Carl D. Perkins Scholarship established under this part, in any academic year, which shall exceed the cost of attendance, as defined under section 482(d), at the institution the individual is attending.

#### “SELECTION OF CARL D. PERKINS SCHOLARS

20 USC 1119d-4.

“SEC. 565. (a) Carl D. Perkins Scholars shall be selected by a seven-member statewide panel appointed by the chief State elected offi-

cial, acting in consultation with the State educational agency, or by an existing grant agency or panel designated by the chief State elected official and approved by the Secretary of Education. The statewide panel shall be representative of school administrators, teachers, and parents.

"(b) Selections of Carl D. Perkins Scholars shall be made from students who have graduated or who are graduating from high school and who rank in the top 10 per centum of their graduating class. The State educational agency shall make applications available to high schools in the State and in other locations convenient to applicants, parents, and others. The statewide panel shall develop criteria and procedures for the selection of Carl D. Perkins Scholars. Such criteria may include the applicant's high school grade point average, involvement in extracurricular activities, financial need, and expression of interest in teaching as expressed in an essay written by the applicant. The panel may also require the applicant to furnish letters of recommendation from teachers and others.

#### "SCHOLARSHIP CONDITIONS

"SEC. 566. Recipients of scholarship assistance under this part shall continue to receive such scholarship payments only during such periods that the State agency finds that the recipient is (A) enrolled as a full-time student in an accredited postsecondary institution; (B) pursuing a course of study leading to teacher certification; and (C) maintaining satisfactory progress as determined by the postsecondary institution the recipient is attending.

20 USC 1119d-5.

#### "SCHOLARSHIP REPAYMENT PROVISIONS

"SEC. 567. Recipients found by the State agency to be in noncompliance with the agreement entered into under section 563(b)(4) of this part shall be required to repay a pro rata amount of the scholarship awards received, plus interest and, where applicable, reasonable collection fees, on a schedule and at a rate of interest to be prescribed by the Secretary by regulations issued pursuant to this part.

20 USC 1119d-6.

#### "EXCEPTIONS TO REPAYMENT PROVISIONS

"SEC. 568. (a) A recipient shall not be considered in violation of the agreement entered into pursuant to section 563(b)(4)(C) if the recipient (1) returns to a full-time course of study related to the field of teaching at an eligible institution; (2) is serving, not in excess of three years, as a member of the armed services of the United States; (3) is temporarily totally disabled for a period of time not to exceed three years as established by sworn affidavit of a qualified physician; (4) is unable to secure employment for a period not to exceed twelve months by reason of the care required by a spouse who is disabled; (5) is seeking and unable to find full-time employment for a single period not to exceed twelve months; (6) is seeking and unable to find full-time employment as a teacher in a public elementary or secondary school or a public education program; or (7) satisfies the provisions of additional repayment exceptions that may be prescribed by the Secretary in regulations issued pursuant to this part.

20 USC 1119d-7.

"(b) A recipient shall be excused from repayment of any scholarship assistance received under this part if the recipient becomes



permanently totally disabled as established by sworn affidavit of a qualified physician.

**"FEDERAL ADMINISTRATION OF STATE PROGRAMS; JUDICIAL REVIEW**

20 USC 1119d-8.

"SEC. 569. (a) The Secretary shall not finally disapprove any application for a State program submitted under section 563, or any modification thereof, without first affording the State agency submitting the program reasonable notice and opportunity for a hearing.

"(b) Whenever the Secretary, after reasonable notice and opportunity for hearing to the State agency administering a State program approved under this part, finds—

"(1) that the State program has been so changed that it no longer complies with the provisions of this part, or

"(2) that in the administration of the program there is a failure to comply substantially with any such provisions, the Secretary shall notify such State agency that the State will not be regarded as eligible to participate in the program under this part until the Secretary is satisfied that there is no longer any such failure to comply.

"(c)(1) If any State is dissatisfied with the Secretary's final action under subsection (b) (1) or (2), such State may appeal to the United States court of appeals for the circuit in which such State is located. The summons and notice of appeal may be served at any place in the United States. The Secretary shall forthwith certify and file in the court the transcript of the proceedings and the record on which the action was based.

"(2) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify any previous action, and shall certify to the court the transcript and record of further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

**"PART F—NATIONAL TALENTED TEACHER FELLOWSHIP PROGRAM**

**"DECLARATION OF PURPOSE**

20 USC 1119e.

"SEC. 571. It is the purpose of this part to establish a national fellowship program for outstanding teachers.

**"AUTHORIZATION OF APPROPRIATIONS; ALLOCATION AMONG STATES**

20 USC 1119e-1.

"SEC. 572. There are authorized to be appropriated \$1,000,000 for fiscal year 1986, \$2,000,000 for fiscal year 1987, \$3,000,000 for fiscal year 1988, and \$4,000,000 for fiscal year 1989, for fellowships to outstanding teachers under this part. Not more than 2½ per centum of these funds shall be used for purposes of administering this part.

**"TALENTED TEACHER FELLOWSHIPS**

"SEC. 573. (a)(1) Except as provided under paragraph (3), sums available for the purpose of this part shall be used to award one national teacher fellowship to a public or private school teacher teaching in each congressional district of each State, and in the District of Columbia, and the Commonwealth of Puerto Rico; and one such fellowship in Guam, the Virgin Islands, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

20 USC 1119e-2.

"(2) Fellowship awards may not exceed the average national salary of public school teachers in the most recent year for which satisfactory data are available, as determined by the Secretary. Talented teacher fellows may not receive an award for two consecutive years. Subject to the repayment provisions of section 576, talented teacher fellows shall be required to return to a teaching position in their current school district or private school system for at least two years following the fellowship award.

Prohibition.

"(3) If the appropriation under section 572 is not sufficient to provide the number of fellowships required by paragraph (1) at the level required under paragraph (2), the Secretary shall determine and publish an alternative distribution of fellowships which will permit fellowship awards at that level and which is geographically equitable. The Secretary shall send a notice of such determination to each of the statewide panels established under section 574.

"(b) Talented teacher fellows may use such awards for such projects for improving public education as the Secretary may approve, including (1) sabbaticals for study or research directly associated with the objectives of this part, or academic improvement; (2) consultation with or assistance to other school districts or private school systems; (3) development of special innovative programs; or (4) model teacher programs and staff development.

**"SELECTION OF TALENTED TEACHER FELLOWSHIPS**

"SEC. 574. Recipients of talented teacher fellowship in each State shall be selected (in accordance with section 575) by a seven-member statewide panel appointed by the chief State elected official, acting in consultation with the State educational agency, or by an existing panel designated by the chief State elected official and approved by the Secretary of Education. The statewide panel shall be representative of school administrators, teachers, parents, and institutions of higher education.

20 USC 1119e-3.

**"EVALUATION OF APPLICATIONS**

"SEC. 575. (a) An applicant for talented teacher fellowship assistance shall submit proposals for projects under section 573(b), and shall indicate the extent to which the applicant wishes to continue current teaching duties. The applicant shall submit such proposals to the local education agency for comment prior to submission to the statewide panel (appointed under section 574) for the State within which the project is to be conducted. In evaluating proposals, such statewide panel shall consult with the local education agency, requesting two recommendations from teaching peers; a recommendation from the principal; and a recommendation of the superintendent on the quality of the proposal and its benefit to the local education agency; and any other criteria for awarding fellowships as

20 USC 1119e-4.

is considered appropriate by such statewide panel. Selection of fellows shall be made in accordance with regulations prescribed by the Secretary of Education.

“(b) Announcement of awards shall be made in a public ceremony.

#### “FELLOWSHIP REPAYMENT PROVISIONS

20 USC 1119e-5.

“SEC. 576. Repayment of the award shall be made to the Federal Government in the case of fraud or gross noncompliance.”.

#### MATH SCIENCE TECHNICAL AMENDMENT

*Ante*, p. 1301.

SEC. 702. Section 711 of the Education for Economic Security Act is amended by striking out “(a)” and by striking out subsection (b) of such section.

### TITLE VIII—FEDERAL MERIT SCHOLARSHIPS

#### AMENDMENT TO THE HIGHER EDUCATION ACT OF 1965

SEC. 801. (a) Part A of title IV of the Higher Education Act of 1965 (hereafter in this title referred to as “the Act”) is amended by redesignating subpart 6 as subpart 7 and by inserting after subpart 5 the following new subpart:

#### “Subpart 6—Federal Merit Scholarships

##### “STATEMENT OF PURPOSE

20 USC 1070d-31.

“SEC. 419A. It is the purpose of this subpart to establish a Federal Merit Scholarship Program to promote student excellence and achievement and to recognize exceptionally able students who show promise of continued excellence.

##### “DEFINITION

20 USC 1070d-32.

“SEC. 419B. For the purpose of this subpart—

20 USC 2854.

“(1) the term ‘secondary school’ has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965; and

“(2) the term ‘State’ means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

##### “SCHOLARSHIPS AUTHORIZED

Grants.

20 USC 1070d-33.

“SEC. 419C. (a) The Secretary is authorized, in accordance with the provisions of this subpart, to make grants to States to enable the States to award scholarships to individuals who have demonstrated outstanding academic achievement and who show promise of continued academic achievement.

“(b) Scholarships under this section shall be awarded for a period of one academic year for the first year of study at an institution of higher education.

“(c) A student awarded a scholarship under this subpart may attend any institution of higher education.

**"ALLOCATION AMONG STATES**

"SEC. 419D. From the sums appropriated pursuant to section 419K for any fiscal year, the Secretary shall allocate to each State having an agreement under section 419E—

20 USC 1070d-34.

"(1) \$1,500 multiplied by the number of individuals in the State eligible for merit scholarships pursuant to section 419G(b), plus

"(2) \$10,000, plus 5 percent of the amount to which a State is eligible under clause (1) of this section.

**"AGREEMENTS**

"SEC. 419E. The Secretary shall enter into an agreement with each State desiring to participate in the merit scholarship program authorized by this subpart. Each such agreement shall include provisions designed to assure that—

20 USC 1070d-35.

"(1) the State educational agency will administer the merit scholarship program authorized by this subpart in the State;

"(2) the State educational agency will comply with the eligibility and selection provisions of this subpart;

"(3) the State educational agency will conduct outreach activities to publicize the availability of Federal merit scholarships to all eligible students in the State, with particular emphasis on activities designed to assure that students from low-income and moderate-income families have access to the information on the opportunity for full participation in the merit scholarship program authorized by this subpart;

"(4) the State educational agency will pay to each individual in the State who is awarded a merit scholarship under this subpart \$1,500 at an awards ceremony in accordance with section 419I; and

"(5) the State educational agency will use the amount of the allocation described in clause (2) of section 419D for administrative expenses, including the conduct of the awards ceremony required by section 419I.

**"ELIGIBILITY OF MERIT SCHOLARS**

"SEC. 419F. (a) Each student awarded a scholarship under this subpart shall be a graduate of a public or private secondary school or have the equivalent of a certificate of graduation as recognized by the State in which the student resides and must have been admitted for enrollment at an institution of higher education.

20 USC 1070d-36.

"(b) Each student awarded a scholarship under this subpart must demonstrate outstanding academic achievement and show promise of continued academic achievement.

**"SELECTION OF MERIT SCHOLARS**

"SEC. 419G. (a) The State educational agency is authorized to establish the criteria for the selection of merit scholars under this subpart.

20 USC 1070d-37.

"(b) The State educational agency shall adopt selection procedures which are designed to assure that ten individuals will be selected from among residents of each congressional district in a State (and in the case of the District of Columbia and the Commonwealth of



Puerto Rico not to exceed ten individuals will be selected in such district or Commonwealth).

"(c) In carrying out its responsibilities under subsections (a) and (b), the State educational agency shall consult with school administrators, school boards, teachers, counselors, and parents.

#### "STIPENDS AND SCHOLARSHIP CONDITIONS

20 USC 1070d-38.

"SEC. 419H. (a) Each student awarded a merit scholarship under this subpart shall receive a stipend of \$1,500 for the academic year of study for which the scholarship is awarded.

"(b) The State educational agency shall establish procedures to assure that a merit scholar awarded a scholarship under this subpart pursues a course of study at an institution of higher education.

#### "AWARDS CEREMONY

20 USC 1070d-39.

"SEC. 419I. (a) The State educational agency shall make arrangements to award merit scholarships under this subpart at a place in each State which is convenient to the individuals selected to receive such scholarships. To the extent possible, the award shall be made by Members of the Senate and Members of the House of Representatives (by the Delegate in the case of the District of Columbia and the Resident Commissioner in the case of the Commonwealth of Puerto Rico) who represent the State, Commonwealth, or District, as the case may be, from which the individuals come.

"(b) The selection process shall be completed, and the awards made prior to the end of each secondary academic year.

#### "CONSTRUCTION OF NEEDS PROVISIONS

20 USC 1070d-40.

"SEC. 419J. Nothing in this subpart, or any other Act, shall be construed to permit the receipt of a merit scholarship under this subpart to be counted for any needs test in connection with the awarding of any grant or the making of any loan under this Act or any other provision of Federal law relating to educational assistance.

#### "AUTHORIZATION OF APPROPRIATIONS

20 USC 1070d-41.

"SEC. 419K. There are authorized to be appropriated \$8,000,000 for each of fiscal years 1986, 1987, and 1988 to carry out the provisions of this subpart."

20 USC 1070e.

(b)(1) Section 419 of the Act is redesignated as section 420.

20 USC 1070e-1.

(2) Section 420 of the Act is redesignated as section 420A.

Leadership in  
Educational  
Administration  
Development  
Act of 1984.

### TITLE IX—LEADERSHIP IN EDUCATIONAL ADMINISTRATION

#### SHORT TITLE; PURPOSE

20 USC 4201.

SEC. 901. (a) This title may be cited as the "Leadership in Educational Administration Development Act of 1984".

(b) It is the purpose of this title to improve the level of student achievement in elementary and secondary schools through the enhancement of the leadership skills of school administrators by establishing technical assistance centers for each State to promote the development of the leadership skills of elementary and secondary

school administrators with particular emphasis upon increasing access for minorities and women to administrative positions.

(c) It is the intention of Congress that contractors seeking to establish technical assistance and training centers should design programs which upgrade the skills of elementary and secondary school administrators in—

(1) enhancing the schoolwide learning environment by assessing the school climate, setting clear goals for improvement, and devising strategies for completing manageable projects with measurable objectives;

(2) evaluating the school curriculum in order to assess its effectiveness in meeting academic goals;

(3) developing skills in instructional analysis to improve the quality of teaching through classroom observation and supervision;

(4) mastering and implementing objective techniques for evaluating teacher performance; and

(5) improving communication, problem-solving, student discipline, time-management, and budgetary skills.

#### AUTHORIZATION OF APPROPRIATIONS

SEC. 902. (a) There are authorized to be appropriated to carry out this title for fiscal year 1985 and each succeeding fiscal year ending prior to October 1, 1990, such sums as may be necessary but not to exceed \$20,000,000 in any fiscal year.

20 USC 4202.

(b) Of the amount appropriated pursuant to subsection (a) for any fiscal year, the Secretary shall make available such amount, not less than \$150,000 for each State, as may be necessary for establishing and operating a technical assistance center in each State.

#### TECHNICAL ASSISTANCE CENTERS

SEC. 903. (a) The Secretary shall, subject to the availability of funds pursuant to section 902, enter into contracts with local educational agencies, intermediate school districts, State educational agencies, institutions of higher education, private management organizations, or nonprofit organizations (or consortium of such entities) for the establishment and operation of training centers in each State in accordance with the requirements of this section and section 904.

20 USC 4203.

(b) Each contract entered into under subsection (a) shall require the contractor—

(1) to make the services of the technical assistance center available to school administrators from any of the local educational agencies located within the State served by that contractor;

(2) to collect information on school leadership skills;

(3) to assess the leadership skills of individual participants based on established effective leadership criteria;

(4) to conduct training programs on leadership skills for new school administrators and to conduct training seminars on leadership skills for practicing school administrators, with particular emphasis on women and minority administrators;

(5) to operate consulting programs to provide within school districts advice and guidance on leadership skills;

(6) to maintain training curricula and materials on leadership skills drawing on expertise in business, academia, civilian and military governmental agencies, and existing effective schools;

(7) to conduct programs which—

(A) make available executives from business, scholars from various institutions of higher education, and practicing school administrators; and

(B) offer internships in business, industry, and effective school districts to school administrators, for the purpose of promoting improved leadership skills of such administrators;

(8) to disseminate information on leadership skills associated with effective schools; and

(9) to establish model administrator projects.

(c) In making a selection among applicants for any contract under this section, the Secretary shall take into account whether the applicant, if selected, would be able to operate its programs in a manner which would emphasize development of leadership skills identified by graduate schools of management and graduate schools of education.

#### GENERAL CRITERIA FOR CONTRACTS

20 USC 4204.

SEC. 904. (a) The following criteria shall apply to each contract:

(1) The contract shall assure the involvement of private sector managers and executives in the conduct of such programs.

(2) The contract shall contain assurances of an ongoing organizational commitment to carrying out the purposes of this title through (A) obtaining matching funds for such programs in cash or in kind at least equal in amount to the amount of funds provided under this title, (B) making inkind contributions to such programs, (C) demonstrating a commitment to continue to operate such programs after expiration of funding under this title, and (D) organizing a policy advisory committee including (but not limited to) representatives from business, private foundations, and local and State educational agencies.

(3) The contract shall demonstrate the level of development of human relations skills which its programs will instill by (A) identifying the credentials of the staff responsible for such development; (B) describing the manner in which such skills will be developed; and (C) describing the manner in which the program deals with human relations issues facing education administrators.

(4) The contract shall establish a system for the evaluation of the programs conducted.

(b) Each contract shall be for a term of three years. Such contract shall not be renewable, except that a single three-year extension may be granted if the contractor agrees to maintain the programs with assistance under this title reduced by one-half.

#### REGULATIONS

20 USC 4205.

SEC. 905. The Secretary is authorized to prescribe such regulations as may be necessary to carry out this title.

#### DEFINITIONS

20 USC 4206.

SEC. 906. For the purposes of this title—

(1) the term "Secretary" means the Secretary of Education;  
 (2) the term "institution of higher education" has the meaning provided by section 1201 of the Higher Education Act of 1965;

20 USC 1141.

(3) the term "school administrator" means a principal, assistant principal, district superintendent, and other local school administrators;

(4) the term "local educational agency" has the meaning provided by section 595 of the Education Consolidation and Improvement Act of 1981; and

20 USC 3875.

(5) the term "leadership skills" includes, but is not limited to, managerial, administrative, evaluative, communication and disciplinary skills and related techniques.

## TITLE X—NATIVE AMERICAN PROGRAMS

### SHORT TITLE

SEC. 1001. This title may be cited as the "Native American Programs Act Amendments of 1984".

Native  
American  
Programs Act  
Amendments of  
1984.  
42 USC 2991  
note.

### DISTRIBUTION OF FINANCIAL ASSISTANCE

SEC. 1002. (a) Section 803(a) of the Native American Programs Act of 1974 is amended by adding at the end thereof the following: "Every determination made with respect to a request for financial assistance under this section shall be made without regard to whether the agency making such request serves, or the project to be assisted is for the benefit of, Indians who are not members of a federally recognized tribe. To the greatest extent practicable, the Secretary shall ensure that each project to be assisted under this title is consistent with the priorities established by the agency which receives such assistance."

42 USC 2991b.

(b) Section 803(c) of the Native American Programs Act of 1974 is amended—

(1) by inserting "(1)" after "(c)", and

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

"(2) No project may be disapproved for assistance under this title solely because the agency requesting such assistance is an Indian organization in a nonreservation area or serves Indians in a nonreservation area."

### ADMINISTRATION OF PROGRAMS

SEC. 1003. Section 812 of the Native American Programs Act of 1974 is amended to read as follows:

42 USC 2992b.

#### "ADMINISTRATION; DELEGATION OF AUTHORITY

"SEC. 812. (a)(1) The general administration of the programs authorized by this Act shall remain within the Department of Health and Human Services and, notwithstanding any authority under any other law, may not be transferred outside of such Department.

"(2) The Secretary shall continue to administer grants under section 803 through the Administration for Native Americans. The Commissioner of such Administration may not delegate outside of the Administration the functions, powers, and duties of the Commissioner to carry out such section.

42 USC 2991b.



"(b)(1) Except as provided in subsection (a)(2), the Secretary may delegate only to the heads of agencies within the Department of Health and Human Services any of the functions, powers, and duties of the Secretary under this title and may authorize the redelegation only within such Department of such functions, powers, and duties by the heads of such agencies.

42 USC 2991b.

"(2) Funds appropriated to carry out this title, other than section 803, may be transferred between such agencies if such funds are used for the purposes for which they are authorized and appropriated.

"(c) Nothing in this section shall be construed to prohibit inter-agency funding agreements made between the Administration for Native Americans and other agencies of the Federal Government for the development and implementation of specific grants or projects."

#### DEFINITIONS

42 USC 2992c.

SEC. 1004. Section 813 of the Native American Programs Act of 1974 is amended—

(1) in paragraph (3) by striking out the period and inserting in lieu thereof "; and", and

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

"(4) 'Secretary' means the Secretary of Health and Human Services."

#### EXPENDITURE OF AVAILABLE FUNDS

42 USC 2992d.

SEC. 1005. Section 814 of the Native American Programs Act of 1974 is amended—

(1) by striking out "1981" and inserting in lieu thereof "1986",

(2) by inserting "(a)" after "Sec. 814.", and

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

"(b) Not less than 90 per centum of the funds made available to carry out the provisions of this title for a fiscal year shall be expended to carry out section 803(a) for such fiscal year."

Ante, p. 2905.

Approved October 30, 1984.

#### LEGISLATIVE HISTORY—S. 2565:

SENATE REPORT No. 98-484 (Comm. on Labor and Human Resources).

CONGRESSIONAL RECORD, Vol. 130 (1984):

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