

Public Law 98-480
98th Congress

An Act

Oct. 17, 1984
[H.R. 2878]

To amend and extend the Library Services and Construction Act.

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

Grants.

TITLE I—LIBRARY SERVICES AND CONSTRUCTION

Library
Services and
Construction Act
Amendments
of 1984.

SHORT TITLE; FINDINGS

20 USC 351 note.

SEC. 101. (a) This title may be cited as the "Library Services and Construction Act Amendments of 1984".

20 USC 351 note.

(b) The Congress finds that—

(1) the role of libraries has expanded to include (A) providing programs to meet the needs of special segments of the population, including librarian training and outreach programs, (B) providing literacy training for illiterate and functionally illiterate adults, and (C) sharing resources and materials among a wide variety of libraries;

(2) it has become necessary to expand the role of libraries as information centers for their communities, utilizing improved and new technologies and resources to meet the increasing need for information services and educational resources of Americans in a rapidly changing economy;

(3) funding for construction of new libraries and renovation of existing libraries is essential to ensure continuation of library services for the public;

(4) attention should be paid to the needs of small and rural community libraries and information centers because these facilities are often underfunded and understaffed and as a consequence cannot adequately serve the needs of the community; and

20 USC 351 note.

(5) the scope and purpose of the Library Services and Construction Act should therefore be revised to include a more comprehensive range of programs which may receive funds thereunder and to ensure the extension of services to minorities and other populations that would otherwise be unable to use regular library facilities.

DECLARATION OF PURPOSE

20 USC 351.

SEC. 102. (a) Section 2(a) of the Library Services and Construction Act (hereafter in this title referred to as "the Act") is amended to read as follows:

Indians.

"SEC. 2. (a) It is the purpose of this Act to assist the States in the extension and improvement of public library services to areas and populations of the States which are without such services or to which such services are inadequate and to assist Indian tribes in planning and developing library services to meet their needs. It is the further purpose of this Act to assist with (1) public library

construction and renovation; (2) improving State and local public library services for older Americans, and for handicapped, institutionalized, and other disadvantaged individuals; (3) strengthening State library administrative agencies; (4) promoting interlibrary cooperation and resource sharing among all types of libraries; (5) strengthening major urban resource libraries; and (6) increasing the capacity of libraries to keep up with rapidly changing information technology.”.

(b) Section 2(b) of the Act is amended by inserting “and Indian tribes” before the period at the end of the second sentence.

Aged persons.
Handicapped persons.
Disadvantaged persons.

Indians.
20 USC 351.

DEFINITIONS; ADMINISTRATIVE AMENDMENT

SEC. 103. (a) Section 3 of the Act is amended—

(1) by striking out paragraph (1) and inserting in lieu thereof the following:

“(1) ‘Secretary’ means the Secretary of Education.”;

(2) by inserting after the first sentence in paragraph (2) the following new sentence: “Such term includes remodeling to meet standards under the Act of August 12, 1968, commonly known as the ‘Architectural Barriers Act of 1968’, remodeling designed to conserve energy, renovation or remodeling to accommodate new technologies, and the purchase of existing historic buildings for conversion to public libraries.”;

(3) by inserting “the Northern Mariana Islands,” after “the Virgin Islands,” in paragraph (7);

(4) by striking out the parenthetical in paragraph (9) and inserting in lieu thereof the following: “(including mentally retarded, hearing impaired, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health impaired persons who by reason thereof require special education)”;

(5) by adding at the end thereof the following new paragraphs:

“(15) ‘Indian tribe’ means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, as determined by the Secretary after consultation with the Secretary of the Interior.

“(16) ‘Hawaiian native’ means any individual any of whose ancestors were natives prior to 1778 in the area which now comprises the State of Hawaii.”.

(b) The Act is amended—

(1) by striking out “Commissioner” each place it appears and inserting in lieu thereof “Secretary”; and

(2) by striking out “Commissioner’s” each place it appears and inserting in lieu thereof “Secretary’s”.

20 USC 351a.

42 USC 4151
note.

43 USC 1601
note.

AUTHORIZATION OF APPROPRIATIONS

SEC. 4. (a) Section 4(a) of the Act is amended to read as follows: “SEC. 4. (a) There are authorized to be appropriated—

“(1) for the purpose of making grants as provided in title I, \$75,000,000 for fiscal year 1985, \$80,000,000 for fiscal year 1986,

20 USC 351b.

20 USC 352.

- \$85,000,000 for fiscal year 1987, \$90,000,000 for fiscal year 1988, and \$95,000,000 for fiscal year 1989;
- 20 USC 355a. “(2) for the purpose of making grants as provided in title II, \$50,000,000 for each of the fiscal years 1985, 1986, 1987, 1988, and 1989;
- 20 USC 355e. “(3) for the purpose of making grants as provided in title III, \$20,000,000 for fiscal year 1985, \$25,000,000 for fiscal year 1986, \$30,000,000 for fiscal year 1987, \$35,000,000 for fiscal year 1988, and \$30,000,000 for fiscal year 1989;
- Post*, p. 2244. “(4) for the purpose of making grants as provided in title V, \$1,000,000 for each of the fiscal years 1985, 1986, 1987, and 1988; and
- Post*, p. 2245. “(5) for the purpose of making grants as provided in title VI, \$5,000,000 for each of the fiscal years 1985, 1986, 1987, and 1988.
- Post*, p. 2243. There shall be available for the purpose of making grants under title IV for each of the fiscal years 1985, 1986, 1987, 1988, and 1989, 1.5 per centum of the amount appropriated pursuant to each of clauses (1), (2), and (3) for each such fiscal year. There shall be available for the purpose of making grants under section 5(d) for such fiscal years 0.5 per centum of the amount appropriated pursuant to each of such clauses for each such fiscal year.”
- 20 USC 351b. (b) Section 4 of the Act is further amended by adding at the end thereof the following new subsection:
- “(c)(1) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in an appropriation Act for the fiscal year preceding the fiscal year for which they are first available for obligation.
- “(2) In order to effect a transition to the advance funding method of timing appropriation action, the provisions of this subsection shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.”

ALLOTMENTS TO STATES AND INDIAN TRIBES

- 20 USC 351c. SEC. 105. Section 5 of the Act is amended—
- (1) by inserting “AND INDIAN TRIBES” after “STATES” in the heading of such section;
- (2) by striking out “paragraph (1), (2), (3), or (4)” each place it appears in subsection (a) and inserting in lieu thereof “clause (1), (2), or (3)”;
- (3) by inserting “the Northern Mariana Islands,” after “the Virgin Islands,” each place it appears in subsection (a)(3);
- (4) in subsection (a)(3), by inserting “and” at the end of clause (B), by striking out “; and” at the end of clause (C), and inserting in lieu thereof a period, and by striking out clause (D);
- (5) in subsection (b), by striking out “paragraph (1), (2), or (3)” and inserting in lieu thereof “clause (1), (2), or (3)”;
- (6) by adding at the end thereof the following new subsections:
- “(c)(1) From the sums available pursuant to the second sentence of section 4(a) for any fiscal year, the Secretary shall allot an equal amount to each Indian tribe. Grants from such allotted amounts shall be made to Indian tribes which have submitted approved applications under section 403.
- Ante*, p. 2237.
- Post*, p. 2244.

“(2) Any allotted funds for which an Indian tribe does not apply, or applies but does not qualify, shall be reallocated by the Secretary among Indian tribes which have submitted approved plans under section 404. In making such allocations (A) no funds shall be allocated to an Indian tribe unless such funds will be administered by a librarian, and (B) the Secretary shall take into account the needs of Indian tribes for such allocations to carry out the activities described in section 402(b).

Post, p. 2244.

“(d)(1) From the sums available pursuant to the last sentence of section 4(a) for any fiscal year, the Secretary shall make grants to organizations primarily serving and representing Hawaiian natives that are recognized by the Governor of the State of Hawaii.

Post, p. 2243.

“(2) Grants under this subsection shall be made on the basis of applications and plans submitted by such organizations that are consistent with the requirements imposed pursuant to sections 403 and 404. Funds made available by grants under this subsection may be used for the purposes specified in clauses (1) through (8) of section 402(a). Section 402(c) shall apply with respect to the cultural materials of Hawaiian natives.”

Ante, p. 2237.

Post, p. 2244.

Post, p. 2244.

Post, p. 2243.

PLANS AND PROGRAMS

SEC. 106. Section 6 of the Act is amended—

20 USC 351d.

(1) by striking out “STATE” in the heading of such section;

(2) by striking out “titles I, II, III, and IV” in subsection (a) and inserting in lieu thereof “titles I, II, and III”;

(3) by striking out clause (4) of subsection (b) and inserting in lieu thereof the following:

“(4) provide that priority will be given to programs and projects—

“(A) that improve access to public library resources and services for the least served populations in the State, including programs for individuals with limited English-speaking proficiency or handicapping conditions, and programs and projects in urban and rural areas;

“(B) that serve the elderly;

“(C) that are designed to combat illiteracy; and

“(D) that increase services and access to services through effective use of technology.”; and

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

“(g)(1) Any Indian tribe desiring to receive its allotment under section 5(c)(1) shall submit an application to the Secretary in accordance with section 403.

Ante, p. 2238.

Post, p. 2244.

“(2) Any Indian tribe desiring to receive an additional allocation under section 5(c)(2) shall submit a plan in accordance with section 404.”

Ante, p. 2238.

Post, p. 2244.

PAYMENTS

SEC. 107. Section 7 of the Act is amended—

20 USC 351e.

(1) by striking out “TO STATES” in the heading of such section;

(2) by striking out “paragraph (1), (2), (3), or (4)” in subsection (a) and inserting in lieu thereof “clause (1), (2), or (3)”;

(3) by striking out “and title IV” in subsection (b)(1);

(4) by inserting “and the Northern Mariana Islands” after “American Samoa,” in subsection (b)(1);

(5) by inserting “the Northern Mariana Islands,” after “the Virgin Islands,” in subsection (b)(2); and

(6) by adding at the end thereof the following new subsection:
 “(c) From the sums available pursuant to the second sentence of section 4(a), the Secretary shall pay to each Indian tribe which has an approved application under section 403 an amount equal to such tribe’s allotment under section 5(c)(1) and shall pay to each Indian tribe which has an approved plan under section 404 an amount equal to such tribe’s additional allocation under section 6(g)(2), except that such additional allocation shall not exceed 80 percent of the cost of carrying out such plan.”.

Ante, p. 2237.
Post, p. 2244.
Ante, p. 2238.
Post, p. 2244.
Ante, p. 2239.

ADMINISTRATIVE COST

20 USC 351f. SEC. 108. Section 8 of the Act is amended to read as follows:

“ADMINISTRATIVE COST

20 USC 352,
 355a.
 20 USC 355e.

“SEC. 8. A State may expend funds received under titles I and II for administrative costs in connection with programs and activities carried out under titles I, II, and III, but such administrative expenditures under such titles for any fiscal year may not exceed the greater of (1) 6 per centum of the sum of the amounts allotted to such State under such titles for such fiscal year, or (2) \$60,000.”.

GRANTS FOR LIBRARY SERVICE

20 USC 352. SEC. 109. Section 101 of the Act is amended to read as follows:

“GRANTS TO STATES FOR LIBRARY SERVICES

Ante, p. 2237.
Ante, p. 2239.
Post, p. 2241.

“SEC. 101. The Secretary shall carry out a program of making grants from sums appropriated pursuant to section 4(a)(1) to States which have approved basic State plans under section 6 and have submitted annual programs under section 103—

“(1) for the extension of public library services to areas and populations without such services and the improvement of such services to areas and populations to ensure that such services are adequate to meet user needs and to make library services accessible to individuals who, by reason of distance, residence, handicap, age, literacy level, or other disadvantage, are unable to receive the benefits of public library services regularly made available to the public;

“(2) for adapting public library services to meet particular needs of individuals within the States;

“(3) for assisting libraries to serve as community information referral centers;

“(4) for assisting libraries in providing literacy programs for adults and school dropouts in cooperation with other agencies and organizations, if appropriate;

“(5) for strengthening State library administrative agencies; and

“(6) for strengthening major urban resource libraries.”.

USES OF FEDERAL FUNDS

20 USC 353.

SEC. 110. Section 102(a)(1) of the Act is amended by inserting “assist libraries to serve as community centers for information and referral and to” after “designed to”.

STATE LIBRARY SERVICE PROGRAM

SEC. 111. Section 103 of the Act is amended—

20 USC 354.

(1) by inserting after "handicapped" in clause (3) the following: "and institutionalized individuals";

(2) by redesignating clauses (4) and (5) as clauses (6) and (7), respectively, and inserting after clause (3) the following:

"(4) describe the uses of funds for programs for the elderly, which may include (A) the training of librarians to work with the elderly; (B) the conduct of special library programs for the elderly particularly for the elderly who are handicapped; (C) the purchase of special library materials for use by the elderly; (D) the payment of salaries for elderly persons who wish to work in libraries as assistants on programs for the elderly; (E) the provision of in-home visits by librarians and other library personnel to the elderly; (F) the establishment of outreach programs to notify the elderly of library services available to them; and (G) the furnishing of transportation to enable the elderly to have access to library services;

"(5) describe the manner in which funds for programs for handicapped individuals will be used to make library services more accessible to such individuals;" and

(3) by adding at the end thereof the following new sentence: "The amount which a State is required to expend pursuant to clause (3) of this section shall be ratably reduced to the extent that Federal allocations to the State are reduced."

CONSTRUCTION: USE OF FUNDS

SEC. 112. (a) Section 202 of the Act is amended by striking out the second sentence and inserting in lieu thereof the following: "Such grants shall be used for the construction (as defined in section 3(2)) of public libraries."

20 USC 355b.

(b)(1) Section 202 of the Act is further amended by inserting "(a)" after "SEC. 202." and by adding at the end thereof the following new subsections:

"(b) For the purposes of subsection (a), the Federal share of the cost of construction of any project assisted under this title shall not exceed one-half of the total cost of such project.

"(c) If, within 20 years after completion of construction of any library facility which has been constructed in part with funds made available under this title—

"(1) the recipient (or its successor in title or possession) ceases or fails to be a public or nonprofit institution, or

"(2) the facility ceases to be used as a library facility, unless the Secretary determines that there is good cause for releasing the institution from its obligation,

the United States shall be entitled to recover from such recipient (or successor) an amount which bears the same ratio to the value of the facility at that time (or part thereof constituting an approved project or projects) as the amount of the Federal grant bore to the cost of such facility (or part thereof). The value shall be determined by the parties or by action brought in the United States district court for the district in which the facility is located."

Courts, U.S.

(2) Subsection (c) of section 202 of the Act as added by the amendment made by paragraph (1) of this subsection shall apply to

20 USC 355b
note.

20 USC 355a. any facility constructed prior to or after the date of enactment of this Act with funds made available under title II of the Act.

INTERLIBRARY COOPERATION AND RESOURCE SHARING

20 USC prec. 355e. SEC. 113. (a) The heading of title III of the Act is amended by inserting "AND RESOURCE SHARING" after "INTERLIBRARY COOPERATION".

20 USC 355e. (b) Section 301 of the Act is amended—
 (1) by striking out "section 6 and" and inserting in lieu thereof "section 6,"; and

(2) by inserting before the period at the end thereof a comma and the following: "and have submitted long-range and annual programs which are directed toward eventual compliance with the requirements of section 304".

Infra.

20 USC 355e-2. (c) Section 303 of the Act is amended by inserting "shall comply with the requirements of section 304," after "by regulation and" in the second sentence.

(d) Title III of the Act is further amended by adding at the end thereof the following new section:

"RESOURCE SHARING

20 USC 355e-3. "SEC. 304. (a) The long-range program and annual program of each State shall include a statewide resource sharing plan which is directed toward eventual compliance with the provisions of this section.

"(b) In developing the State basic and long-range programs, the State library agency with the assistance of the State advisory council on libraries shall consider recommendations from current and potential participating institutions in the interlibrary and resource sharing programs authorized by this title.

"(c) The State's long-range program shall identify interlibrary and resource sharing objectives to be achieved during the period covered by the basic and long-range plans required by section 6. The long-range program may include—

Ante, p. 2239.

"(1) criteria for participation in statewide resource sharing to ensure equitable participation by libraries of all types that agree to meet requirements for resource sharing;

"(2) an analysis of the needs for development and maintenance of bibliographic access, including data bases for monographs, serials, and audiovisual materials;

"(3) an analysis of the needs for development and maintenance of communications systems for information exchange among participating libraries;

"(4) an analysis of the needs for development and maintenance of delivery systems for exchanging library materials among participating libraries;

"(5) a projection of the computer and other technological needs for resource sharing;

"(6) an identification of means which will be required to provide users access to library resources, including collection development and maintenance in major public, academic, school, and private libraries serving as resource centers;

"(7) a proposal, where appropriate, for the development, establishment, demonstration, and maintenance of intrastate multitype library systems;

“(8) an analysis of the State’s needs for development and maintenance of links with State and national resource sharing systems; and

“(9) a description of how the evaluations required by section 6(d) will be conducted.

“(d) Libraries participating in resource sharing activities under this section may be reimbursed for their expenses in loaning materials to public libraries.”.

LIBRARY SERVICES FOR INDIAN TRIBES

SEC. 114. Title IV of the Act is amended to read as follows:

“TITLE IV—LIBRARY SERVICES FOR INDIAN TRIBES

“FINDINGS AND PURPOSE; AUTHORIZATION OF GRANTS

“SEC. 401. (a) The Congress finds that—

20 USC 361.

“(1) most Indian tribes receive little or no funds under titles I, II, and III of this Act;

20 USC 352,
355a, 355e.

“(2) Indian tribes and reservations are generally considered to be separate nations and seldom are eligible for direct library allocations from States;

“(3) the vast majority of Indians living on or near reservations do not have access to adequate libraries or have access to no libraries at all; and

“(4) this title is therefor required specifically to promote special efforts to provide Indian tribes with library services.

“(b) It is therefor the purpose of this title (1) to promote the extension of public library services to Indian people living on or near reservations; (2) to provide incentives for the establishment and expansion of tribal library programs; and (3) to improve the administration and implementation of library services for Indians by providing funds to establish and support ongoing library programs.

“(c) The Secretary shall carry out a program of making grants from allotments under section 5(c)(1) to Indian tribes that have submitted an approved application under section 403 for library services to Indians living on or near reservations.

Ante, p. 2238.
Post, p. 2244.

“(d) The Secretary shall carry out a program of making special project grants from funds available under section 5(c)(2) to Indian tribes that have submitted approved plans for the provision of library services as described in section 404.

Ante, p. 2238.
Post, p. 2244.

“USE OF FUNDS

“SEC. 402. (a) Funds made available by grant under subsection (c) or (d) of section 401 may be used for—

20 USC 362.
Supra.

“(1) inservice or preservice training of Indians as library personnel;

“(2) purchase of library materials;

“(3) conduct of special library programs for Indians;

“(4) salaries of library personnel;

“(5) construction, purchase, renovation, or remodeling of library buildings and facilities;

“(6) transportation to enable Indians to have access to library services;

“(7) dissemination of information about library services;

“(8) assessment of tribal library needs; and

“(9) contracts to provide public library services to Indians living on or near reservations or to accomplish any of the activities described in clauses (1) through (8).

“(b) Any tribe that supports a public library system shall continue to expend from Federal, State, and local sources an amount not less than the amount expended by the tribe from such sources for public library services during the second fiscal year preceding the fiscal year for which the determination is made.

“(c) Nothing in this Act shall be construed to prohibit restricted collections of tribal cultural materials with funds made available under this Act.

“APPLICATIONS FOR LIBRARY SERVICES TO INDIANS

20 USC 363.
Ante, p. 2238.

“SEC. 403. Any Indian tribe which desires to receive its allotment under section 5(c)(1) shall submit an application which contains such information as the Secretary may require by regulation.

“PLANS FOR LIBRARY SERVICES TO INDIANS

20 USC 364.
Ante, p. 2238.

“SEC. 404. Any Indian tribe which desires to receive a special project grant from funds available under section 5(c)(2) shall submit a plan for library services on or near an Indian reservation. Such plans shall be submitted at such time, in such form, and contain such information as the Secretary may require by regulation and shall set forth a program for the year under which funds paid to the Indian tribe will be used, consistent with—

Ante, p. 2243.

“(1) a long-range program, and
“(2) the purposes set forth in section 402(a).

“COORDINATION WITH PROGRAMS FOR INDIANS

20 USC 365.

“SEC. 405. The Secretary, with the Secretary of the Interior, shall coordinate programs under this title with the programs assisted under the various Acts and programs administered by the Department of the Interior that pertain to Indians.”

FOREIGN LANGUAGE MATERIALS AND LITERACY PROGRAMS

SEC. 115. The Act is further amended by adding at the end thereof the following new titles:

“TITLE V—FOREIGN LANGUAGE MATERIALS ACQUISITION

“GRANTS FOR FOREIGN LANGUAGE MATERIAL ACQUISITION

20 USC 371.
Ante, p. 2237.

“SEC. 501. (a) The Secretary shall carry out a program of making grants from sums appropriated pursuant to section 4(a)(4) to State and local public libraries for the acquisition of foreign language materials.

“(b) Recipients of grants under this title shall be selected on a competitive basis.

“(c) No grant under this title for any fiscal year shall exceed \$15,000.

"TITLE VI—LIBRARY LITERACY PROGRAMS

"STATE AND LOCAL LIBRARY GRANTS

"SEC. 601. (a) The Secretary shall carry out a program of making grants from sums appropriated pursuant to section 4(a)(5) to State and local public libraries for the purposes of supporting literacy programs.

20 USC 375.
Ante, p. 2237.

"(b) Grants to State public libraries under this title shall be for the purposes of—

- "(1) coordinating and planning library literacy programs; and
- "(2) making arrangements for training librarians and volunteers to carry out such programs.

"(c) Grants to local public libraries shall be for the purposes of—

- "(1) promoting the use of the voluntary services of individuals, agencies, and organizations in providing literacy programs;
- "(2) acquisition of materials for literacy programs; and
- "(3) using library facilities for such programs.

"(d) Recipients of grants under this title shall be selected on a competitive basis.

"(e) No grant under this title for any fiscal year shall exceed \$25,000."

TITLE II—HOWARD UNIVERSITY ENDOWMENT

SHORT TITLE

SEC. 201. This title may be cited as the "Howard University Endowment Act".

Howard
University
Endowment Act.

DEFINITIONS

SEC. 202. For purposes of this title—

- (1) the term "endowment fund" means a fund, or a tax exempt foundation, established and maintained by Howard University for the purpose of generating income for its support, but which shall not include real estate;
- (2) the term "endowment fund corpus" means an amount equal to the grants awarded under this title plus an amount equal to such grants provided by Howard University;
- (3) the term "endowment fund income" means an amount equal to the total value of the endowment fund established under this title minus the endowment fund corpus;
- (4) the term "Secretary" means the Secretary of Education; and
- (5) the term "University" means the Howard University established by the Act of March 2, 1867.

20 USC 130aa
note.

20 USC 130aa.

14 Stat. 438.

PROGRAM AUTHORIZED

SEC. 203. (a) The Secretary is authorized to establish an endowment program, in accordance with the provisions of this title, for the purpose of establishing or increasing endowment funds, providing additional incentives to promote fundraising activities, and encouraging independence and self-sufficiency at the University.

20 USC 130aa-1.

(b)(1) From the funds appropriated pursuant to this title for endowments in any fiscal year for the University, the Secretary is

authorized to make grants to Howard University. The Secretary may enter into agreements with the University and include in any agreement made pursuant to this title such provisions deemed necessary by the Secretary to assure that the purposes of this title will be achieved.

(2) The University may receive a grant under this section only if it has deposited in the endowment fund established under this title an amount equal to such grant and has adequately assured the Secretary that it will administer the endowment fund in accordance with the requirements of this title. The source of funds for this institutional match shall not include Federal funds or funds derived from an existing endowment fund.

(3) The period of any grant under this section shall not exceed twenty years, and during such period the University shall not withdraw or expend any of its endowment fund corpus. Upon the expiration of any grant period, the University may use the endowment fund corpus plus any endowment fund income for any educational purpose.

INVESTMENTS

20 USC 130aa-2. SEC. 204. (a) The University shall invest its endowment fund corpus and endowment fund income in those low-risk instruments and securities in which a regulated insurance company may invest under the law of the District of Columbia, such as federally insured bank savings account or comparable interest bearing account, certificate of deposit, money market fund, mutual fund, or obligations of the United States.

(b) The University, in investing its endowment fund corpus and income, shall exercise the judgment and care, under circumstances then prevailing, which a person of prudence, discretion, and intelligence would exercise in the management of his own business affairs.

WITHDRAWALS AND EXPENDITURES

20 USC 130aa-3. SEC. 205. (a) The University may withdraw and expend its endowment fund income to defray any expenses necessary to its operation, including expenses of operations and maintenance, administration, academic and support personnel, construction and renovation, community and student services programs, technical assistance, and research. No endowment fund income or corpus may be used for any type of support of the executive officers of the University or for any commercial enterprise or endeavor entered into after January 1, 1981. Except as provided in subsection (b), the University shall not, in the aggregate, withdraw or expend more than 50 per centum of the total aggregate endowment fund income earned prior to the time of withdrawal or expenditure.

(b) The Secretary is authorized to permit the University to withdraw or expend more than 50 per centum of its total aggregate endowment income whenever the University demonstrates such withdrawal or expenditure is necessary because of—

(A) a financial emergency, such as a pending insolvency or temporary liquidity problem;

(B) a life-threatening situation occasioned by a natural disaster or arson; or

(C) another unusual occurrence or exigent circumstance.

(c)(1) If the University withdraws or expends more than the endowment fund income authorized by this section, the University shall repay the Secretary an amount equal to 50 per centum of the amount improperly expended (representing the Federal share thereof).

(2) The University shall not withdraw or expend any endowment fund corpus. If the University withdraws or expends any endowment fund corpus, the University shall repay the Secretary an amount equal to 50 per centum of the amount withdrawn or expended (representing the Federal share thereof) plus any income earned thereon.

ENFORCEMENT

SEC. 206. (a) After notice and an opportunity for a hearing, the Secretary is authorized to terminate and recover any grant awarded under this title if the University—

20 USC 130aa-4.

(1) withdraws or expends any endowment fund corpus, or any endowment fund income in excess of the amount authorized by section 205;

(2) fails to invest its endowment fund corpus or income in accordance with the investment standards set forth in section 204; or

(3) fails to account properly to the Secretary concerning investments and expenditures of its endowment fund corpus or income.

(b) If the Secretary terminates a grant under subsection (a), the University shall return to the Treasury of the United States an amount equal to the sum of the original grant or grants under this Act plus any income earned thereon. The Secretary may direct the University to take such other appropriate measures to remedy any violation of this title and to protect the financial interest of the United States.

AUTHORIZATION OF APPROPRIATIONS

SEC. 207. There is authorized to be appropriated \$2,000,000 for the purposes authorized under section 203. Funds appropriated under this section shall remain available until expended.

20 USC 130aa-5.

CONFORMING AMENDMENTS

SEC. 208. Section 8 of the Act of March 2, 1867, entitled "An Act to incorporate the Howard University in the District of Columbia" (ch. 162, 14 Stat. 439, 20 U.S.C. 123, as amended by Public Law 70-634, 45 Stat. 1021, and by Public Law 79-615, 60 Stat. 871) is further amended by inserting "endowment," after "improvement,".

EFFECTIVE DATE

SEC. 209. This title shall take effect on October 1, 1984.

20 USC 130aa
note.

TITLE III—HIGHER EDUCATION PROJECTS

LIBRARY PROJECT AUTHORIZED

SEC. 301. (a) The Secretary of Education (hereafter in this title referred to as the "Secretary") is authorized to provide financial

University of
Hartford,
Hartford, Conn.

assistance, in accordance with the provisions of this section, to pay all of the cost of construction, and related expenses, for an addition to the William H. Mortensen Library at the University of Hartford located at Hartford, Connecticut, to enable the University of Hartford to house a collection of materials relating to Presidential campaigns and to American political history, known as the Presidential Americana, together with other collections.

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

(c) There are authorized to be appropriated such sums, not to exceed \$6,500,000, as may be necessary to carry out the provisions of this section. Funds appropriated pursuant to this section shall remain available until expended.

Appropriation
authorization.

HUMAN DEVELOPMENT CENTER FACILITY AUTHORIZED

University of
Kansas,
Lawrence,
Kans.
Handicapped
persons.

SEC. 302. (a) The Secretary is authorized, in accordance with the provisions of this section, to provide financial assistance to the University of Kansas located in Lawrence, Kansas, to pay the Federal share of the cost of construction and related costs for a human development center facility at the University of Kansas, to be used as a national research and training resource for individuals acquiring expertise in the rehabilitation, education, parent training, employment, independent living, and public policy concerns of handicapped individuals and their families, and as a treatment resource for handicapped persons and their families.

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

(c) There are authorized to be appropriated such sums, not to exceed \$9,000,000, as may be necessary to carry out the provisions of this section. Funds appropriated pursuant to this section shall remain available until expended.

Appropriation
authorization.

CARL VINSON INSTITUTE OF GOVERNMENT AUTHORIZED

University of
Georgia, Athens,
Ga.

SEC. 303. (a) In recognition of the public service of Representative Carl Vinson, in order to enhance the program of service to State and local governments in Georgia and in other States provided by the Carl Vinson Institute of Government of the University of Georgia, and in order to preserve a historic landmark that provided special education opportunities for young women in Georgia and in other States at a time when such opportunities were limited or nonexistent, the Secretary is authorized, in accordance with the provisions of this section, to provide financial assistance to the State of Georgia to renovate the physical facilities of the former Lucy Cobb Institute for Girls in Athens, Georgia, for the purpose of providing a center for the Carl Vinson Institute of Government of the University of Georgia.

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

(c) There are authorized to be appropriated \$3,500,000 to carry out the provisions of this section. Funds appropriated pursuant to this section shall remain available until expended.

Appropriation
authorization.

JOHN W. MCCORMACK INSTITUTE OF PUBLIC AFFAIRS

SEC. 304. (a) In recognition of the public service of the former Speaker of the United States House of Representatives, John W. McCormack, and of the pressing need for national centers for applied public policy research, the Secretary is authorized to provide funds in accordance with the provisions of this section to assist in the development of the John W. McCormack Institute of Public Affairs, located at the University of Massachusetts, Boston, Massachusetts.

University of
Massachusetts,
Boston, Mass.

(b) No payment may be made under this section except upon an application at such time, in such manner, and containing or accompanied by such information as the Secretary may require in order to certify the amount of eligible funds. All such payments may be used in furtherance of the mission of the McCormack Institute, which is defined as research, instruction, and civil education related to public policy and the role of representative government in the United States.

(c)(1) Funds appropriated pursuant to this section shall be made available to the John W. McCormack Institute on or after October 1, 1984, and prior to the close of the fiscal year ending September 30, 1987.

(2) There are authorized to be appropriated such sums as may be necessary to carry out this section for the fiscal year ending September 30, 1985, and for each of the two succeeding fiscal years, except that the aggregate amount so appropriated shall not exceed \$3,000,000. Funds appropriated pursuant to this section shall remain available until expended.

Appropriation
authorization.

Approved October 17, 1984.

LEGISLATIVE HISTORY—H.R. 2878 (S. 2490):

HOUSE REPORTS: No. 98-165 (Comm. on Education and Labor) and No. 98-1075 (Comm. of Conference).

SENATE REPORT No. 98-486 accompanying S. 2490 (Comm. on Labor and Human Resources).

CONGRESSIONAL RECORD, Vol. 130 (1984):

Jan. 30, 31, considered and passed House.

June 21, considered and passed Senate, amended, in lieu of S. 2490.

Aug. 8, House concurred in Senate amendment with an amendment.

Oct. 2, House agreed to conference report.

Oct. 3, Senate agreed to conference report.