

sistent with the number and location of children in the school district of such agency who are enrolled in private elementary and secondary schools, provision is made for the participation of such children in the program assisted under this part;

(6) provide assurances that consideration is given to programs and activities designed to meet the needs of underrepresented and underserved populations;

(7) provide assurances that in the consideration of applications submitted under section 3986(a) of this title that equitable consideration is given to applications submitted by private and public institutions of higher education; and

(8) provide such additional assurances as the Secretary determines essential to ensure compliance with the requirements of this part.

#### **(b) Regional joint application**

A regional consortium of applicants in two or more States may file a joint application under the provisions of subsection (a) of this section.

(Pub. L. 98-377, title III, §306, Aug. 11, 1984, 98 Stat. 1285; Pub. L. 99-159, title II, §231, Nov. 22, 1985, 99 Stat. 900; Pub. L. 100-418, title VI, §6031(b)(2), Aug. 23, 1988, 102 Stat. 1483.)

#### AMENDMENTS

1988—Subsec. (a). Pub. L. 100-418 substituted “part” for “subchapter” wherever appearing.

1985—Subsec. (a). Pub. L. 99-159 substituted “Secretary” for “Foundation” in two places in provisions preceding par. (1) and in par. (8).

#### **§ 3986. Submission of applications**

Each applicant within a State which desires to receive a grant under this part shall submit the application prepared in accordance with section 3985 of this title to the State agency on<sup>1</sup> higher education or the State educational agency, as the case may be, for approval and shall submit the approved application to the Secretary under section 3985 of this title. Each such application shall be submitted jointly by the local educational agency in the case of activities described in section 3984(a) of this title, or an institution of higher education in the case of activities described in section 3984(b) of this title, and each business concern or other party that is to participate in the program for which assistance is sought.

(Pub. L. 98-377, title III, §307, Aug. 11, 1984, 98 Stat. 1286; Pub. L. 99-159, title II, §231, Nov. 22, 1985, 99 Stat. 900; Pub. L. 100-418, title VI, §6031(b)(2), Aug. 23, 1988, 102 Stat. 1483.)

#### AMENDMENTS

1988—Pub. L. 100-418 substituted “part” for “subchapter”.

1985—Pub. L. 99-159 substituted “Secretary” for “Foundation”.

#### **§ 3987. Approval of applications**

##### **(a) Criteria; consistency of applications with State plans**

(1) The Secretary shall establish criteria for approval of applications under this part.

<sup>1</sup> So in original. Probably should be “for”.

(2) No application may be approved by the Secretary unless the State educational agency or the State agency for higher education, as the case may be, determines that the application is consistent with State plans for elementary and secondary education or State plans for higher education, as the case may be, in the State.

##### **(b) Procedures for equitable distribution of grants among States**

The Secretary shall adopt approval procedures designed to assure that there is equitable distribution of grants among the States.

(Pub. L. 98-377, title III, §308, Aug. 11, 1984, 98 Stat. 1286; Pub. L. 99-159, title II, §231, Nov. 22, 1985, 99 Stat. 900; Pub. L. 100-418, title VI, §6031(b)(2), Aug. 23, 1988, 102 Stat. 1483.)

#### AMENDMENTS

1988—Subsec. (a)(1). Pub. L. 100-418 substituted “part” for “subchapter”.

1985—Pub. L. 99-159 substituted “Secretary” for “Foundation” in pars. (1) and (2) of subsec. (a) and in subsec. (b).

#### **§ 3988. Payments; Federal share; limitation**

##### **(a) Federal and non-Federal shares**

(1) The Secretary shall pay, to each applicant having an application approved under section 3987 of this title, the Federal share of the cost of the program described in the application.

(2) The Federal share for each fiscal year shall be 50 per centum.

(3) The non-Federal share of payments under this part may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

##### **(b) Fiscal year State limitation**

Not more than 15 per centum of the funds appropriated under this part in any fiscal year may be paid to applicants in any single State.

(Pub. L. 98-377, title III, §309, Aug. 11, 1984, 98 Stat. 1286; Pub. L. 99-159, title II, §231, Nov. 22, 1985, 99 Stat. 900; Pub. L. 100-418, title VI, §6031(b)(2), Aug. 23, 1988, 102 Stat. 1483.)

#### AMENDMENTS

1988—Subsecs. (a)(3), (b). Pub. L. 100-418 substituted “part” for “subchapter”.

1985—Subsec. (a)(1). Pub. L. 99-159 substituted “Secretary” for “Foundation”.

### PART B—ELEMENTARY AND SECONDARY EDUCATION PARTNERSHIPS

#### **§ 3991. Purpose**

It is the purpose of this part to supplement State and local resources to—

(1) improve the quality of instruction in the fields of mathematics and science in elementary and secondary schools;

(2) furnish additional resources and support for the acquisition of equipment, and instructional and reference materials and improvement of laboratory facilities in elementary and secondary schools; and

(3) encourage partnerships in science and mathematics education between the business community, museums, libraries, professional mathematics and scientific associations, private nonprofit organizations, appropriate

State agencies and elementary and secondary schools.

(Pub. L. 98-377, title III, §321, as added Pub. L. 100-418, title VI, §6031(a)(2), Aug. 23, 1988, 102 Stat. 1479.)

**CLUBS FOR BOYS AND GIRLS INTERESTED IN SCIENCE; AUTHORIZATION OF APPROPRIATIONS; PURPOSES; PERSONNEL AND FACILITIES**

Pub. L. 85-875, Sept. 2, 1958, 72 Stat. 1700, provided: "That in order to strengthen future scientific accomplishment in our Nation by assisting in the development of a body of boys and girls with a special interest in science, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1959, and for each fiscal year thereafter, such sums, not in excess of \$50,000, as may be necessary to enable the Commissioner of Education [now Secretary of Education] to encourage, foster, and assist in the establishment in localities throughout the Nation of clubs which are composed of boys and girls who have an especial interest in science.

"SEC. 2. (a) The Commissioner of Education [now Secretary of Education] shall carry out his duties under the first section with a view to the ultimate chartering by the Congress of a Corporation, similar to the Future Farmers of America, which will seek to—

"(1) develop an interest in science on the part of the young people of America,

"(2) provide an opportunity for the exchange of scientific information and ideas among members of the clubs,

"(3) encourage the promotion of science fairs at which members of the clubs may display their scientific works and projects, and

"(4) develop an awareness of the satisfactions to be derived through a career devoted to science.

"(b) The Commissioner of Education [now Secretary of Education] may utilize any of the personnel and facilities of the Office of Education [now Department of Education] in carrying out this Act."

**§ 3992. Programs authorized**

**(a) Grants**

The Secretary may make grants to States to pay the Federal share of the cost of the programs described in section 3994 of this title.

**(b) Authorization of appropriations**

There are authorized to be appropriated for purposes of carrying out this part<sup>1</sup> \$20,000,000 for fiscal year 1988.

(Pub. L. 98-377, title III, §322, as added Pub. L. 100-418, title VI, §6031(a)(2), Aug. 23, 1988, 102 Stat. 1480.)

**REFERENCES IN TEXT**

This part, referred to in subsec. (b), was in the original "this chapter" and was translated as reading "this part" to reflect the probable intent of Congress because title III of Pub. L. 98-377, which comprises this subchapter, does not contain chapters.

**§ 3993. Amendment to State application**

**(a) Application**

A State shall be eligible to receive a grant under this part if—

(1) the State submits to the Secretary as part of its application under section 209<sup>1</sup> such information and assurances as the Secretary

<sup>1</sup> See References in Text note below.

<sup>1</sup> See References in Text note below.

may require at such time as the Secretary shall establish; and

(2) the Secretary approves such application.

**(b) Application requirements**

The Secretary shall require each application to include—

(1) a description of the State's procedures relating to the use of funds from grants received under this part, including the approval process for local applications;

(2) an assurance that not more than 1 percent of the amount received shall be used for administrative expenses; and

(3) an assurance that the State will, to the extent possible, assist local school districts in economically depressed areas to obtain matching funds from business concerns.

(Pub. L. 98-377, title III, §323, as added Pub. L. 100-418, title VI, §6031(a)(2), Aug. 23, 1988, 102 Stat. 1480.)

**REFERENCES IN TEXT**

Section 209, referred to in subsec. (a)(1), is section 209 of Pub. L. 98-377, title II, Aug. 11, 1984, 98 Stat. 1279, as amended, which was classified to section 3969 of this title prior to repeal by Pub. L. 100-297, title II, §2303, Apr. 28, 1988, 102 Stat. 324.

**§ 3994. Eligible programs**

**(a) In general**

A State may use funds from grants received in any fiscal year under this part for elementary and secondary programs described in this section. The State educational agency shall administer such funds, which shall be awarded to such programs on a competitive basis.

**(b) Use of funds**

Funds from grants received under this part may be used for the following:

**(1) Improvement of elementary and secondary resources**

Such funds may be used for acquisition of equipment, instructional and reference materials, and partnership in education programs designed to—

(A) improve instruction in mathematics and science education at the elementary and secondary level;

(B) improve laboratory facilities, classroom and library resources in elementary and secondary mathematics and science education; and

(C) attract matching dollars and in kind contributions of equipment, learning resources or shared time from business concerns, libraries, museums, nonprofit private organizations, professional mathematics and scientific associations, and appropriate State agencies.

**(2) Advanced placement programs**

(A) Such funds may be used for advanced placement programs operated by local educational agencies that are designed to allow qualified secondary students to attend college preparatory schools, colleges, or universities on a part-time or full-time basis with respect to science and mathematics instruction.

(B) A local educational agency that receives funds from a grant under this part for an ad-