

Sunshine Act Meetings

Federal Register

Vol. 58, No. 110

Thursday, June 10, 1993

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

UNITED STATES COMMISSION ON CIVIL RIGHTS:

DATE AND TIME: Friday, June 18, 1993, 9:00 a.m.

PLACE: Sheraton Grande Hotel, 333 South Figueroa Street, Concourse Room II, Los Angeles, California.

STATUS: Open to the Public.

June 18, 1993

- I. Approval of agenda
- II. Approval of Minutes of May 21, 1993 Meeting
- III. Announcements
- IV. Followup to Previous Meeting
- V. Appointments to the Arizona, California, Mississippi, North Carolina, North Dakota, and South Carolina Advisory Committees
- VI. Equal Employment Rights for Federal Employees
- VII. Staff Director's Report
- VIII. Future Agenda Items

Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact Betty Edmiston, Administrative Services and Clearinghouse Division (202) 376-8105 (TDD 202-376-8116) at least five (5) working days before the scheduled date of the hearings.

CONTACT PERSON FOR FURTHER

INFORMATION: Barbara Brooks, Press and Communications (202) 376-8312.

Dated: June 7, 1993.

Emma Monroig,

Solicitor.

[FR Doc. 93-13771 Filed 6-7-93; 4:43 pm]

BILLING CODE 6335-01-M

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, June 15, 1993 at 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This Meeting Will be Closed to the Public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. § 437g.
Audits conducted pursuant to 2 U.S.C. § 437g, § 438(b), and Title 26, U.S.C. Matters concerning participation in civil actions or proceedings or arbitration. Internal personnel rules and procedures or matters affecting a particular employee.

DATE AND TIME: Thursday, June 17, 1993 at 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC. (Ninth Floor.)

STATUS: This Meeting Will Be Open to the Public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes.
Proposed Revisions to Definition of "Member" of a Membership Association (11 CFR 100.8(b)(4)(iv), 114.1(e).
Report from FEC Press Office.
Administrative Matters.

PERSON TO CONTACT FOR INFORMATION:

Mr. Fred Eiland, Press Officer,
Telephone: (202) 219-4155.

Delores Hardy,

Administrative Assistant.

[FR Doc. 93-13827 Filed 6-8-93; 11:49 am]

BILLING CODE 6715-01-M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Wednesday, June 16, 1993.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed acquisition of check processing equipment within the Federal Reserve System.

2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: June 8, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93-13883 Filed 6-8-93; 3:41 pm]

BILLING CODE 6210-01-P

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

Board of Directors' Meeting

ACTION: The Pennsylvania Avenue Development Corporation announces the date of their forthcoming meeting of the Board of Directors.

DATE: The meeting will be held Wednesday, June 23, 1993, at 10:00 a.m.

ADDRESS: The meeting will be held at the Pennsylvania Avenue Development Corporation, Suite 1220 North, 1331 Pennsylvania Avenue, NW., Washington, DC.

SUPPLEMENTARY INFORMATION: This meeting is held in accordance with 36 Code of Federal Regulations Part 901, and is open to the public.

Dated: June 4, 1993.

M. J. Brodie,

Executive Director.

[FR Doc. 93-13873 Filed 6-8-93; 2:41 pm]

BILLING CODE 7630-01-M

Federal Register

**Thursday
June 10, 1993**

Part II

Department of Education

**Postsecondary Education Programs for
Individuals With Disabilities; Proposed
Funding Priority for Fiscal Years 1994
and 1995; Notice**

DEPARTMENT OF EDUCATION**Postsecondary Education Programs for Individuals With Disabilities**

AGENCY: Department of Education.

ACTION: Notice of Proposed Funding Priority for Fiscal Years 1994 and 1995.

SUMMARY: The Secretary proposes a priority for fiscal years 1994 and 1995 under the Postsecondary Education Programs for Individuals with Disabilities. The Secretary takes this action to focus Federal financial assistance on an identified national need for maximizing student potential in postsecondary environments. This proposed priority would provide support for a variety of model demonstrations designed to (a) provide services to address the special needs of students with disabilities in postsecondary education programs, (b) expand the capacity of institutions of higher education and other institutions in improving programs and services for students with disabilities, and (c) improve the potential for successful postsecondary outcomes for these students.

DATES: Comments must be received on or before July 12, 1993.

ADDRESSES: All comments concerning this proposed priority should be addressed to Joseph Clair, U.S. Department of Education, 400 Maryland Avenue, SW., room 4622, Switzer Building, Washington, DC 20202-2644.

FOR FURTHER INFORMATION CONTACT: Joseph Clair. Telephone: (202) 205-9503. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205-8169.

SUPPLEMENTARY INFORMATION: The purpose of this program is to provide assistance for the development, operation, and dissemination of specially designed model programs of postsecondary, vocational, technical, continuing, or adult education for individuals with disabilities. Section 625(a)(2) of the Individuals with Disabilities Education Act (IDEA) requires that priority consideration be given to four regional centers for the deaf and to model programs for individuals with disabling conditions other than deafness. Recipients of program funds must coordinate their efforts with and disseminate information about their activities to the National Clearinghouse on Postsecondary Education for Individuals with Disabilities.

This proposed priority would support National Education Goal 5 by assisting

students with disabilities in developing competitive workplace skills through improved services and better trained service providers.

The Secretary will announce the final priority in a notice in the *Federal Register*. The final priority will be determined by responses to this notice, available funds, and other considerations of the Department. Funding of particular projects depends on the availability of funds, the nature of the final priority, and the quality of the applications received. Further, priorities proposed for FY 1995 could be affected by enactment of legislation reauthorizing this program. The publication of this proposed priority does not preclude the Secretary from proposing additional priorities, nor does it limit the Secretary to funding only this priority, subject to meeting applicable rulemaking requirements.

Note: This notice of proposed priority does not solicit applications. A notice inviting applications under this program will be published in the *Federal Register* concurrent with or following publication of the notice of final priority.

Priority

Under 34 CFR 75.105(c)(3) the Secretary proposes to give an absolute preference to applications that meet the following priority. The Secretary proposes to fund under this competition only applications that meet this absolute priority:

Proposed Absolute Priority—Model Demonstration Projects To Improve the Delivery and Outcomes of Postsecondary Education for Individuals with Disabilities

Background

This proposed priority would support projects that develop, implement, evaluate, and disseminate new or improved approaches for serving the needs of students with disabilities in a variety of postsecondary settings. The intent of this priority is to improve the capacity of postsecondary institutions to reach out to and serve students with disabilities and to improve the potential for successful postsecondary outcomes for these students. Projects supported under this priority would be major contributors of models or components of models for service providers in the field.

Although institutions of higher education have implemented measures to accommodate students with disabilities since the 1970's, longitudinal and follow-up studies of students exiting from secondary schools consistently show that fewer students with disabilities receive any type of postsecondary education than students

without disabilities. Further, those students with disabilities who do attend postsecondary institutions are significantly less likely to complete their programs of studies or to be employed following their postsecondary experience. To change these outcomes, a number of specific barriers must be addressed, including the following:

Transferring of student accommodations to the employment setting. Students with disabilities who require classroom accommodations and adaptations to improve academic performance may require similar types of accommodations or adaptations on the job. In addition, specific jobs or professions may need additional accommodations or adaptations to successfully employ particular students with disabilities.

Thus, there is a need to develop strategies for helping students, placement specialists, and employers determine the accommodations or adaptations that would be required for professions or employment settings of interest to the student, and for transferring or arranging for those accommodations. This is likely to require cooperative efforts among representatives of the services responsible for successful vocational placements for people with disabilities. These collaborative efforts must include extensive involvement of representatives from an institution's program that provides support services to students with disabilities, the institution's career placement office, the State vocational rehabilitation (VR) agency (for VR-sponsored students), and business and industry.

Accommodating diverse learning styles in a range of academic settings. As the number and range of students with disabilities entering postsecondary institutions increase, there will be a continuing need for an institution's administration to accommodate or modify instructional strategies and classroom environments to promote improved participation and performance for these students. Thus, postsecondary institutions will have to work with individual faculty members and staff to implement the accommodations needed by particular students.

This is likely to require institutional strategies (1) to understand state-of-the-art practice in accommodating the full range of students with disabilities in traditional and emerging learning environments, and (2) to provide training on an ongoing, as well as student-specific, basis to faculty or staff.

Improving student potential for successful postsecondary experiences.

Some students with disabilities and their families may be unaware of the range of available postsecondary opportunities. Other students may be aware of these options but may not be prepared to benefit from postsecondary education. To increase the number of students with disabilities entering and successfully completing postsecondary education, there is a need to develop strategies for outreach activities to inform secondary special education teachers and counselors in secondary schools about the range of postsecondary opportunities available and how to work with students and families to understand and access these opportunities. Further, there is a need to develop or adapt programs such as Upward Bound and Talent Search that assist potential candidates to access postsecondary education.

Proposed Priority

A model demonstration project must—

(1) Develop and implement programs that address at least two of the three specific service issues described in the background of this proposed priority;

(2) Develop and implement programs with specific project components or strategies that are based on theory, research, or evaluation;

(3) Produce detailed procedures and materials that would enable others to successfully replicate the model as implemented in the original site.

Materials must include a manual or guide describing the components or strategies developed to address the specific issues; and

(4) Evaluate the model by using multiple outcome measures to determine the effectiveness of the model and its components or strategies, as well as a design that includes measures of multiple, functional student outcomes, other indices of the effects of the model, and cost data associated with implementing the model.

Competitive Priority

Within the absolute priority proposed in this notice, the Secretary, under 34 CFR 75.105(c)(2)(i), proposes to give preference to applications that meet the following competitive priority. The Secretary proposes to award up to 10 points to an application that meets this competitive priority in a particularly effective way. These points would be in addition to any points the application earns under the selection criteria for this program:

Projects that would develop models for serving students with disabilities who are also members of minority groups (e.g., black, Hispanic, American Indian or Alaskan Native, Asian or Pacific Islander).

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79.

The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding these proposed priorities.

All comments submitted in response to this notice will be available for public inspection, during and after the comment period in room 4092, Switzer Building, 330 C Street, SW., Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week except Federal holidays.

Applicable Program Regulations: 34 CFR part 338

Program Authority: 20 U.S.C. 1424a.

(Catalog of Federal Domestic Assistance Number: Postsecondary Education Programs for Individuals with Disabilities 84.078)

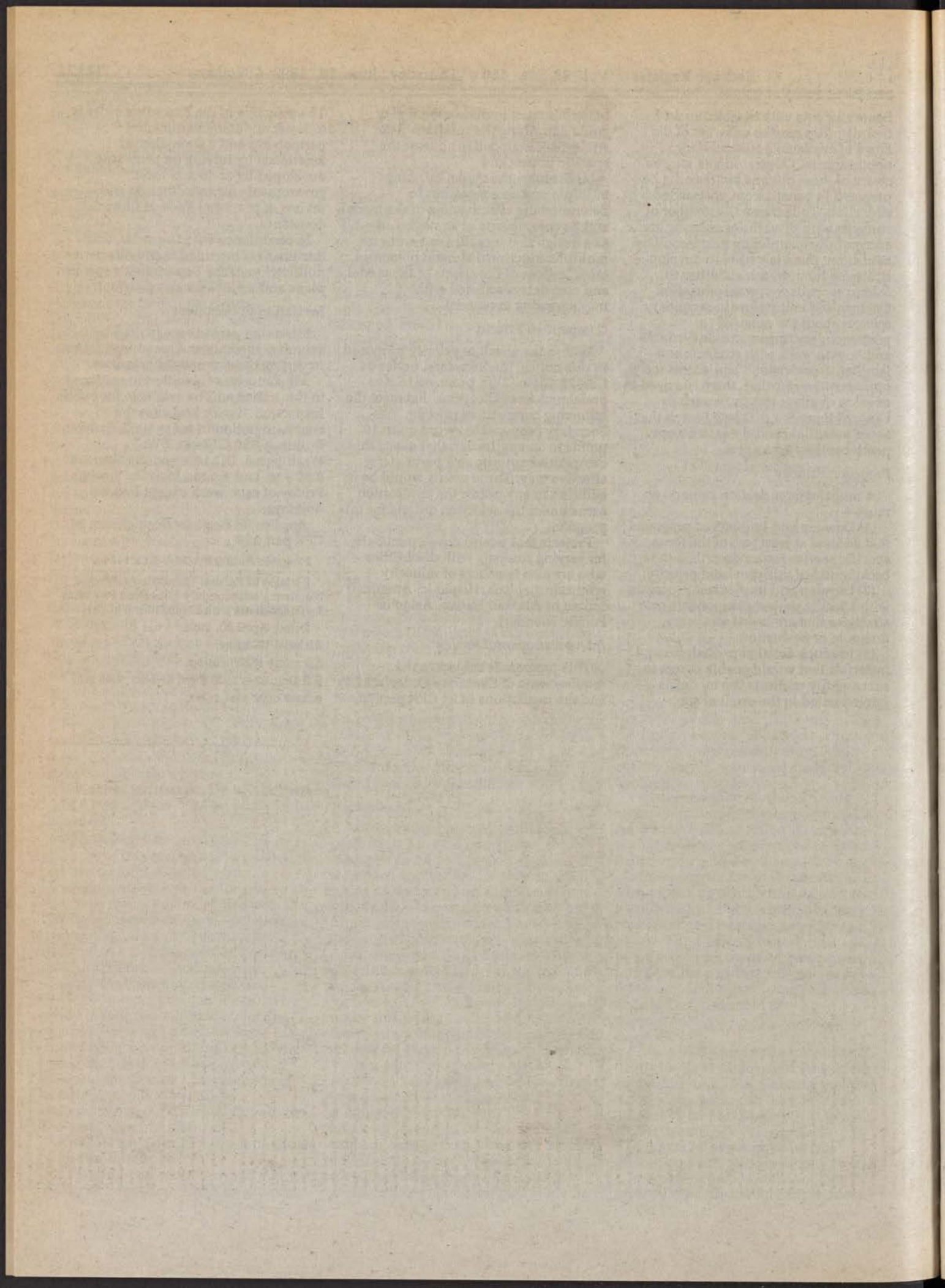
Dated: April 30, 1993.

Richard W. Riley,

Secretary of Education.

[FR Doc. 93-13606 Filed 6-9-93; 8:45 am]

BILLING CODE 4000-01-M



Federal Register

**Thursday
June 10, 1993**

Part III

**Department of
Education**

**34 CFR Part 655, et al.
International Education Programs; Final
Rule**

DEPARTMENT OF EDUCATION

34 CFR Parts 655, 656, 657, 658, 660, 661, 669, and 671

RIN 1840-AB69

International Education Programs

AGENCY: Department of Education.

ACTION: Final Regulations.

SUMMARY: The Secretary amends the regulations governing seven international education programs and the general provisions of Title VI of the Higher Education Act of 1965, as amended. These final regulations are needed to implement the recently enacted changes made by the Higher Education Amendments of 1992.

These international education programs are designed to promote, develop, and increase the Nation's resources in the areas of international studies, foreign languages, and business. These regulations support the National Education Goals, specifically, Goal 5, which calls for adult Americans to possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

EFFECTIVE DATE: These regulations take effect either 45 days after publication in the *Federal Register* or later if the Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person. A document announcing the effective date will be published in the *Federal Register*.

FOR FURTHER INFORMATION CONTACT:

Joseph F. Belmonte, U.S. Department of Education, 400 Maryland Avenue, SW., room 3052, ROB-3, Washington, DC 20202-5248. Telephone: (202) 708-7283. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: These regulations implement the Higher Education Amendments of 1992 (Pub. L. 102-325), enacted July 23, 1992, which require changes in the general provisions and in the regulations for seven title VI programs. The regulatory amendments occur in 34 CFR part 655, General Provisions; Part 656, National Resource Centers Program for Foreign Language and Area Studies or Foreign Language and International Studies; Part 657, Foreign Language and Area Studies Fellowships Program; Part 658, Undergraduate International Studies

and Foreign Language Program; Part 660, International Research and Studies Program; Part 661, Business and International Education Program; Part 669, Language Resource Centers Program; and Part 671, Foreign Periodicals Program.

Waiver of Proposed Rulemaking

In accordance with section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1232(b)(2)(A)), and the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, these amendments merely incorporate congressionally mandated statutory changes into the regulations and do not implement substantive policy. Therefore, the Secretary has determined, pursuant to 5 U.S.C. 553(b)(B), that public comment on the regulations is unnecessary and contrary to the public interest.

Executive Order 12291

These final regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Paperwork Reduction Act of 1980

These regulations have been examined under the Paperwork Reduction Act of 1980 and have been found to contain no information collection requirements.

Intergovernmental Review

The requirements of Executive Order 12372 and the regulations in 34 CFR part 79 apply to title VI programs in 34 CFR parts 656, 657, 658, and 661. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for these programs.

The remaining programs in 34 CFR parts 660, 669, and 671 are exempt from intergovernmental review.

Assessment of Educational Impact

Based on its own review, the Department has determined that the regulations in this document do not require transmission of information that is being gathered by or is available from

any other agency or authority of the United States.

List of Subjects

34 CFR Part 655

Colleges and universities, Education, General provisions, Grant programs-education.

34 CFR Part 656

Colleges and universities, Education, Educational study programs, Grant programs-education, Foreign languages, International studies, Resource centers.

34 CFR Part 657

Colleges and universities, Education, Fellowships, Foreign languages, Grant programs-education, International studies.

34 CFR Part 658

Colleges and universities, Education, Educational study programs, Grant programs-education, Foreign languages.

34 CFR Part 660

Colleges and universities, Education, Educational study programs, Grant programs-education, International studies.

34 CFR Part 661

Colleges and universities, Education, Business and international education, Grant programs-education, International studies.

34 CFR Part 669

Colleges and universities, Education, Grant programs-education, Resource centers.

34 CFR Part 671

Colleges and universities, Education, Foreign periodicals, Grant programs-education.

(Catalog of Federal Domestic Assistance Numbers: 84.015 National Resource Centers and Fellowships; 84.016 Undergraduate International Studies and Foreign Language Program; 84.017 International Research and Studies Program; 84.153 Business and International Education Program; 84.229 Language Resource Centers Program; and 84.251 Foreign Periodicals Program)

Dated: May 27, 1993.

Richard W. Riley,

Secretary of Education.

The Secretary amends parts 655, 656, 657, 658, 660, 661, 669, and 671 of Title 34 of the Code of Federal Regulations as follows:

PART 655—INTERNATIONAL EDUCATION PROGRAMS—GENERAL PROVISIONS

1. The authority citation for part 655 is revised to read as follows:

Authority: 20 U.S.C 1121-1130b, unless otherwise noted.

2. Section 655.1 is amended by removing the word "and" at the end of paragraph (b), removing "605," at the end of paragraph (c) and adding, in its place, "606"; redesignating paragraphs (b) and (c) as paragraphs (c) and (d), respectively, revising paragraph (a), adding new paragraphs (b), (e), and (f), and revising the authority citation to read as follows:

§ 655.1 Which programs do these regulations govern?

(a) The National Resource Centers Program for Foreign Language and Area Studies or Foreign Language and International Studies (section 602 of the Higher Education Act of 1965, as amended);

(b) The Language Resource Centers Program (section 603);

(c) The Foreign Periodicals Program (section 607); and

(f) The Business and International Education Program (section 613).

(Authority: 20 U.S.C. 1121-1130b)

3. Section 655.3 is amended by revising paragraphs (a) and (c)(1), removing the word "and" at the end of paragraph (c)(3), removing the period at the end of paragraph (c)(4) and adding, in its place, a semicolon, and adding new paragraphs (c)(5), (6), and (7) to read as follows:

§ 655.3 What regulations apply to the International Education Programs?

(a) The Education Department General Administrative Regulations (EDGAR) as follows:

(1) 34 CFR Part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations).

(2) 34 CFR Part 75 (Direct Grant Programs).

(3) 34 CFR Part 77 (Definitions that Apply to Department Regulations).

(4) 34 CFR Part 79 (Intergovernmental Review of Department of Education Programs and Activities), except that Part 79 does not apply to 34 CFR Parts 660, 669, and 671.

(5) 34 CFR Part 82 (New Restrictions on Lobbying).

(6) 34 CFR Part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).

(7) 34 CFR Part 86 (Drug-Free Schools and Campuses).

(c) * * *

(1) 34 CFR Part 656 (National Resource Centers Program for Foreign Language and Area Studies or Foreign Language and International Studies);

(5) 34 CFR Part 661 (Business and International Education Program);

(6) 34 CFR Part 669 (Language Resource Centers Program); and

(7) 34 CFR Part 671 (Foreign Periodicals Program).

4. Section 655.4 is amended by removing "and 660" in paragraph (a), and adding, in its place, "660, 661, 669, and 671", and by removing the definition of *An institution of higher education* in paragraph (b) and adding new definitions of *Critical languages* and *Institution of higher education* in alphabetical order to read as follows:

§ 655.4 What definitions apply to the International Education Programs?

(b) * * *

Critical languages means each of the languages contained in the list of critical languages designated by the Secretary pursuant to section 212(d) of the Education for Economic Security Act, except that, in the implementation of this definition, the Secretary may set priorities according to the purposes of Title VI of the Higher Education Act of 1965, as amended.

Institution of higher education means, in addition to an institution that meets the definition of section 1201(a) of the Higher Education Act of 1965, as amended, an institution that meets the requirements of section 1201(a) except that (1) it is not located in the United States, and (2) it applies for assistance under Title VI of the Higher Education Act of 1965, as amended, in consortia with institutions that meet the definitions in section 1201(a).

§ 655.10 [Amended]

5. Section 655.10 is amended by removing "and 660" and adding, in its place, "660, 661, 669, and 671".

§ 655.30 [Amended]

6. Section 655.30 is amended by removing "and 660" in paragraph (b), and adding, in its place, "660, 661, 669, and 671".

7. A new § 655.32 is added to read as follows:

§ 655.32 What additional factors does the Secretary consider in making grant awards?

Except for 34 CFR parts 656, 657, and 661, to the extent practicable and consistent with the criterion of excellence, the Secretary seeks to

achieve an equitable distribution of funds throughout the Nation.

(Authority: 20 U.S.C. 1126(b)).

PART 656—NATIONAL RESOURCE CENTERS PROGRAM FOR FOREIGN LANGUAGE AND AREA STUDIES OR FOREIGN LANGUAGE AND INTERNATIONAL STUDIES

8. The authority citation for part 656 continues to read as follows:

Authority: 20 U.S.C. 1122, unless otherwise noted.

9. Section 656.3 is amended by adding a comma after the word "language" in paragraph (e)(2), redesignating paragraphs (d) and (e) as (e) and (f), respectively, and adding a new paragraph (d) to read as follows:

§ 656.3 What activities define a comprehensive or undergraduate National Resource Center?

(d) Maintains linkages with overseas institutions of higher education and other organizations that may contribute to the teaching and research of the Center.

10. Section 656.5 is amended by designating the existing text as paragraph (a) and adding a new paragraph (b) to read as follows:

§ 656.5 What activities may be carried out?

(b) The Secretary may make an additional grant to a comprehensive Center for any one or a combination of the following purposes:

(1) Linkage or outreach between foreign language, area studies, and other international fields and professional schools and colleges.

(2) Linkage or outreach with 2- and 4-year colleges and universities.

(3) Linkage or outreach with departments or agencies of Federal and State governments.

(4) Linkage or outreach with the news media, business, professional, or trade associations.

(5) Summer institutes in foreign area and other international fields designed to carry out the activities in paragraphs (b)(1) through (4) of this section.

11. Section 656.6 is revised to read as follows:

§ 656.6 What regulations apply?

The following regulations apply to this program:

(a) The regulations in 34 CFR part 655.

(b) The regulations in this part 656.

(Authority: 20 U.S.C. 1122)

§ 656.21 [Amended]

12. Section 656.21 is amended by adding the word "points" after the number of points given in parentheses in paragraphs (a), (b), (c), (d), the introductory text of paragraphs (e), (f), (g), (h), (i), (j), (k), and paragraph (l).

§ 656.22 [Amended]

13. Section 656.22 is amended by adding the word "points" after the number of points given in parentheses in paragraphs (a), (b), (c), (d), the introductory text of paragraphs (e), (f), (g), (h), (i), (j), (k), and paragraph (l).

14. Section 656.23 is amended by redesignating paragraph (b) as paragraph (c) and adding a new paragraph (b) to read as follows:

§ 656.23 What priorities may the Secretary establish?

* * *

(b) The Secretary may select one or more of the activities listed in § 656.5 as a funding priority.

* * *

15. Section 656.30 is amended by revising the heading and paragraph (a)(1), removing the word "and" at the end of paragraph (a)(4), removing the period at the end of paragraph (a)(5), and adding, in its place, "; and", and adding a new paragraph (a)(6) to read as follows:

§ 656.30 What are allowable costs and limitations on allowable costs?

(a) * * *

(1) Faculty and staff salaries; and faculty, staff, and student travel in foreign areas, regions, or countries;

* * *

(6) Training and improvement of staff.

* * *

PART 657—FOREIGN LANGUAGE AND AREA STUDIES FELLOWSHIPS PROGRAM

16. The authority citation for part 657 continues to read as follows:

Authority: 20 U.S.C. 1122, unless otherwise noted.

§ 657.1 [Amended]

17. Section 657.1 is amended by removing "competency-" both times it appears in paragraph (b) and adding, in its place, "performance-".

§ 657.2 [Amended]

18. Section 657.2 is amended by removing "competency-" both times it appears in paragraph (b) and adding, in its place, "performance-".

§ 657.3 [Amended]

19. Section 657.3 is amended by removing "competency-" in paragraph

(d) and adding, in its place, "performance-".

20. Section 657.4 is revised to read as follows:

§ 657.4 What regulations apply?

The following regulations apply to this program:

(a) The regulations in 34 CFR part 655.

(b) The regulations in this part 657.

(Authority: 20 U.S.C. 1122)

§ 657.5 [Amended]

21. Section 657.5 is amended by removing paragraph (f).

§ 657.21 [Amended]

22. Section 657.21 is amended by adding the word "points" after the number of points given in parentheses in paragraphs (a), (b), (c), the introductory text of paragraphs (d) and (e), paragraph (f), and the introductory text of paragraphs (g), (h), (i), and (j).

23. Section 657.31 is revised to read as follows:

§ 657.31 What is the amount of a fellowship?

(a)(1) An institution shall award a stipend to fellowship recipients.

(2) If permitted by the Secretary, the stipend awarded to graduate-level recipients may include an allowance for travel and an allowance for dependents.

(b) The Secretary announces in an application notice published in the Federal Register—

(1) The amounts of the stipend for an academic year and the stipend for a summer session;

(2) Whether travel and dependents' allowances will be permitted; and

(3) The amount of travel and dependents' allowances.

(Authority: 20 U.S.C. 1122)

PART 658—UNDERGRADUATE INTERNATIONAL STUDIES AND FOREIGN LANGUAGE PROGRAM

24. The authority citation for part 658 continues to read as follows:

Authority: 20 U.S.C. 1124, unless otherwise noted.

§ 658.1 [Amended]

25. Section 658.1 is amended by removing the words "strengthen and".

26. Section 658.3 is revised to read as follows:

§ 658.3 What regulations apply?

The following regulations apply to this program:

(a) The regulations in 34 CFR part 655.

(b) The regulations in this part 658.

(Authority: 20 U.S.C. 1121-1127)

§ 658.10 [Amended]

27. Section 658.10 is amended by removing "strengthen and" in paragraph (a).

28. Section 658.11 is amended by revising paragraphs (a) and (f), and adding a new paragraph (i) to read as follows:

§ 658.11 What projects and activities may a grantee conduct under this program?

* * *

(e) Developing international education programs designed to develop or enhance linkages between 2- and 4-year institutions of higher education, or baccalaureate and post-baccalaureate programs or institutions;

(f) Developing undergraduate study-abroad programs in locations abroad in which these study opportunities are not otherwise available or that serve students for whom these opportunities are not otherwise available and that provide courses that are closely related to on-campus foreign language and international studies curricula;

* * *

(i) Integrating new study abroad opportunities for undergraduate students into curricula of specific degree programs.

29. Section 658.34 is revised to read as follows:

§ 658.34 What additional factors does the Secretary consider in selecting grant recipients?

In addition to applying the selection criteria in, as appropriate §§ 658.31, 658.32, and 658.33, the Secretary, to the extent practicable and consistent with the criterion of excellence, seeks to encourage diversity by ensuring that a variety of types of projects and institutions receive funding.

(Authority: 20 U.S.C. 1124 and 1126)

A new § 658.35 is added to Subpart D to read as follows:

§ 658.35 What priority does the Secretary give?

(a) The Secretary gives priority to applications from institutions of higher education or combinations of these institutions that require entering students to have successfully completed at least two years of secondary school foreign language instruction or that require each graduating student to earn two years of postsecondary credit in a foreign language (or have demonstrated equivalent competence in the foreign language) or, in the case of a 2-year degree granting institution, offer two years of postsecondary credit in a foreign language.

(b) The Secretary announces the number of points to be awarded under

this priority in the application notice published in the **Federal Register**.

(Authority: 20 U.S.C. 1124)

31. A new § 658.41 is added to Subpart E to read as follows:

§ 658.41 What are the cost-sharing requirements?

(a) The Federal share of the total cost of each project selected for funding may not exceed 50 percent.

(b) The grantee's share may be derived from non-Federal cash or in-kind contributions.

(c) In-kind contributions means property or services that benefit a grant-supported project or program and that are contributed by non-Federal third parties without charge to the grantees.

(Authority: 20 U.S.C. 1124 and 3474; OMB Circular A-110)

PART 660—INTERNATIONAL RESEARCH AND STUDIES PROGRAM

32. The authority citation for part 660 is revised to read as follows:

Authority: 20 U.S.C. 1125, unless otherwise noted.

33. Section 660.1 is amended by adding "as amended (HEA)" after "1965" in the undesignated introductory text, revising paragraphs (a), (b), (c), and (d), and adding new paragraphs (e) and (f) to read as follows:

§ 660.1 What is the International Research and Studies Program?

(a) Studies and surveys to determine needs for increased or improved instruction in modern foreign languages, area studies, or other international fields, including the demand for foreign language, area, and other international specialists in government, education, and the private sector;

(b) Research on more effective methods of providing instruction and achieving competency in foreign languages;

(c) Research on applying performance tests and standards across all areas of foreign language instruction and classroom use;

(d) Developing and publishing specialized materials for use in foreign language, area studies, and other international fields or for training foreign language, area, and other international specialists;

(e) Studies and surveys to assess the use of graduates of programs supported under Title VI of the HEA by governmental, educational, and private-sector organizations and other studies assessing the outcomes and effectiveness of supported programs; and

(f) Comparative studies of the effectiveness of strategies to provide international capabilities at institutions of higher education.

34. Section 660.3 is revised to read as follows:

§ 660.3 What regulations apply?

The following regulations apply to this program:

(a) The regulations in 34 CFR part 655.

(b) The regulations in this part 660.

(Authority: 20 U.S.C. 1121-1125)

35. Section 660.10 is amended by removing the word "related" in paragraphs (a)(2), (b)(1), (b)(2), and (c)(1), and adding, in its place, the words "other international", removing the word "proficiency" in paragraph (b)(3), and adding, in its place, the word "performance", removing the parentheses around "HEA" in paragraph (e), and adding new paragraphs (f) and (g) to read as follows:

§ 660.10 What activities does the Secretary assist?

* * * * *

(f) Studies and surveys to assess the use of graduates of programs supported under Title VI of the HEA by governmental, educational, and private-sector organizations, and other studies assessing the outcomes and effectiveness of supported programs.

(g) Comparative studies of the effectiveness of strategies to provide international capabilities at institutions of higher education.

§ 660.31 [Amended]

36. Section 660.31 is amended by adding the word "points" after the number of points given in parentheses in paragraphs (a), (b), (c), (d) and (e).

§ 660.32 [Amended]

37. Section 660.32 is amended by removing the word "related" in paragraph (a)(2), and adding, in its place, the word "international", and adding the word "points" after the number of points given in parentheses in paragraphs (a) introductory text, (b), (c), (d) introductory text, (e), and (f) introductory text.

§ 660.33 [Amended]

38. Section 660.33 is amended by adding the word "points" after the number of points given in parentheses in paragraphs (a) introductory text, (b), (c) introductory text, (d), (e), (f), and (g) introductory text.

§ 660.34 [Amended]

39. Section 660.34 is amended by removing the word "proficiency" in

paragraph (a)(3), and adding, in its place, the word "performance".

§ 660.35 [Removed]

40. Section 660.35 is removed.

PART 661—BUSINESS AND INTERNATIONAL EDUCATION PROGRAM

41. The authority citation for part 661 continues to read as follows:

Authority: 20 U.S.C. 1130-1130b, unless otherwise noted.

42. Section 661.3 is revised to read as follows:

§ 661.3 What regulations apply?

The following regulations apply to this program:

(a) The regulations in 34 CFR part 655.

(b) The regulations in this part 661.

(Authority: 20 U.S.C. 1130-1130b)

43. Section 661.10 is amended by removing the word "and" at the end of paragraph (i), removing the period at the end of paragraph (j), and adding, in its place, a semicolon, and adding new paragraphs (k) and (l) to read as follows:

§ 661.10 What activities does the Secretary assist under this program?

* * * * *

(k) Establishing linkages overseas with institutions of higher education and organizations that contribute to the educational objectives of this program; and

(l) Summer Institutes in international business, foreign area, and other international studies designed to carry out the purposes of this program.

PART 669—LANGUAGE RESOURCE CENTERS PROGRAM

44. The authority citation for part 669 continues to read as follows:

Authority: 20 U.S.C. 1123, unless otherwise noted.

§ 669.3 [Amended]

45. Section 669.3 is amended by removing the word "proficiency" in paragraphs (c) and (d) and adding, in its place, the word "performance".

46. Section 669.4 is revised to read as follows:

§ 669.4 What regulations apply?

The following regulations apply to this program:

(a) The regulations in 34 CFR part 655.

(b) The regulations in this part 669.

(Authority: 20 U.S.C. 1123)

47. Section 669.21 is amended to add the word "points" after the number of

points given in parentheses in paragraphs (a), (b), (c), (d), (e), (f) introductory text, (g) introductory text, (h), and (i).

PART 671—FOREIGN PERIODICALS PROGRAM

48. The authority citation for part 671 continues to read as follows:

Authority: 20 U.S.C. 1125a, unless otherwise noted.

§ 671.1 [Amended]

49. Section 671.1 is amended by adding the words "and other foreign research materials" after the word "periodicals" in paragraphs (a), (b), (c), and (d).

50. Section 671.2 is revised to read as follows:

§ 671.2 Who is eligible for an award?

An institution of higher education, a public or nonprofit private library institution, or a consortium of these institutions is eligible to receive a grant under this part.

(Authority: 20 U.S.C. 1125a)

51. Section 671.3 is amended by adding the words "and other foreign research materials" after the word "periodicals" in paragraphs (a), (b), (c), and (d).

52. Section 671.4 is revised to read as follows:

§ 671.4 What regulations apply?

The following regulations apply to this program:

(a) The regulations in 34 CFR part 655.

(b) The regulations in this part 671.

(Authority: 20 U.S.C. 1125a)

53. Section 671.5 is amended by adding a definition of "Other foreign

research materials" to paragraph (b), in alphabetical order, to read as follows:

§ 671.5 What definitions apply?

* * *

(b) * * *

Other foreign research materials means research materials produced and published outside the United States.

54. Section 671.11 is amended by removing the word "and" at the end of paragraph (f)(1), revising paragraphs (f)(2) and (h), and adding new paragraphs (f)(3) and (f)(4) to read as follows:

§ 671.11 What selection criteria does the Secretary use?

* * *

(f) * * *

(2) The capability of the institution's or consortium's budget and staff to build, maintain, and service its collection of foreign periodicals and other foreign research materials;

(3) The total number of library research materials in an institution's or consortium's collection; and

(4) The comprehensiveness, both current and retrospective, of the institution's or consortium's collection of foreign periodicals and other foreign research materials.

* * *

(h) *Dissemination activities* (15 points). The Secretary reviews each application to determine—

(1) The quality of the services the project would provide to researchers and scholars;

(2) Public accessibility to the institution's or consortium's collection of foreign periodicals and other foreign research materials; and

(3) The technological capability of the institution or consortium to share its collection of foreign periodicals and

other foreign research materials with other institutions of higher education, public or nonprofit institutions, and individual scholars.

* * *

55. Section 671.20 is revised to read as follows:

§ 671.20 What requirement must be met before a grant award?

Before receiving a grant award, an institution or consortium must file a formal written agreement with the Secretary that—

(a) Outlines the collecting responsibilities of the institution or consortium for foreign periodicals and other foreign research materials; and

(b) Ensures public access.

(Authority: 20 U.S.C. 1125a)

56. Section 671.21 is amended by redesignating paragraphs (a) and (b) as paragraphs (b) and (c), respectively, and adding new paragraphs (a) and (d) to read as follows:

§ 671.21 What are the limitations on allowable costs?

(a) Except for the limitations in paragraphs (b), (c), and (d) of this section, grant funds may be used for purposes necessary to carry out any of the activities described in § 671.3, including equipment and supplies, staff salaries, and travel.

* * *

(d) No grant funds may be used by an institution or consortium to acquire and process foreign periodicals and other foreign research materials other than those specified in the agreement filed with the Secretary.

[FR Doc. 93-13423 Filed 6-9-93; 8:45 am]

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Federal Register

Thursday
June 10, 1993

Part IV

Department of Education

34 CFR Part 643

Talent Search Program; Proposed Rule

DEPARTMENT OF EDUCATION

34 CFR Part 643

RIN 1840-AB94

Talent Search Program

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to amend the regulations governing the Talent Search program. These regulations are needed to implement the Higher Education Amendments of 1992. The proposed regulations also clarify and simplify requirements governing the program.

The purposes and allowable activities of the Talent Search program support the National Education Goals.

Specifically, the program funds projects designed to improve high school graduation rates (Goal #2) and to improve academic competency of program participants (Goal #3).

DATES: Comments must be received on or before July 12, 1993.

ADDRESSES: All comments concerning these proposed regulations should be addressed to Richard T. Sonnergren, U.S. Department of Education, room 5065, FOB-6, 400 Maryland Avenue, SW., Washington, DC 20202-5249.

A copy of any comments that concern information collection requirements should also be sent to the Office of Management and Budget at the address listed in the Paperwork Reduction Act section of this preamble.

FOR FURTHER INFORMATION CONTACT:

Peggy J. Whitehead, U.S. Department of Education, 400 Maryland Avenue, SW., room 5065, Washington, DC 20202-5249. Telephone: (202) 708-4804.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION:**Background**

These proposed regulations would implement the Higher Education Amendments of 1992 (Pub. L. 102-325, enacted July 23, 1992). The Talent Search program provides grants to institutions of higher education; public and private agencies and organizations; combinations of institutions, agencies, and organizations; and secondary schools under special circumstances. The purposes of the program are to: (1) Identify qualified youths with potential for education at the postsecondary level and encourage them to complete

secondary education and enroll in postsecondary education; (2) publicize the availability of student financial assistance at the postsecondary level; and (3) encourage persons who have not completed secondary or postsecondary education to reenter these programs.

The major provisions of these proposed regulations include the following:

1. *Eligibility for a grant (§ 643.2).* The proposed regulations would implement a statutory amendment that extends eligibility to combinations of institutions of higher education and public and private agencies and organizations.

2. *Eligible project participant (§ 643.3).* The proposed regulations would implement a statutory provision that expands the eligible project participants to include children who have completed five years of elementary education or are at least 11 years old.

3. *Allowable activities (§ 643.4).* The proposed regulations would implement a statutory provision that expands the list of examples of allowable activities and services provided to Talent Search participants. In addition, to ensure that services to younger children are appropriate to their ages, the proposed regulations would expand the list to include activities to meet the specific educational needs of individuals in grades six through eight.

4. *Project period (§ 643.5).* The proposed regulations would implement a statutory provision that expands the project period to four years—or five years in the case of applications that receive peer review scores in the highest 10 percent of all scores.

5. *Definitions (§ 643.7).* The regulations would revise or add definitions to clarify certain terms used in the regulations, including a definition of a project "participant."

6. *Projects in territories (§ 643.20).* The proposed regulations would reflect a requirement in section 1204(a) of the Higher Education Act to give priority to applications from certain territories.

7. *Selection criteria (§ 643.21).* The proposed regulations would revise the application selection criteria to simplify and clarify the review and increase grantee accountability. In addition, the proposed regulations would clarify and strengthen the requirements for a grantee's evaluation of a project.

8. *Prior experience (§ 643.22).* The proposed regulations would revise the criteria for the evaluation of a grantee's prior experience to focus on project outcomes.

9. *Project size (§ 643.32).* The proposed regulations would establish a minimum of 600 participants that must

be served by a project in each budget period, subject to a reduction of the minimum number if the grant amount for the budget period is less than \$180,000. Coupled with the new definition of "participant" in § 643.7 and the new recordkeeping requirements for participants in § 643.32, this provision is intended to ensure that projects provide a reasonable level of services to a significant number of recipients. This intended result is consistent with section 402A(b)(3) of the Higher Education Act, which establishes a \$180,000 minimum grant level for awards beginning in fiscal year 1994 unless the applicant requests a lesser amount.

Executive Order 12291

These proposed regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities. The small entities that would be affected by these regulations are small institutions of higher education, other agencies and organizations, and secondary schools that receive Federal funds under this program. However, the regulations would not have a significant economic impact on the small entities affected because the regulations would not impose excessive regulatory burdens or require unnecessary Federal supervision. The regulations would impose minimal requirements to ensure the proper expenditure of program funds.

Paperwork Reduction Act of 1980

Sections 643.21, 643.22, and 643.32 contain information collection requirements. As required by the Paperwork Reduction Act of 1980, the Department of Education will submit a copy of these sections to the Office of Management and Budget (OMB) for its review. (44 U.S.C. 3504(h)).

Institutions of higher education; public and private agencies and organizations; combinations of institutions, agencies, and organizations; and secondary schools are eligible to apply for grants under these regulations. The Department needs and uses the application data and information to make grants. Annual grantee reporting is estimated to average 34 hours per response for 295

respondents, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Organizations and individuals desiring to submit comments on the information collection requirement should direct them to the Office of Information and Regulatory Affairs, OMB, Room 3002, New Executive Office Building, Washington, DC 20503; Attention: Daniel J. Chenok.

Intergovernmental Review

This program is subject to the requirement of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Invitation To Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations.

All comments submitted in response to these proposed regulations will be available for public inspection during and after the comment period in room 5065, FOB-6, 400 Maryland Avenue, SW, Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week except Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirements of reducing regulatory burden, the Secretary invites comment on whether there may be further opportunities to reduce any regulatory burden found in these proposed regulations.

Assessment of Educational Impact

The Secretary particularly requests comments on whether the proposed regulations in this document would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 643

Colleges and Universities, Education of disadvantaged, Grant programs—

education, Reporting and recordkeeping requirements, Secondary education.

Dated: May 26, 1993.

Richard W. Riley,
Secretary of Education.

(Catalog of Federal Domestic Assistance
Number 84.044 Talent Search Program.)

The Secretary proposes to revise part 643 of title 34 of the Code of Federal Regulations to read as follows:

PART 643—TALENT SEARCH

Subpart A—General

Sec.

643.1 What is the Talent Search program?

643.2 Who is eligible for a grant?

643.3 Who is eligible to participate in a project?

643.4 What services may a project provide?

643.5 How long is a project period?

643.6 What regulations apply?

643.7 What definitions apply?

Subpart B—Assurances

643.10 What assurances must an applicant submit?

Subpart C—How Does the Secretary Make a Grant?

643.20 How does the Secretary decide which new grants to make?

643.21 What selection criteria does the Secretary use?

643.22 How does the Secretary evaluate prior experience?

643.23 How does the Secretary set the amount of a grant?

Subpart D—What Conditions Must Be Met by a Grantee?

643.30 What are allowable costs?

643.31 What are unallowable costs?

643.32 What other requirements must a grantee meet?

Authority: 20 U.S.C. 1070a-11 and 1070a-12, unless otherwise noted.

Subpart A—General

§ 643.1 What is the Talent Search program?

The Talent Search program provides grants for projects designed to—

(a) Identify qualified youths with potential for education at the postsecondary level and encourage them to complete secondary school and undertake a program of postsecondary education;

(b) Publicize the availability of student financial assistance for persons who seek to pursue postsecondary education; and

(c) Encourage persons who have not completed education programs at the secondary or postsecondary level, but who have the ability to do so, to reenter these programs.

(Authority: 20 U.S.C. 1070a-12)

§ 643.2 Who is eligible for a grant?

The following are eligible for a grant to carry out a Talent Search project:

(a) An institution of higher education.

(b) A public or private agency or organization.

(c) A combination of the types of institutions, agencies, and organizations described in paragraphs (a) and (b) of this section.

(d) A secondary school, under exceptional circumstances such as if no institution, agency, or organization described in paragraphs (a) and (b) of this section is capable of carrying out a Talent Search project in the target area to be served by the proposed project.

(Authority: 20 U.S.C. 1070a-11)

§ 643.3 Who is eligible to participate in a project?

(a) An individual is eligible to participate in a Talent Search project if the individual meets all the following requirements:

(1)(i) Is a citizen or national of the United States;

(ii) Is a permanent resident of the United States;

(iii) Is in the United States for other than a temporary purpose and provides evidence from the Immigration and Naturalization Service of his or her intent to become a permanent resident;

(iv) Is a permanent resident of Guam, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands (Palau); or

(v) Is a resident of the Freely Associated States—the Federated States of Micronesia or the Republic of the Marshall Islands.

(2) Resides in the target area or attends a target school.

(3)(i) Has completed five years of elementary education or is at least 11 years of age but not more than 27 years of age.

(ii) However, an individual who is more than 27 years of age may participate in a Talent Search project if the individual cannot be appropriately served by an Educational Opportunity Center project under 34 CFR part 644 and if the individual's participation would not dilute the Talent Search project's services to individuals described in paragraph (a)(3)(i) of this section.

(4)(i) Is enrolled in or has dropped out of any grade from six through 12, or has graduated from secondary school, has potential for a program of postsecondary education, and needs one or more of the services provided by the project in order to undertake such a program; or

(ii) Has undertaken, but is not presently enrolled in, a program of postsecondary education, has the ability

to reenter and complete such a program, and needs one or more of the services provided by the project to reenter and complete such a program.

(b) A veteran as defined in § 643.6(b), regardless of age, is eligible to participate in a Talent Search project if he or she satisfies the eligibility requirements in paragraph (a) of this section other than the age requirement in paragraph (a)(3).

(Authority: 20 U.S.C. 1070a-11 and 1070a-12)

§ 643.4 What services may a project provide?

A Talent Search project may provide the following services:

(a) Academic advice and assistance in secondary school and college course selection.

(b) Assistance in completing college admission and financial aid applications.

(c) Assistance in preparing for college entrance examinations.

(d) Guidance on secondary school reentry or entry to other programs leading to a secondary school diploma or its equivalent.

(e) Personal and career counseling.

(f) Tutorial services.

(g) Exposure to college campuses as well as cultural events, academic programs, and other sites or activities not usually available to disadvantaged youth.

(h) Workshops and counseling for parents of students served.

(i) Mentoring programs involving elementary or secondary school teachers, faculty members at institutions of higher education, students, or any combination of these persons.

(j) Activities described in paragraphs (a) through (i) of this section that are specifically designed for students of limited English proficiency.

(k) Other activities designed to meet the purposes of the Talent Search program stated in § 643.1, including activities to meet the specific educational needs of individuals in grades six through eight.

(Authority: 20 U.S.C. 1070a-12)

§ 643.5 How long is a project period?

(a) Except as provided in paragraph (b) of this section, a project period under the Talent Search program is four years.

(b) The Secretary approves a project period of five years for applications that score in the highest ten percent of all applications for new grants under the criteria in § 643.21.

(Authority: 20 U.S.C. 1070a-11)

§ 643.6 What regulations apply?

The following regulations apply to the Talent Search program:

(a) The Education Department General Administrative Regulations (EDGAR) as follows:

(1) 34 CFR Part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations).

(2) 34 CFR Part 75 (Direct Grant Programs), except for § 75.511.

(3) 34 CFR Part 77 (Definitions that Apply to Department Regulations), except for the definition of "secondary school" in § 77.1.

(4) 34 CFR Part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(5) 34 CFR Part 82 (New Restrictions on Lobbying).

(6) 34 CFR Part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).

(7) 34 CFR Part 86 (Drug-Free Schools and Campuses).

(b) The regulations in this part 643.

(Authority: 20 U.S.C. 1070a-11 and 1070a-12)

§ 643.7 What definitions apply?

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR 77.1:

Applicant
Application
Budget
Budget period
EDGAR
Equipment
Facilities
Fiscal year
Grant
Grantee
Private
Project
Project period
Public
Secretary
Supplies

(b) *Other definitions.* The following definitions also apply to this part:

HEA means the Higher Education Act of 1965, as amended.

Institution of higher education means an educational institution as defined in sections 1201(a) and 481 of the HEA.

Low-income individual means an individual whose family's taxable income did not exceed 150 percent of the poverty level amount in the calendar year preceding the year in which the individual initially participated in the project. The poverty level amount is determined by using criteria of poverty established by the Bureau of the Census of the U.S. Department of Commerce.

Participant means an individual who—

(1) Is determined to be eligible to participate in the project under § 643.3;

(2) Is determined to be able to benefit from one or more services available from the project; and

(3) Receives project services designed for his or her age or grade level.

Postsecondary education means education beyond the secondary school level.

Potential first-generation college student means—

(1) An individual neither of whose parents received a baccalaureate degree; or

(2) An individual who regularly resided with and received support from only one parent and whose supporting parent did not receive a baccalaureate degree.

Secondary school means a school that provides secondary education as determined under State law, except that it does not include education beyond grade 12.

Target area means a geographic area served by a Talent Search project.

Target school means a secondary school located in a target area.

Veteran means a person who served on active duty as a member of the Armed Forces of the United States—

(1) For a period of more than 180 days, any part of which occurred after January 31, 1955, and who was discharged or released from active duty under conditions other than dishonorable; or

(2) After January 31, 1955, and who was discharged or released from active duty because of a service-connected disability.

(Authority: 20 U.S.C. 1070a-11, 1070a-12 and 1141)

Subpart B—Assurances

§ 643.10 What assurances must an applicant submit?

An applicant shall submit, as part of its application, assurances that—

(a) At least two-thirds of the individuals it serves under its proposed Talent Search project will be low-income individuals who are potential first-generation college students;

(b) Individuals who are receiving services from another Talent Search project or an Educational Opportunity Center project under 34 CFR part 644 will not receive services under the proposed project;

(c) The project will be located in a setting or settings accessible to the individuals proposed to be served by the project; and

(d) If the applicant is an institution of higher education, it will not use the project as a part of its recruitment program.

(Authority: 20 U.S.C. 1070a-12)

Subpart C—How Does the Secretary Make a Grant?

§ 643.20 How does the Secretary decide which new grants to make?

(a) The Secretary evaluates an application for a new grant as follows:

(1)(i) The Secretary evaluates the application on the basis of the selection criteria in § 643.21.

(ii) The maximum score for all the criteria in § 643.21 is 100 points. The maximum score for each criterion is indicated in parentheses with the criterion.

(2)(i) For an application for a new grant to continue to serve substantially the same populations or campuses that the applicant is serving under an expiring project, the Secretary evaluates the applicant's prior experience in delivering services under the expiring project on the basis of the criteria in § 643.22. The Secretary applies the criteria in § 643.22 to no more than one application from a single applicant.

(ii) The maximum score for all the criteria in § 643.22 is 15 points. The maximum score for each criterion is indicated in parentheses with the criterion.

(3) The Secretary awards additional points equal to 10 percent of the application's score under paragraphs (a) (1) and (2) of this section to an application for a project in Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands (Palau), or the Northern Mariana Islands if the applicant meets the requirements of subparts A, B, and D of this part.

(b) The Secretary makes new grants in rank order on the basis of the applications' total scores under paragraphs (a) (1) through (3) of this section.

(c) If the total scores of two or more applications are the same and there are insufficient funds for these applications after the approval of higher-ranked applications, the Secretary uses the remaining funds to achieve an equitable geographic distribution of all new projects.

(d) The Secretary may decline to make a grant to an applicant that carried out a project that involved the fraudulent use of funds under section 402A(c)(2)(B) of the HEA.

(Authority: 20 U.S.C. 1070a-11, 1070a-12, and 1144a(a))

§ 643.21 What selection criteria does the Secretary use?

The Secretary uses the following criteria to evaluate an application for a new grant:

(a) Need for the project (24 points).

The Secretary evaluates the need for a Talent Search project in the proposed target area on the basis of the extent to which the application contains clear evidence of the following:

(1) A high number or percentage, or both, of low-income families residing in the target area in relation to the total population of that area;

(2) A high number or percentage, or both, of individuals residing in the target area with education completion levels below the baccalaureate level;

(3) A high student dropout rate in the proposed target schools in the preceding three years;

(4) A low rate of enrollment in programs of postsecondary education by graduates of the target schools in the preceding three years;

(5) A high ratio of students to school counselors in the target schools; and

(6) Other indicators of need for a Talent Search project, including the presence of unaddressed academic or socio-economic problems of students in the target schools.

(b) Objectives (8 points). The Secretary evaluates the quality of the applicant's proposed project objectives on the basis of the extent to which they—

(1) Will further the purposes of the Talent Search program stated in § 643.1;

(2) Will motivate participants to—

(i) Complete secondary education;

(ii) Seek admission to programs of postsecondary education after graduation from secondary school; and

(iii) Reenter programs of secondary or postsecondary education if they have dropped out of these programs;

(3) Are clearly described, specific, and measurable; and

(4) Are ambitious but attainable within the project period given the project budget and other resources.

(c) Plan of operation (33 points). The Secretary evaluates the quality of the applicant's plan of operation on the basis of the following:

(1) (5 points) The quality of the applicant's plan to—

(i) Identify and select eligible participants;

(ii) Determine each participant's ability to benefit from services; and

(iii) Ensure that participants are selected without regard to race, color, national origin, gender, or disability.

(2) (20 points) The quality of the applicant's plan to provide services that will achieve the objectives of the project.

(3) (4 points) The extent to which the management plan, including the planned time commitment of the project director and other personnel to the

project, is effective in ensuring the proper and efficient administration of the project.

(4) (4 points) The quality of the applicant's plan to inform the residents, schools, and community organizations in the target area of the goals, objectives, and services of the project and the eligibility requirements for participation in the project.

(d) Applicant and community support (8 points). The Secretary evaluates the applicant and community support for the proposed project on the basis of the extent to which the applicant has—

(1) Provided facilities, equipment, supplies, and other resources that will help the project achieve its objectives; and

(2) Secured written commitments from schools, community organizations, and others to supplement and enhance the delivery of project services.

(e) Quality of personnel (9 points). (1) The Secretary evaluates the quality of the personnel the applicant plans to use in the project on the basis of the following:

(i) The qualifications required of the project director.

(ii) The qualifications required of each of the other personnel to be used in the project.

(iii) The quality of the applicant's plan to employ personnel who have succeeded in overcoming the disadvantages of circumstances like those of the population of the target area.

(2) In evaluating the qualifications of a person, the Secretary considers his or her experience and training in fields related to the objectives of the project.

(f) Budget (10 points). The Secretary evaluates the extent to which—

(1) The project budget—

(i) Is adequate to support the project; and

(ii) Makes effective use of resources provided by the applicant and the community; and

(2) The costs of project services are reasonable in relation to—

(i) The objectives of the project; and

(ii) The costs of similar services provided by the applicant or other providers in the target area.

(g) Evaluation plan (8 points). The Secretary evaluates the quality of the evaluation plan for the project on the basis of the extent to which the applicant's methods of evaluation—

(1) Are appropriate to the project's objectives;

(2) Provide for the applicant to determine, in specific and measurable ways, the success of the project in—

(i) Making progress toward achieving its objectives (a formative evaluation); and

(ii) Achieving its objectives at the end of the project period (a summative evaluation); and

(3) Provide for a description of other project outcomes, including the use of quantifiable measures if appropriate.

(Authority: 20 U.S.C. 1070a-12)

§ 643.22 How does the Secretary evaluate prior experience?

(a) The Secretary reviews information relating to an applicant's performance as a grantee under the Talent Search program during the three fiscal years immediately preceding the fiscal year in which the application is submitted. This information includes performance reports, audit reports, site visit reports, and project evaluation reports.

(b) The Secretary evaluates the applicant's prior experience in delivering services on the basis of the following criteria:

(1) (3 points) (i) Whether the applicant provided services to the number of participants it was funded to serve; and

(ii) Whether two-thirds of the participants were low-income individuals and potential first-generation college students.

(2) (8 points) The extent to which the applicant met or exceeded its objectives regarding the retention, reentry, and graduation levels of secondary school participants.

(3) (4 points) The extent to which the applicant met or exceeded its objectives regarding the admission or reentry of participants to programs of postsecondary education.

(Authority: 20 U.S.C. 1070a-12)

§ 643.23 How does the Secretary set the amount of a grant?

(a) The Secretary sets the amount of a grant on the basis of—

(1) 34 CFR 75.232 and 75.233, for new grants; and

(2) 34 CFR 75.253, for the second and subsequent years of a project period.

(b) If the circumstances described in section 402A(b)(3) of the HEA exist, the Secretary uses the available funds to set the amount of the grant beginning in fiscal year 1994 at the lesser of—

(1) \$180,000; or

(2) The amount requested by the applicant.

(Authority: 20 U.S.C. 1070a-11)

Subpart D—What Conditions Must Be Met by a Grantee?

§ 643.30 What are allowable costs?

The cost principles that apply to the Talent Search program are in 34 CFR part 74, subpart Q. Allowable costs include the following if they are reasonably related to the objectives of the project:

(a) Transportation and meal costs for participants and staff for—

(1) Visits to postsecondary educational institutions in the area;

(2) Participation in "College Day" activities; and

(3) Field trips to observe and meet with persons who are employed in various career fields in the target area and who can act as role models for participants.

(b) Purchase of testing materials.

(c) In-service training of project staff.

(d) Rental of space if—

(1) Space is not available at the site of the grantee; and

(2) The rented space is not owned by the grantee.

(e) Purchase of computer hardware, computer software, or other equipment for student development, project administration, and recordkeeping, if the applicant demonstrates to the Secretary's satisfaction that the equipment is required to meet the objectives of the project more economically or efficiently.

(Authority: 20 U.S.C. 1070a-11 and 1070a-12)

§ 643.31 What are unallowable costs?

Costs that are unallowable under the Talent Search program include, but are not limited to, the following:

(a) Tuition, fees, stipends, and other forms of direct financial support for participants.

(b) Application fees for enrollment or for financial aid.

(c) Lodging for project participants.

(d) Duplicative services that are available to participants through—

(1) State, local, or private sources;

(2) The grantee's own resources; or

(3) Other Federal programs.

(e) Research not directly related to the evaluation or improvement of the project.

(f) Construction, renovation, and remodeling of any facilities.

(Authority: 20 U.S.C. 1070a-11 and 1070a-12)

§ 643.32 What other requirements must a grantee meet?

(a) *Eligibility of participants.* (1) A grantee shall determine the eligibility of each participant in the project at the time that the individual is selected to participate.

(2) A grantee shall determine the status of a low-income individual on the basis of the documentation described in section 402A(e) of the HEA.

(b) *Number of participants.* A grantee shall serve a minimum of 600 participants in each budget period. However, the Secretary may reduce the minimum number of participants if the amount of the grant for the budget period is less than \$180,000.

(c) *Recordkeeping.* For each participant, a grantee shall maintain a record of—

(1) The basis for the grantee's determination that the participant is eligible to participate in the project;

(2) The basis for the grantee's determination that the participant is able to benefit from one or more services available from the project;

(3) The services that are provided to the participant; and

(4) The specific educational benefits to the participant that resulted from the services.

(d) *Project director.* (1) A grantee shall employ a full-time project director unless paragraph (d)(2) of this section applies.

(2) The Secretary waives the requirement in paragraph (d)(1) of this section if the applicant demonstrates that the requirement will hinder coordination—

(i) Among the Federal TRIO Programs authorized by sections 402A through 402F of the HEA; or

(ii) Between the programs authorized by sections 402A through 410 of the HEA and similar programs funded through other sources.

(Authority: 20 U.S.C. 1070a-11 and 1070a-12)

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