

accounting for Federal funds paid to the State agency under this subpart, and (B) for the making of such reports, in such form and containing such information, as may be reasonably necessary to enable the Secretary to perform his functions under this subpart;

(10) for any academic year beginning after June 30, 1987, provides the non-Federal share of the amount of student grants or work-study jobs under this subpart through State funds for the program under this subpart; and

(11) provides notification to eligible students that such grants are—

(A) Leveraging Educational Assistance Partnership Grants; and

(B) funded by the Federal Government, the State, and, where applicable, other contributing partners.

**(c) Reservation and disbursement of allotments and reallocations**

Upon his approval of any application for a payment under this subpart, the Secretary shall reserve from the applicable allotment (including any applicable reallocation) available therefor, the amount of such payment, which (subject to the limits of such allotment or reallocation) shall be equal to the Federal share of the cost of the students' incentive grants or work-study jobs covered by such application. The Secretary shall pay such reserved amount, in advance or by way of reimbursement, and in such installments as the Secretary may determine. The Secretary may amend the reservation of any amount under this section, either upon approval of an amendment of the application or upon revision of the estimated cost of the student grants or work-study jobs with respect to which such reservation was made. If the Secretary approves an upward revision of such estimated cost, the Secretary may reserve the Federal share of the added cost only from the applicable allotment (or reallocation) available at the time of such approval.

(Pub. L. 89-329, title IV, § 415C, as added Pub. L. 99-498, title IV, § 401(a), Oct. 17, 1986, 100 Stat. 1333; amended Pub. L. 102-325, title IV, § 404(b)-(d), July 23, 1992, 106 Stat. 507; Pub. L. 103-208, § 2(b)(27), Dec. 20, 1993, 107 Stat. 2459; Pub. L. 105-244, title IV, § 407(a)(2)(B), Oct. 7, 1998, 112 Stat. 1666; Pub. L. 110-315, title IV, § 407(b), Aug. 14, 2008, 122 Stat. 3215.)

**Editorial Notes**

**PRIOR PROVISIONS**

A prior section 1070c-2, Pub. L. 89-329, title IV, § 415C, as added Pub. L. 92-318, title I, § 131(b)(1), June 23, 1972, 86 Stat. 256; amended Pub. L. 94-482, title I, § 123(b), Oct. 12, 1976, 90 Stat. 2094; Pub. L. 95-43, § 1(a)(6), June 15, 1977, 91 Stat. 213; Pub. L. 95-566, § 3, Nov. 1, 1978, 92 Stat. 2403; Pub. L. 96-374, title IV, § 404(c), title XIII, § 1391(a)(1), (2), Oct. 3, 1980, 94 Stat. 1407, 1503, related to payment of grants to States for State student incentives, prior to the general revision of this part by Pub. L. 99-498.

**AMENDMENTS**

2008—Subsec. (b)(2). Pub. L. 110-315, § 407(b)(1), substituted “not to exceed the lesser of \$12,500 or the student's cost of attendance per academic year” for “not in excess of \$5,000 per academic year”.

Subsec. (b)(9). Pub. L. 110-315, § 407(b)(2), struck out “and” after semicolon.

Subsec. (b)(10). Pub. L. 110-315, § 407(b)(3), struck out “a direct appropriation of” before “State funds” and substituted “; and” for period at end.

Subsec. (b)(11). Pub. L. 110-315, § 407(b)(4), added par. (11).

1998—Pub. L. 105-244 substituted “leveraging educational assistance partnership” for “State student incentive grant” in section catchline.

1993—Subsec. (b)(7). Pub. L. 103-208 substituted a semicolon for period at end.

1992—Subsec. (b)(2). Pub. L. 102-325, § 404(b), substituted “\$5,000” for “\$2,500”.

Subsec. (b)(4). Pub. L. 102-325, § 404(c), inserted before semicolon at end “, except that for the purpose of collecting data to make such determination of financial need, no student or parent shall be charged a fee that is payable to an entity other than such State”.

Subsec. (b)(7). Pub. L. 102-325, § 404(d), amended par. (7) generally. Prior to amendment, par. (7) read as follows: “provides that, if the institution's allocation under this subpart is based in part on the financial need demonstrated by students attending the institution less than full time, a reasonable proportion of the institution's allocation shall be made available to such students;”.

**Statutory Notes and Related Subsidiaries**

**EFFECTIVE DATE OF 1998 AMENDMENT**

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of this title.

**EFFECTIVE DATE OF 1993 AMENDMENT**

Amendment by Pub. L. 103-208 effective as if included in the Higher Education Amendments of 1992, Pub. L. 102-325, except as otherwise provided, see section 5(a) of Pub. L. 103-208, set out as a note under section 1051 of this title.

**§ 1070c-3. Administration of State programs; judicial review**

**(a) Disapproval of applications; suspension of eligibility**

(1) The Secretary shall not finally disapprove any application for a State program submitted under section 1070c-2 of this title, or any modification thereof, without first affording the State agency submitting the program reasonable notice and opportunity for a hearing.

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

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

(B) that in the administration of the program there is a failure to comply substantially with any such provisions,

the Secretary shall notify such State agency that the State will not be regarded as eligible to participate in the program under this subpart until he is satisfied that there is no longer any such failure to comply.

**(b) Review of decisions**

(1) If any State is dissatisfied with the Secretary's final action with respect to the approval of its State program submitted under this subpart or with his final action under sub-

section (a), such State may appeal to the United States court of appeals for the circuit in which such State is located. The summons and notice of appeal may be served at any place in the United States. The Commissioner shall forthwith certify and file in the court the transcript of the proceedings and the record on which he based his action.

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

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

(Pub. L. 89–329, title IV, §415D, as added Pub. L. 99–498, title IV, §401(a), Oct. 17, 1986, 100 Stat. 1335.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 1070c–3, Pub. L. 89–329, title IV, §415D, as added Pub. L. 92–318, title I, §131(b)(1), June 23, 1972, 86 Stat. 257; amended Pub. L. 96–374, title XIII, §1391(a)(1), (2), Oct. 3, 1980, 94 Stat. 1503, related to administration of State programs and judicial review, prior to the general revision of this part by Pub. L. 99–498.

### § 1070c–3a. Grants for access and persistence

#### (a) Purpose

It is the purpose of this section to expand college access and increase college persistence by making allotments to States to enable the States to—

(1) expand and enhance partnerships with institutions of higher education, early information and intervention, mentoring, or outreach programs, private corporations, philanthropic organizations, and other interested parties, including community-based organizations, in order to—

(A) carry out activities under this section; and

(B) provide coordination and cohesion among Federal, State, and local governmental and private efforts that provide financial assistance to help low-income students attend an institution of higher education;

(2) provide need-based grants for access and persistence to eligible low-income students;

(3) provide early notification to low-income students of the students' eligibility for financial aid; and

(4) encourage increased participation in early information and intervention, mentoring, or outreach programs.

#### (b) Allotments to States

##### (1) In general

###### (A) Authorization

From sums reserved under section 1070c(b)(2) of this title for each fiscal year, the Secretary shall make an allotment to each State that submits an application for an allotment in accordance with subsection (c) to enable the State to pay the Federal share, as described in paragraph (2), of the cost of carrying out the activities under subsection (d).

###### (B) Determination of allotment

In making allotments under subparagraph (A), the Secretary shall consider the following:

###### (i) Continuation of award

Except as provided in clause (ii), if a State continues to meet the specifications established in such State's application under subsection (c), the Secretary shall make an allotment to such State that is not less than the allotment made to such State for the previous fiscal year.

###### (ii) Special continuation and transition rule

If a State that applied for and received an allotment under this section for fiscal year 2010 pursuant to subsection (j) meets the specifications established in the State's application under subsection (c) for fiscal year 2011, then the Secretary shall make an allotment to such State for fiscal year 2011 that is not less than the allotment made pursuant to subsection (j) to such State for fiscal year 2010 under this section (as this section was in effect on the day before August 14, 2008).

###### (iii) Priority

The Secretary shall give priority in making allotments to States that meet the requirements described in paragraph (2)(B)(ii).

#### (2) Federal share

##### (A) In general

The Federal share of the cost of carrying out the activities under subsection (d) for any fiscal year shall not exceed 66.66 percent.

##### (B) Different percentages

The Federal share under this section shall be determined in accordance with the following:

(i) The Federal share of the cost of carrying out the activities under subsection (d) shall be 57 percent if a State applies for an allotment under this section in partnership with any number of degree-granting institutions of higher education in the State whose combined full-time enrollment represents less than a majority of all students attending institutions of higher education in the State, and—

(I) philanthropic organizations that are located in, or that provide funding in, the State; or