

Stat. 656, related to State applications for allotments, prior to the general amendment of this subchapter by Pub. L. 105-244.

A prior section 512 of Pub. L. 89-329 was renumbered section 522, and is classified to section 1103a of this title.

Another prior section 512 of Pub. L. 89-329 was classified to section 1103a of this title, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 512 of Pub. L. 89-329 was classified to section 1103a of this title, prior to the general amendment of this subchapter by Pub. L. 102-325.

Another prior section 512 of Pub. L. 89-329 was classified to section 1102 of this title, prior to repeal by Pub. L. 97-35.

### § 1102b. Authorized activities

Grants awarded under this part shall be used for one or more of the following activities:

(1) Purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes.

(2) Construction, maintenance, renovation, and improvement of classrooms, libraries, laboratories, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services.

(3) Purchase of library books, periodicals, technical and other scientific journals, microfilm, microfiche, and other educational materials, including telecommunications program materials.

(4) Support for low-income postbaccalaureate students including outreach, academic support services, mentoring, scholarships, fellowships, and other financial assistance to permit the enrollment of such students in postbaccalaureate certificate and postbaccalaureate degree granting programs.

(5) Support of faculty exchanges, faculty development, faculty research, curriculum development, and academic instruction.

(6) Creating or improving facilities for Internet or other distance education technologies, including purchase or rental of telecommunications technology equipment or services.

(7) Collaboration with other institutions of higher education to expand postbaccalaureate certificate and postbaccalaureate degree offerings.

(8) Other activities proposed in the application submitted pursuant to section 1102c of this title that—

(A) contribute to carrying out the purposes of this part; and

(B) are approved by the Secretary as part of the review and acceptance of such application.

(Pub. L. 89-329, title V, §513, as added Pub. L. 110-315, title V, §502(a)(3), Aug. 14, 2008, 122 Stat. 3332.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 1102b, Pub. L. 89-329, title V, §503, as added Pub. L. 102-325, title V, §501(a), July 23, 1992, 106 Stat. 658, related to local applications and use of funds, prior to the general amendment of this subchapter by Pub. L. 105-244.

A prior section 513 of Pub. L. 89-329 was renumbered section 523, and is classified to section 1103b of this title.

Another prior section 513 of Pub. L. 89-329 was classified to section 1103b of this title, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 513 of Pub. L. 89-329 was classified to section 1103b of this title, prior to the general amendment of this subchapter by Pub. L. 102-325.

Another prior section 513 of Pub. L. 89-329 was classified to section 1103 of this title, prior to repeal by Pub. L. 97-35.

### § 1102c. Application and duration

#### (a) Application

Any eligible institution may apply for a grant under this part by submitting an application to the Secretary at such time and in such manner as the Secretary may require. Such application shall demonstrate how the grant funds will be used to improve postbaccalaureate education opportunities for Hispanic and low-income students.

#### (b) Duration

Grants under this part shall be awarded for a period not to exceed five years.

#### (c) Limitation

The Secretary may not award more than one grant under this part in any fiscal year to any Hispanic-serving institution.

(Pub. L. 89-329, title V, §514, as added Pub. L. 110-315, title V, §502(a)(3), Aug. 14, 2008, 122 Stat. 3332.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 1102c, Pub. L. 89-329, title V, §504, as added Pub. L. 102-325, title V, §501(a), July 23, 1992, 106 Stat. 661, related to State uses of funds, prior to the general amendment of this subchapter by Pub. L. 105-244.

A prior section 514 of Pub. L. 89-329 was renumbered section 524, and is classified to section 1103c of this title.

Another prior section 514 of Pub. L. 89-329 was classified to section 1103c of this title, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 514 of Pub. L. 89-329 was classified to section 1103c of this title, prior to the general amendment of this subchapter by Pub. L. 102-325.

Another prior section 514 of Pub. L. 89-329 was classified to section 1104 of this title, prior to repeal by Pub. L. 97-35.

Prior sections 1102d to 1102j were omitted in the general amendment of this subchapter by Pub. L. 105-244.

Section 1102d, Pub. L. 89-329, title V, §505, as added Pub. L. 102-325, title V, §501(a), July 23, 1992, 106 Stat. 663; amended Pub. L. 103-208, §2(j)(1), Dec. 20, 1993, 107 Stat. 2480, related to State Academies for teachers.

Section 1102e, Pub. L. 89-329, title V, §506, as added Pub. L. 102-325, title V, §501(a), July 23, 1992, 106 Stat. 666, related to State Academies for school leaders.

Section 1102f, Pub. L. 89-329, title V, §507, as added Pub. L. 102-325, title V, §501(a), July 23, 1992, 106 Stat. 669, related to uses of funds by institutions of higher education.

Section 1102g, Pub. L. 89-329, title V, §508, as added Pub. L. 102-325, title V, §501(a), July 23, 1992, 106 Stat. 670, related to professional development academies.

Section 1102h, Pub. L. 89-329, title V, §509, as added Pub. L. 102-325, title V, §501(a), July 23, 1992, 106 Stat. 673, required that Federal funds supplement, not supplant, regular non-Federal funds.

Section 1102i, Pub. L. 89-329, title V, §510, as added Pub. L. 102-325, title V, §501(a), July 23, 1992, 106 Stat. 673, related to coordination with other programs.

Section 1102j, Pub. L. 89-329, title V, §510A, as added Pub. L. 102-325, title V, §501(a), July 23, 1992, 106 Stat. 674, authorized appropriations for State and local programs for teacher excellence.

## PART C—GENERAL PROVISIONS

### Editorial Notes

#### CODIFICATION

Pub. L. 110-315, title V, §502(a)(1), Aug. 14, 2008, 122 Stat. 3331, redesignated part B of this subchapter as part C of this subchapter.

#### PRIOR PROVISIONS

A prior part C consisted of sections 1104 to 1104k and related to teacher scholarships and fellowships prior to the general amendment of this subchapter by Pub. L. 105-244.

### § 1103. Eligibility; applications

#### (a) Institutional eligibility

Each Hispanic-serving institution desiring to receive assistance under this subchapter shall submit to the Secretary such enrollment data as may be necessary to demonstrate that the institution is a Hispanic-serving institution as defined in section 1101a of this title, along with such other data and information as the Secretary may by regulation require.

#### (b) Applications

##### (1) Applications required

Any institution which is eligible for assistance under this subchapter shall submit to the Secretary an application for assistance at such time, in such form, and containing such information, as may be necessary to enable the Secretary to evaluate the institution's need for assistance. Subject to the availability of appropriations to carry out this subchapter, the Secretary may approve an application for a grant under this subchapter only if the Secretary determines that—

(A) the application meets the requirements of subsection (c); and

(B) the institution is eligible for assistance in accordance with the provisions of this subchapter under which the assistance is sought.

##### (2) Preliminary applications

In carrying out paragraph (1), the Secretary may develop a preliminary application for use by Hispanic-serving institutions applying under this subchapter prior to the submission of the principal application.

#### (c) Contents

A Hispanic-serving institution, in the institution's application for a grant, shall—

(1) set forth, or describe how the institution will develop, a comprehensive development plan to strengthen the institution's academic quality and institutional management, and otherwise provide for institutional self-sufficiency and growth (including measurable objectives for the institution and the Secretary to use in monitoring the effectiveness of activities under this subchapter);

(2) include a 5-year plan for improving the assistance provided by the Hispanic-serving

institution to Hispanic students and other low-income individuals;

(3) set forth policies and procedures to ensure that Federal funds made available under this subchapter for any fiscal year will be used to supplement and, to the extent practical, increase the funds that would otherwise be made available for the purposes of section 1101(b) of this title, and in no case supplant those funds;

(4) set forth policies and procedures for evaluating the effectiveness in accomplishing the purpose of the activities for which a grant is sought under this subchapter;

(5) provide for such fiscal control and fund accounting procedures as may be necessary to ensure proper disbursement of and accounting for funds made available to the institution under this subchapter;

(6) provide that the institution will comply with the limitations set forth in section 1103e of this title;

(7) describe in a comprehensive manner any proposed project for which funds are sought under the application and include—

(A) a description of the various components of the proposed project, including the estimated time required to complete each such component;

(B) in the case of any development project that consists of several components (as described by the institution pursuant to subparagraph (A)), a statement identifying those components which, if separately funded, would be sound investments of Federal funds and those components which would be sound investments of Federal funds only if funded under this subchapter in conjunction with other parts of the development project (as specified by the institution);

(C) an evaluation by the institution of the priority given any proposed project for which funds are sought in relation to any other projects for which funds are sought by the institution under this subchapter, and a similar evaluation regarding priorities among the components of any single proposed project (as described by the institution pursuant to subparagraph (A));

(D) a detailed budget showing the manner in which funds for any proposed project would be spent by the institution; and

(E) a detailed description of any activity which involves the expenditure of more than \$25,000, as identified in the budget referred to in subparagraph (D);

(8) provide for making reports, in such form and containing such information, as the Secretary may require to carry out the Secretary's functions under this subchapter, including not less than one report annually setting forth the institution's progress toward achieving the objectives for which the funds were awarded and for keeping such records and affording such access to such records, as the Secretary may find necessary to assure the correctness and verification of such reports; and

(9) include such other information as the Secretary may prescribe.

#### (d) Priority

With respect to applications for assistance under this section, the Secretary shall give pri-