

AMENDMENTS

2008—Subsec. (a)(1). Pub. L. 110-315 substituted “2009-2010” for “1999-2000” and “2008-2009” for “1998-1999”.

§ 1135e. Authorization of appropriations

There are authorized to be appropriated \$35,000,000 for fiscal year 2009 and each of the five succeeding fiscal years to carry out this subpart.

(Pub. L. 89-329, title VII, § 716, as added Pub. L. 105-244, title VII, § 701, Oct. 7, 1998, 112 Stat. 1794; amended Pub. L. 110-315, title VII, § 703(d), Aug. 14, 2008, 122 Stat. 3347.)

Editorial Notes

PRIOR PROVISIONS

A prior section 1135e, Pub. L. 89-329, title X, § 1061, as added Pub. L. 99-498, title X, § 1003, Oct. 17, 1986, 100 Stat. 1567; amended Pub. L. 102-325, title X, § 1003, July 23, 1992, 106 Stat. 781, stated purpose of women and minorities science and engineering outreach demonstration program, prior to repeal by Pub. L. 105-244, § 3, title VII, § 702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998.

A prior section 716 of Pub. L. 89-329 was classified to section 1132b-5 of this title, prior to the general amendment of this subchapter by Pub. L. 105-244.

Prior sections 1135e-1 to 1135g were repealed by Pub. L. 105-244, § 3, title VII, § 702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998.

Section 1135e-1, Pub. L. 89-329, title X, § 1062, as added Pub. L. 99-498, title X, § 1003, Oct. 17, 1986, 100 Stat. 1567; amended Pub. L. 102-325, title X, § 1003, July 23, 1992, 106 Stat. 781, authorized grants for programs to encourage female and minority elementary and secondary school students to pursue higher education for careers in science and engineering.

Section 1135e-2, Pub. L. 89-329, title X, § 1063, as added Pub. L. 99-498, title X, § 1003, Oct. 17, 1986, 100 Stat. 1567; amended Pub. L. 102-325, title X, § 1003, July 23, 1992, 106 Stat. 781, defined “eligible institution” and related to availability of funds.

Section 1135e-3, Pub. L. 89-329, title X, § 1064, as added Pub. L. 102-325, title X, § 1003, July 23, 1992, 106 Stat. 782, related to amount, duration, and use of funds.

Section 1135e-4, Pub. L. 89-329, title X, § 1065, as added Pub. L. 102-325, title X, § 1003, July 23, 1992, 106 Stat. 782, related to applications for grants.

Section 1135e-5, Pub. L. 89-329, title X, § 1066, as added Pub. L. 102-325, title X, § 1003, July 23, 1992, 106 Stat. 782, related to evaluation of assisted activities.

Section 1135e-6, Pub. L. 89-329, title X, § 1067, as added Pub. L. 102-325, title X, § 1003, July 23, 1992, 106 Stat. 783, related to Federal share of costs.

Section 1135e-7, Pub. L. 89-329, title X, § 1068, as added Pub. L. 102-325, title X, § 1003, July 23, 1992, 106 Stat. 783, related to use of funds to supplement and not supplant other funds.

Section 1135e-8, Pub. L. 89-329, title X, § 1069, as added Pub. L. 102-325, title X, § 1003, July 23, 1992, 106 Stat. 783, authorized appropriations for women and minorities science and engineering outreach demonstration program.

Section 1135f, Pub. L. 89-329, title X, § 1081, formerly § 1181, as added Pub. L. 102-325, title X, § 1004, July 23, 1992, 106 Stat. 783; renumbered § 1081 and amended Pub. L. 103-208, § 2(j)(44), (45), Dec. 20, 1993, 107 Stat. 2485, established Dwight D. Eisenhower Leadership Program and provided that part D of former subchapter X of this chapter could be cited as the “Dwight D. Eisenhower Leadership Development Act of 1992”.

Section 1135g, Pub. L. 89-329, title X, § 1091, as added Pub. L. 103-382, title III, § 360D, Oct. 20, 1994, 108 Stat. 3972, authorized grants to States for workplace and community transition training for incarcerated youth offenders.

AMENDMENTS

2008—Pub. L. 110-315 substituted “fiscal year 2009 and each of the five succeeding fiscal years to carry out this subpart” for “fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years to carry out this subpart”.

SUBPART 3—THURGOOD MARSHALL LEGAL
EDUCATIONAL OPPORTUNITY PROGRAM**§ 1136. Legal educational opportunity program****(a) Program authority**

The Secretary shall carry out a program to be known as the “Thurgood Marshall Legal Educational Opportunity Program” designed to provide low-income, minority, or disadvantaged secondary school and college students with the information, preparation, and financial assistance to gain access to and complete law school study and admission to law practice.

(b) Eligibility

A secondary school student or college student is eligible for assistance under this section if the student is—

- (1) from a low-income family;
- (2) a minority; or
- (3) from an economically or otherwise disadvantaged background.

(c) Contract or grant authorized

The Secretary is authorized to enter into a contract with, or make a grant to, the Council on Legal Education Opportunity, for a period of not less than 5 years—

(1) to identify secondary school and college students who are from low-income families, are minorities, or are from disadvantaged backgrounds described in subsection (b)(3);

(2) to prepare such students for successful completion of a baccalaureate degree and for study at accredited law schools, and to assist them with the development of analytical skills, writing skills, and study methods to enhance the students’ success in, and promote the students’ admission to and completion of, law school;

(3) to assist such students to select the appropriate law school, make application for entry into law school, and receive financial assistance for such study;

(4) to provide support services to such students who are first-year law students to improve retention and success in law school studies;

(5) to motivate and prepare such students—
(A) with respect to law school studies and practice in low-income communities; and
(B) to provide legal services to low-income individuals and families; and

(6) to award Thurgood Marshall Fellowships to eligible law school students—

(A) who participated in summer institutes under subsection (d)(6) and who are enrolled in an accredited law school; or

(B) who have successfully completed a comparable summer institute program that is certified by the Council on Legal Education Opportunity.

(d) Services provided

In carrying out the purposes described in subsection (c), the contract or grant shall provide

for the delivery of services through pre-college programs, undergraduate prelaw information resource centers, summer institutes, midyear seminars, and other educational activities, conducted under this section. Such services may include—

(1) information and counseling regarding—

(A) accredited law school academic programs, especially tuition, fees, and admission requirements;

(B) course work offered and required for law school graduation;

(C) faculty specialties and areas of legal emphasis; and

(D) pre-college and undergraduate preparatory courses in analytical and writing skills, study methods, and course selection;

(2) summer academic programs for secondary school students who have expressed interest in a career in the law;

(3) tutoring and academic counseling, including assistance in preparing for bar examinations;

(4) prelaw mentoring programs, involving law school faculty, members of State and local bar associations, and retired and sitting judges, justices, and magistrates;

(5) assistance in identifying preparatory courses and material for the law school aptitude or admissions tests;

(6) summer institutes for Thurgood Marshall Fellows that expose the Fellows to a rigorous curriculum that emphasizes abstract thinking, legal analysis, research, writing, and examination techniques; and

(7) midyear seminars and other educational activities that are designed to reinforce reading, writing, and studying skills of Thurgood Marshall Fellows and Associates.

(e) Duration of provision of services

The services described in subsection (d) may be provided—

(1) prior to the period of law school study, including before and during undergraduate study;

(2) during the period of law school study; and

(3) during the period following law school study and prior to taking a bar examination.

(f) Subcontracts and subgrants

For the purposes of planning, developing, or delivering one or more of the services described in subsection (d), the Council on Legal Education Opportunity shall enter into subcontracts with, and make subgrants to, institutions of higher education, law schools, public and private agencies and organizations, national and State bar associations, and combinations of such institutions, schools, agencies, organizations, and associations.

(g) Fellowships and stipends

The Secretary shall annually establish the maximum fellowship to be awarded, and the maximum stipend to be paid (including allowances for participant travel and for the travel of the dependents of the participant), to Thurgood Marshall Fellows or Associates for the period of participation in summer institutes, midyear seminars, and bar preparation seminars. A Thurgood Marshall Fellow or Associate may be

eligible for such a fellowship or stipend only if the Fellow or Associate maintains satisfactory academic progress toward the Juris Doctor or Bachelor of Laws degree, as determined by the respective institutions (except with respect to a law school graduate enrolled in a bar preparation course).

(h) Authorization of appropriations

There are authorized to be appropriated to carry out this section \$5,000,000 for fiscal year 2009 and each of the five succeeding fiscal years.

(Pub. L. 89-329, title VII, § 721, as added Pub. L. 105-244, title VII, § 701, Oct. 7, 1998, 112 Stat. 1794; amended Pub. L. 110-315, title VII, § 704(a)–(h), Aug. 14, 2008, 122 Stat. 3347, 3348; Pub. L. 111-39, title VII, § 701(1), July 1, 2009, 123 Stat. 1954.)

Editorial Notes

PRIOR PROVISIONS

A prior section 1136, Pub. L. 89-329, title XI, § 1101, as added Pub. L. 102-325, title XI, § 1101, July 23, 1992, 106 Stat. 784, stated findings of Congress, prior to repeal by Pub. L. 105-244, § 3, title VII, § 702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998.

Another prior section 1136, Pub. L. 89-329, title XI, § 1101, as added Pub. L. 99-498, title XI, § 1101, Oct. 17, 1986, 100 Stat. 1568, stated Congressional findings and purpose relating to partnerships for economic development, prior to the general amendment of subchapter XI of this chapter by Pub. L. 102-325.

Another prior section 1136, Pub. L. 89-329, title XI, § 1101, as added Pub. L. 96-374, title XI, § 1101, Oct. 3, 1980, 94 Stat. 1491, stated Congressional findings and declaration of purpose, prior to the general amendment of subchapter XI of this chapter by Pub. L. 99-498.

Another prior section 1136, Pub. L. 89-329, title XI, § 1101, as added Pub. L. 90-575, title II, § 281, Oct. 16, 1968, 82 Stat. 1048; amended Pub. L. 92-318, title I, § 191(a), (b), June 23, 1972, 86 Stat. 323, authorized a program for grants and contracts covering the establishment of a law school clinical experiences regimen, prior to the general amendment of subchapter XI of this chapter by Pub. L. 96-374.

A prior section 721 of Pub. L. 89-329 was renumbered section 341 and is classified to section 1066 of this title.

Another prior section 721 of Pub. L. 89-329 was classified to section 1132c of this title, prior to the general amendment of part A of this subchapter by Pub. L. 102-325.

Another prior section 721 of Pub. L. 89-329 was classified to section 1132c of this title, prior to the general amendment of this subchapter by Pub. L. 99-498.

Another prior section 721 of Pub. L. 89-329 was classified to section 1132b of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

AMENDMENTS

2009—Subsec. (d). Pub. L. 111-39 substituted “services through pre-college programs, undergraduate prelaw information resource centers” for “services through” and all that followed through “resource centers”, resulting in text identical to that after execution of the amendment by Pub. L. 110-315, § 704(d)(1). See 2008 Amendment note below.

2008—Subsec. (a). Pub. L. 110-315, § 704(a)(1), inserted “secondary school and” after “disadvantaged” and “and admission to law practice” before period at end.

Subsec. (b). Pub. L. 110-315, § 704(b), inserted “secondary school student or” before “college student” in introductory provisions.

Subsec. (c)(1). Pub. L. 110-315, § 704(c)(1), inserted “secondary school and” before “college students”.

Subsec. (c)(2). Pub. L. 110-315, § 704(c)(2), added par. (2) and struck out former par. (2) which read as follows: “to prepare such students for study at accredited law schools;”.

Subsec. (c)(5), (6). Pub. L. 110-315, §704(c)(3), (4), added pars. (5) and (6) and struck out former par. (5) which read as follows: “to motivate and prepare such students with respect to law school studies and practice in low-income communities.”

Subsec. (d). Pub. L. 110-315, §704(d)(1), which directed insertion of “pre-college programs, undergraduate” before “pre-law”, was executed by making insertion before “prelaw” in introductory provisions, to reflect the probable intent of Congress.

Subsec. (d)(1)(B). Pub. L. 110-315, §704(d)(2)(A), inserted “law school” before “graduation”.

Subsec. (d)(1)(D). Pub. L. 110-315, §704(d)(2)(B), added subpar. (D) and struck out former subpar. (D) which read as follows: “undergraduate preparatory courses and curriculum selection;”.

Subsec. (d)(2) to (7). Pub. L. 110-315, §704(d)(3)–(5), added par. (2), redesignated former pars. (2) to (6) as (3) to (7), respectively, and in par. (7), inserted “and Associates” after “Thurgood Marshall Fellows”.

Subsec. (e)(1). Pub. L. 110-315, §704(e), inserted “, including before and during undergraduate study” before semicolon at end.

Subsec. (f). Pub. L. 110-315, §704(f), inserted “national and State bar associations,” after “private agencies and organizations,” and substituted “organizations, and associations” for “and organizations”.

Subsec. (g). Pub. L. 110-315, §704(g), amended subsec. (g) generally. Prior to amendment, text read as follows: “The Secretary shall annually establish the maximum stipend to be paid (including allowances for participant travel and for the travel of the dependents of the participant) to Thurgood Marshall Fellows for the period of participation in summer institutes and midyear seminars. A Fellow may be eligible for such a stipend only if the Thurgood Marshall Fellow maintains satisfactory academic progress toward the Juris Doctor or Bachelor of Laws degree, as determined by the respective institutions.”

Subsec. (h). Pub. L. 110-315, §704(h), substituted “fiscal year 2009 and each of the five succeeding fiscal years” for “fiscal year 1999 and each of the 4 succeeding fiscal years”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

SUBPART 4—MASTERS DEGREE PROGRAMS AT HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND PREDOMINANTLY BLACK INSTITUTIONS

Editorial Notes

PRIOR PROVISIONS

A prior subpart 4 consisting of section 1137 was redesignated subpart 5 by Pub. L. 110-315, title VII, §706(a)(1), Aug. 14, 2008, 122 Stat. 3349.

§ 1136a. Masters degree programs at historically Black colleges and universities

(a) Grant program authorized

(1) In general

Subject to the availability of funds appropriated to carry out this section, the Secretary shall award program grants to each of the institutions listed in subsection (b)(1) that is determined by the Secretary to be making a substantial contribution to graduate education opportunities at the masters level in mathematics, engineering, the physical or natural sciences, computer science, informa-

tion technology, nursing, allied health, or other scientific disciplines for Black Americans.

(2) Assurance of non-Federal matching funds

No grant in excess of \$1,000,000 may be made under this section unless the institution provides assurances that 50 percent of the cost of the purposes for which the grant is made will be paid from non-Federal sources, except that no institution shall be required to match any portion of the first \$1,000,000 of the institution's award from the Secretary. After funds are made available to each eligible institution under the funding rules described in subsection (f), the Secretary shall distribute, on a pro rata basis, any amounts which were not so made available (by reason of the failure of an institution to comply with the matching requirements of this paragraph) among the institutions that have complied with such matching requirement.

(3) Minimum award

Subject to subsections (f) and (g), the amount awarded to each eligible institution listed in subsection (b)(1) for a fiscal year shall be not less than \$500,000.

(4) Duration of grants

A grant awarded under this section shall be for a period of not more than six years, but may be periodically renewed for a period to be determined by the Secretary.

(b) Institutional eligibility

(1) In general

Institutions eligible for grants under subsection (a) are the following:

- (A) Albany State University.
- (B) Alcorn State University.
- (C) Claflin University.
- (D) Coppin State University.
- (E) Elizabeth City State University.
- (F) Fayetteville State University.
- (G) Fisk University.
- (H) Fort Valley State University.
- (I) Grambling State University.
- (J) Kentucky State University.
- (K) Mississippi Valley State University.
- (L) Savannah State University.
- (M) South Carolina State University.
- (N) University of Arkansas, Pine Bluff.
- (O) Virginia State University.
- (P) West Virginia State University.
- (Q) Wilberforce University.
- (R) Winston-Salem State University.

(2) Qualified masters degree program

(A) In general

For the purposes of this section, the term “qualified masters degree program” means a masters degree program that provides a program of instruction in mathematics, engineering, the physical or natural sciences, computer science, information technology, nursing, allied health, or other scientific disciplines in which African Americans are underrepresented and has students enrolled in such program of instruction at the time of application for a grant under this section.

(B) Enrollment exception

Notwithstanding the enrollment requirement contained in subparagraph (A), an in-