

(B) The number of students enrolled in the qualified masters degree program at the eligible institution in the previous academic year.

(C) The average cost of attendance per student, for all full-time students enrolled in the qualified masters degree program at such institution.

(D) The number of students in the previous year who received a degree in the qualified masters degree program at such institution.

(E) The contribution, on a percent basis, of the programs for which the institution is eligible to receive funds under this section to the total number of African Americans receiving masters degrees in the disciplines related to the programs for the previous year.

(g) Hold harmless rule

Notwithstanding paragraphs (2) and (3) of subsection (f), no eligible institution identified in subsection (b)(1) that receives a grant under this section for fiscal year 2009 and that is eligible to receive a grant in a subsequent fiscal year shall receive a grant amount in any such subsequent fiscal year that is less than the grant amount received for fiscal year 2009, unless—

(1) the amount appropriated is not sufficient to provide such grant amounts to all such institutions and programs that received grants under this section for such fiscal year and that are eligible to receive a grant in such subsequent fiscal year; or

(2) the institution cannot provide sufficient matching funds to meet the requirements of this section.

(Pub. L. 89-329, title VII, §724, as added Pub. L. 110-315, title VII, §706(b), Aug. 14, 2008, 122 Stat. 3353.)

Editorial Notes

PRIOR PROVISIONS

A prior section 1136b, Pub. L. 89-329, title XI, §1103, as added Pub. L. 102-325, title XI, §1101, July 23, 1992, 106 Stat. 785, related to applications for urban community service grants, 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 1136b, Pub. L. 89-329, title XI, §1103, as added Pub. L. 99-498, title XI, §1101, Oct. 17, 1986, 100 Stat. 1569, related to requirements for economic development grant applications, prior to the general amendment of subchapter XI of this chapter by Pub. L. 102-325.

Another prior section 1136b, Pub. L. 89-329, title XI, §1103, as added Pub. L. 96-374, title XI, §1101, Oct. 3, 1980, 94 Stat. 1492, authorized grants to urban universities, prior to the general amendment of subchapter XI of this chapter by Pub. L. 99-498.

Another prior section 1136b, Pub. L. 89-329, title XI, §1103, as added Pub. L. 90-575, title II, §281, Oct. 16, 1968, 82 Stat. 1049; amended Pub. L. 92-318, title I, §191(c), June 23, 1972, 86 Stat. 323; Pub. L. 94-482, title I, §172, Oct. 12, 1976, 90 Stat. 2164; Pub. L. 96-49, §11, Aug. 13, 1979, 93 Stat. 354, authorized appropriations for the law school clinical experiences program, prior to the general amendment of subchapter XI of this chapter by Pub. L. 96-374.

A prior section 724 of Pub. L. 89-329 was renumbered section 344, and is classified to section 1066c of this title.

§ 1136c. Authorization of appropriations

(a) Masters degree programs at historically Black colleges and universities

There are authorized to be appropriated to carry out section 1136a of this title such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(b) Masters degree programs at predominantly Black institutions

There are authorized to be appropriated to carry out section 1136b of this title such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(Pub. L. 89-329, title VII, §725, as added Pub. L. 110-315, title VII, §706(b), Aug. 14, 2008, 122 Stat. 3356.)

Editorial Notes

PRIOR PROVISIONS

A prior section 1136c, Pub. L. 89-329, title XI, §1104, as added Pub. L. 102-325, title XI, §1101, July 23, 1992, 106 Stat. 786, related to allowable activities, 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 1136c, Pub. L. 89-329, title XI, §1104, as added Pub. L. 96-374, title XI, §1101, Oct. 3, 1980, 94 Stat. 1492, placed geographical limitations on assistance to urban universities, prior to the general amendment of subchapter XI of this chapter by Pub. L. 99-498.

A prior section 725 of Pub. L. 89-329 was renumbered section 345, and is classified to section 1066d of this title.

Prior sections 1136d to 1136h were repealed by Pub. L. 105-244, §3, title VII, §702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998.

Section 1136d, Pub. L. 89-329, title XI, §1105, as added Pub. L. 102-325, title XI, §1101, July 23, 1992, 106 Stat. 786, related to peer review.

Another prior section 1136d, Pub. L. 89-329, title XI, §1105, as added Pub. L. 96-374, title XI, §1101, Oct. 3, 1980, 94 Stat. 1492, defined terms, prior to the general amendment of subchapter XI of this chapter by Pub. L. 99-498.

Section 1136e, Pub. L. 89-329, title XI, §1106, as added Pub. L. 102-325, title XI, §1101, July 23, 1992, 106 Stat. 786; amended Pub. L. 103-208, §2(j)(46), Dec. 20, 1993, 107 Stat. 2485, related to disbursement of funds.

Section 1136f, Pub. L. 89-329, title XI, §1107, as added Pub. L. 102-325, title XI, §1101, July 23, 1992, 106 Stat. 787, related to designation of Urban Grant Institutions.

Section 1136g, Pub. L. 89-329, title XI, §1108, as added Pub. L. 102-325, title XI, §1101, July 23, 1992, 106 Stat. 787, defined terms “urban area” and “eligible institution”.

Section 1136h, Pub. L. 89-329, title XI, §1109, as added Pub. L. 102-325, title XI, §1101, July 23, 1992, 106 Stat. 787, authorized appropriations for urban community service program.

SUBPART 5—GENERAL PROVISIONS

Editorial Notes

CODIFICATION

Pub. L. 110-315, title VII, §706(a)(1), Aug. 14, 2008, 122 Stat. 3349, redesignated subpart 4 of this part as subpart 5.

§ 1137. Administrative provisions for subparts 1 through 4

(a) Coordinated administration

In carrying out the purpose described in section 1133(1) of this title, the Secretary shall pro-

vide for coordinated administration and regulation of graduate programs assisted under subparts 1 through 4 of this part with other Federal programs providing assistance for graduate education in order to minimize duplication and improve efficiency to ensure that the programs are carried out in a manner most compatible with academic practices and with the standard timetables for applications for, and notifications of acceptance to, graduate programs.

(b) Hiring authority

For purposes of carrying out subparts 1 through 4 of this part, the Secretary shall appoint, without regard to the provisions of title 5 that govern appointments in the competitive service, such administrative and technical employees, with the appropriate educational background, as shall be needed to assist in the administration of such parts¹. The employees shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(c) Use for religious purposes prohibited

No institutional payment or allowance under section 1134b(b) or 1135d(a) of this title shall be paid to a school or department of divinity as a result of the award of a fellowship under subpart 1 or 2 of this part, respectively, to an individual who is studying for a religious vocation.

(d) Evaluation

The Secretary shall evaluate the success of assistance provided to individuals under subpart 1, 2, 3, or 4 of this part with respect to graduating from their degree programs, and placement in faculty and professional positions.

(Pub. L. 89-329, title VII, §731, as added Pub. L. 105-244, title VII, §701, Oct. 7, 1998, 112 Stat. 1795; amended Pub. L. 110-315, title VII, §§704(i), 706(a)(2), (3), Aug. 14, 2008, 122 Stat. 3348, 3349.)

Editorial Notes

PRIOR PROVISIONS

A prior section 1137, Pub. L. 89-329, title XI, §1121, as added Pub. L. 102-325, title XI, §1101, July 23, 1992, 106 Stat. 788, related to purpose of innovative projects for community service program, 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 1137, Pub. L. 89-329, title XI, §1111, as added Pub. L. 99-498, title XI, §1101, Oct. 17, 1986, 100 Stat. 1570, related to the purpose of urban community service program, prior to the general amendment of subchapter XI of this chapter by Pub. L. 102-325.

A prior section 731 of Pub. L. 89-329 was classified to section 1132d of this title, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 731 of Pub. L. 89-329 was classified to section 1132d of this title, prior to the general amendment of part C of this subchapter by Pub. L. 102-325.

Another prior section 731 of Pub. L. 89-329 was classified to section 1132d of this title, prior to the general amendment of this subchapter by Pub. L. 99-498.

A prior section 1137a, Pub. L. 89-329, title XI, §1122, as added Pub. L. 102-325, title XI, §1101, July 23, 1992, 106 Stat. 788; amended Pub. L. 103-82, title I, §111(b)(4),

Sept. 21, 1993, 107 Stat. 860, authorized program for innovative projects for community service, 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 1137a and prior section 1137b were omitted in the general amendment of subchapter XI of this chapter by Pub. L. 102-325.

Section 1137a, Pub. L. 89-329, title XI, §1112, as added Pub. L. 99-498, title XI, §1101, Oct. 17, 1986, 100 Stat. 1570, related to use of urban community service funds.

Section 1137b, Pub. L. 89-329, title XI, §1113, as added Pub. L. 99-498, title XI, §1101, Oct. 17, 1986, 100 Stat. 1570, related to contents for applications for urban community services projects.

AMENDMENTS

2008—Pub. L. 110-315, §706(a)(2), substituted “subparts 1 through 4” for “subparts 1, 2, and 3” in section catchline.

Subsecs. (a), (b). Pub. L. 110-315, §706(a)(3)(A), substituted “subparts 1 through 4” for “subparts 1, 2, and 3”.

Subsec. (d). Pub. L. 110-315, §706(a)(3)(B), substituted “subpart 1, 2, 3, or 4” for “subpart 1, 2, or 3”.

Subsec. (e). Pub. L. 110-315, §704(i), struck out subsec. (e). Prior to amendment, text read as follows: “The Secretary, using funds appropriated to carry out subparts 1 and 2 of this part, and before awarding any assistance under such parts to a recipient that did not receive assistance under part C or D of title IX (as such parts were in effect prior to October 7, 1998) shall continue to provide funding to recipients of assistance under such part C or D (as so in effect), as the case may be, pursuant to any multiyear award of such assistance.”

PART B—FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION

§ 1138. Fund for the Improvement of Postsecondary Education

(a) Authority

The Secretary is authorized to make grants to, or enter into contracts with, institutions of higher education, combinations of such institutions, and other public and private nonprofit institutions and agencies, to enable such institutions, combinations, and agencies to improve postsecondary education opportunities by—

(1) the encouragement of reform and improvement of, and innovation in, postsecondary education and the provision of educational opportunity for all students, including nontraditional students;

(2) the creation of institutions, programs, and joint efforts involving paths to career and professional training, including—

(A) efforts that provide academic credit for programs; and

(B) combinations of academic and experiential learning;

(3) the establishment and continuation of institutions, programs, consortia, collaborations, and other joint efforts based on communications technology, including those efforts that utilize distance education and technological advancements to educate and train postsecondary students (including health professionals serving medically underserved populations);

(4) the carrying out, in postsecondary educational institutions, of changes in internal structure and operations designed to clarify institutional priorities and purposes;

¹ So in original. Probably should be “subparts”.