

(v) a representative of a regional or national accreditation agency or association.

(6) Report

Not later than five years after the date of the establishment of the coordinating center under this subsection, the coordinating center shall report to the Secretary, the authorizing committees, and the National Advisory Committee on Institutional Quality and Integrity on the recommendations of the workgroup described in paragraph (5)(J).

(Pub. L. 89-329, title VII, § 777, as added Pub. L. 110-315, title VII, § 709(2), Aug. 14, 2008, 122 Stat. 3373.)

Editorial Notes

PRIOR PROVISIONS

A prior section 777 of Pub. L. 89-329 was classified to section 1132h-6 of this title, prior to repeal by Pub. L. 102-325.

§ 1140r. Authorization of appropriations

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

(Pub. L. 89-329, title VII, § 778, as added Pub. L. 110-315, title VII, § 709(2), Aug. 14, 2008, 122 Stat. 3377.)

PART E—COLLEGE ACCESS CHALLENGE GRANT PROGRAM

§ 1141. College access challenge grant program

(a) Authorization and appropriation

There are authorized to be appropriated, and there are appropriated, to carry out this section \$150,000,000 for each of the fiscal years 2010 through 2014. The authority to award grants under this section shall expire at the end of fiscal year 2014. In addition to the amount authorized and appropriated under the preceding sentence, there are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(b) Program authorized

(1) Grants authorized

From amounts appropriated under subsection (a), the Secretary shall, subject to the availability of appropriations, award grants, from allotments under subsection (c), to States (and to philanthropic organization,¹ as appropriate under paragraph (3)) having applications approved under subsection (d), to enable the State (or philanthropic organization) to pay the Federal share of the costs of carrying out the activities and services described in subsection (f).

(2) Federal share; non-Federal share

(A) Federal share

The amount of the Federal share under this section for a fiscal year shall be equal to $\frac{2}{3}$ of the costs of the activities and serv-

ices described in subsection (f) that are carried out under the grant.

(B) Non-Federal share

The amount of the non-Federal share under this section shall be equal to $\frac{1}{3}$ of the costs of the activities and services described in subsection (f). The non-Federal share may be in cash or in-kind, and may be provided from State resources, contributions from private organizations, or both.

(3) Reduction for failure to pay non-Federal share

If a State fails to provide the full non-Federal share required under this subsection, the Secretary shall reduce the amount of the grant payment under this section proportionately, and may award the proportionate reduction amount of the grant directly to a philanthropic organization, as defined in subsection (i), to carry out this section.

(4) Temporary ineligibility for subsequent payments

(A) In general

The Secretary shall determine a grantee to be temporarily ineligible to receive a grant payment under this section for a fiscal year if—

- (i) the grantee fails to submit an annual report pursuant to subsection (h) for the preceding fiscal year; or
- (ii) the Secretary determines, based on information in such annual report, that the grantee is not effectively meeting the conditions described under subsection (g) and the goals of the application under subsection (d).

(B) Reinstatement

If the Secretary determines that a grantee is ineligible under subparagraph (A), the Secretary may enter into an agreement with the grantee setting forth the terms and conditions under which the grantee may regain eligibility to receive payments under this section.

(c) Determination of allotment

(1) Amount of allotment

Subject to paragraph (2), in making grant payments to grantees under this section, the allotment to each grantee for a fiscal year shall be equal to the sum of—

(A) the amount that bears the same relation to 50 percent of the amount appropriated under subsection (a) for such fiscal year as the number of residents in the State aged 5 through 17 who are living below the poverty line applicable to the resident's family size (as determined under section 9902(2) of title 42) bears to the total number of such residents in all States; and

(B) the amount that bears the same relation to 50 percent of the amount appropriated under subsection (a) for such fiscal year as the number of residents in the State aged 15 through 44 who are living below the poverty line applicable to the individual's family size (as determined under section 9902(2) of title 42) bears to the total number of such residents in all States.

¹ So in original. Probably should be "organizations,".

(2) Minimum amount

The allotment for each State under this section for a fiscal year shall not be an amount that is less than 1.0 percent of the total amount appropriated under subsection (a) for such fiscal year.

(d) Submission and contents of application**(1) In general**

For each fiscal year for which a grantee desires a grant payment under subsection (b), the State agency with jurisdiction over higher education, or another agency designated by the Governor or chief executive of the State to administer the program under this section, or a philanthropic organization, in accordance with subsection (b)(3), shall submit an application to the Secretary at such time, in such manner, and containing the information described in paragraph (2).

(2) Application

An application submitted under paragraph (1) shall include the following:

(A) A description of the grantee's capacity to administer the grant under this section and report annually to the Secretary on the activities and services described in subsection (f).

(B) A description of the grantee's plan for using the grant funds to meet the requirements of subsections (f) and (g), including plans for how the grantee will make special efforts to—

(i) provide such benefits to students in the State that are underrepresented in postsecondary education; or

(ii) in the case of a philanthropic organization that operates in more than one State, provide benefits to such students in each such State for which the philanthropic organization is receiving grant funds under this section.

(C) A description of how the grantee will provide or coordinate the provision of the non-Federal share from State resources or private contributions.

(D) A description of—

(i) the structure that the grantee has in place to administer the activities and services described in subsection (f); or

(ii) the plan to develop such administrative capacity.

(e) Subgrants to nonprofit organizations

A State receiving a payment under this section may elect to make a subgrant to one or more nonprofit organizations in the State, including an eligible not-for-profit holder (as described in section 1085(p) of this title), or those nonprofit organizations that have agreements with the Secretary under section 1078(b) of this title, or a partnership of such organizations, to carry out activities or services described in subsection (f), if the nonprofit organization or partnership—

(1) was in existence on the day before the date of the enactment of this Act; and

(2) as of such day, was participating in activities and services related to increasing access to higher education, such as those activities and services described in subsection (f).

(f) Allowable uses**(1) In general**

Subject to paragraph (3), a grantee may use a grant payment under this section only for the following activities and services, pursuant to the conditions under subsection (g):

(A) Information for students and families regarding—

(i) the benefits of a postsecondary education;

(ii) postsecondary education opportunities;

(iii) planning for postsecondary education; and

(iv) career preparation.

(B) Information on financing options for postsecondary education and activities that promote financial literacy and debt management among students and families.

(C) Outreach activities for students who may be at risk of not enrolling in or completing postsecondary education.

(D) Assistance in completion of the Free Application for Federal Student Aid or other common financial reporting form under section 1090(a) of this title.

(E) Need-based grant aid for students.

(F) Professional development for guidance counselors at middle schools and secondary schools, and financial aid administrators and college admissions counselors at institutions of higher education, to improve such individuals' capacity to assist students and parents with—

(i) understanding—

(I) entrance requirements for admission to institutions of higher education; and

(II) State eligibility requirements for Academic Competitiveness Grants or National SMART Grants under section 1070a-1² of this title, and other financial assistance that is dependent upon a student's coursework;

(ii) applying to institutions of higher education;

(iii) applying for Federal student financial assistance and other State, local, and private student financial assistance and scholarships;

(iv) activities that increase students' ability to successfully complete the coursework required for a postsecondary degree, including activities such as tutoring or mentoring; and

(v) activities to improve secondary school students' preparedness for postsecondary entrance examinations.

(G) Student loan cancellation or repayment (as applicable), or interest rate reductions, for borrowers who are employed in a high-need geographical area or a high-need profession in the State, as determined by the State.

(2) Prohibited uses

Funds made available under this section shall not be used to promote any lender's loans.

² See References in Text note below.

(3) Use of funds for administrative purposes

A grantee may use not more than 6 percent of the total amount of the sum of the Federal share provided under this section and the non-Federal share required under this section for administrative purposes relating to the grant under this section.

(g) Special conditions**(1) Availability to students and families**

A grantee receiving a grant payment under this section shall—

(A) make the activities and services described in subparagraphs (A) through (F) of subsection (f)(1) that are funded under the payment available to all qualifying students and families in the State;

(B) allow students and families to participate in the activities and services without regard to—

- (i) the postsecondary institution in which the student enrolls;
- (ii) the type of student loan the student receives;
- (iii) the servicer of such loan; or
- (iv) the student's academic performance;

(C) not charge any student or parent a fee or additional charge to participate in the activities or services; and

(D) in the case of an activity providing grant aid, not require a student to meet any condition other than eligibility for Federal financial assistance under subchapter IV of this chapter, except as provided for in the loan cancellation or repayment or interest rate reductions described in subsection (f)(1)(G).

(2) Priority

A grantee receiving a grant payment under this section shall, in carrying out any activity or service described in subsection (f)(1) with the grant funds, prioritize students and families who are living below the poverty line applicable to the individual's family size (as determined under section 9902(2) of title 42).

(3) Disclosures**(A) Organizational disclosures**

In the case of a State that has chosen to make a payment to an eligible not-for-profit holder in the State in accordance with subsection (e), the holder shall clearly and prominently indicate the name of the holder and the nature of the holder's work in connection with any of the activities carried out, or any information or services provided, with such funds.

(B) Informational disclosures

Any information about financing options for higher education provided through an activity or service funded under this section shall—

- (i) include information to students and the students' parents of the availability of Federal, State, local, institutional, and other grants and loans for postsecondary education; and
- (ii) present information on financial assistance for postsecondary education that

is not provided under subchapter IV of this chapter in a manner that is clearly distinct from information on student financial assistance under such subchapter IV.

(4) Coordination

A grantee receiving a grant payment under this section shall attempt to coordinate the activities carried out with the grant payment with any existing activities that are similar to such activities, and with any other entities that support the existing activities in the State.

(h) Report

A grantee receiving a payment under this section shall prepare and submit an annual report to the Secretary on the activities and services carried out under this section, and on the implementation of such activities and services. The report shall include—

- (1) each activity or service that was provided to students and families over the course of the year;
- (2) the cost of providing each activity or service;
- (3) the number, and percentage, if feasible and applicable, of students who received each activity or service; and
- (4) the total contributions from private organizations included in the grantee's non-Federal share for the fiscal year.

(i) Definitions

In this section:

(1) Philanthropic organization

The term "philanthropic organization" means a non-profit organization—

(A) that does not receive funds under subchapter IV of this chapter or under the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6301 et seq.];

(B) that is not a local educational agency or an institution of higher education;

(C) that has a demonstrated record of dispersing grant aid to underserved populations to ensure access to, and participation in, higher education;

(D) that is affiliated with an eligible consortium (as defined in paragraph (2)) to carry out this section; and

(E) the primary purpose of which is to provide financial aid and support services to students from underrepresented populations to increase the number of such students who enter and remain in college.

(2) Eligible consortium

The term "eligible consortium" means a partnership of 2 or more entities that have agreed to work together to carry out this section that—

(A) includes—

(i) a philanthropic organization, which serves as the manager of the consortium;

(ii) a State that demonstrates a commitment to ensuring the creation of a State-wide system to address the issues of early intervention and financial support for eligible students to enter and remain in college; and

(iii) at the discretion of the philanthropic organization described in clause

(i), additional partners, including other non-profit organizations, government entities (including local municipalities, school districts, cities, and counties), institutions of higher education, and other public or private programs that provide mentoring or outreach programs; and

(B) conducts activities to assist students with entering and remaining in college, which may include—

(i) providing need-based grants to students;

(ii) providing early notification to low-income students of their potential eligibility for Federal financial aid (which may include assisting students and families with filling out FAFSA forms), as well as other financial aid and other support available from the eligible consortium;

(iii) encouraging increased student participation in higher education through mentoring or outreach programs; and

(iv) conducting marketing and outreach efforts that are designed to—

(I) encourage full participation of students in the activities of the consortium that carry out this section; and

(II) provide the communities impacted by the activities of the consortium with a general knowledge about the efforts of the consortium.

(3) Grantee

The term “grantee” means—

(A) a State awarded a grant under this section; or

(B) with respect to such a State that has failed to meet the non-Federal share requirement of subsection (b), a philanthropic organization awarded the proportionate reduction amount of such a grant under subsection (b)(3).

(Pub. L. 89-329, title VII, § 781, formerly § 771, as added Pub. L. 110-84, title VIII, § 801, Sept. 27, 2007, 121 Stat. 812; renumbered § 781 and amended Pub. L. 110-315, title VII, §§ 709(1), 710, Aug. 14, 2008, 122 Stat. 3361, 3377; Pub. L. 111-39, title VII, § 701(6), July 1, 2009, 123 Stat. 1955; Pub. L. 111-152, title II, § 2102, Mar. 30, 2010, 124 Stat. 1073.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of this Act, referred to in subsec. (e)(1), probably means the date of enactment of Pub. L. 110-84, which enacted this section and was approved Sept. 27, 2007.

Section 1070a-1 of this title, referred to in subsec. (f)(1)(F)(i)(II), was omitted from the Code upon the expiration of Secretary's authority to make grants at the end of award year 2010-2011.

The Elementary and Secondary Education Act of 1965, referred to in subsec. (i)(1)(A), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, which is classified generally to chapter 70 (§ 6301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of this title and Tables.

PRIOR PROVISIONS

A prior section 1141, Pub. L. 89-329, title XII, § 1201, formerly title VIII, § 801, Nov. 8, 1965, 79 Stat. 1269; re-

numbered title XII, § 1201, and amended Pub. L. 90-575, title II, §§ 251, 293, 294, Oct. 16, 1968, 82 Stat. 1042, 1050, 1051; Pub. L. 91-230, title VIII, § 806(b), Apr. 13, 1970, 84 Stat. 192; Pub. L. 92-318, title I, § 131(d)(1), June 23, 1972, 86 Stat. 260; Pub. L. 94-482, title I, § 181(a), formerly § 181, Oct. 12, 1976, 90 Stat. 2167, renumbered Pub. L. 95-43, § 1(b)(7), June 15, 1977, 91 Stat. 218; Pub. L. 95-180, § 1(a), Nov. 15, 1977, 91 Stat. 1372; Pub. L. 96-374, title XIII, § 1391(a)(1), (b), Oct. 3, 1980, 94 Stat. 1503; Pub. L. 100-50, § 21(a), June 3, 1987, 101 Stat. 360; Pub. L. 102-26, § 2(a)(4), Apr. 9, 1991, 105 Stat. 123; Pub. L. 102-325, title XII, § 1201, July 23, 1992, 106 Stat. 792; Pub. L. 102-394, title III, § 308(a), Oct. 6, 1992, 106 Stat. 1820; Pub. L. 103-82, title I, § 111(b)(5), Sept. 21, 1993, 107 Stat. 861; Pub. L. 103-208, § 2(j)(48), Dec. 20, 1993, 107 Stat. 2485, defined terms for purposes of this chapter, prior to repeal by Pub. L. 105-244, § 3, title I, § 101(b), title VII, § 702, Oct. 7, 1998, 112 Stat. 1585, 1616, 1803, effective Oct. 1, 1998.

A prior section 781 of Pub. L. 89-329 was classified to section 1132i of this title, prior to the general amendment of this subchapter by Pub. L. 105-244.

Section 1142, Pub. L. 89-329, title XII, § 1202, formerly § 1207, as added Pub. L. 94-482, title I, § 182, Oct. 12, 1976, 90 Stat. 2167; renumbered § 1202, Pub. L. 96-374, title XII, § 1201, Oct. 3, 1980, 94 Stat. 1493; amended Pub. L. 102-325, title XII, § 1202, July 23, 1992, 106 Stat. 793, related to antidiscrimination requirements for institutions of higher education receiving Federal assistance, prior to repeal by Pub. L. 105-244, § 3, title I, § 101(b), title VII, § 702, Oct. 7, 1998, 112 Stat. 1585, 1616, 1803, effective Oct. 1, 1998.

Another prior section 1142, Pub. L. 89-329, title XII, § 1202, formerly title VIII, § 802, Nov. 8, 1965, 79 Stat. 1270; renumbered title XII, § 1202, Pub. L. 90-575, title II, § 251, Oct. 16, 1968, 82 Stat. 1042, related to method of payment pursuant to grants, loans, or contracts under this chapter, prior to repeal by section 1201 of Pub. L. 96-374.

Prior sections 1142a and 1142b were repealed by Pub. L. 96-374, title XII, § 1201, title XIII, § 1393(a), Oct. 3, 1980, 94 Stat. 1493, 1504, effective Oct. 1, 1980.

Section 1142a, Pub. L. 89-329, title XII, § 1202, as added Pub. L. 92-318, title I, § 196, June 23, 1972, 86 Stat. 324, related to designation of a State postsecondary education commission.

Section 1142b, Pub. L. 89-329, title XII, § 1203, as added Pub. L. 92-318, title I, § 196, June 23, 1972, 86 Stat. 325; amended Pub. L. 94-482, title I, § 179, Oct. 12, 1976, 90 Stat. 2166; Pub. L. 96-49, § 12, Aug. 13, 1979, 93 Stat. 354, related to comprehensive statewide planning.

Prior sections 1143 to 1145g were repealed by Pub. L. 105-244, § 3, title I, § 101(b), title VII, § 702, Oct. 7, 1998, 112 Stat. 1585, 1616, 1803, effective Oct. 1, 1998.

Section 1143, Pub. L. 89-329, title XII, § 1203, as added Pub. L. 96-374, title XII, § 1201, Oct. 3, 1980, 94 Stat. 1493, related to State agreements.

Another prior section 1143, Pub. L. 89-329, title XII, § 1203, formerly title VIII, § 803, Nov. 8, 1965, 79 Stat. 1270; renumbered title XII, § 1203, Pub. L. 90-575, title II, § 251, Oct. 16, 1968, 82 Stat. 1042, provided for delegation of functions by Commissioner of Education and utilization of services and facilities of other agencies, prior to repeal by Pub. L. 91-230, title IV, § 401(c)(5), Apr. 13, 1970, 84 Stat. 173.

Section 1144, Pub. L. 89-329, title XII, § 1204, formerly title VIII, § 804, Nov. 8, 1965, 79 Stat. 1270; renumbered title XII, § 1204, Pub. L. 90-575, title II, § 251, Oct. 16, 1968, 82 Stat. 1042; amended Pub. L. 91-230, title IV, § 401(f)(6), Apr. 13, 1970, 84 Stat. 173, prohibited Federal control over education.

Section 1144a, Pub. L. 89-329, title XII, § 1204, as added Pub. L. 96-374, title XII, § 1201, Oct. 3, 1980, 94 Stat. 1495; amended Pub. L. 99-498, title XII, § 1201, Oct. 17, 1986, 100 Stat. 1573; Pub. L. 102-73, title VIII, § 801(c), July 25, 1991, 105 Stat. 360; Pub. L. 103-208, § 2(j)(49), Dec. 20, 1993, 107 Stat. 2485, related to treatment of territories and territorial student assistance.

Another prior section 1144a, Pub. L. 92-318, title V, § 510, June 23, 1972, 86 Stat. 353, set forth sense of Con-

gress that governing boards of institutions of higher education give consideration to student participation on such boards, prior to being omitted from the Code.

Section 1145, Pub. L. 89-329, title XII, § 1205, as added Pub. L. 96-374, title XII, § 1201, Oct. 3, 1980, 94 Stat. 1495; amended Pub. L. 99-498, title XII, § 1202, Oct. 17, 1986, 100 Stat. 1573; Pub. L. 102-325, title XII, § 1203, July 23, 1992, 106 Stat. 793; Pub. L. 103-208, § 2(j)(50)–(53), Dec. 20, 1993, 107 Stat. 2485, related to National Advisory Committee on Institutional Quality and Integrity.

Another prior section 1145, Pub. L. 89-329, title XII, § 1205, as added Pub. L. 90-575, title II, § 291(a), Oct. 16, 1968, 82 Stat. 1049; amended Pub. L. 91-230, title IV, § 401(h)(4), Apr. 13, 1970, 84 Stat. 174, established an Advisory Council on Graduate Education in the Office of Education, prior to repeal by section 1201 of Pub. L. 96-374.

Section 1145a, Pub. L. 89-329, title XII, § 1206, as added Pub. L. 99-498, title XII, § 1203, Oct. 17, 1986, 100 Stat. 1573, related to Commission to study postsecondary institutional and programmatic recognition process.

Another prior section 1145a, Pub. L. 89-329, title XII, § 1206, as added Pub. L. 92-318, title I, § 197, June 23, 1972, 86 Stat. 325, related to supplying cost-of-education data by institutions of higher education, prior to repeal by Pub. L. 96-374, title XII, § 1201, Oct. 3, 1980, 94 Stat. 1493, eff. Oct. 1, 1980.

Section 1145b, Pub. L. 89-329, title XII, § 1207, as added Pub. L. 99-498, title XII, § 1204, Oct. 17, 1986, 100 Stat. 1576, related to student representation in connection with administration of this chapter.

Another prior section 1145b, Pub. L. 89-329, title XII, § 1202, formerly § 1207, as added Pub. L. 94-482, title I, § 182, Oct. 12, 1976, 90 Stat. 2167; renumbered title XII, § 1202, Pub. L. 96-374, title XII, § 1201, Oct. 3, 1980, 94 Stat. 1493, which related to antidiscrimination requirements for institutions of higher education receiving Federal assistance, was transferred to section 1142 of this title and subsequently repealed by Pub. L. 105-244.

Section 1145c, Pub. L. 89-329, title XII, § 1208, as added Pub. L. 99-498, title XII, § 1205, Oct. 17, 1986, 100 Stat. 1577, related to financial responsibility of foreign students.

Another prior section 1145c, Pub. L. 89-329, title XII, § 1208, as added Pub. L. 94-482, title I, § 183, Oct. 12, 1976, 90 Stat. 2167, related to availability of appropriations, prior to repeal by Pub. L. 96-374, title XII, § 1201, Oct. 3, 1980, 94 Stat. 1493, eff. Oct. 1, 1980.

Section 1145d, Pub. L. 89-329, title XII, § 1209, as added Pub. L. 102-325, title XII, § 1204, July 23, 1992, 106 Stat. 794; amended Pub. L. 103-208, § 2(j)(54), Dec. 20, 1993, 107 Stat. 2485, related to disclosures of foreign gifts.

Another prior section 1145d, Pub. L. 89-329, title XII, § 1209, as added Pub. L. 99-498, title XII, § 1206(a), Oct. 17, 1986, 100 Stat. 1577, related to disclosures of foreign gifts, prior to repeal by Pub. L. 99-498, title XII, § 1206(b), Oct. 17, 1986, 100 Stat. 1579, as amended by Pub. L. 100-50, § 22(f), June 3, 1987, 101 Stat. 362, effective Aug. 1, 1989.

Section 1145d-1, Pub. L. 89-329, title XII, § 1210, as added Pub. L. 100-50, § 21(b), June 3, 1987, 101 Stat. 360, related to application of peer review process.

Section 1145e, Pub. L. 89-329, title XII, § 1211, formerly § 1210, as added Pub. L. 99-498, title XII, § 1207, Oct. 17, 1986, 100 Stat. 1579; renumbered § 1211, Pub. L. 100-50, § 21(b), June 3, 1987, 101 Stat. 360, related to aggregate limit of authorization of appropriations.

Section 1145f, Pub. L. 89-329, title XII, § 1212, formerly § 1211, as added Pub. L. 100-418, title VI, § 6231, Aug. 23, 1988, 102 Stat. 1518; renumbered § 1212 and amended Pub. L. 103-208, § 2(j)(55), (56), Dec. 20, 1993, 107 Stat. 2485, related to technology transfer centers.

Section 1145g, Pub. L. 89-329, title XII, § 1213, as added Pub. L. 101-226, § 22(a)(1), Dec. 12, 1989, 103 Stat. 1938, related to drug and alcohol abuse prevention.

A prior section 1145h, Pub. L. 102-325, title XV, § 1541, July 23, 1992, 106 Stat. 834; Pub. L. 103-208, § 2(k)(13), Dec. 20, 1993, 107 Stat. 2486, authorized grants for campus sexual offense education, prior to repeal by Pub. L. 105-332, § 6(b)(3), Oct. 31, 1998, 112 Stat. 3128.

A prior section 1146, Pub. L. 96-374, title XIII, § 1392, Oct. 3, 1980, 94 Stat. 1504, which related to contract authority, was transferred to section 1154 of this title.

Another prior section 1146, Pub. L. 89-329, title XII, § 1206, as added Pub. L. 90-575, title II, § 292, Oct. 16, 1968, 82 Stat. 1050, provided for dissemination of information and authorization of \$2,000,000 for fiscal year ending June 30, 1970, and such amount as Congress might authorize for fiscal year ending June 30, 1971, prior to repeal by Pub. L. 91-230, title IV, § 401(d)(5), Apr. 13, 1970, 84 Stat. 173.

A prior section 1146a, Pub. L. 99-498, § 3, Oct. 17, 1986, 100 Stat. 1278, which provided that contracting authority be subject to appropriations, was transferred, and is set out as a Contracting Authority Subject to Appropriations note under section 1154 of this title.

Prior sections 1147 to 1150, Pub. L. 89-329, title XII, §§ 1207–1210, as added Pub. L. 90-575, title II, § 295, Oct. 16, 1968, 82 Stat. 1051, 1052, provided for program planning and evaluation for higher education programs; advance funding; evaluation reports and Congressional review; and availability of appropriations on academic or school year basis, prior to repeal by Pub. L. 91-230, title IV, § 401(b), Apr. 13, 1970, 84 Stat. 172.

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-152, § 2102(1), substituted “\$150,000,000 for each of the fiscal years 2010 through 2014. The authority to award grants under this section shall expire at the end of fiscal year 2014.” for “\$66,000,000 for each of the fiscal years 2008 and 2009.”

Subsec. (c)(2). Pub. L. 111-152, § 2102(2), substituted “1.0 percent” for “0.5 percent”.

2009—Subsec. (c)(1). Pub. L. 111-39, § 701(6)(A), made technical amendment to reference in original act which appears in two places in text as reference to section 9902(2) of title 42.

Subsec. (e). Pub. L. 111-39, § 701(6)(B), substituted “(as described in section 1085(p) of this title)” for “(as defined in section 1085(p) of this title, as amended by section 303 of this Act)” and “1078(b)” for “1085(j)” in introductory provisions.

Subsec. (g)(2). Pub. L. 111-39, § 701(6)(C), made technical amendment to reference in original act which appears in text as reference to section 9902(2) of title 42.

Subsec. (i). Pub. L. 111-39, § 701(6)(D), substituted “consortium” for “consortia” in par. (1)(D) and in par. (2) in heading and wherever appearing in text.

2008—Subsec. (a). Pub. L. 110-315, § 710(1), substituted “In addition to the amount authorized and appropriated under the preceding sentence, there are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.” for “The authority to award grants under this section shall expire at the end of fiscal year 2009.”

Subsec. (b)(1). Pub. L. 110-315, § 710(2), inserted “, subject to the availability of appropriations,” after “the Secretary shall”.

Subsec. (e). Pub. L. 110-315, § 710(3), inserted “, or those nonprofit organizations that have agreements with the Secretary under section 1085(j) of this title” before “, or a partnership”.

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.

EFFECTIVE DATE

Section effective Oct. 1, 2007, see section 1(c) of Pub. L. 110-84, set out as an Effective Date of 2007 Amendment note under section 1070a of this title.

SUBCHAPTER VIII—MISCELLANEOUS

§ 1151. Repealed. Pub. L. 113–128, title V, § 511(b), July 22, 2014, 128 Stat. 1705

Section, Pub. L. 105–244, title VIII, § 821, Oct. 7, 1998, 112 Stat. 1813; Pub. L. 110–315, title IX, § 932, Aug. 14, 2008, 122 Stat. 3456; Pub. L. 111–39, title VIII, § 802(a)(1), July 1, 2009, 123 Stat. 1956, related to grants to States for workplace and community transition training for incarcerated individuals.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF REPEAL**

Repeal effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113–128, set out as an Effective Date note under section 3101 of Title 29, Labor.

§ 1152. Repealed. Pub. L. 109–162, title III, § 304(f), Jan. 5, 2006, 119 Stat. 3016

Section, Pub. L. 105–244, title VIII, § 826, Oct. 7, 1998, 112 Stat. 1815; Pub. L. 106–386, div. B, title I, § 1108(a), title V, § 1512(d), Oct. 28, 2000, 114 Stat. 1500, 1533; Pub. L. 109–162, title XI, § 1135(d), Jan. 5, 2006, 119 Stat. 3109; Pub. L. 109–271, §§ 2(d), 8(b), Aug. 12, 2006, 120 Stat. 752, 766, related to grants to combat violent crimes against women on campuses.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF REPEAL**

Repeal effective beginning fiscal year 2007, see section 4 of Pub. L. 109–162, set out as an Effective Date of 2006 Amendment note under section 10261 of Title 34, Crime Control and Law Enforcement.

§ 1153. Underground Railroad educational and cultural program**(a) Program established**

The Secretary of Education, in consultation and cooperation with the Secretary of the Interior, is authorized to make grants to 1 or more nonprofit educational organizations that are established to research, display, interpret, and collect artifacts relating to the history of the Underground Railroad, including the lessons to be drawn from such history.

(b) Grant agreement

Each nonprofit educational organization awarded a grant under this section shall enter into an agreement with the Secretary of Education. Each such agreement shall require the organization—

(1) to establish a facility to—

(A) house, display, interpret, and communicate information regarding the artifacts and other materials related to the history of the Underground Railroad, including the lessons to be drawn from such history;

(B) maintain such artifacts and materials; and

(C) make the efforts described in subparagraph (A) available, including through electronic means, to elementary and secondary schools, institutions of higher education, and the general public;

(2) to demonstrate substantial public and private support for the operation of the facility through the implementation of a public-private partnership between one or more State

or local public entities and one or more private entities, which public-private partnership shall provide matching funds from non-federal sources for the support of the facility in an amount equal to or greater than four times the amount of the grant awarded under this section;

(3) to create an endowment to fund any and all shortfalls in the costs of the on-going operations of the facility;

(4) to establish and maintain a network of satellite centers throughout the United States to help disseminate information regarding the Underground Railroad throughout the United States, including the lessons to be drawn from the history of the Underground Railroad, if such satellite centers raise 80 percent of the funds required to establish and maintain the satellite centers from non-Federal public and private sources;

(5) to establish and maintain the capability to electronically link the facility with other local and regional facilities that have collections and programs which interpret the history of the Underground Railroad, including the lessons to be drawn from such history; and

(6) to submit, for each fiscal year for which the organization receives funding under this section, a report to the Secretary of Education that contains—

(A) a description of the programs and activities supported by the funding;

(B) the audited financial statement of the organization for the preceding fiscal year;

(C) a plan for the programs and activities to be supported by the funding as the Secretary may require; and

(D) an evaluation of the programs and activities supported by the funding as the Secretary may require.

(c) Authorization of appropriations

There are authorized to be appropriated to carry out this section \$3,000,000 for fiscal year 2009 and each of the five succeeding fiscal years.

(Pub. L. 105–244, title VIII, § 841, Oct. 7, 1998, 112 Stat. 1820; Pub. L. 110–315, title IX, § 933, Aug. 14, 2008, 122 Stat. 3459; Pub. L. 111–39, title VIII, § 802(a)(2), July 1, 2009, 123 Stat. 1957.)

Editorial Notes**CODIFICATION**

Section was enacted as part of the Higher Education Amendments of 1998, and not as part of the Higher Education Act of 1965 which comprises this chapter.

AMENDMENTS

2009—Subsec. (c). Pub. L. 111–39 inserted “this section” after “to carry out”.

2008—Subsec. (a). Pub. L. 110–315, § 933(1), inserted “, including the lessons to be drawn from such history” after “Underground Railroad”.

Subsec. (b)(1), (2). Pub. L. 110–315, § 933(2)(A), added pars. (1) and (2) and struck out former pars. (1) and (2) which read as follows:

“(1) to establish a facility to house, display, and interpret the artifacts related to the history of the Underground Railroad, and to make the interpretive efforts available to institutions of higher education that award a baccalaureate or graduate degree;

“(2) to demonstrate substantial private support for the facility through the implementation of a public-