

(3) not to exceed 11 percent shall be available for demonstration projects under paragraph (1) of section 1161n-3(a) of this title;

(4) not to exceed 11 percent shall be available for training and resource centers under paragraph (2) of section 1161n-3(a) of this title; and

(5) not to exceed 3 percent shall be available for research under paragraph (3) of section 1161n-3(a) of this title.

**(b) Availability of appropriations**

Amounts appropriated under this part shall not be used for the payment of compensation of students for employment by employers participating in a program under this part.

(Pub. L. 89-329, title VIII, §832, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3415.)

**§ 1161n-2. Grants for cooperative education**

**(a) Grants authorized**

**(1) In general**

The Secretary is authorized, from the amount available to carry out this section under section 1161n-4 of this title in each fiscal year and in accordance with the provisions of this part—

(A) to award grants to institutions of higher education or consortia of such institutions that have not received a grant under this paragraph in the ten-year period preceding the date for which a grant under this section is requested to pay the Federal share of the cost of planning, establishing, expanding, or carrying out programs of cooperative education by such institutions or consortia of institutions; and

(B) to award grants to institutions of higher education that are operating an existing cooperative education program as determined by the Secretary to pay the Federal share of the cost of planning, establishing, expanding, or carrying out programs of cooperative education by such institutions.

**(2) Program requirement**

Cooperative education programs assisted under this section shall provide alternating or parallel periods of academic study and of public or private employment, giving students work experience related to their academic or occupational objectives and the opportunity to earn the funds necessary for continuing and completing their education.

**(3) Amount of grants**

(A) The amount of each grant awarded pursuant to paragraph (1)(A) to any institution of higher education or consortia of such institutions in any fiscal year shall not exceed \$500,000.

(B)(i) Except as provided in clauses (ii) and (iii), the Secretary shall award grants in each fiscal year to each institution of higher education described in paragraph (1)(B) that has an application approved under subsection (b) in an amount that bears the same ratio to the amount reserved pursuant to section 1161n-1(a)(2) of this title for such fiscal year as the number of unduplicated students placed in cooperative education jobs during the pre-

ceding fiscal year by such institution of higher education (other than cooperative education jobs under section 1161n-3 of this title and as determined by the Secretary) bears to the total number of all such students placed in such jobs during the preceding fiscal year by all such institutions.

(ii) No institution of higher education shall receive a grant pursuant to paragraph (1)(B) in any fiscal year in an amount that exceeds 25 percent of such institution's cooperative education program's personnel and operating budget for the preceding fiscal year.

(iii) The minimum annual grant amount that an institution of higher education is eligible to receive under paragraph (1)(B) is \$1,000 and the maximum annual grant amount is \$75,000.

**(4) Limitation**

The Secretary shall not award grants pursuant to subparagraphs (A) and (B) of paragraph (1) to the same institution of higher education or consortia of such institution in any one fiscal year.

**(5) Uses**

Grants awarded under paragraph (1)(B) shall be used exclusively—

(A) to expand the quality of and participation in a cooperative education program;

(B) for outreach to potential participants in new curricular areas; and

(C) for outreach to potential participants including underrepresented and nontraditional populations.

**(b) Applications**

Each institution of higher education or consortium of such institutions desiring to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary shall prescribe. Each such application shall—

(1) set forth the program or activities for which a grant is authorized under this section;

(2) specify each portion of such program or activities which will be performed by a non-profit organization or institution other than the applicant, and the amount of grant funds to be used for such program or activities;

(3) provide that the applicant will expend, during the fiscal year for which the grant is awarded for the purpose of such program or activities, not less than the amount expended for such purpose during the previous fiscal year;

(4) describe the plans which the applicant will carry out to assure, and contain a formal statement of the institution's commitment that assures, that the applicant will continue the cooperative education program beyond the five-year period of Federal assistance described in subsection (c)(1) at a level that is not less than the total amount expended for such program during the first year such program was assisted under this section;

(5) provide that, in the case of an institution of higher education that provides a two-year program that is acceptable for full credit toward a bachelor's degree, the cooperative education program will be available to students who are certificate or associate degree can-

didates and who carry at least one-half of the normal full-time academic workload;

(6) provide that the applicant will—

(A) make such reports as may be necessary to ensure that the applicant is complying with the provisions of this section, including reports for the second and each succeeding fiscal year for which the applicant receives a grant with respect to the impact of the cooperative education program in the previous fiscal year, including—

(i) the number of unduplicated student applicants in the cooperative education program;

(ii) the number of unduplicated students placed in cooperative education jobs;

(iii) the number of employers who have hired cooperative education students;

(iv) the income for students derived from working in cooperative education jobs; and

(v) the increase or decrease in the number of unduplicated students placed in cooperative education jobs in each fiscal year compared to the previous fiscal year; and

(B) keep such records as may be necessary to ensure that the applicant is complying with the provisions of this part, including the notation of cooperative education employment on the student's transcript;

(7) describe the extent to which programs in the academic disciplines for which the application is made have satisfactorily met the needs of public and private sector employers;

(8) describe the extent to which the institution is committed to extending cooperative education on an institution-wide basis for all students who can benefit;

(9) describe the plans that the applicant will carry out to evaluate the applicant's cooperative education program at the end of the grant period;

(10) provide for such fiscal control and fund accounting procedures as may be necessary to ensure proper disbursement of, and accounting for, Federal funds paid to the applicant under this part;

(11) demonstrate a commitment to serving underserved populations at the institution; and

(12) include such other information as may be necessary to carry out the provisions of this part.

**(c) Duration of grants; Federal share**

**(1) Duration of grants**

No individual institution of higher education may receive, individually or as a participant in a consortium of such institutions—

(A) a grant pursuant to subsection (a)(1)(A) for more than five fiscal years; or

(B) a grant pursuant to subsection (a)(1)(B) for more than five fiscal years.

**(2) Federal share**

The Federal share of a grant under subsection (a)(1)(A) may not exceed—

(A) 85 percent of the cost of carrying out the program or activities described in the application in the first year the applicant receives a grant under this section;

(B) 70 percent of such cost in the second such year;

(C) 55 percent of such cost in the third such year;

(D) 40 percent of such cost in the fourth such year; and

(E) 25 percent of such cost in the fifth such year.

**(3) Special rule**

Notwithstanding any other provision of law, the Secretary may not waive the provisions of paragraphs (1) and (2).

**(d) Maintenance of effort**

If the Secretary determines that a recipient of funds under this section has failed to maintain the fiscal effort described in subsection (b)(3), then the Secretary may elect not to make grant payments under this section to such recipient.

**(e) Factors for special consideration of applications**

**(1) In general**

In approving applications under this section, the Secretary shall give special consideration to applications from institutions of higher education or consortia of such institutions for programs that show the greatest promise of success based on—

(A) the extent to which programs in the academic discipline with respect to which the application is made have satisfactorily met the needs of public and private sector employers;

(B) the strength of the commitment of the institution of higher education or consortium of such institutions to cooperative education as demonstrated by the plans and formalized institutional commitment statement which such institution or consortium has made to continue the program after the termination of Federal financial assistance;

(C) the extent to which the institution or consortium of institutions is committed to extending cooperative education for students who can benefit; and

(D) such other factors as are consistent with the purpose of this part.

**(2) Additional special consideration**

The Secretary shall also give special consideration to applications from institutions of higher education or consortia of such institutions that demonstrate a commitment to serving underserved populations attending such institutions.

(Pub. L. 89-329, title VIII, §833, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3415; amended Pub. L. 111-39, title VIII, §801(11), July 1, 2009, 123 Stat. 1956.)

**Editorial Notes**

**AMENDMENTS**

2009—Subsec. (e)(1). Pub. L. 111-39, §801(11)(A), substituted “based on” for “because of” in introductory provisions.

Subsec. (e)(1)(D). Pub. L. 111-39, §801(11)(B), substituted “purpose of this part” for “purposes of this section”.

**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.

**§ 1161n-3. Demonstration and innovation projects; training and resource centers; and research**

**(a) Authorization**

From the amounts appropriated under section 1161n-4 of this title, the Secretary is authorized, in accordance with the provisions of this section, to make grants and enter into contracts—

(1) from the amounts available in each fiscal year under section 1161n-1(a)(3) of this title, for the conduct of demonstration projects designed to demonstrate or determine the effectiveness of innovative methods of cooperative education;

(2) from the amounts available in each fiscal year under section 1161n-1(a)(4) of this title, for the conduct of training and resource centers designed to—

(A) train personnel in the field of cooperative education;

(B) improve materials used in cooperative education programs if such improvement is conducted in conjunction with other activities described in this paragraph;

(C) provide technical assistance to institutions of higher education to increase the potential of the institution to continue to conduct a cooperative education program without Federal assistance;

(D) encourage model cooperative education programs that furnish education and training in occupations in which there is a national need;

(E) support partnerships under which an institution carrying out a comprehensive cooperative education program joins with one or more institutions of higher education in order to—

(i) assist the institution that is not the institution carrying out the cooperative education program to develop and expand an existing program of cooperative education; or

(ii) establish and improve or expand comprehensive cooperative education programs; and

(F) encourage model cooperative education programs in the fields of science and mathematics for women and minorities who are underrepresented in such fields; and

(3) from the amounts available in each fiscal year under section 1161n-1(a)(5) of this title, for the conduct of research relating to cooperative education.

**(b) Administrative provision****(1) In general**

To carry out this section, the Secretary may—

(A) make grants to or contracts with institutions of higher education or consortia of such institutions; and

(B) make grants to or contracts with other public or private nonprofit agencies or organizations, whenever such grants or contracts will contribute to the objectives of this section.

**(2) Limitation****(A) Contracts with institutions of higher education**

The Secretary may use not more than three percent of the amount appropriated to carry out this section in each fiscal year to enter into contracts described in paragraph (1)(A).

**(B) Contracts with other agencies or organizations**

The Secretary may use not more than three percent of the amount appropriated to carry out this section in each fiscal year to enter into contracts described in paragraph (1)(B).

**(c) Supplement not supplant**

A recipient of a grant or contract under this section may use the funds provided only to supplement funds made available from non-Federal sources to carry out the activities supported by such grant or contract, and in no case to supplant such funds from non-Federal sources.

(Pub. L. 89-329, title VIII, §834, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3419.)

**§ 1161n-4. Authorization of appropriations**

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

(Pub. L. 89-329, title VIII, §835, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3420.)

**PART O—COLLEGE PARTNERSHIP GRANTS****§ 1161o. College partnership grants authorized****(a) Grants authorized**

From the amount appropriated to carry out this section, the Secretary shall award grants to eligible partnerships for the purposes of developing and implementing articulation agreements.

**(b) Eligible partnerships**

For purposes of this part, an eligible partnership shall include at least two institutions of higher education, or a system of institutions of higher education, and may include either or both of the following:

(1) A consortia of institutions of higher education.

(2) A State higher education agency.

**(c) Priority**

The Secretary shall give priority to eligible partnerships that—

(1) are located in a State that has employed strategies described in section 1093a(b)(1) of this title; or

(2) include—

(A) one or more junior or community colleges (as defined by section 1058(f) of this title) that award associate's degrees; and