

**§ 1103d. Assistance to institutions under other programs**

**(a) Assistance eligibility**

Each Hispanic-serving institution that the Secretary determines to be an institution eligible under this subchapter may be eligible for waivers in accordance with subsection (b) of this section.

**(b) Waiver applicability**

**(1) In general**

Subject to, and in accordance with, regulations promulgated for the purpose of this section, in the case of any application by a Hispanic-serving institution referred to in subsection (a) of this section for assistance under any programs specified in paragraph (2), the Secretary is authorized, if such application is otherwise approvable, to waive any requirement for a non-Federal share of the cost of the program or project, or, to the extent not inconsistent with other law, to give, or require to be given, priority consideration of the application in relation to applications from other institutions.

**(2) Programs**

The provisions of this section shall apply to any program authorized by subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42 or section 1124 of this title.

**(c) Limitation**

The Secretary shall not waive, under subsection (b) of this section, the non-Federal share requirement for any program for applications which, if approved, would require the expenditure of more than 10 percent of the appropriations for the program for any fiscal year.

(Pub. L. 89-329, title V, § 525, formerly § 515, as added Pub. L. 105-244, title V, § 501, Oct. 7, 1998, 112 Stat. 1773; renumbered § 525, Pub. L. 110-315, title V, § 502(a)(2), Aug. 14, 2008, 122 Stat. 3331.)

PRIOR PROVISIONS

A prior section 1103d, Pub. L. 89-329, title V, § 515, as added Pub. L. 102-325, title V, § 501(a), July 23, 1992, 106 Stat. 676, related to State delegations to National Teacher Academies, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 1103d, Pub. L. 89-329, title V, § 515, as added Pub. L. 99-498, title V, § 501(a), Oct. 17, 1986, 100 Stat. 1497, required reports to Secretary from institutions receiving grants, prior to the general amendment of this subchapter by Pub. L. 102-325.

A prior section 525 of Pub. L. 89-329 was classified to section 1104d of this title, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 525 of Pub. L. 89-329 was classified to section 1105d of this title, prior to the general amendment of this subchapter by Pub. L. 102-325.

Another prior section 525 of Pub. L. 89-329 was classified to section 1115 of this title, prior to repeal by Pub. L. 94-482.

**§ 1103e. Limitations**

The funds appropriated under section 1103g of this title may not be used—

- (1) for a school or department of divinity or any religious worship or sectarian activity;
- (2) for an activity that is inconsistent with a State plan for desegregation of higher edu-

cation applicable to a Hispanic-serving institution;

(3) for an activity that is inconsistent with a State plan of higher education applicable to a Hispanic-serving institution; or

(4) for purposes other than the purposes set forth in the approved application under which the funds were made available to a Hispanic-serving institution.

(Pub. L. 89-329, title V, § 526, formerly § 516, as added Pub. L. 105-244, title V, § 501, Oct. 7, 1998, 112 Stat. 1774; renumbered § 526 and amended Pub. L. 110-315, title V, § 502(a)(2), (b)(3), Aug. 14, 2008, 122 Stat. 3331, 3333.)

PRIOR PROVISIONS

A prior section 1103e, Pub. L. 89-329, title V, § 516, as added Pub. L. 102-325, title V, § 501(a), July 23, 1992, 106 Stat. 676, related to selection of participants in National Teacher Academies, prior to the general amendment of this subchapter by Pub. L. 105-244.

A prior section 526 of Pub. L. 89-329 was classified to section 1104e of this title, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 526 of Pub. L. 89-329 was classified to section 1116 of this title, prior to repeal by Pub. L. 94-482.

AMENDMENTS

2008—Pub. L. 110-315, § 502(b)(3), made technical amendment to reference in original act which appears in text as reference to section 1103g of this title.

**§ 1103f. Penalties**

Whoever, being an officer, director, agent, or employee of, or connected in any capacity with, any recipient of Federal financial assistance or grant pursuant to this subchapter embezzles, willfully misapplies, steals, or obtains by fraud any of the funds that are the subject of such grant or assistance, shall be fined not more than \$10,000 or imprisoned for not more than 2 years, or both.

(Pub. L. 89-329, title V, § 527, formerly § 517, as added Pub. L. 105-244, title V, § 501, Oct. 7, 1998, 112 Stat. 1774; renumbered § 527, Pub. L. 110-315, title V, § 502(a)(2), Aug. 14, 2008, 122 Stat. 3331.)

PRIOR PROVISIONS

A prior section 1103f, Pub. L. 89-329, title V, § 517, as added Pub. L. 102-325, title V, § 501(a), July 23, 1992, 106 Stat. 677, related to evaluation of system of National Teacher Academies, prior to the general amendment of this subchapter by Pub. L. 105-244.

A prior section 527 of Pub. L. 89-329 was classified to section 1104f of this title, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 527 of Pub. L. 89-329 was classified to section 1117 of this title, prior to repeal by Pub. L. 94-482.

**§ 1103g. Authorizations of appropriations**

**(a) Authorizations**

**(1) Parts A and C**

There are authorized to be appropriated to carry out parts A and C \$175,000,000 for fiscal year 2009 and such sums as may be necessary for each of the five succeeding fiscal years.

**(2) Part B**

There are authorized to be appropriated to carry out part B \$100,000,000 for fiscal year 2009