

§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of higher education receiving Federal assistance, was transferred to section 1142 of this title and subsequently repealed by Pub.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”.

#### 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. Grants to States for workplace and community transition training for incarcerated individuals

### (a) Definition

In this section, the term “incarcerated individual” means a male or female offender who is—

- (1) 35 years of age or younger; and
- (2) incarcerated in a State prison, including a prerelease facility.

### (b) Grant program

The Secretary of Education (in this section referred to as the “Secretary”)—

- (1) shall establish a program in accordance with this section to provide grants to the State correctional education agencies in the States to assist and encourage incarcerated individuals who have obtained a secondary school diploma or its recognized equivalent to acquire educational and job skills through—

(A) coursework to prepare such individuals to pursue a postsecondary education certificate, an associate’s degree, or bachelor’s degree while in prison;

(B) the pursuit of a postsecondary education certificate, an associate’s degree, or bachelor’s degree while in prison; and

(C) employment counseling and other related services, which start during incarceration and end not later than two years after release from incarceration; and

(2) may establish such performance objectives and reporting requirements for State correctional education agencies receiving grants under this section as the Secretary determines are necessary to assess the effectiveness of the program under this section.

**(c) Application**

To be eligible for a grant under this section, a State correctional education agency shall submit to the Secretary a proposal for an incarcerated individual program that—

(1) identifies the scope of the problem, including the number of incarcerated individuals in need of postsecondary education and career and technical training;

(2) lists the accredited public or private educational institution or institutions that will provide postsecondary educational services;

(3) lists the cooperating agencies, public and private, or businesses that will provide related services, such as counseling in the areas of career development, substance abuse, health, and parenting skills;

(4) describes specific performance objectives and evaluation methods (in addition to, and consistent with, any objectives established by the Secretary under subsection (b)(2)) that the State correctional education agency will use in carrying out its proposal, including—

(A) specific and quantified student outcome measures that are referenced to outcomes for non-program participants with similar demographic characteristics; and

(B) measures, consistent with the data elements and definitions described in subsection (d)(1)(A), of—

(i) program completion, including an explicit definition of what constitutes a program completion within the proposal;

(ii) knowledge and skill attainment, including specification of instruments that will measure knowledge and skill attainment;

(iii) attainment of employment both prior to and subsequent to release;

(iv) success in employment indicated by job retention and advancement; and

(v) recidivism, including such subindicators as time before subsequent offense and severity of offense;

(5) describes how the proposed program is to be integrated with existing State correctional education programs (such as adult education, graduate education degree programs, and career and technical training) and State industry programs;

(6) describes how the proposed program will—

(A) deliver services under this section; and

(B) utilize technology to deliver such services; and

(7) describes how incarcerated individuals will be selected so that only those eligible under subsection (e) will be enrolled in postsecondary programs.

**(d) Program requirements**

Each State correctional education agency receiving a grant under this section shall—

(1) annually report to the Secretary regarding—

(A) the results of the evaluations conducted using data elements and definitions provided by the Secretary for the use of State correctional education programs;

(B) any objectives or requirements established by the Secretary pursuant to subsection (b)(2);

(C) the additional performance objectives and evaluation methods contained in the proposal described in subsection (c)(4) as necessary to document the attainment of project performance objectives;

(D) how the funds provided under this section are being allocated among postsecondary preparatory education, postsecondary academic programs, and career and technical education programs; and

(E) the service delivery methods being used for each course offering; and

(2) provide for each student eligible under subsection (e) not more than—

(A) \$3,000 annually for tuition, books, and essential materials; and

(B) \$300 annually for related services such as career development, substance abuse counseling, parenting skills training, and health education.

**(e) Student eligibility**

An incarcerated individual who has obtained a secondary school diploma or its recognized equivalent shall be eligible for participation in a program receiving a grant under this section if such individual—

(1) is eligible to be released within seven years (including an incarcerated individual who is eligible for parole within such time);

(2) is 35 years of age or younger; and

(3) has not been convicted of—

(A) a “criminal offense against a victim who is a minor” or a “sexually violent offense”, as such terms are defined in the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14071 et seq.);<sup>1</sup> or

(B) murder, as described in section 1111 of title 18.

**(f) Length of participation**

A State correctional education agency receiving a grant under this section shall provide educational and related services to each participating incarcerated individual for a period not to exceed seven years, not more than two years of which may be devoted to study in a graduate education degree program or to coursework to prepare such individuals to take college level courses. Educational and related services shall start during the period of incarceration in prison or prerelease, and the related services may continue for not more than two years after release from confinement.

**(g) Education delivery systems**

State correctional education agencies and cooperating institutions shall, to the extent practicable, use high-tech applications in developing programs to meet the requirements and goals of this section.

<sup>1</sup> See References in Text note below.

**(h) Allocation of funds****(1) Fiscal year 2009**

From the funds appropriated pursuant to subsection (i) for fiscal year 2009, the Secretary shall allot to each State an amount that bears the same relationship to such funds as the total number of incarcerated individuals described in paragraphs (1) and (2) of subsection (e) in the State bears to the total number of such individuals in all States.

**(2) Future fiscal years**

From the funds appropriated pursuant to subsection (i) for each fiscal year after fiscal year 2009, the Secretary shall allot to each State an amount that bears the same relationship to such funds as the total number of students eligible under subsection (e) in such State bears to the total number of such students in all States.

**(i) Authorization of appropriations**

There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2009 through 2014.

(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.)

## REFERENCES IN TEXT

The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, referred to in subsec. (e)(3)(A), is subtitle A of title XVII of Pub. L. 103-322, Sept. 13, 1994, 108 Stat. 2038, which was classified generally to subchapter VI (§14071 et seq.) of chapter 136 of Title 42, The Public Health and Welfare, prior to repeal by Pub. L. 109-248, title I, §129(a), July 27, 2006, 120 Stat. 600.

## 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. (h). Pub. L. 111-39 amended subsec. (h) generally. Prior to amendment, text read as follows: “From the funds appropriated pursuant to subsection (i) for each fiscal year, the Secretary shall allot to each State an amount that bears the same relationship to such funds as the total number of students eligible under subsection (e) in such State bears to the total number of such students in all States.”

2008—Pub. L. 110-315 amended section generally. Prior to amendment, section consisted of subsecs. (a) to (j) relating to grants to States for workplace and community transition training for incarcerated youth offenders.

## 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.

**§ 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.

## 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 3793 of Title 42, The Public Health and Welfare.

**§ 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—