

(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—

(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.)

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-private partnership between a State or local public entity and a private entity for the support of the facility, which private entity shall provide matching funds for the support of the facility in an amount equal to 4 times the amount of the contribution of the State or local public entity, except that not more than 20 percent of the matching funds may be provided by the Federal Government;”.

Subsec. (b)(4). Pub. L. 110-315, §933(2)(B), inserted “and maintain” after “establish” in two places and “including the lessons to be drawn from the history of the Underground Railroad,” after “United States.”.

Subsec. (b)(5). Pub. L. 110-315, §933(2)(C), inserted “and maintain” after “establish” and “, including the lessons to be drawn from such history” after “Underground Railroad”.

Subsec. (c). Pub. L. 110-315, §933(3), substituted “\$3,000,000 for fiscal year 2009 and each of the five succeeding fiscal years” for “this section \$6,000,000 for fiscal year 1999, \$6,000,000 for fiscal year 2000, \$6,000,000 for fiscal year 2001, \$3,000,000 for fiscal year 2002, and \$3,000,000 for fiscal year 2003”.

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.

§ 1154. Contract authority

The authorization to enter into contracts or other obligations under the Act, as amended by this Act, shall be effective for fiscal year 1981 and any succeeding fiscal year only to the ex-

tent or in such amounts as are provided in advance in appropriation Acts.

(Pub. L. 96-374, title XIII, §1392, Oct. 3, 1980, 94 Stat. 1504.)

REFERENCES IN TEXT

The Act, as amended by this Act, referred to in text, means the Higher Education Act of 1965, Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, as amended by the Education Amendments of 1980, Pub. L. 96-374, Oct. 3, 1980, 94 Stat. 1367, which is classified generally to this chapter and part C (§2751 et seq.) of subchapter I of chapter 34 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and Tables.

CODIFICATION

Section was formerly classified to section 1146 of this title.

Section was enacted as part of the Education Amendments of 1980, and not as part of the Higher Education Act of 1965 which comprises this chapter.

Section was enacted as part of the Higher Education Amendments of 1986, and not as part of the Higher Education Act of 1965 which comprises this chapter.

EFFECTIVE DATE

Section effective Oct. 1, 1980, see section 1393(a) of Pub. L. 96-374, set out as an Effective Date of 1980 Amendment note under section 1001 of this title.

CONTRACTING AUTHORITY SUBJECT TO APPROPRIATIONS

Pub. L. 99-498, §3, Oct. 17, 1986, 100 Stat. 1278, provided that: “The authority to enter into contracts or other obligations under this Act (other than amendments made to part B of title IV of the Act) [see Tables for classification] shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.”

§ 1155. Connie Lee privatization

(a) Status of Corporation and corporate powers; obligations not federally guaranteed

(1) Status of the Corporation

The Corporation shall not be an agency, instrumentality, or establishment of the United States Government, nor a Government corporation, nor a Government controlled corporation, as such terms are defined in section 103 of title 5. No action under section 1491 of title 28 (commonly known as the Tucker Act) shall be allowable against the United States based on the actions of the Corporation.

(2) Corporate powers

The Corporation shall be subject to the provisions of this section, and, to the extent not inconsistent with this section, to the District of Columbia Business Corporation Act (or the comparable law of another State, if applicable). The Corporation shall have the powers conferred upon a corporation by the District of Columbia Business Corporation Act (or such other applicable State law) as from time to time in effect in order to conduct the Corporation’s affairs as a private, for-profit corporation and to carry out the Corporation’s purposes and activities incidental thereto. The Corporation shall have the power to enter into contracts, to execute instruments, to incur liabilities, to provide products and services, and to do all things as are necessary or incidental to the proper management of the Corpora-