

ority to an application that contains satisfactory evidence that the Hispanic-serving institution has entered into or will enter into a collaborative arrangement with at least one local educational agency or community-based organization to provide such agency or organization with assistance (from funds other than funds provided under this subchapter) in reducing dropout rates for Hispanic students, improving rates of academic achievement for Hispanic students, and increasing the rates at which Hispanic secondary school graduates enroll in higher education.

**(e) Eligibility data**

The Secretary shall use the most recent and relevant data concerning the number and percentage of students receiving need-based assistance under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42 in making eligibility determinations and shall advance the base-year for the determinations forward following each annual grant cycle.

(Pub. L. 89-329, title V, § 521, formerly § 511, as added Pub. L. 105-244, title V, § 501, Oct. 7, 1998, 112 Stat. 1770; renumbered § 521 and amended Pub. L. 110-315, title V, §§ 502(a)(2), (b)(2), 503, Aug. 14, 2008, 122 Stat. 3331, 3333.)

PRIOR PROVISIONS

A prior section 1103, Pub. L. 89-329, title V, § 511, as added Pub. L. 102-325, title V, § 501(a), July 23, 1992, 106 Stat. 674, established program of grants for National Teacher Academies, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 1103, Pub. L. 89-329, title V, § 511, as added Pub. L. 99-498, title V, § 501(a), Oct. 17, 1986, 100 Stat. 1496, set forth statement of purpose for former part A of this subchapter relating to midcareer teacher training for nontraditional students, prior to the general amendment of this subchapter by Pub. L. 102-325.

Another prior section 1103, Pub. L. 89-329, title V, § 513, Nov. 8, 1965, 79 Stat. 1256; Pub. L. 90-35, § 3(a)(3), (c)-(f), June 29, 1967, 81 Stat. 85, 86; Pub. L. 91-230, title VIII, §§ 803, 804(c), (d), 805(b), Apr. 13, 1970, 84 Stat. 190, 191; Pub. L. 93-380, title VIII, § 835(a)(2), (3), Aug. 21, 1974, 88 Stat. 605; Pub. L. 94-482, title I, § 151(a)(5)(C), 152(b)-(d), Oct. 12, 1976, 90 Stat. 2152, 2153; Pub. L. 96-374, title V, § 502(a)-(d), title XIII, § 1391(a)(1), Oct. 3, 1980, 94 Stat. 1459, 1503, related to recruitment, enrollment, training, etc., of members for program, prior to repeal by Pub. L. 97-35, title V, § 587(a)(2), Aug. 13, 1981, 95 Stat. 480.

A prior section 521 of Pub. L. 89-329 was classified to section 1104 of this title, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 521 of Pub. L. 89-329 was classified to section 1105 of this title, prior to the general amendment of this subchapter by Pub. L. 102-325.

Another prior section 521 of Pub. L. 89-329 was classified to section 1111 of this title, prior to repeal by Pub. L. 94-482.

AMENDMENTS

2008—Subsec. (b)(1)(A). Pub. L. 110-315, § 503, substituted “subsection (c)” for “subsection (b)”.

Subsec. (c)(6). Pub. L. 110-315, § 502(b)(2), made technical amendment to reference in original act which appears in text as reference to section 1103e of this title.

**§ 1103a. Waiver authority and reporting requirement**

**(a) Waiver requirements; need-based assistance students**

The Secretary may waive the requirements set forth in section 1101a(a)(2)(A)(i) of this title in the case of an institution—

(1) that is extensively subsidized by the State in which the institution is located and charges low or no tuition;

(2) that serves a substantial number of low-income students as a percentage of the institution's total student population;

(3) that is contributing substantially to increasing higher education opportunities for educationally disadvantaged, underrepresented, or minority students, who are low-income individuals;

(4) which is substantially increasing higher educational opportunities for individuals in rural or other isolated areas which are unserved by postsecondary institutions; or

(5) wherever located, if the Secretary determines that the waiver will substantially increase higher education opportunities appropriate to the needs of Hispanic Americans.

**(b) Waiver determinations; expenditures**

**(1) Waiver determinations**

The Secretary may waive the requirements set forth in section 1101a(a)(2)(A)(ii) of this title if the Secretary determines, based on persuasive evidence submitted by the institution, that the institution's failure to meet the requirements is due to factors which, when used in the determination of compliance with the requirements, distort such determination, and that the institution's designation as an eligible institution under part A of this subchapter is otherwise consistent with the purposes of this subchapter.

**(2) Expenditures**

The Secretary shall submit to Congress every other year a report concerning the institutions that, although not satisfying the requirements of section 1101a(a)(2)(A)(ii) of this title, have been determined to be eligible institutions under part A of this subchapter. Such report shall—

(A) identify the factors referred to in paragraph (1) that were considered by the Secretary as factors that distorted the determination of compliance with clauses (i) and (ii) of section 1101a(a)(2)(A) of this title; and

(B) contain a list of each institution determined to be an eligible institution under part A of this subchapter including a statement of the reasons for each such determination.

(Pub. L. 89-329, title V, § 522, formerly § 512, as added Pub. L. 105-244, title V, § 501, Oct. 7, 1998, 112 Stat. 1772; renumbered § 522, Pub. L. 110-315, title V, § 502(a)(2), Aug. 14, 2008, 122 Stat. 3331.)

PRIOR PROVISIONS

A prior section 1103a, Pub. L. 89-329, title V, § 512, as added Pub. L. 102-325, title V, § 501(a), July 23, 1992, 106 Stat. 674, related to eligible recipients, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 1103a, Pub. L. 89-329, title V, §512, as added Pub. L. 99-498, title V, §501(a), Oct. 17, 1986, 100 Stat. 1496, related to selection procedures for grants to institutions offering midcareer teacher training for nontraditional students, prior to the general amendment of this subchapter by Pub. L. 102-325.

A prior section 522 of Pub. L. 89-329 was classified to section 1104a of this title, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 522 of Pub. L. 89-329 was classified to section 1105a of this title, prior to the general amendment of this subchapter by Pub. L. 102-325.

Another prior section 522 of Pub. L. 89-329 was classified to section 1112 of this title, prior to repeal by Pub. L. 94-482.

### § 1103b. Application review process

#### (a) Review panel

All applications submitted under this subchapter by Hispanic-serving institutions shall be read by a panel of readers composed of individuals who are selected by the Secretary and who include individuals representing Hispanic-serving institutions. The Secretary shall ensure that no individual assigned under this section to review any application has any conflict of interest with regard to the application that might impair the impartiality with which the individual conducts the review under this section.

#### (b) Instruction

All readers selected by the Secretary shall receive thorough instruction from the Secretary regarding the evaluation process for applications submitted under this subchapter that are consistent with the provisions of this subchapter, including—

- (1) an enumeration of the factors to be used to determine the quality of applications submitted under this subchapter; and
- (2) an enumeration of the factors to be used to determine whether a grant should be awarded for a project under this subchapter, the amount of any such grant, and the duration of any such grant.

#### (c) Recommendations of panel

In awarding grants under this subchapter, the Secretary shall take into consideration the recommendations of the panel made under subsection (a) of this section.

#### (d) Notification

Not later than June 30 of each year, the Secretary shall notify each Hispanic-serving institution making an application under this subchapter of—

- (1) the scores given the institution by the panel pursuant to this section;
- (2) the recommendations of the panel with respect to such application; and
- (3) the reasons for the decision of the Secretary in awarding or refusing to award a grant under this subchapter, and any modifications, if any, in the recommendations of the panel made by the Secretary.

(Pub. L. 89-329, title V, §523, formerly §513, as added Pub. L. 105-244, title V, §501, Oct. 7, 1998, 112 Stat. 1772; renumbered §523, Pub. L. 110-315, title V, §502(a)(2), Aug. 14, 2008, 122 Stat. 3331.)

#### PRIOR PROVISIONS

A prior section 1103b, Pub. L. 89-329, title V, §513, as added Pub. L. 102-325, title V, §501(a), July 23, 1992, 106

Stat. 674, related to use of funds, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 1103b, Pub. L. 89-329, title V, §513, as added Pub. L. 99-498, title V, §501(a), Oct. 17, 1986, 100 Stat. 1497, related to review of applications for grants, prior to the general amendment of this subchapter by Pub. L. 102-325.

A prior section 523 of Pub. L. 89-329 was classified to section 1104b of this title, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 523 of Pub. L. 89-329 was classified to section 1105b of this title, prior to the general amendment of this subchapter by Pub. L. 102-325.

Another prior section 523 of Pub. L. 89-329 was classified to section 1113 of this title, prior to repeal by Pub. L. 94-482.

### § 1103c. Cooperative arrangements

#### (a) General authority

The Secretary may make grants to encourage cooperative arrangements with funds available to carry out this subchapter, between Hispanic-serving institutions eligible for assistance under this subchapter, and between such institutions and institutions not receiving assistance under this subchapter, for the activities described in sections 1101b and 1102b of this title so that the resources of the cooperating institutions might be combined and shared in order to achieve the purposes of this subchapter, to avoid costly duplicative efforts, and to enhance the development of Hispanic-serving institutions.

#### (b) Priority

The Secretary shall give priority to grants for the purposes described under subsection (a) of this section whenever the Secretary determines that the cooperative arrangement is geographically and economically sound or will benefit the applicant Hispanic-serving institution.

#### (c) Duration

Grants to Hispanic-serving institutions having a cooperative arrangement may be made under this section for a period determined under section 1101d of this title.

(Pub. L. 89-329, title V, §524, formerly §514, as added Pub. L. 105-244, title V, §501, Oct. 7, 1998, 112 Stat. 1773; renumbered §524 and amended Pub. L. 110-315, title V, §§502(a)(2), 504, Aug. 14, 2008, 122 Stat. 3331, 3333.)

#### PRIOR PROVISIONS

A prior section 1103c, Pub. L. 89-329, title V, §514, as added Pub. L. 102-325, title V, §501(a), July 23, 1992, 106 Stat. 675, related to applications for grants, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 1103c, Pub. L. 89-329, title V, §514, as added Pub. L. 99-498, title V, §501(a), Oct. 17, 1986, 100 Stat. 1497, related to amount of grants to institutions offering midcareer teacher training for nontraditional students, prior to the general amendment of this subchapter by Pub. L. 102-325.

A prior section 524 of Pub. L. 89-329 was classified to section 1104c of this title, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 524 of Pub. L. 89-329 was classified to section 1105c of this title, prior to the general amendment of this subchapter by Pub. L. 102-325.

Another prior section 524 of Pub. L. 89-329 was classified to section 1114 of this title, prior to repeal by Pub. L. 94-482.

#### AMENDMENTS

2008—Subsec. (a). Pub. L. 110-315, §504, substituted “sections 1101b and 1102b” for “section 1101b”.