

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”.

§ 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