

award under this subchapter until 2 years have elapsed since the expiration of the institution's most recent 5-year grant award under this subchapter, except that for the purpose of this subsection a grant under section 1103c(a) of this title shall not be considered a grant under this subchapter."

§ 1101d. Special rule

No Hispanic-serving institution that is eligible for and receives funds under this subchapter may receive funds under part A or B of subchapter III during the period for which funds under this subchapter are awarded.

(Pub. L. 89-329, title V, §505, as added Pub. L. 105-244, title V, §501, Oct. 7, 1998, 112 Stat. 1770.)

PRIOR PROVISIONS

A prior section 505 of Pub. L. 89-329 was classified to section 1102d of this title prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 505 of Pub. L. 89-329 was classified to section 1091d of this title prior to repeal by Pub. L. 94-482.

PART B—PROMOTING POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS

PRIOR PROVISIONS

A prior part B consisting of sections 1103 to 1103g was redesignated part C by Pub. L. 110-315, title V, §502(a)(1), Aug. 14, 2008, 122 Stat. 3331.

Another prior part B consisted of sections 1103 to 1103g and related to National Teacher Academies prior to the general amendment of this subchapter by Pub. L. 105-244.

§ 1102. Purposes

The purposes of this part are—

(1) to expand postbaccalaureate educational opportunities for, and improve the academic attainment of, Hispanic students; and

(2) to expand the postbaccalaureate academic offerings and enhance the program quality in the institutions of higher education that are educating the majority of Hispanic college students and helping large numbers of Hispanic and low-income students complete postsecondary degrees.

(Pub. L. 89-329, title V, §511, as added Pub. L. 110-315, title V, §502(a)(3), Aug. 14, 2008, 122 Stat. 3331.)

PRIOR PROVISIONS

A prior section 1102, Pub. L. 89-329, title V, §501, as added Pub. L. 102-325, title V, §501(a), July 23, 1992, 106 Stat. 655, related to authority and allocation of funds and defined terms, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 1102, Pub. L. 89-329, title V, §512, Nov. 8, 1965, 79 Stat. 1255; Pub. L. 90-35, §3(a)(3), (4), June 29, 1967, 81 Stat. 85; Pub. L. 92-318, title I, §142, June 23, 1972, 86 Stat. 286; Pub. L. 94-482, title I, §151(a)(5)(B), Oct. 12, 1976, 90 Stat. 2152; Pub. L. 96-88, title III, §301(b)(2), title V, §508(l)(3), Oct. 17, 1979, 93 Stat. 677, 694; Pub. L. 96-374, title XIII, §1391(a)(1), Oct. 3, 1980, 94 Stat. 1503, related to establishment and administration of program, prior to repeal by Pub. L. 97-35, title V, §587(a)(2), Aug. 13, 1981, 95 Stat. 480, eff. Oct. 1, 1982.

A prior section 511 of Pub. L. 89-329 was renumbered section 521, and is classified to section 1103 of this title.

Another prior section 511 of Pub. L. 89-329 was classified to section 1103 of this title, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 511 of Pub. L. 89-329 was classified to section 1103 of this title, prior to the general amendment of this subchapter by Pub. L. 102-325.

Another prior section 511 of Pub. L. 89-329 was classified to section 1101 of this title, prior to repeal by Pub. L. 97-35.

§ 1102a. Program authority and eligibility

(a) Program authorized

Subject to the availability of funds appropriated to carry out this part, the Secretary shall award grants, on a competitive basis, to eligible institutions to enable the eligible institutions to carry out the authorized activities described in section 1102b of this title.

(b) Eligibility

For the purposes of this part, an "eligible institution" means an institution of higher education that—

(1) is a Hispanic-serving institution (as defined in section 1101a of this title); and

(2) offers a postbaccalaureate certificate or postbaccalaureate degree granting program.

(Pub. L. 89-329, title V, §512, as added Pub. L. 110-315, title V, §502(a)(3), Aug. 14, 2008, 122 Stat. 3332.)

PRIOR PROVISIONS

A prior section 1102a, Pub. L. 89-329, title V, §502, as added Pub. L. 102-325, title V, §501(a), July 23, 1992, 106 Stat. 656, related to State applications for allotments, prior to the general amendment of this subchapter by Pub. L. 105-244.

A prior section 512 of Pub. L. 89-329 was renumbered section 522, and is classified to section 1103a of this title.

Another prior section 512 of Pub. L. 89-329 was classified to section 1103a of this title, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 512 of Pub. L. 89-329 was classified to section 1103a of this title, prior to the general amendment of this subchapter by Pub. L. 102-325.

Another prior section 512 of Pub. L. 89-329 was classified to section 1102 of this title, prior to repeal by Pub. L. 97-35.

§ 1102b. Authorized activities

Grants awarded under this part shall be used for one or more of the following activities:

(1) Purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes.

(2) Construction, maintenance, renovation, and improvement of classrooms, libraries, laboratories, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services.

(3) Purchase of library books, periodicals, technical and other scientific journals, microfilm, microfiche, and other educational materials, including telecommunications program materials.

(4) Support for low-income postbaccalaureate students including outreach, academic support services, mentoring, scholarships, fellowships, and other financial assistance to permit the enrollment of such students in postbaccalaureate certificate and postbaccalaureate degree granting programs.

(5) Support of faculty exchanges, faculty development, faculty research, curriculum development, and academic instruction.

(6) Creating or improving facilities for Internet or other distance education technologies, including purchase or rental of telecommunications technology equipment or services.

(7) Collaboration with other institutions of higher education to expand postbaccalaureate certificate and postbaccalaureate degree offerings.

(8) Other activities proposed in the application submitted pursuant to section 1102c of this title that—

(A) contribute to carrying out the purposes of this part; and

(B) are approved by the Secretary as part of the review and acceptance of such application.

(Pub. L. 89-329, title V, § 513, as added Pub. L. 110-315, title V, § 502(a)(3), Aug. 14, 2008, 122 Stat. 3332.)

PRIOR PROVISIONS

A prior section 1102b, Pub. L. 89-329, title V, § 503, as added Pub. L. 102-325, title V, § 501(a), July 23, 1992, 106 Stat. 658, related to local applications and use of funds, prior to the general amendment of this subchapter by Pub. L. 105-244.

A prior section 513 of Pub. L. 89-329 was renumbered section 523, and is classified to section 1103b of this title.

Another prior section 513 of Pub. L. 89-329 was classified to section 1103b of this title, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 513 of Pub. L. 89-329 was classified to section 1103b of this title, prior to the general amendment of this subchapter by Pub. L. 102-325.

Another prior section 513 of Pub. L. 89-329 was classified to section 1103 of this title, prior to repeal by Pub. L. 97-35.

§ 1102c. Application and duration

(a) Application

Any eligible institution may apply for a grant under this part by submitting an application to the Secretary at such time and in such manner as the Secretary may require. Such application shall demonstrate how the grant funds will be used to improve postbaccalaureate education opportunities for Hispanic and low-income students.

(b) Duration

Grants under this part shall be awarded for a period not to exceed five years.

(c) Limitation

The Secretary may not award more than one grant under this part in any fiscal year to any Hispanic-serving institution.

(Pub. L. 89-329, title V, § 514, as added Pub. L. 110-315, title V, § 502(a)(3), Aug. 14, 2008, 122 Stat. 3332.)

PRIOR PROVISIONS

A prior section 1102c, Pub. L. 89-329, title V, § 504, as added Pub. L. 102-325, title V, § 501(a), July 23, 1992, 106 Stat. 661, related to State uses of funds, prior to the general amendment of this subchapter by Pub. L. 105-244.

A prior section 514 of Pub. L. 89-329 was renumbered section 524, and is classified to section 1103c of this title.

Another prior section 514 of Pub. L. 89-329 was classified to section 1103c of this title, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 514 of Pub. L. 89-329 was classified to section 1103c of this title, prior to the general amendment of this subchapter by Pub. L. 102-325.

Another prior section 514 of Pub. L. 89-329 was classified to section 1104 of this title, prior to repeal by Pub. L. 97-35.

Prior sections 1102d to 1102j were omitted in the general amendment of this subchapter by Pub. L. 105-244.

Section 1102d, Pub. L. 89-329, title V, § 505, as added Pub. L. 102-325, title V, § 501(a), July 23, 1992, 106 Stat. 663; amended Pub. L. 103-208, § 2(j)(1), Dec. 20, 1993, 107 Stat. 2480, related to State Academies for teachers.

Section 1102e, Pub. L. 89-329, title V, § 506, as added Pub. L. 102-325, title V, § 501(a), July 23, 1992, 106 Stat. 666, related to State Academies for school leaders.

Section 1102f, Pub. L. 89-329, title V, § 507, as added Pub. L. 102-325, title V, § 501(a), July 23, 1992, 106 Stat. 669, related to uses of funds by institutions of higher education.

Section 1102g, Pub. L. 89-329, title V, § 508, as added Pub. L. 102-325, title V, § 501(a), July 23, 1992, 106 Stat. 670, related to professional development academies.

Section 1102h, Pub. L. 89-329, title V, § 509, as added Pub. L. 102-325, title V, § 501(a), July 23, 1992, 106 Stat. 673, required that Federal funds supplement, not supplant, regular non-Federal funds.

Section 1102i, Pub. L. 89-329, title V, § 510, as added Pub. L. 102-325, title V, § 501(a), July 23, 1992, 106 Stat. 673, related to coordination with other programs.

Section 1102j, Pub. L. 89-329, title V, § 510A, as added Pub. L. 102-325, title V, § 501(a), July 23, 1992, 106 Stat. 674, authorized appropriations for State and local programs for teacher excellence.

PART C—GENERAL PROVISIONS

CODIFICATION

Pub. L. 110-315, title V, § 502(a)(1), Aug. 14, 2008, 122 Stat. 3331, redesignated part B of this subchapter as part C of this subchapter.

PRIOR PROVISIONS

A prior part C consisted of sections 1104 to 1104k and related to teacher scholarships and fellowships prior to the general amendment of this subchapter by Pub. L. 105-244.

§ 1103. Eligibility; applications

(a) Institutional eligibility

Each Hispanic-serving institution desiring to receive assistance under this subchapter shall submit to the Secretary such enrollment data as may be necessary to demonstrate that the institution is a Hispanic-serving institution as defined in section 1101a of this title, along with such other data and information as the Secretary may by regulation require.

(b) Applications

(1) Applications required

Any institution which is eligible for assistance under this subchapter shall submit to the Secretary an application for assistance at such time, in such form, and containing such information, as may be necessary to enable the Secretary to evaluate the institution's need for assistance. Subject to the availability of appropriations to carry out this subchapter, the Secretary may approve an application for a grant under this subchapter only if the Secretary determines that—

(A) the application meets the requirements of subsection (c); and

(B) the institution is eligible for assistance in accordance with the provisions of this