

(3) Special rule

Notwithstanding any other provision of law, the Secretary may not waive the provisions of paragraphs (1) and (2).

(d) Maintenance of effort

If the Secretary determines that a recipient of funds under this section has failed to maintain the fiscal effort described in subsection (b)(3), then the Secretary may elect not to make grant payments under this section to such recipient.

(e) Factors for special consideration of applications**(1) In general**

In approving applications under this section, the Secretary shall give special consideration to applications from institutions of higher education or consortia of such institutions for programs that show the greatest promise of success based on—

(A) the extent to which programs in the academic discipline with respect to which the application is made have satisfactorily met the needs of public and private sector employers;

(B) the strength of the commitment of the institution of higher education or consortium of such institutions to cooperative education as demonstrated by the plans and formalized institutional commitment statement which such institution or consortium has made to continue the program after the termination of Federal financial assistance;

(C) the extent to which the institution or consortium of institutions is committed to extending cooperative education for students who can benefit; and

(D) such other factors as are consistent with the purpose of this part.

(2) Additional special consideration

The Secretary shall also give special consideration to applications from institutions of higher education or consortia of such institutions that demonstrate a commitment to serving underserved populations attending such institutions.

(Pub. L. 89-329, title VIII, §833, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3415; amended Pub. L. 111-39, title VIII, §801(11), July 1, 2009, 123 Stat. 1956.)

AMENDMENTS

2009—Subsec. (e)(1). Pub. L. 111-39, §801(11)(A), substituted “based on” for “because of” in introductory provisions.

Subsec. (e)(1)(D). Pub. L. 111-39, §801(11)(B), substituted “purpose of this part” for “purposes of this section”.

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.

§ 1161n-3. Demonstration and innovation projects; training and resource centers; and research**(a) Authorization**

From the amounts appropriated under section 1161n-4 of this title, the Secretary is authorized,

in accordance with the provisions of this section, to make grants and enter into contracts—

(1) from the amounts available in each fiscal year under section 1161n-1(a)(3) of this title, for the conduct of demonstration projects designed to demonstrate or determine the effectiveness of innovative methods of cooperative education;

(2) from the amounts available in each fiscal year under section 1161n-1(a)(4) of this title, for the conduct of training and resource centers designed to—

(A) train personnel in the field of cooperative education;

(B) improve materials used in cooperative education programs if such improvement is conducted in conjunction with other activities described in this paragraph;

(C) provide technical assistance to institutions of higher education to increase the potential of the institution to continue to conduct a cooperative education program without Federal assistance;

(D) encourage model cooperative education programs that furnish education and training in occupations in which there is a national need;

(E) support partnerships under which an institution carrying out a comprehensive cooperative education program joins with one or more institutions of higher education in order to—

(i) assist the institution that is not the institution carrying out the cooperative education program to develop and expand an existing program of cooperative education; or

(ii) establish and improve or expand comprehensive cooperative education programs; and

(F) encourage model cooperative education programs in the fields of science and mathematics for women and minorities who are underrepresented in such fields; and

(3) from the amounts available in each fiscal year under section 1161n-1(a)(5) of this title, for the conduct of research relating to cooperative education.

(b) Administrative provision**(1) In general**

To carry out this section, the Secretary may—

(A) make grants to or contracts with institutions of higher education or consortia of such institutions; and

(B) make grants to or contracts with other public or private nonprofit agencies or organizations, whenever such grants or contracts will contribute to the objectives of this section.

(2) Limitation**(A) Contracts with institutions of higher education**

The Secretary may use not more than three percent of the amount appropriated to carry out this section in each fiscal year to enter into contracts described in paragraph (1)(A).

(B) Contracts with other agencies or organizations

The Secretary may use not more than three percent of the amount appropriated to carry out this section in each fiscal year to enter into contracts described in paragraph (1)(B).

(c) Supplement not supplant

A recipient of a grant or contract under this section may use the funds provided only to supplement funds made available from non-Federal sources to carry out the activities supported by such grant or contract, and in no case to supplant such funds from non-Federal sources.

(Pub. L. 89-329, title VIII, §834, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3419.)

§ 1161n-4. Authorization of appropriations

There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(Pub. L. 89-329, title VIII, §835, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3420.)

PART O—COLLEGE PARTNERSHIP GRANTS

§ 1161o. College partnership grants authorized**(a) Grants authorized**

From the amount appropriated to carry out this section, the Secretary shall award grants to eligible partnerships for the purposes of developing and implementing articulation agreements.

(b) Eligible partnerships

For purposes of this part, an eligible partnership shall include at least two institutions of higher education, or a system of institutions of higher education, and may include either or both of the following:

- (1) A consortia of institutions of higher education.
- (2) A State higher education agency.

(c) Priority

The Secretary shall give priority to eligible partnerships that—

- (1) are located in a State that has employed strategies described in section 1093a(b)(1) of this title; or
- (2) include—
 - (A) one or more junior or community colleges (as defined by section 1058(f) of this title) that award associate's degrees; and
 - (B) one or more institutions of higher education that offer a baccalaureate or post-baccalaureate degree not awarded by the institutions described in subparagraph (A) with which it is partnered.

(d) Mandatory use of funds

Grants awarded under this part shall be used for—

- (1) the development of policies and programs to expand opportunities for students to earn bachelor's degrees, by facilitating the transfer of academic credits between institutions and

expanding articulation and guaranteed transfer agreements between institutions of higher education, including through common course numbering and general education core curriculum;

- (2) academic program enhancements; and
- (3) programs to identify and remove barriers that inhibit student transfers, including technological and informational programs.

(e) Optional use of funds

Grants awarded under this part may be used for—

- (1) support services to students participating in the program, such as tutoring, mentoring, and academic and personal counseling; and
- (2) any service that facilitates the transition of students between the partner institutions.

(f) Prohibition

No funds provided under this section shall be used to financially compensate an institution for the purposes of entering into an articulation agreement or for accepting students transferring into such institution.

(g) Applications

Any eligible partnership that desires to obtain a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing such information or assurances as the Secretary may require.

(h) Definition

For purposes of this section, the term “articulation agreement” means an agreement between institutions of higher education that specifies the acceptability of courses in transfer toward meeting specific degree requirements.

(i) Authorization of appropriations

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.

(Pub. L. 89-329, title VIII, §841, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3420; amended Pub. L. 111-39, title VIII, §801(12), July 1, 2009, 123 Stat. 1956.)

AMENDMENTS

2009—Subsec. (c)(1). Pub. L. 111-39 substituted “1093a(b)(1)” for “1093a(d)”.

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.

PART P—JOBS TO CAREERS

§ 1161p. Grants to create bridges from jobs to careers**(a) Purpose**

The purpose of this section is to provide grants on a competitive basis to institutions of higher education for the purpose of improving developmental education to help students move more rapidly into for-credit occupational courses and into better jobs that may require a certificate or degree.