

(5) test the feasibility of protocols and standards for maintaining data privacy and data access.

**(f) Evaluation; reports**

Not later than six months after the end of the projects funded by grants awarded under this section, the Secretary shall—

(1) conduct a comprehensive evaluation of the pilot program authorized by this section; and

(2) report the Secretary's findings, as well as recommendations regarding the implementation of State-level postsecondary student data systems, to the authorizing committees.

**(g) 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 I, §136, as added Pub. L. 110-315, title I, §115, Aug. 14, 2008, 122 Stat. 3111; amended Pub. L. 111-39, title I, §101(b)(4), July 1, 2009, 123 Stat. 1935.)

**Editorial Notes**

AMENDMENTS

2009—Subsec. (d)(1). Pub. L. 111-39 substituted “(commonly known as the ‘Family Educational Rights and Privacy Act of 1974’)” for “(Family Educational Rights and Privacy Act of 1974)’”.

**Statutory Notes and Related Subsidiaries**

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.

**§ 1015f. State commitment to affordable college education**

**(a) Maintenance of effort required**

A State shall provide—

(1) for public institutions of higher education in such State for any academic year beginning on or after July 1, 2008, an amount which is equal to or greater than the average amount provided for non-capital and non-direct research and development expenses or costs by such State to such institutions of higher education during the five most recent preceding academic years for which satisfactory data are available; and

(2) for private institutions of higher education in such State for any academic year beginning on or after July 1, 2008, an amount which is equal to or greater than the average amount provided for student financial aid for paying costs associated with postsecondary education by such State to such institutions during the five most recent preceding academic years for which satisfactory data are available.

**(b) Adjustments for biennial appropriations**

The Secretary shall take into consideration any adjustments to the calculations under subsection (a) that may be required to accurately reflect funding levels for postsecondary edu-

cation in States with biennial appropriation cycles.

**(c) Waiver**

The Secretary shall waive the requirements of subsection (a), if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen<sup>1</sup> decline in the financial resources of a State or State educational agency, as appropriate.

**(d) Violation of maintenance of effort**

Notwithstanding any other provision of law, the Secretary shall withhold from any State that violates subsection (a) and does not receive a waiver pursuant to subsection (c) any amount that would otherwise be available to the State under section 1141 of this title until such State has made significant efforts to correct such violation.

(Pub. L. 89-329, title I, §137, as added Pub. L. 110-315, title I, §116, Aug. 14, 2008, 122 Stat. 3113.)

**Editorial Notes**

PRIOR PROVISIONS

A prior section 1016, Pub. L. 89-329, title I, §121, as added Pub. L. 99-498, title I, §101, Oct. 17, 1986, 100 Stat. 1285, related to adult learning research, prior to the general amendment of this subchapter by Pub. L. 102-325.

Another prior section 1016, Pub. L. 89-329, title I, §116, as added Pub. L. 96-374, title I, §101(a), Oct. 3, 1980, 94 Stat. 1381, provided for Federal discretionary grants, prior to the general amendment of this subchapter by Pub. L. 99-498.

A prior section 1016a, Pub. L. 89-329, title I, §122, as added Pub. L. 99-498, title I, §101, Oct. 17, 1986, 100 Stat. 1286, limited funds authorized to be appropriated, prior to the general amendment of this subchapter by Pub. L. 102-325.

A prior section 1017, Pub. L. 89-329, title I, §131, as added Pub. L. 99-498, title I, §101, Oct. 17, 1986, 100 Stat. 1286; Pub. L. 102-54, §13(g)(1)(A), June 13, 1991, 105 Stat. 275, related to National Advisory Council on Continuing Education, prior to the general amendment of this subchapter by Pub. L. 102-325.

Another prior section 1017, Pub. L. 89-329, title I, §117, as added Pub. L. 96-374, title I, §101(a), Oct. 3, 1980, 94 Stat. 1382; amended Pub. L. 99-386, title I, §103(a), Aug. 22, 1986, 100 Stat. 821, related to establishment and administration of the National Advisory Council on Continuing Education, prior to the general amendment of this subchapter by Pub. L. 99-498.

PART D—ADMINISTRATIVE PROVISIONS FOR DELIVERY OF STUDENT FINANCIAL ASSISTANCE

**§ 1018. Performance-Based Organization for delivery of Federal student financial assistance**

**(a) Establishment and purpose**

**(1) Establishment**

There is established in the Department a Performance-Based Organization (hereafter referred to as the “PBO”) which shall be a discrete management unit responsible for managing the administrative and oversight functions supporting the programs authorized under subchapter IV of this chapter, as specified in subsection (b).

<sup>1</sup> So in original. Probably should be “unforeseen”.