tion 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) The provisions of this section shall apply to any program authorized by part D of this subchapter or subchapter IV of this chapter or part C of subchapter I of chapter 34 of title 42.

**(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 III, § 395, formerly § 356, as added Pub. L. 99–498, title III, § 301(a), Oct. 17, 1986, 100 Stat. 1306; amended Pub. L. 102–325, title III, § 305(d), July 23, 1992, 106 Stat. 478; Pub. L. 104–208, div. A, title I, § 101(e) [title VII, § 709(d)], Sept. 30, 1996, 110 Stat. 3009–233, 3009–314; renumbered § 395 and amended Pub. L. 105–244, title III, §§ 301(a)(2), 308(f), Oct. 7, 1998, 112 Stat. 1636, 1649.)

CODIFICATION

Section was formerly classified to section 1069b of this title prior to renumbering by Pub. L. 105–244.

AMENDMENTS

1998—Subsec. (b)(2). Pub. L. 105–244, § 308(f), substituted ''part D of this subchapter or subchapter IV of this chapter'' for ''subchapter IV, VII, or VIII of this chapter''.

1996—Subsec. (b)(2). Pub. L. 104–208 struck out ''II,'' after ''authorized by subchapter''.

1992—Subsec. (a). Pub. L. 102–325 substituted ''may be eligible'' for ''shall be eligible''.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105–244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105–244, see section 3 of Pub. L. 105–244, set out as a note under section 1001 of this title.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–325 effective Oct. 1, 1992, see section 2 of Pub. L. 102–325, set out as a note under section 1001 of this title.

## § 1068e. Limitations

The funds appropriated under section 1068h 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 education applicable to such institution;

(3) for an activity that is inconsistent with a State plan of higher education applicable to such institution; or

(4) for purposes other than the purposes set forth in the approved application under which the funds were made available to the institution.

(Pub. L. 89–329, title III, § 396, formerly § 357, as added Pub. L. 99–498, title III, § 301(a), Oct. 17, 1986, 100 Stat. 1307; renumbered § 396, Pub. L. 105–244, title III, § 301(a)(2), Oct. 7, 1998, 112 Stat. 1636; amended Pub. L. 110–315, title III, § 320(6), Aug. 14, 2008, 122 Stat. 3188.)

AMENDMENTS

2008—Pub. L. 110–315 substituted ''1068h of this title'' for ''1069f of this title'' in introductory provisions.

## § 1068f. 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 which 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 III, § 397, formerly § 358, as added Pub. L. 99–498, title III, § 301(a), Oct. 17, 1986, 100 Stat. 1307; renumbered § 397, Pub. L. 105–244, title III, § 301(a)(2), Oct. 7, 1998, 112 Stat. 1636.)

CODIFICATION

Section was formerly classified to section 1069d of this title prior to renumbering by Pub. L. 105–244.

## § 1068g. Continuation awards

The Secretary shall make continuation awards under this subchapter for the second and succeeding years of a grant only after determining that the recipient is making satisfactory progress in carrying out the grant.

(Pub. L. 89–329, title III, § 398, as added Pub. L. 105–244, title III, § 308(g), Oct. 7, 1998, 112 Stat. 1649.)

EFFECTIVE DATE

Section effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105–244, see section 3 of Pub. L. 105–244, set out as an Effective Date of 1998 Amendment note under section 1001 of this title.

## § 1068h. Authorization of appropriations

**(a) Authorizations**

**(1) Part A**

(A) There are authorized to be appropriated to carry out part A (other than sections 1059c through 1059g of this title), $135,000,000 for fiscal year 2009, and such sums as may be necessary for each of the five succeeding fiscal years.

(B) There are authorized to be appropriated to carry out section 1059c of this title, $30,000,000 for fiscal year 2009, and such sums as may be necessary for each of the five succeeding fiscal years.

(C) There are authorized to be appropriated to carry out section 1059d of this title, $15,000,000 for fiscal year 2009, and such sums as may be necessary for each of the five succeeding fiscal years.

(D) There are authorized to be appropriated to carry out section 1059e of this title, $75,000,000 for fiscal year 2009 and each of the five succeeding fiscal years.

(E) There are authorized to be appropriated to carry out section 1059f of this title,