

retary may reasonably require, in order to assist financial aid administrators to determine that the student is an eligible student under this section; or

“(bb) that is recognized as such by the Secretary in regulations promulgated to carry out this section, as such regulations were in effect on May 6, 2008; and”. See Effective Date of 2008 Amendment notes below.

Subsec. (c)(3)(A)(ii). Pub. L. 110-227, §10(a)(3)(C)(ii)(III), inserted “, except as part of a secondary school program of study” before semicolon.

Subsec. (c)(3)(B). Pub. L. 110-227, §10(a)(3)(C)(iii)(I), in introductory provisions, substituted “year of a program of undergraduate education at a two- or four-year degree-granting institution of higher education (including a program of not less than two years for which the institution awards a certificate)” for “year of a program of undergraduate education at a two- or four-year degree-granting institution of higher education”.

Subsec. (c)(3)(B)(i). Pub. L. 110-315, §402(a)(1)(A)(ii), added cl. (i) and struck out former cl. (i) which read as follows: “has successfully completed, after January 1, 2005, a rigorous secondary school program of study established by a State or local educational agency and recognized as such by the Secretary; and”.

Subsec. (c)(3)(C)(i). Pub. L. 110-227, §10(a)(3)(C)(iv)(I), inserted “certified by the institution to be” after “is” in introductory provisions.

Subsec. (c)(3)(C)(i)(II). Pub. L. 110-227, §10(a)(3)(C)(iv)(II), added subcl. (II) and struck out former subcl. (II) which read as follows: “a foreign language that the Secretary, in consultation with the Director of National Intelligence, determines is critical to the national security of the United States; and”.

Subsec. (c)(3)(D), (E). Pub. L. 110-227, §10(a)(3)(C)(iii)(II), (iv)(III), (v), added subpars. (D) and (E).

Subsec. (d)(1)(A). Pub. L. 110-227, §10(a)(4)(A)(i), inserted heading, substituted “subparagraph (C) or (D) of subsection (c)(3), for each of the two years described in such subparagraphs; or” for “subsection (c)(3)(C)” in cl. (iii), and added cl. (iv).

Subsec. (d)(1)(B). Pub. L. 110-227, §10(a)(4)(A)(ii), inserted heading, added cl. (i), and redesignated former cls. (i) to (iii) as (ii) to (iv), respectively.

Subsec. (d)(2), (3). Pub. L. 110-227, §10(a)(4)(B), (C), added pars. (2) and (3) and struck out former par. (2). Prior to amendment, text read as follows: “The Secretary shall not award a grant under this section—

“(A) to any student for an academic year of a program of undergraduate education described in subparagraph (A), (B), or (C) of subsection (c)(3) for which the student received credit before February 8, 2006; or

“(B) to any student for more than—

“(i) one academic year under subsection (c)(3)(A);

“(ii) one academic year under subsection (c)(3)(B);

or

“(iii) two academic years under subsection (c)(3)(C).”

Subsec. (e)(2). Pub. L. 110-315, §402(a)(1)(B), amended par. (2) generally. Prior to amendment, text read as follows: “If, at the end of a fiscal year, the funds available for awarding grants under this section exceed the amount necessary to make such grants in the amounts authorized by subsection (d), then all of the excess funds shall remain available for awarding grants under this section during the subsequent fiscal year.” See Effective Date of 2008 Amendment notes below.

Pub. L. 110-227, §10(a)(5), added par. (2) and struck out former par. (2), as amended by Pub. L. 110-315, §402(a)(1)(B). Prior to amendment, text read as follows: “The amounts made available by paragraph (1) for any fiscal year shall be available from October 1 of that fiscal year and remain available through September 30 of the succeeding fiscal year.” See Effective Date of 2008 Amendment notes below.

Subsec. (f). Pub. L. 110-227, §10(a)(6), substituted “not less than one” for “at least one” and “subparagraphs (A) and (B) of subsection (c)(3)” for “subsection (c)(3)(A) and (B)”.

Subsec. (g). Pub. L. 110-227, §10(a)(7), substituted “award” for “academic”.

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-315, title IV, §402(a)(2), Aug. 14, 2008, 122 Stat. 3191, provided that: “The amendment made by paragraph (1)(B) [amending this section] shall take effect on October 1, 2008.”

Pub. L. 110-227, §10(b), May 7, 2008, 122 Stat. 752, as amended by Pub. L. 110-315, title IV, §402(a)(3), Aug. 14, 2008, 122 Stat. 3191, provided that: “The amendments made by subsection (a) [amending this section] shall take effect on July 1, 2009.”

EFFECTIVE DATE

Section effective July 1, 2006, except as otherwise provided, see section 8001(c) of Pub. L. 109-171, set out as an Effective Date of 2006 Amendment note under section 1002 of this title.

§§ 1070a-2 to 1070a-6. Repealed. Pub. L. 102-325, title IV, § 401(i), July 23, 1992, 106 Stat. 482

Section 1070a-2, Pub. L. 89-329, title IV, §411B, as added Pub. L. 99-498, title IV, §401(a), Oct. 17, 1986, 100 Stat. 1313; amended Pub. L. 100-50, §3(b)(2), (c)-(f)(1), (4), (5), (g), June 3, 1987, 101 Stat. 337, 338; Pub. L. 102-54, §13(g)(1)(B), June 13, 1991, 105 Stat. 275, related to eligibility determination for dependent students.

Section 1070a-3, Pub. L. 89-329, title IV, §411C, as added Pub. L. 99-498, title IV, §401(a), Oct. 17, 1986, 100 Stat. 1316; amended Pub. L. 100-50, §3(b)(3), (c)(1), (f)(2), (4), (5), (g), (h)(2), June 3, 1987, 101 Stat. 337, 338; Pub. L. 100-369, §7(c), July 18, 1988, 102 Stat. 837; Pub. L. 102-54, §13(g)(1)(C), June 13, 1991, 105 Stat. 275, related to eligibility determination for independent students with dependents other than a spouse.

Section 1070a-4, Pub. L. 89-329, title IV, §411D, as added Pub. L. 99-498, title IV, §401(a), Oct. 17, 1986, 100 Stat. 1319; amended Pub. L. 100-50, §3(b)(4), (c)(1), (f)(3), (4), (g), June 3, 1987, 101 Stat. 337, 338; Pub. L. 100-369, §7(c), July 18, 1988, 102 Stat. 837; Pub. L. 102-54, §13(g)(1)(D), June 13, 1991, 105 Stat. 275, related to eligibility determination for single independent students or for married independent students without other dependents.

Section 1070a-5, Pub. L. 89-329, title IV, §411E, as added Pub. L. 99-498, title IV, §401(a), Oct. 17, 1986, 100 Stat. 1322, related to regulations and updated tables.

Section 1070a-6, Pub. L. 89-329, title IV, §411F, as added Pub. L. 99-498, title IV, §401(a), Oct. 17, 1986, 100 Stat. 1323; amended Pub. L. 100-50, §3(h)(1), (i)-(m), June 3, 1987, 101 Stat. 338, 339; Pub. L. 100-369, §7(a), (c), July 18, 1988, 102 Stat. 836, 837; Pub. L. 101-610, title I, §185(1), (2), Nov. 16, 1990, 104 Stat. 3167, related to definitions and determinations.

SUBPART 2—FEDERAL EARLY OUTREACH AND STUDENT SERVICES PROGRAMS

CODIFICATION

Pub. L. 102-325, title IV, §402(a)(2), (4), July 23, 1992, 106 Stat. 482, added subpart 2 and redesignated former subpart 2 comprising sections 1070b to 1070b-3 of this title as subpart 3.

Division 1—Federal TRIO Programs

§ 1070a-11. Program authority; authorization of appropriations

(a) Grants and contracts authorized

The Secretary shall, in accordance with the provisions of this division, carry out a program of making grants and contracts designed to identify qualified individuals from disadvantaged backgrounds, to prepare them for a program of postsecondary education, to provide

support services for such students who are pursuing programs of postsecondary education, to motivate and prepare students for doctoral programs, and to train individuals serving or preparing for service in programs and projects so designed.

(b) Recipients, duration, and size

(1) Recipients

For the purposes described in subsection (a) of this section, the Secretary is authorized, without regard to section 6101 of title 41, to make grants to, and contracts with, institutions of higher education, public and private agencies and organizations, including community-based organizations with experience in serving disadvantaged youth, combinations of such institutions, agencies and organizations, and, as appropriate to the purposes of the program, secondary schools, for planning, developing, or carrying out one or more of the services assisted under this division.

(2) Duration

Grants or contracts made under this division shall be awarded for a period of 5 years, except that—

(A) in order to synchronize the awarding of grants for programs under this division, the Secretary may, under such terms as are consistent with the purposes of this division, provide a one-time, limited extension of the length of such an award;

(B) grants made under section 1070a-17 of this title shall be awarded for a period of 2 years; and

(C) grants under section 1070a-18 of this title shall be awarded for a period determined by the Secretary.

(3) Minimum grants

Unless the institution or agency requests a smaller amount, an individual grant authorized under this division shall be awarded in an amount that is not less than \$200,000, except that an individual grant authorized under section 1070a-17 of this title shall be awarded in an amount that is not less than \$170,000.

(c) Procedures for awarding grants and contracts

(1) Application requirements

An eligible entity that desires to receive a grant or contract under this division shall submit an application to the Secretary in such manner and form, and containing such information and assurances, as the Secretary may reasonably require.

(2) Considerations

(A) Prior experience

In making grants under this division, the Secretary shall consider each applicant's prior experience of high quality service delivery, as determined under subsection (f), under the particular program for which funds are sought. The level of consideration given the factor of prior experience shall not vary from the level of consideration given such factor during fiscal years 1994 through 1997, except that grants made under section 1070a-18 of this title shall not be given prior experience consideration.

(B) Participant need

In making grants under this division, the Secretary shall consider the number, percentages, and needs of eligible participants in the area, institution of higher education, or secondary school to be served to aid such participants in preparing for, enrolling in, or succeeding in postsecondary education, as appropriate to the particular program for which the eligible entity is applying.

(3) Order of awards; program fraud

(A) Except with respect to grants made under sections 1070a-17 and 1070a-18 of this title and as provided in subparagraph (B), the Secretary shall award grants and contracts under this division in the order of the scores received by the application for such grant or contract in the peer review process required under paragraph (4) and adjusted for prior experience in accordance with paragraph (2) of this subsection.

(B) The Secretary shall not provide assistance to a program otherwise eligible for assistance under this division, if the Secretary has determined that such program has involved the fraudulent use of funds under this division.

(4) Peer review process

(A) The Secretary shall ensure that, to the extent practicable, members of groups underrepresented in higher education, including African Americans, Hispanics, Native Americans, Alaska Natives, Asian Americans, and Native American Pacific Islanders (including Native Hawaiians), are represented as readers of applications submitted under this division. The Secretary shall also ensure that persons from urban and rural backgrounds are represented as readers.

(B) The Secretary shall ensure that each application submitted under this division is read by at least three readers who are not employees of the Federal Government (other than as readers of applications).

(5) Number of applications for grants and contracts

The Secretary shall not limit the number of applications submitted by an entity under any program authorized under this division if the additional applications describe programs serving different populations or different campuses.

(6) Coordination with other programs for disadvantaged students

The Secretary shall encourage coordination of programs assisted under this division with other programs for disadvantaged students operated by the sponsoring institution or agency, regardless of the funding source of such programs. The Secretary shall not limit an entity's eligibility to receive funds under this division because such entity sponsors a program similar to the program to be assisted under this division, regardless of the funding source of such program. The Secretary shall permit the Director of a program receiving funds under this division to administer one or more additional programs for disadvantaged stu-

dents operated by the sponsoring institution or agency, regardless of the funding sources of such programs. The Secretary shall, as appropriate, require each applicant for funds under the programs authorized by this division to identify and make available services under such program, including mentoring, tutoring, and other services provided by such program, to foster care youth (including youth in foster care and youth who have left foster care after reaching age 13) or to homeless children and youths as defined in section 11434a of title 42.

(7) Application status

The Secretary shall inform each entity operating programs under this division regarding the status of their application for continued funding at least 8 months prior to the expiration of the grant or contract. The Secretary, in the case of an entity that is continuing to operate a successful program under this division, shall ensure that the start-up date for a new grant or contract for such program immediately follows the termination of the preceding grant or contract so that no interruption of funding occurs for such successful re-applicants. The Secretary shall inform each entity requesting assistance under this division for a new program regarding the status of their application at least 8 months prior to the proposed startup date of such program.

(8) Review and notification by the Secretary

(A) Guidance

Not later than 180 days after August 14, 2008, the Secretary shall issue nonregulatory guidance regarding the rights and responsibilities of applicants with respect to the application and evaluation process for programs and projects assisted under this division, including applicant access to peer review comments. The guidance shall describe the procedures for the submission, processing, and scoring of applications for grants under this division, including—

(i) the responsibility of applicants to submit materials in a timely manner and in accordance with the processes established by the Secretary under the authority of the General Education Provisions Act [20 U.S.C. 1221 et seq.];

(ii) steps the Secretary will take to ensure that the materials submitted by applicants are processed in a proper and timely manner;

(iii) steps the Secretary will take to ensure that prior experience points for high quality service delivery are awarded in an accurate and transparent manner;

(iv) steps the Secretary will take to ensure the quality and integrity of the peer review process, including assurances that peer reviewers will consider applications for grants under this division in a thorough and complete manner consistent with applicable Federal law; and

(v) steps the Secretary will take to ensure that the final score of an application, including prior experience points for high quality service delivery and points awarded through the peer review process, is de-

termined in an accurate and transparent manner.

(B) Updated guidance

Not later than 45 days before the date of the commencement of each competition for a grant under this division that is held after the expiration of the 180-day period described in subparagraph (A), the Secretary shall update and publish the guidance described in such subparagraph.

(C) Review

(i) In general

With respect to any competition for a grant under this division, an applicant may request a review by the Secretary if the applicant—

(I) has evidence of a specific technical, administrative, or scoring error made by the Department, an agent of the Department, or a peer reviewer, with respect to the scoring or processing of a submitted application; and

(II) has otherwise met all of the requirements for submission of the application.

(ii) Technical or administrative error

In the case of evidence of a technical or administrative error listed in clause (i)(I), the Secretary shall review such evidence and provide a timely response to the applicant. If the Secretary determines that a technical or administrative error was made by the Department or an agent of the Department, the application of the applicant shall be reconsidered in the peer review process for the applicable grant competition.

(iii) Scoring error

In the case of evidence of a scoring error listed in clause (i)(I), when the error relates to either prior experience points for high quality service delivery or to the final score of an application, the Secretary shall—

(I) review such evidence and provide a timely response to the applicant; and

(II) if the Secretary determines that a scoring error was made by the Department or a peer reviewer, adjust the prior experience points or final score of the application appropriately and quickly, so as not to interfere with the timely awarding of grants for the applicable grant competition.

(iv) Error in peer review process

(I) Referral to secondary review

In the case of a peer review process error listed in clause (i)(I), if the Secretary determines that points were withheld for criteria not required in Federal statute, regulation, or guidance governing a program assisted under this division or the application for a grant for such program, or determines that information pertaining to selection criteria was wrongly determined to be missing from an application by a peer reviewer,

then the Secretary shall refer the application to a secondary review panel.

(II) Timely review; replacement score

The secondary review panel described in subclause (I) shall conduct a secondary review in a timely fashion, and the score resulting from the secondary review shall replace the score from the initial peer review.

(III) Composition of secondary review panel

The secondary review panel shall be composed of reviewers each of whom—

(aa) did not review the application in the original peer review;

(bb) is a member of the cohort of peer reviewers for the grant program that is the subject of such secondary review; and

(cc) to extent practicable, has conducted peer reviews in not less than two previous competitions for the grant program that is the subject of such secondary review.

(IV) Final score

The final peer review score of an application subject to a secondary review under this clause shall be adjusted appropriately and quickly using the score awarded by the secondary review panel, so as not to interfere with the timely awarding of grants for the applicable grant competition.

(V) Qualification for secondary review

To qualify for a secondary review under this clause, an applicant shall have evidence of a scoring error and demonstrate that—

(aa) points were withheld for criteria not required in statute, regulation, or guidance governing the Federal TRIO programs or the application for a grant for such programs; or

(bb) information pertaining to selection criteria was wrongly determined to be missing from the application.

(v) Finality

(I) In general

A determination by the Secretary under clause (i), (ii), or (iii) shall not be reviewable by any officer or employee of the Department.

(II) Scoring

The score awarded by a secondary review panel under clause (iv) shall not be reviewable by any officer or employee of the Department other than the Secretary.

(vi) Funding of applications with certain adjusted scores

To the extent feasible based on the availability of appropriations, the Secretary shall fund applications with scores that are adjusted upward under clauses (ii), (iii), and (iv) to equal or exceed the minimum cut off score for the applicable grant competition.

(d) Outreach

(1) In general

The Secretary shall conduct outreach activities to ensure that entities eligible for assistance under this division submit applications proposing programs that serve geographic areas and eligible populations which have been underserved by the programs assisted under this division.

(2) Notice

In carrying out the provisions of paragraph (1), the Secretary shall notify the entities described in subsection (b) of this section of the availability of assistance under this subsection not less than 120 days prior to the deadline for submission of applications under this division and shall consult national, State, and regional organizations about candidates for notification.

(3) Technical assistance

The Secretary shall provide technical training to applicants for projects and programs authorized under this division. The Secretary shall give priority to serving programs and projects that serve geographic areas and eligible populations which have been underserved by the programs assisted under this division. Technical training activities shall include the provision of information on authorizing legislation, goals and objectives of the program, required activities, eligibility requirements, the application process and application deadlines, and assistance in the development of program proposals and the completion of program applications. Such training shall be furnished at conferences, seminars, and workshops to be conducted at not less than 10 sites throughout the United States to ensure that all areas of the United States with large concentrations of eligible participants are served.

(4) Special rule

The Secretary may contract with eligible entities to conduct the outreach activities described in this subsection.

(e) Documentation of status as a low-income individual

(1) Except in the case of an independent student, as defined in section 1087vv(d) of this title, documentation of an individual's status pursuant to subsection (h)(4) shall be made by providing the Secretary with—

(A) a signed statement from the individual's parent or legal guardian;

(B) verification from another governmental source;

(C) a signed financial aid application; or

(D) a signed United States or Puerto Rico income tax return.

(2) In the case of an independent student, as defined in section 1087vv(d) of this title, documentation of an individual's status pursuant to subsection (h)(4) shall be made by providing the Secretary with—

(A) a signed statement from the individual;

(B) verification from another governmental source;

(C) a signed financial aid application; or

(D) a signed United States or Puerto Rico income tax return.

(3) Notwithstanding this subsection and subsection (h)(4), individuals who are foster care youth (including youth in foster care and youth who have left foster care after reaching age 13), or homeless children and youths as defined in section 11434a of title 42, shall be eligible to participate in programs under sections 1070a-12, 1070a-13, 1070a-14, and 1070a-16 of this title.

(f) Outcome criteria

(1) Use for prior experience determination

For competitions for grants under this division that begin on or after January 1, 2009, the Secretary shall determine an eligible entity's prior experience of high quality service delivery, as required under subsection (c)(2), based on the outcome criteria described in paragraphs (2) and (3).

(2) Disaggregation of relevant data

The outcome criteria under this subsection shall be disaggregated by low-income students, first generation college students, and individuals with disabilities, in the schools and institutions of higher education served by the program to be evaluated.

(3) Contents of outcome criteria

The outcome criteria under this subsection shall measure, annually and for longer periods, the quality and effectiveness of programs authorized under this division and shall include the following:

(A) For programs authorized under section 1070a-12 of this title, the extent to which the eligible entity met or exceeded the entity's objectives established in the entity's application for such program regarding—

- (i) the delivery of service to a total number of students served by the program;
- (ii) the continued secondary school enrollment of such students;
- (iii) the graduation of such students from secondary school with a regular secondary school diploma in the standard number of years;
- (iv) the completion by such students of a rigorous secondary school program of study that will make such students eligible for programs such as the Academic Competitiveness Grants Program;

(v) the enrollment of such students in an institution of higher education; and

(vi) to the extent practicable, the post-secondary education completion of such students.

(B) For programs authorized under section 1070a-13 of this title, the extent to which the eligible entity met or exceeded the entity's objectives for such program regarding—

(i) the delivery of service to a total number of students served by the program, as agreed upon by the entity and the Secretary for the period;

(ii) such students' school performance, as measured by the grade point average, or its equivalent;

(iii) such students' academic performance, as measured by standardized tests,

including tests required by the students' State;

(iv) the retention in, and graduation from, secondary school of such students;

(v) the completion by such students of a rigorous secondary school program of study that will make such students eligible for programs such as the Academic Competitiveness Grants Program;

(vi) the enrollment of such students in an institution of higher education; and

(vii) to the extent practicable, the post-secondary education completion of such students.

(C) For programs authorized under section 1070a-14 of this title—

(i) the extent to which the eligible entity met or exceeded the entity's objectives regarding the retention in postsecondary education of the students served by the program;

(ii)(I) in the case of an entity that is an institution of higher education offering a baccalaureate degree, the extent to which the entity met or exceeded the entity's objectives regarding the percentage of such students' completion of the degree programs in which such students were enrolled; or

(II) in the case of an entity that is an institution of higher education that does not offer a baccalaureate degree, the extent to which such students met or exceeded the entity's objectives regarding—

(aa) the completion of a degree or certificate by such students; and

(bb) the transfer of such students to institutions of higher education that offer baccalaureate degrees;

(iii) the extent to which the entity met or exceeded the entity's objectives regarding the delivery of service to a total number of students, as agreed upon by the entity and the Secretary for the period; and

(iv) the extent to which the entity met or exceeded the entity's objectives regarding the students served under the program who remain in good academic standing.

(D) For programs authorized under section 1070a-15 of this title, the extent to which the entity met or exceeded the entity's objectives for such program regarding—

(i) the delivery of service to a total number of students served by the program, as agreed upon by the entity and the Secretary for the period;

(ii) the provision of appropriate scholarly and research activities for the students served by the program;

(iii) the acceptance and enrollment of such students in graduate programs; and

(iv) the continued enrollment of such students in graduate study and the attainment of doctoral degrees by former program participants.

(E) For programs authorized under section 1070a-16 of this title, the extent to which the entity met or exceeded the entity's objectives for such program regarding—

(i) the enrollment of students without a secondary school diploma or its recognized equivalent, who were served by the program, in programs leading to such diploma or equivalent;

(ii) the enrollment of secondary school graduates who were served by the program in programs of postsecondary education;

(iii) the delivery of service to a total number of students served by the program, as agreed upon by the entity and the Secretary for the period; and

(iv) the provision of assistance to students served by the program in completing financial aid applications and college admission applications.

(4) Measurement of progress

In order to determine the extent to which each outcome criterion described in paragraph (2) or (3) is met or exceeded, the Secretary shall compare the agreed upon target for the criterion, as established in the eligible entity's application approved by the Secretary, with the results for the criterion, measured as of the last day of the applicable time period for the determination for the outcome criterion.

(g) Authorization of appropriations

For the purpose of making grants and contracts under this division, there are authorized to be appropriated \$900,000,000 for fiscal year 2009 and such sums as may be necessary for each of the five succeeding fiscal years. Of the amount appropriated under this division, the Secretary may use no more than $\frac{1}{2}$ of 1 percent of such amount to obtain additional qualified readers and additional staff to review applications, to increase the level of oversight monitoring, to support impact studies, program assessments and reviews, and to provide technical assistance to potential applicants and current grantees. In expending these funds, the Secretary shall give priority to the additional administrative requirements provided in the Higher Education Amendments of 1992, to outreach activities, and to obtaining additional readers.

(h) Definitions

For the purpose of this division:

(1) Different campus

The term "different campus" means a site of an institution of higher education that—

(A) is geographically apart from the main campus of the institution;

(B) is permanent in nature; and

(C) offers courses in educational programs leading to a degree, certificate, or other recognized educational credential.

(2) Different population

The term "different population" means a group of individuals that an eligible entity desires to serve through an application for a grant under this division, and that—

(A) is separate and distinct from any other population that the entity has applied for a grant under this division to serve; or

(B) while sharing some of the same needs as another population that the eligible entity has applied for a grant under this divi-

sion to serve, has distinct needs for specialized services.

(3) First generation college student

The term "first generation college student" means—

(A) an individual both of whose parents did not complete a baccalaureate degree; or

(B) in the case of any individual who regularly resided with and received support from only one parent, an individual whose only such parent did not complete a baccalaureate degree.

(4) Low-income individual

The term "low-income individual" means an individual from a family whose taxable income for the preceding year did not exceed 150 percent of an amount equal to the poverty level determined by using criteria of poverty established by the Bureau of the Census.

(5) Veteran eligibility

No veteran shall be deemed ineligible to participate in any program under this division by reason of such individual's age who—

(A) served on active duty for a period of more than 180 days and was discharged or released therefrom under conditions other than dishonorable;

(B) served on active duty and was discharged or released therefrom because of a service connected disability;

(C) was a member of a reserve component of the Armed Forces called to active duty for a period of more than 30 days; or

(D) was a member of a reserve component of the Armed Forces who served on active duty in support of a contingency operation (as that term is defined in section 101(a)(13) of title 10) on or after September 11, 2001.

(6) Waiver

The Secretary may waive the service requirements in subparagraph (A), (B), or (C) of paragraph (5) if the Secretary determines the application of the service requirements to a veteran will defeat the purpose of a program under this division.

(Pub. L. 89-329, title IV, § 402A, as added Pub. L. 102-325, title IV, § 402(a)(4), July 23, 1992, 106 Stat. 482; amended Pub. L. 103-208, § 2(b)(6)-(9), Dec. 20, 1993, 107 Stat. 2458; Pub. L. 105-244, title I, § 102(b)(1), title IV, § 402(a), Oct. 7, 1998, 112 Stat. 1622, 1652; Pub. L. 110-315, title IV, § 403(a), Aug. 14, 2008, 122 Stat. 3191; Pub. L. 111-39, title IV, § 401(a)(4), July 1, 2009, 123 Stat. 1938.)

REFERENCES IN TEXT

The General Education Provisions Act, referred to in subsec. (c)(8)(A)(i), is title IV of Pub. L. 90-247, Jan. 2, 1968, 81 Stat. 814, which is classified generally to chapter 31 (§1221 et seq.) of this title. For complete classification of this Act to the Code, see section 1221 of this title and Tables.

The Higher Education Amendments of 1992, referred to in subsec. (g), is Pub. L. 102-325, July 23, 1992, 106 Stat. 448. For complete classification of this Act to the Code, see Short Title of 1992 Amendment note set out under section 1001 of this title and Tables.

REFERENCES TO SUBPART 2, 3, OR 4 OF THIS PART DEEMED TO REFER TO SUBPART 3, 4, OR 2 OF THIS PART

Section 402(b) of Pub. L. 102-325 provided that: "Reference in any provision of law (other than the Act [20

U.S.C. 1001 et seq.] to subpart 2, 3, or 4 of part A of title IV of the Act shall, after the date of enactment of this Act [July 23, 1992], be deemed to refer to subpart 3 [20 U.S.C. 1070b et seq.], 4 [20 U.S.C. 1070c et seq.], or 2 [20 U.S.C. 1070a-11 et seq.] of such part, respectively.”

CODIFICATION

In subsec. (b)(1), “section 6101 of title 41” substituted for “section 3709 of the Revised Statutes (41 U.S.C. 5)” on authority of Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

AMENDMENTS

2009—Subsec. (b)(1). Pub. L. 111-39, §401(a)(4)(A), substituted “organizations, including” for “organizations including”.

Subsec. (c)(8)(C)(iv)(I). Pub. L. 111-39, §401(a)(4)(B), inserted “to be” after “determined”.

2008—Subsec. (b)(1). Pub. L. 110-315, §403(a)(1)(A), inserted “including community-based organizations with experience in serving disadvantaged youth” after “private agencies and organizations” and substituted “, as appropriate to the purposes of the program” for “in exceptional circumstances”.

Subsec. (b)(2). Pub. L. 110-315, §403(a)(1)(B)(i), substituted “5 years” for “4 years” in introductory provisions.

Subsec. (b)(2)(A). Pub. L. 110-315, §403(a)(1)(B)(ii), amended subpar. (A) generally. Prior to amendment subpar. (A) read as follows: “the Secretary shall award such grants or contracts for 5 years to applicants whose peer review scores were in the highest 10 percent of scores of all applicants receiving grants or contracts in each program competition for the same award year;”.

Subsec. (b)(3). Pub. L. 110-315, §403(a)(1)(C), added par. (3) and struck out former par. (3). Prior to amendment, text read as follows: “Unless the institution or agency requests a smaller amount, individual grants under this division shall be no less than—

“(A) \$170,000 for programs authorized by sections 1070a-14 and 1070a-17 of this title;

“(B) \$180,000 for programs authorized by sections 1070a-12 and 1070a-16 of this title; and

“(C) \$190,000 for programs authorized by sections 1070a-13 and 1070a-15 of this title.”

Subsec. (c)(2). Pub. L. 110-315, §403(a)(2)(A), inserted par. heading, designated former par. heading as subpar. (A) heading and existing provisions as subpar. (A), substituted “high quality service delivery, as determined under subsection (f),” for “service delivery”, and added subpar. (B).

Subsec. (c)(3)(B). Pub. L. 110-315, §403(a)(2)(B), substituted “shall not” for “is not required to”.

Subsec. (c)(5). Pub. L. 110-315, §403(a)(2)(C), substituted “different campuses” for “campuses”.

Subsec. (c)(6). Pub. L. 110-315, §403(a)(2)(D), inserted at end “The Secretary shall, as appropriate, require each applicant for funds under the programs authorized by this division to identify and make available services under such program, including mentoring, tutoring, and other services provided by such program, to foster care youth (including youth in foster care and youth who have left foster care after reaching age 13) or to homeless children and youths as defined in section 11434a of title 42.”

Subsec. (c)(8). Pub. L. 110-315, §403(a)(2)(E), added par. (8).

Subsec. (e)(1), (2). Pub. L. 110-315, §403(a)(3)(A), substituted “subsection (h)(4)” for “subsection (g)(2)” in introductory provisions.

Subsec. (e)(3). Pub. L. 110-315, §403(a)(3)(B), added par. (3).

Subsec. (f). Pub. L. 110-315, §403(a)(5), added subsec. (f). Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 110-315, §403(a)(6), substituted “\$900,000,000 for fiscal year 2009 and such sums as may be necessary for each of the five succeeding fiscal years” for “\$700,000,000 for fiscal year 1999, and such

sums as may be necessary for each of the 4 succeeding fiscal years” and struck out last sentence which read as follows: “The Secretary shall report to Congress by October 1, 1994, on the use of these funds.”

Pub. L. 110-315, §403(a)(4), redesignated subsec. (f) as (g). Former subsec. (g) redesignated (h).

Subsec. (h). Pub. L. 110-315, §403(a)(7)(A), (B), added pars. (1) and (2) and redesignated former pars. (1) to (4) as (3) to (6), respectively.

Pub. L. 110-315, §403(a)(4), redesignated subsec. (g) as (h).

Subsec. (h)(5)(A). Pub. L. 110-315, §403(a)(7)(C)(i), struck out “, any part of which occurred after January 31, 1955,” after “more than 180 days” and “or” after semicolon.

Subsec. (h)(5)(B). Pub. L. 110-315, §403(a)(7)(C)(ii), struck out “after January 31, 1955,” after “active duty” and substituted a semicolon for period at end.

Subsec. (h)(5)(C), (D). Pub. L. 110-315, §403(a)(7)(C)(iii), added subpars. (C) and (D).

Subsec. (h)(6). Pub. L. 110-315, §403(a)(7)(D), substituted “subparagraph (A), (B), or (C) of paragraph (5)” for “subparagraph (A) or (B) of paragraph (3)”.

1998—Subsec. (b)(2)(C). Pub. L. 105-244, §402(a)(1), added subpar. (C).

Subsec. (b)(3). Pub. L. 105-244, §402(a)(2), amended heading and text of par. (3) generally. Prior to amendment, text read as follows: “In any year in which the appropriations authorized under this division exceed the prior year appropriation as adjusted for inflation, the Secretary shall use 80 percent of the amount appropriated above the current services level to bring each award up to the minimum grant level or the amount requested by the institution or agency, whichever is less. The minimum grant level (A) for programs authorized under section 1070a-14 or 1070a-17 of this title, shall not be less than \$170,000 for fiscal year 1993; (B) for programs authorized under section 1070a-12 or 1070a-16 of this title shall not be less than \$180,000 for fiscal year 1994; and (C) for programs authorized under section 1070a-13 or 1070a-15 of this title shall not be less than \$190,000 for fiscal year 1995.”

Subsec. (c). Pub. L. 105-244, §402(a)(3), amended subsec. (c) generally, revising and restating former pars. (1) to (6), relating to procedures for awarding grants and contracts, as pars. (1) to (7).

Subsec. (c)(2). Pub. L. 105-244, §102(b)(1), substituted “section 1011g” for “section 1145d-1”.

Subsec. (f). Pub. L. 105-244, §402(a)(4), substituted “\$700,000,000 for fiscal year 1999” for “\$650,000,000 for fiscal year 1993”.

Subsec. (g)(4). Pub. L. 105-244, §402(a)(5), added par. (4).

1993—Subsec. (b)(2). Pub. L. 103-208, §2(b)(6), added par. (2) and struck out former par. (2) which read as follows: “Grants or contracts made under this division shall be awarded for a period of 4 years, except that the Secretary shall award such grants or contracts for 5 years to applicants whose peer review scores were in the highest 10 percent of scores of all applicants receiving grants or contracts in each program competition for the same award year.”

Subsec. (c)(1). Pub. L. 103-208, §2(b)(7), inserted before period at end of second sentence “, except that in the case of the programs authorized in sections 1070a-15 and 1070a-17 of this title, the level of consideration given to prior experience shall be the same as the level of consideration given this factor in the other programs authorized in this division”.

Subsec. (c)(2)(A). Pub. L. 103-208, §2(b)(8), inserted “with respect to grants made under section 1070a-17 of this title, and” after “Except”.

Subsec. (e). Pub. L. 103-208, §2(b)(9), amended subsec. (e) generally. Prior to amendment, subsec. (e) read as follows: “Documentation of an individual’s status pursuant to subsection (g)(2) of this section shall be made—

“(1) in the case of an individual who is eighteen years of age or younger or a dependent student by providing the Secretary with a signed statement from

the parent or legal guardian, verification from another governmental source, a signed financial aid application, or a signed United States or Puerto Rican income tax return; and

“(2) in the case of an individual who is age 18 or older or who is an independent student, by providing the Secretary with a signed statement from the individual, verification from another governmental source, a signed financial aid form, or a signed United States or Puerto Rican income tax return.”

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.

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 1993 AMENDMENT

Amendment by section 2(b)(6), (8), (9) of Pub. L. 103-208 effective as if included in the Higher Education Amendments of 1992, Pub. L. 102-325, except as otherwise provided, and amendment by section 2(b)(7) of Pub. L. 103-208 effective on and after Dec. 20, 1993, see section 5(a), (b)(2) of Pub. L. 103-208 set out as a note under section 1051 of this title.

ADVANCED PLACEMENT FEE PAYMENT PROGRAM

Pub. L. 105-244, title VIII, §810, Oct. 7, 1998, 112 Stat. 1808, which authorized grants to States to enable States to reimburse low-income individuals to cover part or all of the cost of advanced placement test fees, required dissemination of information regarding availability of payments, set forth requirements for approval of applications and funding rules, authorized regulations, required annual report, defined terms, and authorized appropriations, was repealed by Pub. L. 107-110, title X, §1011(2), Jan. 8, 2002, 115 Stat. 1986.

Similar provisions were contained in Pub. L. 102-325, title XV, §1545, July 23, 1992, 106 Stat. 837, which was repealed by Pub. L. 107-110, title X, §1011(1), Jan. 8, 2002, 115 Stat. 1986.

§ 1070a-12. Talent search

(a) Program authority

The Secretary shall carry out a program to be known as talent search which shall be designed—

(1) to identify qualified youths with potential for education at the postsecondary level and to encourage such youths to complete secondary school and to undertake a program of postsecondary education;

(2) to publicize the availability of, and facilitate the application for, student financial assistance available to persons who pursue a program of postsecondary education; and

(3) to encourage persons who have not completed programs of education at the secondary or postsecondary level to enter or reenter, and complete such programs.

(b) Required services

Any project assisted under this section shall provide—

(1) connections to high quality academic tutoring services, to enable students to complete secondary or postsecondary courses;

(2) advice and assistance in secondary course selection and, if applicable, initial postsecondary course selection;

(3) assistance in preparing for college entrance examinations and completing college admission applications;

(4)(A) information on the full range of Federal student financial aid programs and benefits (including Federal Pell Grant awards and loan forgiveness) and resources for locating public and private scholarships; and

(B) assistance in completing financial aid applications, including the Free Application for Federal Student Aid described in section 1090(a) of this title;

(5) guidance on and assistance in—

(A) secondary school reentry;

(B) alternative education programs for secondary school dropouts that lead to the receipt of a regular secondary school diploma;

(C) entry into general educational development (GED) programs; or

(D) postsecondary education; and

(6) connections to education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents, including financial planning for postsecondary education.

(c) Permissible services

Any project assisted under this section may provide services such as—

(1) academic tutoring, which may include instruction in reading, writing, study skills, mathematics, science, and other subjects;

(2) personal and career counseling or activities;

(3) information and activities designed to acquaint youth with the range of career options available to the youth;

(4) exposure to the campuses of institutions of higher education, as well as cultural events, academic programs, and other sites or activities not usually available to disadvantaged youth;

(5) workshops and counseling for families of students served;

(6) mentoring programs involving elementary or secondary school teachers or counselors, faculty members at institutions of higher education, students, or any combination of such persons; and

(7) programs and activities as described in subsection (b) or paragraphs (1) through (6) of this subsection that are specially designed for students who are limited English proficient, students from groups that are traditionally underrepresented in postsecondary education, students with disabilities, students who are homeless children and youths (as such term is defined in section 11434a of title 42), students who are in foster care or are aging out of the foster care system, or other disconnected students.

(d) Requirements for approval of applications

In approving applications for projects under this section for any fiscal year the Secretary shall—

(1) require an assurance that not less than two-thirds of the individuals participating in the project proposed to be carried out under any application be low-income individuals who are first generation college students;

(2) require that such participants be persons who either have completed 5 years of elementary education or are at least 11 years of age but not more than 27 years of age, unless the imposition of any such limitation with respect to any person would defeat the purposes of this section or the purposes of section 1070a-16 of this title;

(3) require an assurance that individuals participating in the project proposed in the application do not have access to services from another project funded under this section or under section 1070a-16 of this title; and

(4) require an assurance that the project will be located in a setting accessible to the persons proposed to be served by the project.

(Pub. L. 89-329, title IV, § 402B, as added Pub. L. 102-325, title IV, § 402(a)(4), July 23, 1992, 106 Stat. 486; amended Pub. L. 105-244, title IV, § 402(b), Oct. 7, 1998, 112 Stat. 1654; Pub. L. 110-315, title IV, § 403(b), Aug. 14, 2008, 122 Stat. 3198.)

AMENDMENTS

2008—Subsec. (a)(2). Pub. L. 110-315, § 403(b)(1)(A), inserted “, and facilitate the application for,” after “the availability of”.

Subsec. (a)(3). Pub. L. 110-315, § 403(b)(1)(B), substituted “to enter or reenter, and complete” for “, but who have the ability to complete such programs, to reenter”.

Subsecs. (b), (c). Pub. L. 110-315, § 403(b)(3), added subsecs. (b) and (c) and struck out former subsec. (b) which related to permissible services. Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 110-315, § 403(b)(2), (4), redesignated subsec. (c) as (d) and substituted “projects under this section” for “talent search projects under this division” in introductory provisions.

1998—Subsec. (b)(4). Pub. L. 105-244, § 402(b)(1), added par. (4) and struck out former par. (4) which read as follows: “guidance on secondary school reentry or entry to general educational development (GED) programs or other alternative education programs for secondary school dropouts;”.

Subsec. (b)(5). Pub. L. 105-244, § 402(b)(2), inserted before semicolon “, or activities designed to acquaint individuals from disadvantaged backgrounds with careers in which the individuals are particularly underrepresented”.

Subsec. (b)(8). Pub. L. 105-244, § 402(b)(3), substituted “families” for “parents”.

Subsec. (b)(9). Pub. L. 105-244, § 402(b)(4), inserted “or counselors” after “teachers”.

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.

§ 1070a-13. Upward bound

(a) Program authority

The Secretary shall carry out a program to be known as upward bound which shall be designed to generate skills and motivation necessary for success in education beyond secondary school.

(b) Required services

Any project assisted under this section shall provide—

(1) academic tutoring to enable students to complete secondary or postsecondary courses, which may include instruction in reading, writing, study skills, mathematics, science, and other subjects;

(2) advice and assistance in secondary and postsecondary course selection;

(3) assistance in preparing for college entrance examinations and completing college admission applications;

(4)(A) information on the full range of Federal student financial aid programs and benefits (including Federal Pell Grant awards and loan forgiveness) and resources for locating public and private scholarships; and

(B) assistance in completing financial aid applications, including the Free Application for Federal Student Aid described in section 1090(a) of this title;

(5) guidance on and assistance in—

(A) secondary school reentry;

(B) alternative education programs for secondary school dropouts that lead to the receipt of a regular secondary school diploma;

(C) entry into general educational development (GED) programs; or

(D) postsecondary education; and

(6) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents, including financial planning for postsecondary education.

(c) Additional required services for multiple-year grant recipients

Any project assisted under this section which has received funding for two or more years shall include, as part of the core curriculum in the next and succeeding years, instruction in mathematics through precalculus, laboratory science, foreign language, composition, and literature.

(d) Permissible services

Any project assisted under this section may provide such services as—

(1) exposure to cultural events, academic programs, and other activities not usually available to disadvantaged youth;

(2) information, activities, and instruction designed to acquaint youth participating in the project with the range of career options available to the youth;

(3) on-campus residential programs;

(4) mentoring programs involving elementary school or secondary school teachers or counselors, faculty members at institutions of higher education, students, or any combination of such persons;

(5) work-study positions where youth participating in the project are exposed to careers requiring a postsecondary degree;

(6) special services, including mathematics and science preparation, to enable veterans to make the transition to postsecondary education; and

(7) programs and activities as described in subsection (b), subsection (c), or paragraphs (1) through (6) of this subsection that are specially designed for students who are limited English proficient, students from groups that are traditionally underrepresented in postsecondary education, students with disabilities, students who are homeless children and youths (as such term is defined in section 11434a of title 42), students who are in foster care or are aging out of the foster care system, or other disconnected students.

(e) Requirements for approval of applications

In approving applications for projects under this section for any fiscal year, the Secretary shall—

(1) require an assurance that not less than two-thirds of the youths participating in the project proposed to be carried out under any application be low-income individuals who are first generation college students;

(2) require an assurance that the remaining youths participating in the project proposed to be carried out under any application be low-income individuals, first generation college students, or students who have a high risk for academic failure;

(3) require that there be a determination by the institution, with respect to each participant in such project that the participant has a need for academic support in order to pursue successfully a program of education beyond secondary school;

(4) require that such participants be persons who have completed 8 years of elementary education and are at least 13 years of age but not more than 19 years of age, unless the imposition of any such limitation would defeat the purposes of this section; and

(5) require an assurance that no student will be denied participation in a project assisted under this section because the student will enter the project after the 9th grade.

(f) Maximum stipends

Youths participating in a project proposed to be carried out under any application may be paid stipends not in excess of \$60 per month during the summer school recess, for a period not to exceed three months, except that youth participating in a work-study position under subsection (d)(5) of this section may be paid a stipend of \$300 per month during the summer school recess, for a period not to exceed three months. Youths participating in a project proposed to be carried out under any application may be paid stipends not in excess of \$40 per month during the remaining period of the year.

(g) Additional funds**(1) Authorization and appropriation**

There are authorized to be appropriated, and there are appropriated to the Secretary, from funds not otherwise appropriated, \$57,000,000 for each of the fiscal years 2008 through 2011 to carry out paragraph (2), except that any amounts that remain unexpended for such purpose for each of such fiscal years may be available for technical assistance and administration costs for the Upward Bound program. The authority to award grants under this subsection shall expire at the end of fiscal year 2011.

(2) Use of funds

The amounts made available by paragraph (1) shall be available to provide assistance to all Upward Bound projects that did not receive assistance in fiscal year 2007 and that have a grant score above 70. Such assistance shall be made available in the form of 4-year grants.

(h) Absolute priority prohibited in Upward Bound Program

Upon enactment of this subsection and except as otherwise expressly provided by amendment

to this section, the Secretary shall not continue, implement, or enforce the absolute priority for the Upward Bound Program published by the Department of Education in the Federal Register on September 22, 2006 (71 Fed. Reg. 55447 et seq.). This subsection shall not be applied retroactively. In implementing this subsection, the Department shall allow the programs and participants chosen in the grant cycle to which the priority applies to continue their grants and participation without a further recompetition. The entities shall not be required to apply the absolute priority conditions or restrictions to future participants.

(Pub. L. 89-329, title IV, § 402C, as added Pub. L. 102-325, title IV, § 402(a)(4), July 23, 1992, 106 Stat. 487; amended Pub. L. 103-208, § 2(b)(10), Dec. 20, 1993, 107 Stat. 2459; Pub. L. 105-244, title IV, § 402(c), Oct. 7, 1998, 112 Stat. 1654; Pub. L. 110-84, title I, § 103, Sept. 27, 2007, 121 Stat. 786; Pub. L. 110-315, title IV, § 403(c), Aug. 14, 2008, 122 Stat. 3199.)

AMENDMENTS

2008—Subsec. (b). Pub. L. 110-315, § 403(c)(1), added subsec. (b) and struck out former subsec. (b) which related to permissible services.

Subsec. (c). Pub. L. 110-315, § 403(c)(2), substituted “Additional required services for multiple-year grant recipients” for “Required services” in heading and “project assisted under this section” for “upward bound project assisted under this division” in text.

Subsec. (d). Pub. L. 110-315, § 403(c)(4), added subsec. (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 110-315, § 403(c)(3), (5)(A), redesignated subsec. (d) as (e) and substituted “projects under this section” for “upward bound projects under this division” in introductory provisions. Former subsec. (e) redesignated (f).

Subsec. (e)(2). Pub. L. 110-315, § 403(c)(5)(B), substituted “low-income individuals, first generation college students, or students who have a high risk for academic failure;” for “either low-income individuals or first generation college students;”.

Subsec. (e)(5). Pub. L. 110-315, § 403(c)(5)(C)–(E), added par. (5).

Subsec. (f). Pub. L. 110-315, § 403(c)(3), (6), redesignated subsec. (e) as (f) and substituted “during the summer school recess, for a period not to exceed three months” for “during June, July, and August” in two places, and “subsection (d)(5)” for “subsection (b)(10)”. Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 110-315, § 403(c)(3), redesignated subsec. (f) as (g).

Subsec. (h). Pub. L. 110-315, § 403(c)(7), added subsec. (h).

2007—Subsec. (f). Pub. L. 110-84 added subsec. (f).

1998—Subsec. (b)(2). Pub. L. 105-244, § 402(c)(1)(A), substituted “counseling and workshops” for “personal counseling”.

Subsec. (b)(9). Pub. L. 105-244, § 402(c)(1)(B), inserted “or counselors” after “teachers” and struck out “and” after semicolon.

Subsec. (b)(10), (11). Pub. L. 105-244, § 402(c)(1)(D), added pars. (10) and (11). Former par. (10) redesignated (12).

Subsec. (b)(12). Pub. L. 105-244, § 402(c)(1)(E), substituted “(11)” for “(9)”.

Pub. L. 105-244, § 402(c)(1)(C), redesignated par. (10) as (12).

Subsec. (e). Pub. L. 105-244, § 402(c)(2), substituted “except that youth participating in a work-study position under subsection (b)(10) of this section may be paid a stipend of \$300 per month during June, July, and August. Youths participating in a project proposed to be carried out under any application may be paid stipends

not in excess of \$40 per month during the remaining period of the year.” for “and not in excess of \$40 per month during the remaining period of the year.”

1993—Subsec. (c). Pub. L. 103-208 substituted “foreign” for “and foreign”.

EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110-84 effective Oct. 1, 2007, see section 1(c) of Pub. L. 110-84, set out as a note under section 1070a of this title.

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 1993 AMENDMENT

Amendment by Pub. L. 103-208 effective as if included in the Higher Education Amendments of 1992, Pub. L. 102-325, except as otherwise provided, see section 5(a) of Pub. L. 103-208, set out as a note under section 1051 of this title.

§ 1070a-14. Student support services

(a) Program authority

The Secretary shall carry out a program to be known as student support services which shall be designed—

(1) to increase college retention and graduation rates for eligible students;

(2) to increase the transfer rates of eligible students from 2-year to 4-year institutions;

(3) to foster an institutional climate supportive of the success of students who are limited English proficient, students from groups that are traditionally underrepresented in postsecondary education, students with disabilities, students who are homeless children and youths (as such term is defined in section 11434a of title 42), students who are in foster care or are aging out of the foster care system, or other disconnected students; and

(4) to improve the financial literacy and economic literacy of students, including—

(A) basic personal income, household money management, and financial planning skills; and

(B) basic economic decisionmaking skills.

(b) Required services

A project assisted under this section shall provide—

(1) academic tutoring, directly or through other services provided by the institution, to enable students to complete postsecondary courses, which may include instruction in reading, writing, study skills, mathematics, science, and other subjects;

(2) advice and assistance in postsecondary course selection;

(3)(A) information on both the full range of Federal student financial aid programs and benefits (including Federal Pell Grant awards and loan forgiveness) and resources for locating public and private scholarships; and

(B) assistance in completing financial aid applications, including the Free Application for Federal Student Aid described in section 1090(a) of this title;

(4) education or counseling services designed to improve the financial literacy and economic literacy of students, including financial planning for postsecondary education;

(5) activities designed to assist students participating in the project in applying for admission to, and obtaining financial assistance for enrollment in, graduate and professional programs; and

(6) activities designed to assist students enrolled in two-year institutions of higher education in applying for admission to, and obtaining financial assistance for enrollment in, a four-year program of postsecondary education.

(c) Permissible services

A project assisted under this section may provide services such as—

(1) individualized counseling for personal, career, and academic matters provided by assigned counselors;

(2) information, activities, and instruction designed to acquaint students participating in the project with the range of career options available to the students;

(3) exposure to cultural events and academic programs not usually available to disadvantaged students;

(4) mentoring programs involving faculty or upper class students, or a combination thereof;

(5) securing temporary housing during breaks in the academic year for—

(A) students who are homeless children and youths (as such term is defined in section 11434a of title 42) or were formerly homeless children and youths; and

(B) students who are in foster care or are aging out of the foster care system; and

(6) programs and activities as described in subsection (b) or paragraphs (1) through (4) of this subsection that are specially designed for students who are limited English proficient, students from groups that are traditionally underrepresented in postsecondary education, students with disabilities, students who are homeless children and youths (as such term is defined in section 11434a of title 42), students who are in foster care or are aging out of the foster care system, or other disconnected students.

(d) Special rule

(1) Use for student aid

A recipient of a grant that undertakes any of the permissible services identified in subsection (c) may, in addition, use such funds to provide grant aid to students. A grant provided under this paragraph shall not exceed the Federal Pell Grant amount, determined under section 1070a(b)(2)(A) of this title, for which a student is eligible, or be less than the minimum Federal Pell Grant amount described in section 1070a(b)(4) of this title, for the current academic year. In making grants to students under this subsection, an institution shall ensure that adequate consultation takes place between the student support service program office and the institution's financial aid office.

(2) Eligible students

For purposes of receiving grant aid under this subsection, eligible students shall be cur-

rent participants in the student support services program offered by the institution and be—

(A) students who are in their first 2 years of postsecondary education and who are receiving Federal Pell Grants under subpart 1 of part A of this subchapter; or

(B) students who have completed their first 2 years of postsecondary education and who are receiving Federal Pell Grants under subpart 1 of part A of this subchapter if the institution demonstrates to the satisfaction of the Secretary that—

(i) these students are at high risk of dropping out; and

(ii) it will first meet the needs of all its eligible first- and second-year students for services under this paragraph.

(3) Determination of need

A grant provided to a student under paragraph (1) shall not be considered in determining that student's need for grant or work assistance under this subchapter and part C of subchapter I of chapter 34 of title 42, except that in no case shall the total amount of student financial assistance awarded to a student under this subchapter exceed that student's cost of attendance, as defined in section 1087*ll* of this title.

(4) Matching required

A recipient of a grant who uses such funds for the purpose described in paragraph (1) shall match the funds used for such purpose, in cash, from non-Federal funds, in an amount that is not less than 33 percent of the total amount of funds used for that purpose. This paragraph shall not apply to any grant recipient that is an institution of higher education eligible to receive funds under part A or B of subchapter III or subchapter V of this chapter.

(5) Reservation

In no event may a recipient use more than 20 percent of the funds received under this section for grant aid.

(6) Supplement, not supplant

Funds received by a grant recipient that are used under this subsection shall be used to supplement, and not supplant, non-Federal funds expended for student support services programs.

(e) Requirements for approval of applications

In approving applications for projects under this section for any fiscal year, the Secretary shall—

(1) require an assurance that not less than two-thirds of the persons participating in the project proposed to be carried out under any application—

(A) be individuals with disabilities; or

(B) be low-income individuals who are first generation college students;

(2) require an assurance that the remaining students participating in the project proposed to be carried out under any application be low-income individuals, first generation college students, or individuals with disabilities;

(3) require an assurance that not less than one-third of the individuals with disabilities

participating in the project be low-income individuals;

(4) require that there be a determination by the institution, with respect to each participant in such project, that the participant has a need for academic support in order to pursue successfully a program of education beyond secondary school;

(5) require that such participants be enrolled or accepted for enrollment at the institution which is the recipient of the grant or contract; and

(6) consider, in addition to such other criteria as the Secretary may prescribe, the institution's effort, and where applicable past history, in—

(A) providing sufficient financial assistance to meet the full financial need of each student in the project; and

(B) maintaining the loan burden of each such student at a manageable level.

(Pub. L. 89-329, title IV, § 402D, as added Pub. L. 102-325, title IV, § 402(a)(4), July 23, 1992, 106 Stat. 488; amended Pub. L. 103-208, § 2(b)(11), Dec. 20, 1993, 107 Stat. 2459; Pub. L. 105-244, title IV, § 402(d), Oct. 7, 1998, 112 Stat. 1655; Pub. L. 106-554, § 1(a)(1) [title III, § 317(a)], Dec. 21, 2000, 114 Stat. 2763, 2763A-48; Pub. L. 110-315, title IV, § 403(d), Aug. 14, 2008, 122 Stat. 3201; Pub. L. 111-152, title II, § 2101(b)(2), Mar. 30, 2010, 124 Stat. 1073.)

AMENDMENTS

2010—Subsec. (d)(1). Pub. L. 111-152 substituted “exceed the Federal Pell Grant amount, determined under section 1070a(b)(2)(A) of this title, for which a student is eligible, or be less than the minimum Federal Pell Grant amount described in section 1070a(b)(4) of this title, for” for “exceed the maximum appropriated Pell Grant or, be less than the minimum appropriated Pell Grant, for”.

2008—Subsec. (a)(3), (4). Pub. L. 110-315, § 403(d)(1), added pars. (3) and (4) and struck out former par. (3) which read as follows: “to foster an institutional climate supportive of the success of low-income and first generation college students and individuals with disabilities.”

Subsec. (b). Pub. L. 110-315, § 403(d)(3), added subsec. (b) and struck out former subsec. (b) which related to permissible services.

Subsecs. (c), (d). Pub. L. 110-315, § 403(d)(2), (3), added subsec. (c) and redesignated former subsec. (c) as (d). Former subsec. (d) redesignated (e).

Subsec. (d)(1). Pub. L. 110-315, § 403(d)(4), substituted “subsection (c)” for “subsection (b)”.

Subsec. (e). Pub. L. 110-315, § 403(d)(2), (5), redesignated subsec. (d) as (e) and substituted “projects under this section” for “student support services projects under this division” in introductory provisions.

2000—Subsecs. (c), (d). Pub. L. 106-554 added subsec. (c) and redesignated former subsec. (c) as (d).

1998—Subsec. (c)(6). Pub. L. 105-244 amended par. (6) generally. Prior to amendment, par. (6) read as follows: “require an assurance from the institution which is the recipient of the grant or contract that each student enrolled in the project will be offered sufficient financial assistance to meet that student's full financial need.”

1993—Subsec. (c)(2). Pub. L. 103-208 struck out “either” after “application”.

EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-152 effective July 1, 2010, see section 2101(c) of Pub. L. 111-152, set out as a note under section 1070a of this title.

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-554, §1(a)(1) [title III, §317(b)], Dec. 21, 2000, 114 Stat. 2763, 2763A-49, provided that: “The amendments made by subsection (a) [amending this section] shall apply with respect to student support services grants awarded on or after the date of enactment of this Act [Dec. 21, 2000].”

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 1993 AMENDMENT

Amendment by Pub. L. 103-208 effective as if included in the Higher Education Amendments of 1992, Pub. L. 102-325, except as otherwise provided, see section 5(a) of Pub. L. 103-208, set out as a note under section 1051 of this title.

§ 1070a-15. Postbaccalaureate achievement program authority

(a) Program authority

The Secretary shall carry out a program to be known as the “Ronald E. McNair Postbaccalaureate Achievement Program” that shall be designed to provide disadvantaged college students with effective preparation for doctoral study.

(b) Required services

A project assisted under this section shall provide—

- (1) opportunities for research or other scholarly activities at the institution or at graduate centers designed to provide students with effective preparation for doctoral study;
- (2) summer internships;
- (3) seminars and other educational activities designed to prepare students for doctoral study;
- (4) tutoring;
- (5) academic counseling; and
- (6) activities designed to assist students participating in the project in securing admission to and financial assistance for enrollment in graduate programs.

(c) Permissible services

A project assisted under this section may provide services such as—

- (1) education or counseling services designed to improve the financial literacy and economic literacy of students, including financial planning for postsecondary education;
- (2) mentoring programs involving faculty members at institutions of higher education, students, or any combination of such persons; and
- (3) exposure to cultural events and academic programs not usually available to disadvantaged students.

(d) Requirements

In approving applications for projects assisted under this section for any fiscal year, the Secretary shall require—

- (1) an assurance that not less than two-thirds of the individuals participating in the project proposed to be carried out under any application be low-income individuals who are first generation college students;

(2) an assurance that the remaining persons participating in the project proposed to be carried out be from a group that is underrepresented in graduate education, including—

- (A) Alaska Natives, as defined in section 7546 of this title;
- (B) Native Hawaiians, as defined in section 7517 of this title; and
- (C) Native American Pacific Islanders, as defined in section 1059g of this title;

(3) an assurance that participants be enrolled in a degree program at an eligible institution having an agreement with the Secretary in accordance with the provisions of section 1094 of this title; and

(4) an assurance that participants in summer research internships have completed their sophomore year in postsecondary education.

(e) Award considerations

In addition to such other selection criteria as may be prescribed by regulations, the Secretary shall consider in making awards to institutions under this section—

- (1) the quality of research and other scholarly activities in which students will be involved;
- (2) the level of faculty involvement in the project and the description of the research in which students will be involved; and
- (3) the institution’s plan for identifying and recruiting participants including students enrolled in projects authorized under this section.

(f) Maximum stipends

Students participating in research under a project under this section may receive an award that—

- (1) shall include a stipend not to exceed \$2,800 per annum; and
- (2) may include, in addition, the costs of summer tuition, summer room and board, and transportation to summer programs.

(g) Funding

From amounts appropriated pursuant to the authority of section 1070a-11(g) of this title, the Secretary shall, to the extent practicable, allocate funds for projects authorized by this section in an amount which is not less than \$11,000,000 for each of the fiscal years 2009 through 2014.

(Pub. L. 89-329, title IV, § 402E, as added Pub. L. 102-325, title IV, § 402(a)(4), July 23, 1992, 106 Stat. 489; amended Pub. L. 105-244, title IV, § 402(e), Oct. 7, 1998, 112 Stat. 1655; Pub. L. 110-315, title IV, § 403(e), Aug. 14, 2008, 122 Stat. 3203; Pub. L. 111-39, title IV, § 401(a)(5), July 1, 2009, 123 Stat. 1938.)

AMENDMENTS

2009—Subsec. (d)(2)(C). Pub. L. 111-39 struck out period before semicolon at end.

2008—Subsec. (b). Pub. L. 110-315, § 403(e)(1)(A), (B), inserted “Required” before “services” in heading and, in introductory provisions, substituted “A project assisted under this section shall provide—” for “A postbaccalaureate achievement project assisted under this section may provide services such as—”.

Subsec. (b)(5) to (8). Pub. L. 110-315, § 403(e)(1)(C)–(E), inserted “and” after the semicolon in par. (5), sub-

stituted a period for the semicolon in par. (6), and struck out pars. (7) and (8) which read as follows:

“(7) mentoring programs involving faculty members at institutions of higher education, students, or any combination of such persons; and

“(8) exposure to cultural events and academic programs not usually available to disadvantaged students.”

Subsec. (c). Pub. L. 110-315, § 403(e)(3), added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 110-315, § 403(e)(2), (4)(A), redesignated subsec. (c) as (d) and struck out “postbaccalaureate achievement” after “applications for” in introductory provisions. Former subsec. (d) redesignated (e).

Subsec. (d)(2). Pub. L. 110-315, § 403(e)(4)(B), inserted “, including—” and added subpars. (A) to (C) before semicolon.

Subsec. (e). Pub. L. 110-315, § 403(e)(2), redesignated subsec. (d) as (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 110-315, § 403(e)(2), (5), redesignated subsec. (e) as (f) and substituted “project under this section” for “postbaccalaureate achievement project” in introductory provisions. Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 110-315, § 403(e)(2), (6), redesignated subsec. (f) as (g) and substituted “section 1070a-11(g)” for “section 1070a-11(f)” and “2009 through 2014” for “1993 through 1997”.

1998—Subsec. (e)(1). Pub. L. 105-244 substituted “\$2,800” for “\$2,400”.

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.

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.

§ 1070a-16. Educational opportunity centers

(a) Program authority; services provided

The Secretary shall carry out a program to be known as educational opportunity centers which shall be designed—

(1) to provide information with respect to financial and academic assistance available for individuals desiring to pursue a program of postsecondary education;

(2) to provide assistance to such persons in applying for admission to institutions at which a program of postsecondary education is offered, including preparing necessary applications for use by admissions and financial aid officers; and

(3) to improve the financial literacy and economic literacy of students, including—

(A) basic personal income, household money management, and financial planning skills; and

(B) basic economic decisionmaking skills.

(b) Permissible services

An educational opportunity center assisted under this section may provide services such as—

(1) public information campaigns designed to inform the community regarding opportunities for postsecondary education and training;

(2) academic advice and assistance in course selection;

(3) assistance in completing college admission and financial aid applications;

(4) assistance in preparing for college entrance examinations;

(5) education or counseling services designed to improve the financial literacy and economic literacy of students;

(6) guidance on secondary school reentry or entry to a general educational development (GED) program or other alternative education programs for secondary school dropouts;

(7) individualized personal, career, and academic counseling;

(8) tutorial services;

(9) career workshops and counseling;

(10) mentoring programs involving elementary or secondary school teachers, faculty members at institutions of higher education, students, or any combination of such persons; and

(11) programs and activities as described in paragraphs (1) through (10) that are specially designed for students who are limited English proficient, students from groups that are traditionally underrepresented in postsecondary education, students with disabilities, students who are homeless children and youths (as such term is defined in section 11434a of title 42), students who are in foster care or are aging out of the foster care system, or other disconnected students.

(c) Requirements for approval of applications

In approving applications for educational opportunity centers under this section for any fiscal year the Secretary shall—

(1) require an assurance that not less than two-thirds of the persons participating in the project proposed to be carried out under any application be low-income individuals who are first generation college students;

(2) require that such participants be persons who are at least nineteen years of age, unless the imposition of such limitation with respect to any person would defeat the purposes of this section or the purposes of section 1070a-12 of this title; and

(3) require an assurance that individuals participating in the project proposed in the application do not have access to services from another project funded under this section or under section 1070a-12 of this title.

(Pub. L. 89-329, title IV, § 402F, as added Pub. L. 102-325, title IV, § 402(a)(4), July 23, 1992, 106 Stat. 490; amended Pub. L. 110-315, title IV, § 403(f), Aug. 14, 2008, 122 Stat. 3203.)

AMENDMENTS

2008—Subsec. (a)(3). Pub. L. 110-315, § 403(f)(1), added par. (3).

Subsec. (b)(5), (6). Pub. L. 110-315, § 403(f)(2)(A), (B), added par. (5) and redesignated former par. (5) as (6). Former par. (6) redesignated (7).

Subsec. (b)(7). Pub. L. 110-315, § 403(f)(2)(C), added par. (7) and struck out former par. (7) which read as follows: “personal counseling;”.

Pub. L. 110-315, § 403(f)(2)(A), redesignated former par. (6) as (7). Former par. (7) redesignated (8).

Subsec. (b)(8) to (10). Pub. L. 110-315, § 403(f)(2)(A), redesignated pars. (7) to (9) as (8) to (10), respectively. Former par. (10) redesignated (11).

Subsec. (b)(11). Pub. L. 110-315, § 403(f)(2)(D), added par. (11) and struck out former par. (11) which read as

follows: “programs and activities as described in paragraphs (1) through (9) which are specially designed for students of limited English proficiency.”

Pub. L. 110-315, § 403(f)(2)(A), redesignated par. (10) as (11).

§ 1070a-17. Staff development activities

(a) Secretary’s authority

For the purpose of improving the operation of the programs and projects authorized by this division, the Secretary is authorized to make grants to institutions of higher education and other public and private nonprofit institutions and organizations to provide training for staff and leadership personnel employed in, participating in, or preparing for employment in, such programs and projects.

(b) Contents of training programs

Such training shall include conferences, internships, seminars, workshops, and the publication of manuals designed to improve the operation of such programs and projects and shall be carried out in the various regions of the Nation in order to ensure that the training opportunities are appropriate to meet the needs in the local areas being served by such programs and projects. Such training shall be offered annually for new directors of projects funded under this division as well as annually on the following topics and other topics chosen by the Secretary:

(1) Legislative and regulatory requirements for the operation of programs funded under this division.

(2) Assisting students in receiving adequate financial aid from programs assisted under this subchapter and part C of subchapter I of chapter 34 of title 42 and other programs.

(3) The design and operation of model programs for projects funded under this division.

(4) The use of appropriate educational technology in the operation of projects assisted under this division.

(5) Strategies for recruiting and serving hard to reach populations, including students who are limited English proficient, students from groups that are traditionally underrepresented in postsecondary education, students with disabilities, students who are homeless children and youths (as such term is defined in section 11434a of title 42), students who are in foster care or are aging out of the foster care system, or other disconnected students.

(c) Consultation

Grants for the purposes of this section shall be made only after consultation with regional and State professional associations of persons having special knowledge with respect to the needs and problems of such programs and projects.

(Pub. L. 89-329, title IV, § 402G, as added Pub. L. 102-325, title IV, § 402(a)(4), July 23, 1992, 106 Stat. 491; amended Pub. L. 105-244, title IV, § 402(f), Oct. 7, 1998, 112 Stat. 1655; Pub. L. 110-315, title IV, § 403(g), Aug. 14, 2008, 122 Stat. 3204.)

AMENDMENTS

2008—Subsec. (b)(5). Pub. L. 110-315 added par. (5).

1998—Subsec. (a). Pub. L. 105-244, § 402(f)(1), inserted “participating in,” after “leadership personnel employed in.”

Subsec. (b)(4). Pub. L. 105-244, § 402(f)(2), added par. (4).

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.

§ 1070a-18. Reports, evaluations, and grants for project improvement and dissemination

(a) Reports to the authorizing committees

(1) In general

The Secretary shall submit annually, to the authorizing committees, a report that documents the performance of all programs funded under this division. Such report shall—

(A) be submitted not later than 12 months after the eligible entities receiving funds under this division are required to report their performance to the Secretary;

(B) focus on the programs’ performance on the relevant outcome criteria determined under section 1070a-11(f)(4) of this title;

(C) aggregate individual project performance data on the outcome criteria in order to provide national performance data for each program;

(D) include, when appropriate, descriptive data, multi-year data, and multi-cohort data; and

(E) include comparable data on the performance nationally of low-income students, first-generation students, and students with disabilities.

(2) Information

The Secretary shall provide, with each report submitted under paragraph (1), information on the impact of the secondary review process described in section 1070a-11(c)(8)(C)(iv) of this title, including the number and type of secondary reviews, the disposition of the secondary reviews, the effect on timing of awards, and any other information the Secretary determines is necessary.

(b) Evaluations

(1) In general

(A) Authorization of grants and contracts

For the purpose of improving the effectiveness of the programs and projects assisted under this division, the Secretary shall make grants to, or enter into contracts with, institutions of higher education and other public and private institutions and organizations to rigorously evaluate the effectiveness of the programs and projects assisted under this division, including a rigorous evaluation of the programs and projects assisted under section 1070a-13 of this title. The evaluation of the programs and projects assisted under section 1070a-13 of this title shall be implemented not later than June 30, 2010.

(B) Content of upward bound evaluation

The evaluation of the programs and projects assisted under section 1070a-13 of this title that is described in subparagraph (A) shall examine the characteristics of the students who benefit most from the Upward Bound program under section 1070a-13 of this

title and the characteristics of the programs and projects that most benefit students.

(C) Implementation

Each evaluation described in this paragraph shall be implemented in accordance with the requirements of this section.

(2) Practices

(A) In general

The evaluations described in paragraph (1) shall identify institutional, community, and program or project practices that are effective in—

- (i) enhancing the access of low-income individuals and first-generation college students to postsecondary education;
- (ii) the preparation of such individuals and students for postsecondary education; and
- (iii) fostering the success of the individuals and students in postsecondary education.

(B) Primary purpose

Any evaluation conducted under this division shall have as the evaluation's primary purpose the identification of particular practices that further the achievement of the outcome criteria determined under section 1070a-11(f)(4) of this title.

(C) Dissemination and use of evaluation findings

The Secretary shall disseminate to eligible entities and make available to the public the practices identified under subparagraph (B). The practices may be used by eligible entities that receive assistance under this division after the dissemination.

(3) Special rule related to evaluation participation

The Secretary shall not require an eligible entity, as a condition for receiving, or that receives, assistance under any program or project under this division to participate in an evaluation under this section that—

- (A) requires the eligible entity to recruit additional students beyond those the program or project would normally recruit; or
- (B) results in the denial of services for an eligible student under the program or project.

(4) Consideration

When designing an evaluation under this subsection, the Secretary shall continue to consider—

- (A) the burden placed on the program participants or the eligible entity; and
- (B) whether the evaluation meets generally accepted standards of institutional review boards.

(c) Grants

The Secretary may award grants to institutions of higher education or other private and public institutions and organizations, that are carrying out a program or project assisted under this division prior to October 7, 1998, to enable the institutions and organizations to expand and leverage the success of such programs or

projects by working in partnership with other institutions, community-based organizations, or combinations of such institutions and organizations, that are not receiving assistance under this division and are serving low-income students and first generation college students, in order to—

- (1) disseminate and replicate best practices of programs or projects assisted under this division; and
- (2) provide technical assistance regarding programs and projects assisted under this division.

(d) Results

In order to improve overall program or project effectiveness, the results of evaluations and grants described in this section shall be disseminated by the Secretary to similar programs or projects assisted under this subpart, as well as other individuals concerned with postsecondary access for and retention of low-income individuals and first-generation college students.

(Pub. L. 89-329, title IV, § 402H, as added Pub. L. 102-325, title IV, § 402(a)(4), July 23, 1992, 106 Stat. 491; amended Pub. L. 105-244, title IV, § 402(g), Oct. 7, 1998, 112 Stat. 1655; Pub. L. 110-315, title IV, § 403(h), Aug. 14, 2008, 122 Stat. 3204.)

AMENDMENTS

2008—Pub. L. 110-315, § 403(h)(1), substituted "Reports, evaluations, and grants for project improvement and dissemination" for "Evaluations and grants for project improvement and dissemination partnership projects" in section catchline.

Subsec. (a). Pub. L. 110-315, § 403(h)(3), added subsec. (a). Former subsec. (a) redesignated (b).

Subsec. (b). Pub. L. 110-315, § 403(h)(2), (4), redesignated subsec. (a) as (b), added pars. (1) to (4), and struck out former pars. (1) and (2) which read as follows:

"(1) IN GENERAL.—For the purpose of improving the effectiveness of the programs and projects assisted under this division, the Secretary may make grants to or enter into contracts with institutions of higher education and other public and private institutions and organizations to evaluate the effectiveness of the programs and projects assisted under this division.

"(2) PRACTICES.—The evaluations described in paragraph (1) shall identify institutional, community, and program or project practices that are particularly effective in enhancing the access of low-income individuals and first-generation college students to postsecondary education, the preparation of the individuals and students for postsecondary education, and the success of the individuals and students in postsecondary education. Such evaluations shall also investigate the effectiveness of alternative and innovative methods within Federal TRIO programs of increasing access to, and retention of, students in postsecondary education."

Former subsec. (b) redesignated (c).

Subsecs. (c), (d). Pub. L. 110-315, § 403(h)(2), redesignated subsecs. (b) and (c) as (c) and (d), respectively.

1998—Pub. L. 105-244 amended section generally, revising and restating former subsecs. (a) to (c) relating to evaluation for project improvement.

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.

Division 2—Gaining Early Awareness and Readiness for Undergraduate Programs

CODIFICATION

Chapter 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965, comprising this division,