



## UNITED STATES DEPARTMENT OF EDUCATION

Office of Vocational and Adult Education

400 Maryland Avenue  
Washington, DC 20202-7240

February 4, 2009

Dear Authorized Official:

This is the application package for the *Grants to States for Workplace and Community Transition Training for Incarcerated Individuals* program (the Incarcerated Individuals program), previously titled the *Grants to States for Workplace and Community Transition Training for Incarcerated Youth Offenders* program. The Higher Education Opportunity Act (Public Law 110-315) (HEOA), enacted on August 14, 2008, amended section 821 of the Higher Education Amendments of 1998 (the statute), which authorizes the Incarcerated Individuals program. Section 821 of the statute continues to require State correctional education agencies (SCEAs) to submit to the Secretary an application in order to receive a grant. The attached package incorporates the new statutory requirements for State applications.

The Incarcerated Individuals program provides grants to SCEAs for activities that assist and encourage incarcerated individuals who have obtained a secondary school diploma or its recognized equivalent to acquire educational and job skills, through: (1) coursework in preparation for postsecondary education; (2) the pursuit of a postsecondary education certificate, an associate's degree, or a bachelor's degree while in prison; and (3) employment counseling and other related services that start during incarceration and end not later than two years after release from incarceration.

While previously the Department has requested three-year applications for the predecessor to this program, the Department is requesting that SCEAs submit one-year applications for FY 2009 funds as we begin implementation of the new statute. A new provision in section 821(c)(4)(B) of the statute requires, among other things, that SCEAs describe in their applications the evaluation methods they will use to measure incarcerated individuals' outcomes consistent with the data elements and definitions provided by the Secretary. However, as the HEOA was not enacted until August 2008, the Department will not determine these data elements and definitions prior to the submission of applications for FY 2009. Consequently, the Department is requesting that SCEAs submit one-year applications for 2009 funds only.

The Department will provide SCEAs with additional guidance when the Secretary makes a fuller determination as to the data elements and definitions for this program. The Department will then invite SCEAs to submit three-year applications for FY 2010 - FY 2012 based on such determinations and guidance.

SCEAs must submit their one-year applications to the Department per the directions provided in the attached application package. Applications must be postmarked on or before April 17, 2009, or received in the Office of Vocational and Adult Education by 4:30:00 pm Washington, DC Time on April 17, 2009. We are sending an identical application package to the SCEA head and to the individual designated as the program contact person. An electronic copy of this application is available on OVAE's Web site, or you may e-mail your request to me at [john.linton@ed.gov](mailto:john.linton@ed.gov).

To assist SCEAs in completing their applications and to provide additional information regarding changes in the program statute, we are scheduling a technical assistance meeting. We strongly encourage participation by those persons directly involved in application development and in program implementation. We can make awards on July 1, 2009, only to those SCEAs that have submitted applications that conform to the new statutory requirements. These requirements will be discussed in detail in the technical assistance meeting. Furthermore, awards for the Incarcerated Individuals program are contingent on Congress appropriating funds for this program for FY 2009.

Current Youth Offender programs will transition to the Incarcerated Individuals programs between July 1, 2009, and October 1, 2009. Any remaining Youth Offender program funds awarded on July 1, 2007, will expire on September 30, 2009, and may only be spent under the prior program provisions and in accord with the current State application. Youth Offender program funds awarded on July 1, 2008, will expire on September 30, 2010. Until September 30, 2009, these funds must be spent in conformity with the prior program provisions and in accord with the current (previously approved) application. On October 1, 2009, any remaining funds from the 2008 award will become "carryover funds" and must then be spent in conformity with the new program provisions and a new application. Funds awarded on July 1, 2009, will be awarded as Incarcerated Individuals program funds and may only be spent under the new provisions and in accord with the new application.

Also included in this package is an Eligible Population Data Request form. The Department must obtain a count of eligible persons in the participating SCEA's potential service population in order to compute the funding amounts for each State. This form is similar to the annual census form used for this program in

prior years, but includes changes necessitated by the revised definition of “eligible student” in section 821(e) of the statute. Please submit the Eligible Population Data Request form to this office by April 24, 2009, observing the transmittal instructions printed on the form. Please note this due date. It is not the same due date as the application.

Please feel free to contact me ([john.linton@ed.gov](mailto:john.linton@ed.gov); 202-245-6592) or Zina Watkins ([zina.watkins@ed.gov](mailto:zina.watkins@ed.gov); 202-245-6197) if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Linton', with a stylized flourish at the end.

John Linton

Enclosures:

- Eligible Population Data Request Form
- 2009 Application instructions
- Annual report information page
- Notice to All Applicants concerning GEPA requirements
- Disclosure of Lobbying Activities (Standard Form - LLL)
- Assurances, Non Construction-Programs (Standard Form 424B)
- Certification Regarding Lobbying (Form ED 80-0013)
- Authorizing legislation

Grants to States for Workplace and Community Transition Training for Incarcerated Individuals  
Program

Eligible Population Data Request Form, FY2009

From the amount appropriated, the Secretary allots to each participating State/territory an amount that bears the same relationship to the amount appropriated as the total number of eligible students in each State bears to the total number of eligible students in all States. For the purpose of the formula, an "eligible student" means a male or female offender who has obtained a secondary school diploma or its equivalent and—

- (a) is incarcerated in a State prison, including a pre-release facility;
- (b) is eligible to be released or eligible for parole within seven years;
- (c) is 35 years of age or younger; and
- (d) has not been convicted of a "criminal offense against a victim who is a minor" or a "sexually violent offense" such as terms are defined in the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C 14071 et seq.) or murder, as described in section 1111 of title 18, United States Code.

So that the Department can successfully implement the formula and allocate funds under this program, please complete the items below for April 1, 2009. If an April 1 count is not possible, please utilize the closest possible date's count and indicate on this blank what that date is: \_\_\_\_\_)

1. The number of individuals within your State/Territory who have obtained a secondary school diploma or its equivalent and are incarcerated in a State prison, including prerelease facilities: \_\_\_\_\_
2. Of those counted in number 1, how many are 35 or younger as of the date of your count: \_\_\_\_\_
3. Of those counted in number 2, how many are eligible for release or parole within 7 (seven) years of the date of your count: \_\_\_\_\_
4. Of those counted in number 3, how many have not been convicted of a "criminal offense against a victim who is a minor," a "sexually violent offense," or murder: \_\_\_\_\_ (This is your official count.)

**State or Territory Name:** \_\_\_\_\_

Person completing this form

Printed Name \_\_\_\_\_ Signature \_\_\_\_\_

Title and Contact Information: \_\_\_\_\_

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Please fax the completed form, no later than April 24, 2009 to Mr. John Linton at 202-245-7170 or email to: [John.Linton@ed.gov](mailto:John.Linton@ed.gov). In addition, please forward a hard copy with original signature for certification purposes to: Mr. John Linton, Director of Correctional Education, Office of Vocational and Adult Education, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202-7240. Questions: [John.Linton@ed.gov](mailto:John.Linton@ed.gov) or 202-245-6592; [Zina.Watkins@ed.gov](mailto:Zina.Watkins@ed.gov) or 202-245-6187

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**Paperwork Burden Statement**

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1830-0563. The time required to complete this information collection is estimated to average 10 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, Washington, D.C. 20202-4651. **If you have comments or concerns regarding the status of your individual submission of this form, write directly to:** Office of Vocational and Adult Education, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

U.S. DEPARTMENT OF EDUCATION  
OFFICE OF VOCATIONAL AND ADULT EDUCATION  
WASHINGTON, D.C.

**APPLICATION FOR GRANTS  
UNDER THE  
GRANTS TO STATES FOR WORKPLACE  
AND COMMUNITY TRANSITION TRAINING  
FOR INCARCERATED INDIVIDUALS  
PROGRAM  
(CFDA 84.331)**



OMB Control Number 1830-0563  
2009 Application Package

## **Paperwork Burden Statement**

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is **1830-0563**. The time required to complete this information collection is estimated to average **25** hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, Washington, D.C. 20202-4651. **If you have comments or concerns regarding the status of your individual submission of this form, write directly to:** Office of Vocational and Adult Education, U.S. Department of Education, 400 Maryland Ave., S.W., Washington, D.C. 20202-7100.

The Higher Education Opportunity Act (Public Law 110-315) (HEOA), enacted on August 14, 2008, amended section 821 of the Higher Education Amendments of 1998 (the statute), which authorizes grants to States for workplace and community transition training for incarcerated individuals (Incarcerated Individuals program). Section 821 of the statute continues to require State correctional education agencies (SCEAs) to submit to the Secretary an application in order to receive a grant. This package incorporates the new statutory requirements for State applications.

The State application is an important document that serves to provide —

1. the basis on which the State, through its SCEA, will qualify to participate in the Incarcerated Individuals program and to receive Federal allocations;
2. a comprehensive statement of the SCEA's goals, objectives, priorities, and methods under which the agency will administer the Incarcerated Individuals program;
3. a basis for common understanding among the SCEA, the U.S. Department of Education, and auditors; and
4. a basis for planning and evaluation.

Before preparing an application, the SCEA should carefully read this application package in its entirety; section 821 of the statute, and any relevant regulations.

## **SECTION I: PROGRAM DESCRIPTION**

The Incarcerated Individuals program provides grants to SCEAs for activities that assist and encourage incarcerated individuals who have obtained a secondary school diploma or its recognized equivalent to acquire educational and job skills, through: (1) coursework in preparation for postsecondary education; (2) the pursuit of a postsecondary education certificate, an associate's degree, or a bachelor's degree while in prison; and (3) employment counseling and other related services that start during incarceration and end not later than two years after release from incarceration.

An eligible student under the program is an incarcerated individual who has obtained a secondary school diploma or its recognized equivalent, is 35 years of age or younger, is incarcerated in a State prison (which may be a pre-release facility), is eligible for parole or release within seven years, and has not been convicted of a "criminal offense against a victim who is a minor" or a "sexually violent offense," as such terms are defined in the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14071 et seq.); or murder, as described in section 1111 of title 18, United States Code.

While previously the Department has requested three-year applications for the predecessor to this program, the Department is requesting that SCEAs submit one-year applications for FY 2009 funds as we begin implementation of the new statute. A new provision in section 821(c)(4)(B) of the statute requires, among other things, that SCEAs describe the evaluation methods they will use to measure incarcerated individual

outcomes consistent with the data elements and definitions provided by the Secretary. However, as the HEOA was not enacted until August 2008, the Department, the Department will not determine these data elements and definitions prior to the submission of applications for FY 2009. Consequently the Department is requesting that SCEAs submit one-year applications for 2009 funds only. The Department will provide SCEAs with additional guidance when the Secretary makes a fuller determination as to the data elements and definitions for this program. The Department will then invite SCEAs to submit three-year applications for FYs 2010 – 2012 based on such determinations and guidance.

## **SECTION II: APPLICATION REQUIREMENTS, CERTIFICATIONS, AND ASSURANCES**

The application must:

1. Identify the scope of the problem, including the number of eligible incarcerated individuals in need of postsecondary education and career and technical training.
2. List the accredited public or private educational institution or institutions that will provide postsecondary educational services.
3. List the cooperating agencies, public and private, or businesses that will provide related services, such as counseling in the areas of career development, substance abuse, health, and parenting skills, and describe the services to be provided.
4. Describe performance objectives and evaluation methods that the SCEA will use in carrying out its program. (See SECTION III: PERFORMANCE OBJECTIVES AND EVALUATION METHODS for additional information and guidance regarding this requirement.)
5. Describe how the proposed program will be integrated with existing State correctional education programs (such as adult education, graduate education degree programs, and career and technical education programs) and State industry programs.
6. Describe how the proposed program will deliver services and will use technology in doing so.
7. Describe how incarcerated individuals will be selected so that only eligible students will be provided services through the State's program. As described in Section I, in order to be eligible, an incarcerated individual must—
  - a. have obtained a secondary school diploma or its recognized equivalent,
  - b. be eligible for release within seven years (including eligible for parole in this time),

- c. be 35 years of age or younger, and
  - d. not have been convicted of a 'criminal offense against a victim who is a minor' or a 'sexually violent offense' as such terms are defined in the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14071 et seq.) or murder, as described in section 1111 of title 18, United States Code.
8. Include a budget and budget narrative, with estimates of the amounts of grant funds the SCEA would allocate to each of the following:
- a. State administration
  - b. Coursework in preparation for postsecondary education
  - c. Postsecondary education
  - d. Career and technical training
  - e. Related services
  - f. Performance measurement and evaluation
9. Include a written and signed certification, as required by EDGAR at 34 CFR 76.104, that the following conditions are met by the State:
- a. The application is submitted by the State agency that is eligible to submit the application. [34 CFR 76.104(a)(1)] The State agency has authority under State law to perform the functions of the State under the program. [34 CFR 76.104(a)(2)]
  - b. The State legally may carry out each provision of the application. [34 CFR 76.104(a)(3)]
  - c. All provisions of the application are consistent with State law. [34 CFR 76.104(a)(4)]
  - d. A State officer, specified by title in the certification, has authority under State law to receive, hold, and disburse Federal funds made available under the application. [34 CFR 76.104(a)(5)]
  - e. The State officer who submits the application, specified by title in the certification, has authority to submit the application. [34 CFR 76.104(a)(6)]
  - f. The agency that submits the application has adopted or otherwise formally approved the application. [34 CFR 76.104(a)(7)]
  - g. The application is the basis for State operation and administration of the program. [34 CFR 76.104(a)(8)]
10. Provide a complete and signed ED Form 80-0013 for certifications regarding lobbying and the Disclosure of Lobbying Activities Form SF LLL. Forms may be

downloaded at the following:

<http://www.ed.gov/fund/grant/apply/appforms/appforms.html>]

11. Provide a complete and signed Assurance for Non-Construction Programs Form.  
[See <http://www.ed.gov/fund/grant/apply/appforms/appforms.html>]

12. Intergovernmental Review. This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. One of the objectives of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism. The Executive Order relies on processes developed by State and local governments for coordination and review of proposed federal financial assistance.

Applicants must contact the appropriate State Single Point of Contact to find out about, and to comply with, the State's process under Executive Order 12372. Applicants proposing to perform activities in more than one State should immediately contact the Single Point of Contact for each of those States and follow the procedures established in each State under the Executive Order. Note: A copy of the applicant's letter to the State Single Point of Contact must be included with the SCEA's application.

To view a list of States that participate in the intergovernmental review process, visit <http://www.whitehouse.gov/omb/grants/spoc.html>. States that are not listed have chosen not to participate in the intergovernmental review process and, therefore, do not have a State Single Point of Contact. If you are located within one of these States, you are exempt from this requirement.

In States that have not established a process or chosen a program for review, State, area-wide, regional, and local entities may submit comments directly to the Department.

Any State process recommendation and other comments submitted by a State Single Point of Contact and any comments from State, area-wide, regional, and local entities must be received by **June 23, 2009** at the following address:

The Secretary  
EO 12372-CFDA #84.331  
U.S. Department of Education  
400 Maryland Avenue, SW  
Room 7W300  
Washington, DC 20202-0124

Recommendations or comments may be hand-delivered until 4:30 p.m. (Washington, DC Time) on June 23, 2009. Please do not send applications to this address.

### **SECTION III: PERFORMANCE OBJECTIVES AND EVALUATION METHODS**

As noted in SECTION II, item 4, above, the statute at section 821(c)(4) requires that the application describe performance objectives and evaluation methods that the SCEA will use in carrying out its proposal. Performance measures should measure specific and quantifiable student outcomes that are referenced to outcomes for non-program participants with similar demographic characteristics. See section 821(c)(4)(A) of the statute. The SCEA should describe at least two student outcome measures in its State application that are referenced to the outcomes for non-program participants.

We anticipate that the measures selected by the SCEA to meet this requirement will be consistent with the measurement areas included in the statute at section 821(c)(4)(B) and described below. However, the SCEA may, after reviewing the available data within its State, identify other specific and quantified outcome measures that allow for the meaningful comparison of groups. For example, a comparison group might be established to evaluate student outcomes in employment or recidivism. Alternatively, an outcome rate from a carefully selected study might be identified and used as a reference benchmark, or the grantee might be able to identify an appropriate benchmark established and used by the research arm of the State criminal justice agency. The SCEA must describe in its application the outcome measures it will use for comparing student outcomes of program participants with those for non-program participants with similar demographic characteristics, and the methods the SCEA will use to evaluate the effectiveness of its program.

Additionally, section 821(c)(4)(B) of the statute requires the SCEA to include in its application the performance measures that the State will employ (and the evaluation methods that it will use in measuring progress against those measures) in the following areas:

- a. Program completion, including an explicit definition of what constitutes a program completion.
- b. Knowledge and skill attainment, including specification of the instruments that will be used to measure knowledge and skill attainment.
- c. Attainment of employment both prior to and subsequent to release.
- d. Success in employment as indicated by job retention and advancement.
- e. Recidivism, including such sub-indicators as time before subsequent offense and severity of offense.

Further, the SCEA's performance measures must be consistent with data elements and definitions provided by the Secretary for the use of SCEAs. See section 821(c)(4)(B) of the statute. The SCEA must include in its one-year application a description of the performance objectives and evaluation methods that it would use to evaluate the State's progress against the proposed elements and definitions and any additional comments the SCEA may like to make regarding these proposed definitions. The Department will consider the SCEAs' submissions in this area when making final decisions on data elements and definitions.

The Secretary is currently considering the following data elements and definitions:

- Program completion is:

Attainment of a degree or credential by participants, defined as the percentage of participants earning an industry-recognized credential, postsecondary certificate, or postsecondary degree.

- Knowledge and skill attainment is:

For those students in a non-credit occupational program, attainment of an employment-related threshold level of knowledge and skills as measured using technical skill assessment instruments aligned with industry-recognized standards (when available and appropriate.)

For those students enrolled in coursework in preparation for postsecondary education in a credit or non-credit occupational postsecondary education program, attainment of a threshold level of knowledge and skills sufficient for advancement to the postsecondary education program.

Note – the Department is not currently considering providing a data element or definition of knowledge and skill attainment for students enrolled in credit-bearing postsecondary programs. Grantees could at their option provide a measure or measures of knowledge and skill attainment for this population. Possible measures might include courses completed, grades attained in courses completed, credits earned, and performance on skill assessment instruments.

- Attainment of employment is:

Before release from prison, employment within the first full calendar quarter after program completion.

After release from prison, employment within the first full calendar quarter after the quarter of exit from incarceration for those who completed the program.

- Success in employment is:

After release from incarceration, employment persistence over time for program completers, reflected in earnings during each of the first, second, and third full calendar quarters after the quarter of release from incarceration.

After release from incarceration, employment advancement over time as indicated by increases in quarterly earnings through the first three full calendar quarters after the quarter of release from prison.

- Recidivism is:

Post-release criminal justice system involvement (arrest, re-conviction, violation of parole conditions, or return to incarceration) by program completers within one year of release. (Desired direction is downward.)

Survival time prior to new criminal justice system involvement (defined as re-arrest, reconviction, a violation of parole conditions, or a return to incarceration) by program completers within the first year after release. (Desired direction is upward.)

Seriousness of any post-release criminal activity, as indicated by patterns of reduced severity of crime by those released program completers who do recidivate. (Desired direction is upward.)

#### **SECTION IV: SUBMITTING AN APPLICATION**

To receive FY 2009 funds, an SCEA should submit its one-year application soon after receiving an application package. The Department will process each application as it is received. **Applications must be postmarked on or before April 17, 2009 or received in the Office of Vocational and Adult Education by 4:30:00 pm Washington, DC Time on April 17, 2009.** After that time, any funds that have not been requested may be reallocated to SCEAs with approved applications.

SCEAs must submit an application with an ink signature of the authorized official on all forms, certifications, and assurances. No grant may be awarded unless a completed application has been received.

Your application may be submitted by (1) emailing to [john.linton@ed.gov](mailto:john.linton@ed.gov), (2) mailing application to the address listed below, or (3) hand delivered to the address listed below. Be sure to indicate, within the completed application, contact information (i.e. name, address, phone number, email) of a contact person that can answer any questions concerning this application. An electronic copy of this application is available on OVAE's Web site or you may send an e-mail request to John Linton at [john.linton@ed.gov](mailto:john.linton@ed.gov). SCEAs submitting applications electronically must also submit an original application with ink signatures on all forms, certifications, and assurances.

**Applications should be mailed to:**

Mr. John Linton  
Director of Correctional Education  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-7240

**Or hand delivered to:**

Mr. John Linton  
Director of Correctional Education  
Office of Vocational and Adult Education  
U.S. Department of Education  
Potomac Center Plaza, Room 11053  
550 12th Street, SW  
Washington, DC 20202-7240

# GRANTS TO STATES FOR WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED INDIVIDUALS PROGRAM

## Annual Evaluation Report

Each State Correctional Education Agency (SCEA) must submit an annual report to the Secretary of Education, when and as instructed, on the results of the evaluations conducted using data elements and definitions provided by the Secretary for the use of State correctional education programs. The SCEA will report success on the Program's GPRA indicator, and on the attainment of any additional performance objectives included in the approved State plan application. The report will reflect the evaluation methods contained in the proposal as necessary to document the attainment of project performance objectives. The report must account for spending, detailing spending on instructional programs that are postsecondary preparatory education, postsecondary academic programs, and postsecondary career and technical education programs. The evaluation must describe implementation activities including the instructional delivery format for each course offering.

## Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1830-0563. The time required to complete this information collection is estimated to average **20** hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, Washington, D.C. 20202-4651. **If you have comments or concerns regarding the status of your individual submission of this form, write directly to:** Office of Vocational and Adult Education, U.S. Department of Education 400 Maryland Avenue, S.W., PCP Room 11-053, Washington, D.C. 20202.

## NOTICE TO ALL APPLICANTS

The purpose of this enclosure is to inform you about a new provision in the Department of Education's General Education Provisions Act (GEPA) that applies to applicants for new grant awards under Department programs. This provision is Section 427 of GEPA, enacted as part of the Improving America's Schools Act of 1994 (Public Law (P.L.) 103-382).

### To Whom Does This Provision Apply?

Section 427 of GEPA affects applicants for new grant awards under this program. **ALL APPLICANTS FOR NEW AWARDS MUST INCLUDE INFORMATION IN THEIR APPLICATIONS TO ADDRESS THIS NEW PROVISION IN ORDER TO RECEIVE FUNDING UNDER THIS PROGRAM.**

(If this program is a State-formula grant program, a State needs to provide this description only for projects or activities that it carries out with funds reserved for State-level uses. In addition, local school districts or other eligible applicants that apply to the State for funding need to provide this description in their applications to the State for funding. The State would be responsible for ensuring that the school district or other local entity has submitted a sufficient section 427 statement as described below.)

### What Does This Provision Require?

Section 427 requires each applicant for funds (other than an individual person) to include in its application a description of the steps the applicant proposes to take to ensure equitable access to, and participation in, its Federally-assisted program for students, teachers, and other program beneficiaries with special needs. This provision allows applicants discretion in developing the required description. The statute highlights six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, or age. Based on local circumstances, you should determine whether these or other barriers may prevent your students, teachers, etc. from such access or participation in, the Federally-funded project or activity. The description in your application of steps to be taken to overcome these barriers need not be lengthy; you may provide a clear and succinct

description of how you plan to address those barriers that are applicable to your circumstances. In addition, the information may be provided in a single narrative, or, if appropriate, may be discussed in connection with related topics in the application.

Section 427 is not intended to duplicate the requirements of civil rights statutes, but rather to ensure that, in designing their projects, applicants for Federal funds address equity concerns that may affect the ability of certain potential beneficiaries to fully participate in the project and to achieve to high standards. Consistent with program requirements and its approved application, an applicant may use the Federal funds awarded to it to eliminate barriers it identifies.

### What are Examples of How an Applicant Might Satisfy the Requirement of This Provision?

The following examples may help illustrate how an applicant may comply with Section 427.

- (1) An applicant that proposes to carry out an adult literacy project serving, among others, adults with limited English proficiency, might describe in its application how it intends to distribute a brochure about the proposed project to such potential participants in their native language.
- (2) An applicant that proposes to develop instructional materials for classroom use might describe how it will make the materials available on audio tape or in braille for students who are blind.
- (3) An applicant that proposes to carry out a model science program for secondary students and is concerned that girls may be less likely than boys to enroll in the course, might indicate how it intends to conduct "outreach" efforts to girls, to encourage their enrollment.

We recognize that many applicants may already be implementing effective steps to ensure equity of access and participation in their grant programs, and we appreciate your cooperation in responding to the requirements of this provision.

### Estimated Burden Statement for GEPA Requirements

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is **1894-0005**. The time required to complete this information collection is estimated to average 1.5 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202-4537.

## DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

Approved by OMB

0348-0046

(See reverse for public burden disclosure.)

<b>1. Type of Federal Action:</b> <input type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	<b>2. Status of Federal Action:</b> <input type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	<b>3. Report Type:</b> <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change <b>For Material Change Only:</b> year _____ quarter _____ date of last report _____
<b>4. Name and Address of Reporting Entity:</b> <input type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known:  <b>Congressional District, if known:</b>	<b>5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:</b>   <b>Congressional District, if known:</b>	
<b>6. Federal Department/Agency:</b>	<b>7. Federal Program Name/Description:</b>  CFDA Number, if applicable: _____	
<b>8. Federal Action Number, if known:</b>	<b>9. Award Amount, if known:</b> \$ _____	
<b>10. a. Name and Address of Lobbying Registrant</b> <i>(if individual, last name, first name, MI):</i>	<b>b. Individuals Performing Services (including address if different from No. 10a)</b> <i>(last name, first name, MI):</i>	
<b>11.</b> Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.	Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____	
<b>Federal Use Only:</b>		Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)

## INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.  
  
(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

**ASSURANCES - NON-CONSTRUCTION PROGRAMS**

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

**NOTE:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

## CERTIFICATION REGARDING LOBBYING

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Applicants must review the requirements for certification regarding lobbying included in the regulations cited below before completing this form. Applicants must sign this form to comply with the certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying." This certification is a material representation of fact upon which the Department of Education relies when it makes a grant or enters into a cooperative agreement.

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As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a Federal contract, grant or cooperative agreement over \$100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants and contracts under grants and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certification.

NAME OF APPLICANT	PR/AWARD NUMBER AND / OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE



PUBLIC LAW 110-315—AUG. 14, 2008

## HIGHER EDUCATION OPPORTUNITY ACT

**PART B—UNITED STATES INSTITUTE OF  
PEACE ACT**

**SEC. 921. UNITED STATES INSTITUTE OF PEACE ACT.**

(a) **POWERS AND DUTIES.**—Section 1705(b)(3) of the United States Institute of Peace Act (22 U.S.C. 4604(b)(3)) is amended by striking “the Arms Control and Disarmament Agency,”.

(b) **BOARD OF DIRECTORS.**—

(1) **AMENDMENTS.**—Section 1706 of the United States Institute of Peace Act (22 U.S.C. 4605) is amended—

(A) by striking “(b)(5)” each place the term appears and inserting “(b)(4)”; and

(B) in subsection (e), by adding at the end the following:

“(5) The term of a member of the Board shall not commence until the member is confirmed by the Senate and sworn in as a member of the Board.”.

Effective date.

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall take effect as if enacted on June 1, 2007, and shall apply to any member of the Board of Directors of the Institute of Peace confirmed by the Senate and sworn in as a member of the Board of Directors on or after such date.

(c) **FUNDING.**—Section 1710 of the United States Institute of Peace Act (22 U.S.C. 4609) is amended—

(1) in subsection (a)(1), by striking “to be appropriated” and all that follows through the period at the end and inserting “to be appropriated such sums as may be necessary for fiscal years 2009 through 2014.”; and

(2) by adding at the end the following:

“(d) **EXTENSION.**—Any authorization of appropriations made for the purposes of carrying out this title shall be extended in the same manner as applicable programs are extended under section 422 of the General Education Provisions Act.”.

**PART C—THE HIGHER EDUCATION AMENDMENTS OF 1998; THE HIGHER EDUCATION AMENDMENTS OF 1992**

**SEC. 931. REPEALS.**

The following provisions of title VIII of the Higher Education Amendments of 1998 (Public Law 105-244) are repealed:

- (1) Part A.
- (2) Part C (20 U.S.C. 1070 note).
- (3) Part F (20 U.S.C. 1862 note).
- (4) Part J.
- (5) Section 861.
- (6) Section 863.

20 USC 1001  
note, 1015 note,  
1018 note, 1099b  
note.  
42 USC 1862  
note.  
112 Stat. 1825.  
112 Stat. 1826.

**SEC. 932. GRANTS TO STATES FOR WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED INDIVIDUALS.**

Section 821 of the Higher Education Amendments of 1998 (20 U.S.C. 1151) is amended to read as follows:

**“SEC. 821. GRANTS TO STATES FOR WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED INDIVIDUALS.**

“(a) **DEFINITION.**—In this section, the term ‘incarcerated individual’ means a male or female offender who is—

“(1) 35 years of age or younger; and

“(2) incarcerated in a State prison, including a prerelease facility.

“(b) GRANT PROGRAM.—The Secretary of Education (in this section referred to as the ‘Secretary’)—

“(1) shall establish a program in accordance with this section to provide grants to the State correctional education agencies in the States to assist and encourage incarcerated individuals who have obtained a secondary school diploma or its recognized equivalent to acquire educational and job skills through—

“(A) coursework to prepare such individuals to pursue a postsecondary education certificate, an associate’s degree, or bachelor’s degree while in prison;

“(B) the pursuit of a postsecondary education certificate, an associate’s degree, or bachelor’s degree while in prison; and

“(C) employment counseling and other related services, which start during incarceration and end not later than two years after release from incarceration; and

“(2) may establish such performance objectives and reporting requirements for State correctional education agencies receiving grants under this section as the Secretary determines are necessary to assess the effectiveness of the program under this section.

“(c) APPLICATION.—To be eligible for a grant under this section, a State correctional education agency shall submit to the Secretary a proposal for an incarcerated individual program that—

“(1) identifies the scope of the problem, including the number of incarcerated individuals in need of postsecondary education and career and technical training;

“(2) lists the accredited public or private educational institution or institutions that will provide postsecondary educational services;

“(3) lists the cooperating agencies, public and private, or businesses that will provide related services, such as counseling in the areas of career development, substance abuse, health, and parenting skills;

“(4) describes specific performance objectives and evaluation methods (in addition to, and consistent with, any objectives established by the Secretary under subsection (b)(2)) that the State correctional education agency will use in carrying out its proposal, including—

“(A) specific and quantified student outcome measures that are referenced to outcomes for non-program participants with similar demographic characteristics; and

“(B) measures, consistent with the data elements and definitions described in subsection (d)(1)(A), of—

“(i) program completion, including an explicit definition of what constitutes a program completion within the proposal;

“(ii) knowledge and skill attainment, including specification of instruments that will measure knowledge and skill attainment;

“(iii) attainment of employment both prior to and subsequent to release;

“(iv) success in employment indicated by job retention and advancement; and

“(v) recidivism, including such subindicators as time before subsequent offense and severity of offense;”  
 “(5) describes how the proposed program is to be integrated with existing State correctional education programs (such as adult education, graduate education degree programs, and career and technical training) and State industry programs;

“(6) describes how the proposed program will—

“(A) deliver services under this section; and

“(B) utilize technology to deliver such services; and

“(7) describes how incarcerated individuals will be selected so that only those eligible under subsection (e) will be enrolled in postsecondary programs.

Deadline.  
Reports.

“(d) PROGRAM REQUIREMENTS.—Each State correctional education agency receiving a grant under this section shall—

“(1) annually report to the Secretary regarding—

“(A) the results of the evaluations conducted using data elements and definitions provided by the Secretary for the use of State correctional education programs;

“(B) any objectives or requirements established by the Secretary pursuant to subsection (b)(2);

“(C) the additional performance objectives and evaluation methods contained in the proposal described in subsection (c)(4) as necessary to document the attainment of project performance objectives;

“(D) how the funds provided under this section are being allocated among postsecondary preparatory education, postsecondary academic programs, and career and technical education programs; and

“(E) the service delivery methods being used for each course offering; and

“(2) provide for each student eligible under subsection (e) not more than—

“(A) \$3,000 annually for tuition, books, and essential materials; and

“(B) \$300 annually for related services such as career development, substance abuse counseling, parenting skills training, and health education.

“(e) STUDENT ELIGIBILITY.—An incarcerated individual who has obtained a secondary school diploma or its recognized equivalent shall be eligible for participation in a program receiving a grant under this section if such individual—

“(1) is eligible to be released within seven years (including an incarcerated individual who is eligible for parole within such time);

“(2) is 35 years of age or younger; and

“(3) has not been convicted of—

“(A) a ‘criminal offense against a victim who is a minor’ or a ‘sexually violent offense’, as such terms are defined in the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14071 et seq.); or

“(B) murder, as described in section 1111 of title 18, United States Code.

“(f) LENGTH OF PARTICIPATION.—A State correctional education agency receiving a grant under this section shall provide educational

and related services to each participating incarcerated individual for a period not to exceed seven years, not more than two years of which may be devoted to study in a graduate education degree program or to coursework to prepare such individuals to take college level courses. Educational and related services shall start during the period of incarceration in prison or prerelease, and the related services may continue for not more than two years after release from confinement.

“(g) EDUCATION DELIVERY SYSTEMS.—State correctional education agencies and cooperating institutions shall, to the extent practicable, use high-tech applications in developing programs to meet the requirements and goals of this section.

“(h) ALLOCATION OF FUNDS.—From the funds appropriated pursuant to subsection (i) for each fiscal year, the Secretary shall allot to each State an amount that bears the same relationship to such funds as the total number of students eligible under subsection (e) in such State bears to the total number of such students in all States.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2009 through 2014.”

**SEC. 933. UNDERGROUND RAILROAD EDUCATIONAL AND CULTURAL PROGRAM.**

Section 841 of the Higher Education Amendments of 1998 (20 U.S.C. 1153) is amended—

(1) in subsection (a), by inserting “, including the lessons to be drawn from such history” after “Railroad”;

(2) in subsection (b)—

(A) by striking paragraphs (1) and (2) and inserting the following:

“(1) to establish a facility to—

“(A) house, display, interpret, and communicate information regarding the artifacts and other materials related to the history of the Underground Railroad, including the lessons to be drawn from such history;

“(B) maintain such artifacts and materials; and

“(C) make the efforts described in subparagraph (A) available, including through electronic means, to elementary and secondary schools, institutions of higher education, and the general public;

“(2) to demonstrate substantial public and private support for the operation of the facility through the implementation of a public-private partnership between one or more State or local public entities and one or more private entities, which public-private partnership shall provide matching funds from non-federal sources for the support of the facility in an amount equal to or greater than four times the amount of the grant awarded under this section;”;

(B) in paragraph (4)—

(i) by inserting “and maintain” after “establish”;

and

(ii) by inserting “including the lessons to be drawn from the history of the Underground Railroad,” after “States.”; and

(C) in paragraph (5)—