

fiscal year, including the minimum allotment under subsection (d), if the part B institution, in the academic year preceding such fiscal year—

(A) did not have any enrolled students who were Pell Grant recipients;

(B) did not graduate any students; or

(C) where appropriate, did not have any students who, within 5 years of graduation from the part B institution, were admitted to and in attendance at a graduate or professional school in a degree program in disciplines in which Blacks are underrepresented.

## (2) Data requirements for allotments

Notwithstanding any other provision of this section, a part B institution shall not receive an allotment under this part for a fiscal year, including the minimum allotment under subsection (d), unless the institution provides the Secretary with the data required by the Secretary and for purposes of the formula described in subsections (a) through (c), including—

(A) the number of Pell Grant recipients enrolled in the part B institution in the academic year preceding such fiscal year;

(B) the number of students who earned an associate or baccalaureate degree from the part B institution in the academic year preceding such fiscal year; and

(C) where appropriate, the percentage of students who, within 5 years of graduation from the part B institution, were admitted to and in attendance at a graduate or professional school in a degree program in disciplines in which Blacks are underrepresented in the academic year preceding such fiscal year.

(Pub. L. 89-329, title III, § 324, as added Pub. L. 99-498, title III, § 301(a), Oct. 17, 1986, 100 Stat. 1296; amended Pub. L. 99-509, title VII, § 7007, Oct. 21, 1986, 100 Stat. 1950; Pub. L. 102-325, title III, § 303(c), (d), July 23, 1992, 106 Stat. 475; Pub. L. 105-33, title XI, § 11717(b), Aug. 5, 1997, 111 Stat. 786; Pub. L. 110-315, title III, § 310, Aug. 14, 2008, 122 Stat. 3177; Pub. L. 111-39, title III, § 301(4), July 1, 2009, 123 Stat. 1937.)

## Editorial Notes

### REFERENCES IN TEXT

The Act of March 2, 1867, referred to in subsec. (g), is act Mar. 2, 1867, ch. 162, 14 Stat. 438. Provisions relating to authorization of appropriations are contained in section 8 of the Act, which is classified to section 123 of this title. For complete classification of this Act to the Code, see Tables.

The District of Columbia Home Rule Act, referred to in subsec. (g), is Pub. L. 93-198, Dec. 24, 1973, 87 Stat. 774. For classification of this Act to the Code, see Tables.

### PRIOR PROVISIONS

A prior section 1063, Pub. L. 89-329, title III, § 324, as added Pub. L. 96-374, title III, § 301, Oct. 3, 1980, 94 Stat. 1395, related to Federal share of grants to institutions with special needs, prior to the general revision of this subchapter by Pub. L. 99-498.

Another prior section 1063, Pub. L. 89-329, title IV, § 403, Nov. 8, 1965, 79 Stat. 1233, related to duration of grant and eligibility for payments, prior to the general

revision of part A of subchapter IV of this chapter by Pub. L. 92-318, title I, § 131(b)(1), June 23, 1972, 86 Stat. 247.

### AMENDMENTS

2009—Subsec. (d). Pub. L. 111-39 designated existing provisions as par. (1), redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, of par. (1), and added par. (2).

2008—Subsec. (d). Pub. L. 110-315, § 310(a), amended subsec. (d) generally. Prior to amendment, text read as follows:

“(1) Notwithstanding subsections (a), (b), and (c) of this section, the amount allotted to each part B institution under this section shall not be less than \$500,000.

“(2) If the amount appropriated pursuant to section 1069f(a)(2)(A) of this title for any fiscal year is not sufficient to pay the minimum allotment required by paragraph (1) of this subsection to all part B institutions, the amount of such minimum allotments shall be ratably reduced. If additional sums become available for such fiscal year, such reduced allocation shall be increased on the same basis as they were reduced (until the amount allotted equals the minimum allotment required by paragraph (1)).”

Subsec. (h). Pub. L. 110-315, § 310(b), added subsec. (h).

1997—Subsec. (g). Pub. L. 105-33 substituted “District of Columbia Home Rule Act” for “District of Columbia Self-Government and Governmental Reorganization Act”.

1992—Subsec. (c). Pub. L. 102-325, § 303(c), inserted “, within 5 years of graduation with a baccalaureate degree,” after “in attendance at”.

Subsec. (d)(1). Pub. L. 102-325, § 303(d), substituted “\$500,000” for “\$350,000”.

1986—Subsec. (c). Pub. L. 99-509, § 7007(4), amended subsec. generally, substituting “percentage of graduates per institution” for “number of graduates” and “percentage of such graduates per institution” for “number of such graduates”.

Subsec. (d). Pub. L. 99-509, § 7007(1), (2), added subsec. (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 99-509, § 7007(1), (3), redesignated former subsec. (d) as (e), and substituted “subsection (a), (b), (c), or (d)” for “subsection (a), (b), or (c)”. Former subsec. (e) redesignated (f).

Subsecs. (f), (g). Pub. L. 99-509, § 7007(1), redesignated subsecs. (e) and (f) as (f) and (g), respectively.

## Statutory Notes and Related Subsidiaries

### EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

### EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105-33 effective Oct. 1, 1997, except as otherwise provided in title XI of Pub. L. 105-33, see section 11721 of Pub. L. 105-33, set out as a note under section 4246 of Title 18, Crimes and Criminal Procedure.

### EFFECTIVE DATE OF 1992 AMENDMENT

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

## § 1063a. Applications

### (a) Contents

No part B institution shall be entitled to its allotment of Federal funds for any grant under section 1063 of this title for any period unless that institution meets the requirements of subparagraphs (C), (D), and (E)<sup>1</sup> of section 1058(b)(1)

<sup>1</sup> See References in Text note below.

of this title and submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require. Each such application shall—

(1) provide that the payments under this chapter will be used for the purposes set forth in section 1062 of this title; and

(2) provide for making an annual report to the Secretary and provide for—

(A) conducting, except as provided in subparagraph (B), a financial and compliance audit of an eligible institution, with regard to any funds obtained by it under this subchapter at least once every 2 years and covering the period since the most recent audit, conducted by a qualified, independent organization or person in accordance with standards established by the Comptroller General for the audit of governmental organizations, programs, and functions, and as prescribed in regulations of the Secretary, the results of which shall be submitted to the Secretary; or

(B) with regard to an eligible institution which is audited under chapter 75 of title 31 deeming such audit to satisfy the requirements of subparagraph (A) for the period covered by such audit.

#### (b) Approval

The Secretary shall approve any application which meets the requirements of subsection (a) and shall not disapprove any application submitted under this part, or any modification thereof, without first affording such institution reasonable notice and opportunity for a hearing.

#### (c) Goals for financial management and academic programs

Any application for a grant under this part shall describe measurable goals for the institution's financial management and academic programs and include a plan of how the applicant intends to achieve those goals.

(Pub. L. 89-329, title III, § 325, as added Pub. L. 99-498, title III, § 301(a), Oct. 17, 1986, 100 Stat. 1296; amended Pub. L. 100-50, § 2(a)(8), June 3, 1987, 101 Stat. 335; Pub. L. 102-325, title III, § 303(e), July 23, 1992, 106 Stat. 475.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 1058(b)(1)(E) of this title, referred to in subsec. (a), was repealed and section 1058(b)(1)(F) was redesignated section 1058(b)(1)(E) by Pub. L. 102-325, title III, § 302(a)(1)(B), (C), July 23, 1992, 106 Stat. 472.

##### AMENDMENTS

1992—Subsec. (c). Pub. L. 102-325 added subsec. (c).

1987—Subsec. (a)(1). Pub. L. 100-50 substituted “section 1062 of this title” for “section 1061 of this title”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1992 AMENDMENT

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

##### EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-50 effective as if enacted as part of the Higher Education Amendments of 1986,

Pub. L. 99-498, see section 27 of Pub. L. 100-50, set out as a note under section 1001 of this title.

#### § 1063b. Professional or graduate institutions

##### (a) General authorization

(1) Subject to the availability of funds appropriated to carry out this section, the Secretary shall award program grants to each of the postgraduate institutions listed in subsection (e) that is determined by the Secretary to be making a substantial contribution to the legal, medical, dental, veterinary, or other graduate education opportunities in mathematics, engineering, or the physical or natural sciences for Black Americans.

(2) No grant in excess of \$1,000,000 may be made under this section unless the postgraduate institution provides assurances that 50 percent of the cost of the purposes for which the grant is made will be paid from non-Federal sources, except that no institution shall be required to match any portion of the first \$1,000,000 of the institution's award from the Secretary. After funds are made available to each eligible institution under the funding rules described in subsection (f), the Secretary shall distribute, on a pro rata basis, any amounts which were not so made available (by reason of the failure of an institution to comply with the matching requirements of this paragraph) among the institutions that have complied with such matching requirement.

##### (b) Duration

Grants shall be made for a period not to exceed 5 years. Any funds awarded for such five-year grant period that are obligated during such five-year period may be expended during the 10-year period beginning on the first day of such five-year period.

##### (c) Uses of funds

A grant under this section may be used for—

(1) purchase, rental or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes;

(2) construction, maintenance, renovation, and improvement in classroom, library, laboratory, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services;

(3) purchase of library books, periodicals, technical and other scientific journals, microfilm, microfiche, and other educational materials, including telecommunications program materials;

(4) scholarships, fellowships, and other financial assistance for needy graduate and professional students to permit the enrollment of the students in and completion of the doctoral degree in medicine, dentistry, pharmacy, veterinary medicine, law, and the doctorate degree in the physical or natural sciences, engineering, mathematics, or other scientific disciplines in which African Americans are underrepresented;

(5) establishing or improving a development office to strengthen and increase contributions from alumni and the private sector;

(6) assisting in the establishment or maintenance of an institutional endowment to facili-