

Subsec. (c)(5), (6). Pub. L. 110-315, § 704(c)(3), (4), added pars. (5) and (6) and struck out former par. (5) which read as follows: “to motivate and prepare such students with respect to law school studies and practice in low-income communities.”

Subsec. (d). Pub. L. 110-315, § 704(d)(1), which directed insertion of “pre-college programs, undergraduate” before “pre-law”, was executed by making insertion before “prelaw” in introductory provisions, to reflect the probable intent of Congress.

Subsec. (d)(1)(B). Pub. L. 110-315, § 704(d)(2)(A), inserted “law school” before “graduation”.

Subsec. (d)(1)(D). Pub. L. 110-315, § 704(d)(2)(B), added subpar. (D) and struck out former subpar. (D) which read as follows: “undergraduate preparatory courses and curriculum selection;”.

Subsec. (d)(2) to (7). Pub. L. 110-315, § 704(d)(3)–(5), added par. (2), redesignated former pars. (2) to (6) as (3) to (7), respectively, and in par. (7), inserted “and Associates” after “Thurgood Marshall Fellows”.

Subsec. (e)(1). Pub. L. 110-315, § 704(e), inserted “, including before and during undergraduate study” before semicolon at end.

Subsec. (f). Pub. L. 110-315, § 704(f), inserted “national and State bar associations,” after “private agencies and organizations,” and substituted “organizations, and associations” for “and organizations”.

Subsec. (g). Pub. L. 110-315, § 704(g), amended subsec. (g) generally. Prior to amendment, text read as follows: “The Secretary shall annually establish the maximum stipend to be paid (including allowances for participant travel and for the travel of the dependents of the participant) to Thurgood Marshall Fellows for the period of participation in summer institutes and midyear seminars. A Fellow may be eligible for such a stipend only if the Thurgood Marshall Fellow maintains satisfactory academic progress toward the Juris Doctor or Bachelor of Laws degree, as determined by the respective institutions.”

Subsec. (h). Pub. L. 110-315, § 704(h), substituted “fiscal year 2009 and each of the five succeeding fiscal years” for “fiscal year 1999 and each of the 4 succeeding fiscal years”.

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.

SUBPART 4—MASTERS DEGREE PROGRAMS AT HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND PREDOMINANTLY BLACK INSTITUTIONS

Editorial Notes

PRIOR PROVISIONS

A prior subpart 4 consisting of section 1137 was redesignated subpart 5 by Pub. L. 110-315, title VII, § 706(a)(1), Aug. 14, 2008, 122 Stat. 3349.

§ 1136a. Masters degree programs at historically Black colleges and universities

(a) Grant program authorized

(1) In general

Subject to the availability of funds appropriated to carry out this section, the Secretary shall award program grants to each of the institutions listed in subsection (b)(1) that is determined by the Secretary to be making a substantial contribution to graduate education opportunities at the masters level in mathematics, engineering, the physical or natural sciences, computer science, informa-

tion technology, nursing, allied health, or other scientific disciplines for Black Americans.

(2) Assurance of non-Federal matching funds

No grant in excess of \$1,000,000 may be made under this section unless the 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.

(3) Minimum award

Subject to subsections (f) and (g), the amount awarded to each eligible institution listed in subsection (b)(1) for a fiscal year shall be not less than \$500,000.

(4) Duration of grants

A grant awarded under this section shall be for a period of not more than six years, but may be periodically renewed for a period to be determined by the Secretary.

(b) Institutional eligibility

(1) In general

Institutions eligible for grants under subsection (a) are the following:

- (A) Albany State University.
- (B) Alcorn State University.
- (C) Claflin University.
- (D) Coppin State University.
- (E) Elizabeth City State University.
- (F) Fayetteville State University.
- (G) Fisk University.
- (H) Fort Valley State University.
- (I) Grambling State University.
- (J) Kentucky State University.
- (K) Mississippi Valley State University.
- (L) Savannah State University.
- (M) South Carolina State University.
- (N) University of Arkansas, Pine Bluff.
- (O) Virginia State University.
- (P) West Virginia State University.
- (Q) Wilberforce University.
- (R) Winston-Salem State University.

(2) Qualified masters degree program

(A) In general

For the purposes of this section, the term “qualified masters degree program” means a masters degree program that provides a program of instruction in mathematics, engineering, the physical or natural sciences, computer science, information technology, nursing, allied health, or other scientific disciplines in which African Americans are underrepresented and has students enrolled in such program of instruction at the time of application for a grant under this section.

(B) Enrollment exception

Notwithstanding the enrollment requirement contained in subparagraph (A), an in-

stitution may use an amount equal to not more than 10 percent of the institution's grant under this section for the development of a new qualified masters degree program.

(3) Institutional choice

The president or chancellor of the institution may decide which graduate school or qualified masters degree program will receive funds under the grant in any one fiscal year, if the allocation of funds among the schools or programs is delineated in the application for funds submitted to the Secretary under this section.

(4) One grant per institution

The Secretary shall not award more than one grant under this section in any fiscal year to any institution of higher education.

(c) Application

An eligible institution listed in subsection (b)(1) desiring a grant under this section shall submit an application at such time, in such manner, and containing such information as the Secretary may require. The application shall—

(1) demonstrate how the grant funds under this section will be used to improve graduate educational opportunities for Black and low-income students, and lead to greater financial independence; and

(2) provide, in the case of applications for grants in excess of \$1,000,000, the assurances required under subsection (a)(2) and specify the manner in which the eligible institution is going to pay the non-Federal share of the cost of the application.

(d) 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 students to permit the enrollment of the students in, and completion of, a masters degree in mathematics, engineering, the physical or natural sciences, computer science, information technology, nursing, allied health, 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 facilitate financial independence pursuant to section 1065 of this title;

(7) funds and administrative management, and the acquisition of equipment, including

software, for use in strengthening funds management and management information systems;

(8) acquisition of real property that is adjacent to the campus in connection with the construction, renovation, or improvement of, or an addition to, campus facilities;

(9) education or financial information designed to improve the financial literacy and economic literacy of students or the students' families, especially with regard to student indebtedness and student assistance programs under subchapter IV;

(10) tutoring, counseling, and student service programs designed to improve academic success;

(11) faculty professional development, faculty exchanges, and faculty participation in professional conferences and meetings; and

(12) other activities proposed in the application submitted under subsection (c) that—

(A) contribute to carrying out the purposes of this section; and

(B) are approved by the Secretary as part of the review and acceptance of such application.

(e) Interaction with other grant programs

No institution that is eligible for and receives an award under section 1063b, 1102a, or 1136b of this title for a fiscal year shall be eligible to apply for a grant, or receive grant funds, under this section for the same fiscal year.

(f) Funding rule

Subject to subsection (g), of the amount appropriated to carry out this section for any fiscal year—

(1) the first \$9,000,000 (or any lesser amount appropriated) shall be available only for the purposes of making minimum grants under subsection (a)(3) to eligible institutions listed in subparagraphs (A) through (R) of subsection (b)(1), except that if the amount appropriated is not sufficient to pay the minimum grant awards to all such eligible institutions, the amount of the minimum award to each such eligible institution shall be ratably reduced;

(2) after the application of paragraph (1), an amount shall be available for the purpose of making minimum grants under subsection (a)(3) to eligible institutions listed in subsection (b)(1) that do not receive a grant under paragraph (1), if any, except that if the amount appropriated is not sufficient to pay the minimum grant awards to all such eligible institutions, the amount of the minimum award to each such eligible institution shall be ratably reduced; and

(3) any amount in excess of \$9,000,000 shall be made available to each of the eligible institutions identified in subparagraphs (A) through (R) of subsection (b)(1), pursuant to a formula developed by the Secretary that uses the following elements:

(A) The ability of the institution to match Federal funds with non-Federal funds.

(B) The number of students enrolled in the qualified masters degree program at the eligible institution in the previous academic year.

(C) The average cost of attendance per student, for all full-time students enrolled in

the qualified masters degree program at such institution.

(D) The number of students in the previous year who received a degree in the qualified masters degree program at such institution.

(E) The contribution, on a percent basis, of the programs for which the institution is eligible to receive funds under this section to the total number of African Americans receiving masters degrees in the disciplines related to the programs for the previous year.

(g) Hold harmless rule

Notwithstanding paragraphs (2) and (3) of subsection (f), no eligible institution identified in subsection (b)(1) that receives a grant under this section for fiscal year 2009 and that is eligible to receive a grant for a subsequent fiscal year shall receive a grant amount for any such subsequent fiscal year that is less than the grant amount received for fiscal year 2009, unless—

(1) the amount appropriated is not sufficient to provide such grant amounts to all such institutions and programs that received grants under this section for such fiscal year and that are eligible to receive a grant in such subsequent fiscal year; or

(2) the institution cannot provide sufficient matching funds to meet the requirements of this section.

(Pub. L. 89-329, title VII, §723, as added Pub. L. 110-315, title VII, §706(b), Aug. 14, 2008, 122 Stat. 3349; amended Pub. L. 111-39, title VII, §701(2), July 1, 2009, 123 Stat. 1954.)

Editorial Notes

PRIOR PROVISIONS

A prior section 1136a, Pub. L. 89-329, title XI, §1102, as added Pub. L. 102-325, title XI, §1101, July 23, 1992, 106 Stat. 785, stated purpose of and authorized program for urban community service assistance, prior to repeal by Pub. L. 105-244, §3, title VII, §702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998.

Another prior section 1136a, Pub. L. 89-329, title XI, §1102, as added Pub. L. 99-498, title XI, §1101, Oct. 17, 1986, 100 Stat. 1568, related to use of economic development funds, prior to the general amendment of subchapter XI of this chapter by Pub. L. 102-325.

Another prior section 1136a, Pub. L. 89-329, title XI, §1102, as added Pub. L. 96-374, title XI, §1101, Oct. 3, 1980, 94 Stat. 1491, authorized appropriations for fiscal years 1981 to 1985 for urban grant university program, prior to the general amendment of subchapter XI of this chapter by Pub. L. 99-498.

Another prior section 1136a, Pub. L. 89-329, title XI, §1102, as added Pub. L. 90-575, title II, §281, Oct. 16, 1968, 82 Stat. 1048; amended Pub. L. 92-318, title I, §191(a), June 23, 1972, 86 Stat. 323, related to required applications for participation in law school clinical experiences program, prior to the general amendment of subchapter XI of this chapter by Pub. L. 96-374.

A prior section 723 of Pub. L. 89-329 was renumbered section 343, and is classified to section 1066b of this title.

AMENDMENTS

2009—Subsec. (b)(1)(P). Pub. L. 111-39 substituted “State” for “Sate”.

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.

§ 1136b. Masters degree programs at predominantly Black institutions

(a) Grant program authorized

(1) In general

Subject to the availability of funds appropriated to carry out this section, the Secretary shall award program grants to each of the institutions listed in subsection (b)(1) that is determined by the Secretary to be making a substantial contribution to graduate education opportunities at the masters level in mathematics, engineering, the physical or natural sciences, computer science, information technology, nursing, allied health, or other scientific disciplines for Black Americans.

(2) Assurance of non-Federal matching funds

No grant in excess of \$1,000,000 may be made under this section unless the 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.

(3) Minimum award

Subject to subsections (f) and (g), the amount awarded to each eligible institution listed in subsection (b)(1) for a fiscal year shall be not less than \$500,000.

(4) Duration of grants

A grant awarded under this section shall be for a period of not more than six years, but may be periodically renewed for a period to be determined by the Secretary.

(b) Institutional eligibility

(1) In general

Institutions eligible for grants under subsection (a) are the following:

- (A) Chicago State University.
- (B) Columbia Union College.
- (C) Long Island University, Brooklyn campus.
- (D) Robert Morris College.
- (E) York College, The City University of New York.

(2) Qualified masters degree program

(A) In general

For the purposes of this section, the term “qualified masters degree program” means a masters degree program that provides a program of instruction in mathematics, engineering, the physical or natural sciences, computer science, information technology,