

under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42 in the second fiscal year preceding the fiscal year for which the determination is made (other than loans for which an interest subsidy is paid pursuant to section 1078 of this title); or

(2) a substantial percentage of the students so enrolled are receiving Federal Pell Grants in the second fiscal year preceding the fiscal year for which the determination is made, compared to the percentage of students receiving Federal Pell Grants at all such institutions in the second fiscal year preceding the fiscal year for which the determination is made, unless the requirement of this paragraph is waived under section 1103a(a) of this title.

(Pub. L. 89-329, title V, §502, as added Pub. L. 105-244, title V, §501, Oct. 7, 1998, 112 Stat. 1766; amended Pub. L. 108-375, div. A, title X, §1087, Oct. 28, 2004, 118 Stat. 2066; Pub. L. 109-292, §4(a), Sept. 30, 2006, 120 Stat. 1341; Pub. L. 110-315, title V, §502(b)(1), Aug. 14, 2008, 122 Stat. 3333; Pub. L. 111-39, title V, §501, July 1, 2009, 123 Stat. 1953.)

PRIOR PROVISIONS

A prior section 1101a, Pub. L. 89-329, title V, §502, as added Pub. L. 99-498, title V, §501(a), Oct. 17, 1986, 100 Stat. 1496, authorized appropriations for this subchapter, prior to the general amendment of this subchapter by Pub. L. 102-325.

A prior section 502 of Pub. L. 89-329 was classified to section 1102a of this title, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 502 of Pub. L. 89-329 was classified to section 1091a of this title, prior to repeal by Pub. L. 94-482.

AMENDMENTS

2009—Subsec. (b)(2). Pub. L. 111-39 substituted “for which the determination is made, compared to” for “for which determination is made, compared to”.

2008—Subsecs. (a)(2)(A)(ii), (b)(2). Pub. L. 110-315 made technical amendment to reference in original act which appears in text as reference to section 1103a of this title.

2006—Subsec. (a)(5). Pub. L. 109-292, §4(a)(1), inserted “and” at end of subpar. (A), in subpar. (B), struck out “at the time of application,” before “has an enrollment”, substituted “at the end of the award year immediately preceding the date of application.” for “; and”, and struck out subpar. (C) which read as follows: “provides assurances that not less than 50 percent of the institution’s Hispanic students are low-income individuals, which assurances—

“(i) may employ statistical extrapolation using appropriate data from the Bureau of the Census or other appropriate Federal or State sources; and

“(ii) the Secretary shall consider as meeting the requirements of this subparagraph, unless the Secretary determines, based on a preponderance of the evidence, that the assurances do not meet the requirements.”

Subsec. (a)(7). Pub. L. 109-292, §4(a)(2), struck out par. (7) which defined “low-income individual”.

2004—Subsec. (a)(5)(C). Pub. L. 108-375 inserted “, which assurances—” and cls. (i) and (ii) before period at end.

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.

§ 1101b. Authorized activities

(a) Types of activities authorized

Grants awarded under this subchapter shall be used by Hispanic-serving institutions of higher education to assist the institutions to plan, develop, undertake, and carry out programs to improve and expand the institutions’ capacity to serve Hispanic students and other low-income students.

(b) Authorized activities

Grants awarded under this section shall be used for one or more of the following activities:

(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 classrooms, libraries, laboratories, and other instructional facilities.

(3) Support of faculty exchanges, faculty development, curriculum development, academic instruction, and faculty fellowships to assist in attaining advanced degrees in the fellow’s field of instruction.

(4) Purchase of library books, periodicals, and other educational materials, including telecommunications program material.

(5) Tutoring, counseling, and student service programs designed to improve academic success, including innovative and customized instruction courses (which may include remedial education and English language instruction) designed to help retain students and move the students rapidly into core courses and through program completion.

(6) Articulation agreements and student support programs designed to facilitate the transfer from two-year to four-year institutions.

(7) Funds management, administrative management, and acquisition of equipment for use in strengthening funds management.

(8) Joint use of facilities, such as laboratories and libraries.

(9) Establishing or improving a development office to strengthen or improve contributions from alumni and the private sector.

(10) Establishing or improving an endowment fund.

(11) Creating or improving facilities for Internet or other distance education technologies, including purchase or rental of telecommunications technology equipment or services.

(12) Establishing or enhancing a program of teacher education designed to qualify students to teach in public elementary schools and secondary schools.

(13) Establishing community outreach programs that will encourage elementary school and secondary school students to develop the academic skills and the interest to pursue postsecondary education.

(14) Expanding the number of Hispanic and other underrepresented graduate and professional students that can be served by the institution by expanding courses and institutional resources.

(15) Providing education, counseling services, or financial information designed to im-

prove 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 of this chapter and part C of subchapter I of chapter 34 of title 42.

(16) Other activities proposed in the application submitted pursuant to section 1101c of this title that—

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

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

(c) Endowment fund limitations

(1) Portion of grant

A Hispanic-serving institution may not use more than 20 percent of the grant funds provided under this subchapter for any fiscal year for establishing or improving an endowment fund.

(2) Matching required

A Hispanic-serving institution that uses any portion of the grant funds provided under this subchapter for any fiscal year for establishing or improving an endowment fund shall provide from non-Federal funds an amount equal to or greater than the portion.

(3) Comparability

The provisions of part C of subchapter III of this chapter regarding the establishment or increase of an endowment fund, that the Secretary determines are not inconsistent with this subsection, shall apply to funds used under paragraph (1).

(Pub. L. 89-329, title V, §503, as added Pub. L. 105-244, title V, §501, Oct. 7, 1998, 112 Stat. 1768; amended Pub. L. 110-315, title V, §501, Aug. 14, 2008, 122 Stat. 3331.)

PRIOR PROVISIONS

A prior section 503 of Pub. L. 89-329 was classified to section 1102b of this title prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 503 of Pub. L. 89-329 was classified to section 1091b of this title prior to repeal by Pub. L. 94-482.

AMENDMENTS

2008—Subsec. (b)(5). Pub. L. 110-315, §501(2), inserted “, including innovative and customized instruction courses (which may include remedial education and English language instruction) designed to help retain students and move the students rapidly into core courses and through program completion” before period at end.

Subsec. (b)(6) to (16). Pub. L. 110-315, §501(1), (3)–(5), added pars. (6) and (15), redesignated former pars. (6), (7), (8), (9), (10), (11), (12), (13), and (14) as pars. (7), (8), (9), (10), (11), (12), (13), (14), and (16), respectively, and in par. (11), substituted “distance education technologies” for “distance learning academic instruction capabilities”.

§ 1101c. Duration of grant

(a) Award period

The Secretary may award a grant to a Hispanic-serving institution under this subchapter for 5 years.

(b) Planning grants

Notwithstanding subsection (a) of this section, the Secretary may award a grant to a Hispanic-

serving institution under this subchapter for a period of 1 year for the purpose of preparation of plans and applications for a grant under this subchapter.

(Pub. L. 89-329, title V, §504, as added Pub. L. 105-244, title V, §501, Oct. 7, 1998, 112 Stat. 1769; amended Pub. L. 109-292, §4(b), Sept. 30, 2006, 120 Stat. 1341.)

PRIOR PROVISIONS

A prior section 504 of Pub. L. 89-329 was classified to section 1102c of this title prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 504 of Pub. L. 89-329 was classified to section 1091c of this title prior to repeal by Pub. L. 94-482.

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-292 reenacted heading without change and amended text generally. Prior to amendment, text read as follows:

“(1) IN GENERAL.—The Secretary may award a grant to a Hispanic-serving institution under this subchapter for 5 years.

“(2) WAITOUT PERIOD.—A Hispanic-serving institution shall not be eligible to secure a subsequent 5-year grant award under this subchapter until 2 years have elapsed since the expiration of the institution’s most recent 5-year grant award under this subchapter, except that for the purpose of this subsection a grant under section 1103c(a) of this title shall not be considered a grant under this subchapter.”

§ 1101d. Special rule

No Hispanic-serving institution that is eligible for and receives funds under this subchapter may receive funds under part A or B of subchapter III of this chapter during the period for which funds under this subchapter are awarded.

(Pub. L. 89-329, title V, §505, as added Pub. L. 105-244, title V, §501, Oct. 7, 1998, 112 Stat. 1770.)

PRIOR PROVISIONS

A prior section 505 of Pub. L. 89-329 was classified to section 1102d of this title prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 505 of Pub. L. 89-329 was classified to section 1091d of this title prior to repeal by Pub. L. 94-482.

PART B—PROMOTING POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS

PRIOR PROVISIONS

A prior part B consisting of sections 1103 to 1103g was redesignated part C by Pub. L. 110-315, title V, §502(a)(1), Aug. 14, 2008, 122 Stat. 3331.

Another prior part B consisted of sections 1103 to 1103g and related to National Teacher Academies prior to the general amendment of this subchapter by Pub. L. 105-244.

§ 1102. Purposes

The purposes of this part are—

(1) to expand postbaccalaureate educational opportunities for, and improve the academic attainment of, Hispanic students; and

(2) to expand the postbaccalaureate academic offerings and enhance the program quality in the institutions of higher education that are educating the majority of Hispanic college students and helping large numbers of Hispanic and low-income students complete post-secondary degrees.