

ally recognized accrediting agency or association determined by the Secretary to be a reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation,<sup>1</sup> except that any branch campus of a southern institution of higher education that prior to September 30, 1986, received a grant as an institution with special needs under section 1060 of this title and was formally recognized by the National Center for Education Statistics as a Historically Black College or University but was determined not to be a part B institution on or after October 17, 1986, shall, from July 18, 1988, be considered a part B institution.

(3) The term “Pell Grant recipient” means a recipient of financial aid under subpart 1 of part A of subchapter IV of this chapter.

(4) The term “professional and academic areas in which Blacks are underrepresented” shall be determined by the Secretary, in consultation with the Commissioner for Education Statistics and the Commissioner of the Bureau of Labor Statistics, on the basis of the most recent available satisfactory data, as professional and academic areas in which the percentage of Black Americans who have been educated, trained, and employed is less than the percentage of Blacks in the general population.

(5) The term “school year” means the period of 12 months beginning July 1 of any calendar year and ending June 30 of the following calendar year.

(Pub. L. 89-329, title III, §322, as added Pub. L. 99-498, title III, §301(a), Oct. 17, 1986, 100 Stat. 1294; amended Pub. L. 100-369, §10(c), July 18, 1988, 102 Stat. 838; Pub. L. 110-315, title III, §308, Aug. 14, 2008, 122 Stat. 3177.)

#### PRIOR PROVISIONS

A prior section 1061, Pub. L. 89-329, title III, §322, as added Pub. L. 96-374, title III, §301, Oct. 3, 1980, 94 Stat. 1393, defined terms used in this part, prior to the general revision of this subchapter by Pub. L. 99-498.

Another prior section 1061, Pub. L. 89-329, title IV, §401, Nov. 8, 1965, 79 Stat. 1232; Pub. L. 90-575, title I, §101(a), (b)(1), Oct. 16, 1968, 82 Stat. 1017; Pub. L. 91-95, §4, Oct. 22, 1969, 83 Stat. 143; Pub. L. 92-318, title I, §131(a)(1)(A), June 23, 1972, 86 Stat. 247, related to statement of purpose and authorization of appropriations for educational opportunity grants, 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

2008—Par. (4). Pub. L. 110-315 inserted “, in consultation with the Commissioner for Education Statistics” before “and the Commissioner”.

1988—Par. (2). Pub. L. 100-369 inserted “, except that any branch campus of a southern institution of higher education that prior to September 30, 1986, received a grant as an institution with special needs under section 1060 of this title and was formally recognized by the National Center for Education Statistics as a Historically Black College or University but was determined not to be a part B institution on or after October 17, 1986, shall, from July 18, 1988, be considered a part B institution” after “accreditation”.

<sup>1</sup> So in original.

## § 1062. Grants to institutions

### (a) General authorization; uses of funds

From amounts available under section 1068h(a)(2) of this title for any fiscal year, the Secretary shall make grants (under section 1063 of this title) to institutions which have applications approved by the Secretary (under section 1063a of this title) for any of the following uses:

(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) Support of faculty exchanges, and faculty development and faculty fellowships to assist in attaining advanced degrees in their field of instruction.

(4) Academic instruction in disciplines in which Black Americans are underrepresented.

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

(6) Tutoring, counseling, and student service programs designed to improve academic success.

(7) Funds and 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 enhancing a program of teacher education designed to qualify students to teach in a public elementary or secondary school in the State that shall include, as part of such program, preparation for teacher certification.

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

(12) Acquisition of real property in connection with the construction, renovation, or addition to or improvement of campus facilities.

(13) 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 of this chapter and part C of subchapter I of chapter 34 of title 42.

(14) Services necessary for the implementation of projects or activities that are described in the grant application and that are approved, in advance, by the Secretary, except that not more than two percent of the grant amount may be used for this purpose.

(15) Other activities proposed in the application submitted pursuant to section 1063a of this title that—

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

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

**(b) Endowment fund**

**(1) In general**

An institution may use not more than 20 percent of the grant funds provided under this part to establish or increase an endowment fund at the institution.

**(2) Matching requirement**

In order to be eligible to use grant funds in accordance with paragraph (1), the eligible institution shall provide matching funds from non-Federal sources, in an amount equal to or greater than the Federal funds used in accordance with paragraph (1), for the establishment or increase of the endowment fund.

**(3) Comparability**

The provisions of part C of this subchapter 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).

**(c) Limitations**

(1) No grant may be made under this chapter and part C of subchapter I of chapter 34 of title 42 for any educational program, activity, or service related to sectarian instruction or religious worship, or provided by a school or department of divinity. For the purpose of this subsection, the term "school or department of divinity" means an institution whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation, or to prepare them to teach theological subjects.

(2) Not more than 50 percent of the allotment of any institution may be available for the purpose of constructing or maintaining a classroom, library, laboratory, or other instructional facility.

(Pub. L. 89-329, title III, §323, as added Pub. L. 99-498, title III, §301(a), Oct. 17, 1986, 100 Stat. 1295; amended Pub. L. 100-50, §2(a)(7), June 3, 1987, 101 Stat. 335; Pub. L. 100-369, §10(b), July 18, 1988, 102 Stat. 838; Pub. L. 102-325, title III, §303(a), (b), July 23, 1992, 106 Stat. 474, 475; Pub. L. 103-208, §2(a)(8), Dec. 20, 1993, 107 Stat. 2457; Pub. L. 105-244, title III, §304(a), Oct. 7, 1998, 112 Stat. 1642; Pub. L. 110-315, title III, §309, Aug. 14, 2008, 122 Stat. 3177; Pub. L. 111-39, title III, §301(3), July 1, 2009, 123 Stat. 1937.)

**PRIOR PROVISIONS**

A prior section 1062, Pub. L. 89-329, title III, §323, as added Pub. L. 96-374, title III, §301, Oct. 3, 1980, 94 Stat. 1395, provided for duration of grants to institutions with special needs, prior to the general revision of this subchapter by Pub. L. 99-498.

Another prior section 1062, Pub. L. 89-329, title IV, §402, Nov. 8, 1965, 79 Stat. 1232; Pub. L. 90-575, title I, §102, Oct. 16, 1968, 82 Stat. 1017, related to determination of amount of grant and establishment of basic criteria or schedules, 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. (a). Pub. L. 111-39 substituted "for any fiscal year," for "in any fiscal year" in introductory provisions.

2008—Subsec. (a). Pub. L. 110-315, §309(1), substituted "section 1068h(a)(2)" for "section 1069f(a)(2)" in introductory provisions.

Subsec. (a)(12) to (15). Pub. L. 110-315, §309(2), (3), added pars. (12) to (14) and redesignated former par. (12) as (15).

1998—Subsecs. (b), (c). Pub. L. 105-244, §304(a)(1), (2), added subsec. (b) and redesignated former subsec. (b) as (c).

Subsec. (c)(3). Pub. L. 105-244, §304(a)(3), struck out par. (3) which read as follows: "The Secretary shall not award a grant under this part for telecommunications technology equipment, facilities or services, if such equipment, facilities or services are available pursuant to section 396(k) of title 47."

1993—Subsec. (b)(3). Pub. L. 103-208 realigned margin.

1992—Subsec. (a)(2). Pub. L. 102-325, §303(a)(1), inserted ", including purchase or rental of telecommunications technology equipment or services" after "facilities".

Subsec. (a)(5). Pub. L. 102-325, §303(a)(2), inserted ", including telecommunications program materials" after "materials".

Subsec. (a)(9) to (12). Pub. L. 102-325, §303(a)(3), added pars. (9) to (12).

Subsec. (b)(3). Pub. L. 102-325, §303(b), added par. (3).

1988—Subsec. (a)(3). Pub. L. 100-369, §10(b)(1), inserted ", and faculty development" after "exchanges".

Subsec. (a)(7), (8). Pub. L. 100-369, §10(b)(2), added pars. (7) and (8).

1987—Subsec. (a). Pub. L. 100-50 substituted "section 1069f(a)(2) of this title" for "section 1069d(a)(2) of this title".

**EFFECTIVE DATE OF 2009 AMENDMENT**

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

**EFFECTIVE DATE OF 1998 AMENDMENT**

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of this title.

**EFFECTIVE DATE OF 1993 AMENDMENT**

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

**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.

**§ 1063. Allotments to institutions**

**(a) Allotment; Pell Grant basis**

From the amounts appropriated to carry out this part for any fiscal year, the Secretary shall allot to each part B institution a sum which bears the same ratio to one-half that amount as the number of Pell Grant recipients in attendance at such institution at the end of the school year preceding the beginning of that fiscal year bears to the total number of Pell Grant recipients at all part B institutions.

**(b) Allotment; graduates basis**

From the amounts appropriated to carry out this part for any fiscal year, the Secretary shall