

shall allot to each Predominantly Black Institution having an application approved under subsection (f) a sum that bears the same ratio to one-fourth of that amount as the number of graduates for such academic year at such institution, bears to the total number of graduates for such academic year at all such institutions.

**(3) Graduates seeking a higher degree basis**

From the amounts appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution having an application approved under subsection (f) a sum that bears the same ratio to one-fourth of that amount as the percentage of graduates from such institution who are admitted to and in attendance at, not later than two years after graduation with an associate's degree or a baccalaureate degree, a baccalaureate degree-granting institution or a graduate or professional school in a degree program in disciplines in which Black American students are underrepresented, bears to the percentage of such graduates for all such institutions.

**(4) Minimum allotment**

**(A) In general**

Notwithstanding paragraphs (1), (2), and (3), the amount allotted to each Predominantly Black Institution under this section may not be less than \$250,000.

**(B) Insufficient amount**

If the amounts appropriated to carry out this section for a fiscal year are not sufficient to pay the minimum allotment provided under subparagraph (A) for the fiscal year, then the amount of such minimum allotment shall be ratably reduced. If additional sums become available for such fiscal year, such reduced allotment shall be increased on the same basis as the allotment was reduced until the amount allotted equals the minimum allotment required under subparagraph (A).

**(5) Reallotment**

The amount of a Predominantly Black Institution's allotment under paragraph (1), (2), (3), or (4) for any fiscal year that the Secretary determines will not be needed for such institution for the period for which such allotment is available, shall be available for reallotment to other Predominantly Black Institutions in proportion to the original allotments to such other institutions under this section for such fiscal year. The Secretary shall reallot such amounts from time to time, on such date and during such period as the Secretary determines appropriate.

**(f) Applications**

Each Predominantly Black Institution desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

**(g) Application review process**

Section 1068b of this title shall not apply to applications under this section.

**(h) Duration and carryover**

Any grant funds paid to a Predominantly Black Institution under this section that are not expended or used for the purposes for which the funds were paid within ten years following the date on which the grant was awarded, shall be repaid to the Treasury.

**(i) Special rule on eligibility**

No Predominantly Black Institution that receives funds under this section shall concurrently receive funds under any other provision of this part, part B, or part A of subchapter V.

(Pub. L. 89-329, title III, §318, as added Pub. L. 110-315, title III, §305(a), Aug. 14, 2008, 122 Stat. 3169; amended Pub. L. 111-39, title III, §301(2), July 1, 2009, 123 Stat. 1937.)

REFERENCES IN TEXT

The Act of March 2, 1867, referred to in subsec. (b)(1)(F)(iii), 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 Elementary and Secondary Education Act of 1965, referred to in subsec. (b)(2)(C)(i), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27. Part A of title I of the Act is classified generally to part A (§6311 et seq.) of subchapter I of chapter 70 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of this title and Tables.

AMENDMENTS

2009—Subsec. (b)(1)(F). Pub. L. 111-39 added subpar. (F) and struck out former subpar. (F) which read as follows: “is not receiving assistance under part B or part A of subchapter V.”

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.

**§ 1059f. Native American-serving, nontribal institutions**

**(a) Program authorized**

The Secretary shall provide grants and related assistance to Native American-serving, nontribal institutions to enable such institutions to improve and expand their capacity to serve Native Americans and low-income individuals.

**(b) Definitions**

In this section:

**(1) Native American**

The term “Native American” means an individual who is of a tribe, people, or culture that is indigenous to the United States.

**(2) Native American-serving, nontribal institution**

The term “Native American-serving, nontribal institution” means an institution of higher education, as defined in section 1001(a) of this title, that, at the time of application—

(A) is an eligible institution under section 1058(b) of this title;

(B) has an enrollment of undergraduate students that is not less than 10 percent Native American students; and

(C) is not a Tribal College or University (as defined in section 1059c of this title).

**(c) Authorized activities**

**(1) Types of activities authorized**

Grants awarded under this section shall be used by Native American-serving, nontribal institutions to assist such institutions to plan, develop, undertake, and carry out activities to improve and expand such institutions' capacity to serve Native Americans and low-income individuals.

**(2) Examples of authorized activities**

Such programs may include—

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

(B) renovation and improvement in classroom, library, laboratory, and other instructional facilities;

(C) support of faculty exchanges, and faculty development and faculty fellowships to assist faculty in attaining advanced degrees in the faculty's field of instruction;

(D) curriculum development and academic instruction;

(E) the purchase of library books, periodicals, microfilm, and other educational materials;

(F) funds and administrative management, and acquisition of equipment for use in strengthening funds management;

(G) the joint use of facilities such as laboratories and libraries;

(H) academic tutoring and counseling programs and student support services; and

(I) education or counseling services designed to improve the financial and economic literacy of students or the students' families.

**(d) Application process**

**(1) Institutional eligibility**

A Native American-serving, nontribal institution desiring to receive assistance under this section shall submit to the Secretary such enrollment data as may be necessary to demonstrate that the institution is a Native American-serving, nontribal institution, along with such other information and data as the Secretary may reasonably require.

**(2) Applications**

**(A) Authority to submit applications**

Any institution that is determined by the Secretary to be a Native American-serving, nontribal institution may submit an application for assistance under this section to the Secretary.

**(B) Simplified and streamlined format**

The Secretary shall, to the extent possible, continue to prescribe a simplified and streamlined format for applications under this section that takes into account the limited number of institutions that are eligible for assistance under this section.

**(C) Content**

An application submitted under subparagraph (A) shall include—

(i) a five-year plan for improving the assistance provided by the Native American-serving, nontribal institution to Native Americans and low-income individuals; and

(ii) such other information and assurances as the Secretary may reasonably require.

**(3) Special rules**

**(A) Eligibility**

No Native American-serving, nontribal institution that receives funds under this section shall concurrently receive funds under any other provision of this part, part B, or part A of subchapter V.

**(B) Exemption**

Section 1059(d) of this title shall not apply to institutions that are eligible to receive funds under this section.

**(C) Distribution**

In awarding grants under this section, the Secretary shall, to the extent possible and consistent with the competitive process under which such grants are awarded, ensure maximum and equitable distribution among all eligible institutions.

**(D) Minimum grant amount**

The minimum amount of a grant under this section shall be \$200,000.

(Pub. L. 89-329, title III, §319, as added Pub. L. 110-315, title III, §306, Aug. 14, 2008, 122 Stat. 3173.)

**§ 1059g. Asian American and Native American Pacific Islander-serving institutions**

**(a) Program authorized**

The Secretary shall provide grants and related assistance to Asian American and Native American Pacific Islander-serving institutions to enable such institutions to improve and expand their capacity to serve Asian Americans and Native American Pacific Islanders and low-income individuals.

**(b) Definitions**

In this section:

**(1) Asian American**

The term "Asian American" has the meaning given the term "Asian" in the Office of Management and Budget's Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity as published on October 30, 1997 (62 Fed. Reg. 58789).

**(2) Asian American and Native American Pacific Islander-serving institution**

The term "Asian American and Native American Pacific Islander-serving institution" means an institution of higher education that—

(A) is an eligible institution under section 1058(b) of this title; and

(B) at the time of application, has an enrollment of undergraduate students that is not less than 10 percent students who are Asian American or Native American Pacific Islander.