

(3) Native American Pacific Islander

The term “Native American Pacific Islander” means any descendant of the aboriginal people of any island in the Pacific Ocean that is a territory or possession of the United States.

(c) Authorized activities**(1) Types of activities authorized**

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

(2) Examples of authorized activities

Such programs may include—

(A) 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 in attaining advanced degrees in the faculty’s field of instruction;

(D) curriculum development and academic instruction;

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

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

(I) 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;

(J) establishing or improving an endowment fund;

(K) academic instruction in disciplines in which Asian Americans and Native American Pacific Islanders are underrepresented;

(L) conducting research and data collection for Asian American and Native American Pacific Islander populations and subpopulations;

(M) establishing partnerships with community-based organizations serving Asian Americans and Native American Pacific Islanders; and

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

(d) Application process**(1) Institutional eligibility**

Each Asian American and Native American Pacific Islander-serving 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 an Asian American and Native American Pacific Islander-serving institution as defined in subsection (b), along with such other information and data as the Secretary may reasonably require.

(2) Applications

Any institution that is determined by the Secretary to be an Asian American and Native American Pacific Islander-serving institution may submit an application for assistance under this section to the Secretary. Such application shall include—

(A) a five-year plan for improving the assistance provided by the Asian American and Native American Pacific Islander-serving institution to Asian American and Native American Pacific Islander students and low-income individuals; and

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

(3) Special rules**(A) Eligibility**

No Asian American and Native American Pacific Islander-serving institution that receives funds under this section shall concurrently receive funds under any other provision of this part, part B, or 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—

(i) 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; and

(ii) give priority consideration to institutions for which not less than 10 percent of such institution’s Asian American and Native American Pacific Islander students are low-income individuals.

(Pub. L. 89-329, title III, §320, as added Pub. L. 110-315, title III, §307, Aug. 14, 2008, 122 Stat. 3175.)

PART B—STRENGTHENING HISTORICALLY BLACK COLLEGES AND UNIVERSITIES

§ 1060. Findings and purposes

The Congress finds that—

(1) the historically Black colleges and universities have contributed significantly to the effort to attain equal opportunity through postsecondary education for Black, low-income, and educationally disadvantaged Americans;

(2) States and the Federal Government have discriminated in the allocation of land and financial resources to support Black public institutions under the Morrill Act of 1862 [7 U.S.C. 301 et seq.] and its progeny, and against public and private Black colleges and universities in the award of Federal grants and con-

tracts, and the distribution of Federal resources under this chapter and other Federal programs which benefit institutions of higher education;

(3) the current state of Black colleges and universities is partly attributable to the discriminatory action of the States and the Federal Government and this discriminatory action requires the remedy of enhancement of Black postsecondary institutions to ensure their continuation and participation in fulfilling the Federal mission of equality of educational opportunity; and

(4) financial assistance to establish or strengthen the physical plants, financial management, academic resources, and endowments of the historically Black colleges and universities are appropriate methods to enhance these institutions and facilitate a decrease in reliance on governmental financial support and to encourage reliance on endowments and private sources.

(Pub. L. 89-329, title III, §321, as added Pub. L. 99-498, title III, §301(a), Oct. 17, 1986, 100 Stat. 1294.)

REFERENCES IN TEXT

The Morrill Act of 1862, referred to in par. (2), is act July 2, 1862, ch. 130, 12 Stat. 503, also known as the First Morrill Act, which is classified generally to subchapter I (§301 et seq.) of chapter 13 of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 301 of Title 7 and Tables.

PRIOR PROVISIONS

A prior section 1060, Pub. L. 89-329, title III, §321, as added Pub. L. 96-374, title III, §301, Oct. 3, 1980, 94 Stat. 1393, set out purpose and grant authority for program of aiding institutions with special needs, prior to the general revision of this subchapter by Pub. L. 99-498.

Another prior section 1060, Pub. L. 90-575, title V, §504, Oct. 16, 1968, 82 Stat. 1062, related to eligibility for student assistance because of conviction of crimes involving force, disruption, or seizure of property of educational institution; refusal to obey regulations or orders and disruption of administration of institution; other misconduct, disciplinary proceedings, and freedom of expression; and description of programs covered by such disqualification, prior to repeal by Pub. L. 92-318, title I, §139B(b), June 23, 1972, 86 Stat. 282.

EXECUTIVE ORDER NO. 12320

Ex. Ord. No. 12320, Sept. 15, 1981, 46 F.R. 46107, which provided for the development of a Federal program to achieve a significant increase in the participation by historically Black colleges and universities in Federally sponsored programs, was revoked by Ex. Ord. No. 12677, Apr. 28, 1989, 54 F.R. 18869, formerly set out below.

EXECUTIVE ORDER NO. 12677

Ex. Ord. No. 12677, Apr. 28, 1989, 54 F.R. 18869, which provided for the development of a Federal program to achieve a significant increase in the participation by historically Black colleges and universities in Federally sponsored programs, was revoked by Ex. Ord. No. 12876, §13, Nov. 1, 1993, 58 F.R. 58735, formerly set out below.

EXECUTIVE ORDER NO. 12876

Ex. Ord. No. 12876, Nov. 1, 1993, 58 F.R. 58735, which established in the Department of Education the President's Board of Advisors on Historically Black Colleges and Universities, a Presidential advisory committee, was revoked by Ex. Ord. No. 13256, §11, Feb. 12, 2002, 67 F.R. 6825, formerly set out below.

EXECUTIVE ORDER NO. 13256

Ex. Ord. No. 13256, Feb. 12, 2002, 67 F.R. 6823, which established in the Office of the Secretary of Education the President's Board of Advisors on Historically Black Colleges and Universities, a Presidential advisory committee, was revoked by Ex. Ord. No. 13532, §4(g), Feb. 26, 2010, 75 F.R. 9752, set out below.

EXECUTIVE ORDER NO. 13532

Ex. Ord. No. 13532, Feb. 26, 2010, 75 F.R. 9749, as amended by Ex. Ord. No. 13569, §4, Apr. 5, 2011, 76 F.R. 19891, which established the White House Initiative on Historically Black Colleges and Universities and the President's Board of Advisors on Historically Black Colleges and Universities, was revoked by Ex. Ord. No. 13779, §4, Feb. 28, 2017, 82 F.R. 12501, set out below.

EX. ORD. NO. 13779. WHITE HOUSE INITIATIVE TO PROMOTE EXCELLENCE AND INNOVATION AT HISTORICALLY BLACK COLLEGES AND UNIVERSITIES

Ex. Ord. No. 13779, Feb. 28, 2017, 82 F.R. 12499, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to advance opportunities in higher education, it is hereby ordered as follows:

SECTION 1. *Policy.* Historically black colleges and universities (HBCUs) have made, and continue to make, extraordinary contributions to the general welfare and prosperity of our country. Established by visionary leaders, America's HBCUs have, for more than 150 years, produced many of our Nation's leaders in business, government, academia, and the military, and have helped create a black middle class. The Nation's more than 100 HBCUs are located in 20 States, the District of Columbia, and the U.S. Virgin Islands, and serve more than 300,000 undergraduate, graduate, and professional students. These institutions are important engines of economic growth and public service, and they are proven ladders of intergenerational advancement.

A White House Initiative on HBCUs would: advance America's full human potential; foster more and better opportunities in higher education; strengthen the capacity of HBCUs to provide the highest-quality education; provide equitable opportunities for HBCUs to participate in Federal programs; and increase the number of college-educated Americans who feel empowered and able to advance the common good at home and abroad.

SEC. 2. *White House Initiative on HBCUs.*

(a) *Establishment.* There is established the White House Initiative on Historically Black Colleges and Universities (Initiative), housed in the Executive Office of the President and led by an Executive Director designated by the President.

(b) *Mission and Functions.* The Initiative shall work with agencies, private-sector employers, educational associations, philanthropic organizations, and other partners to increase the capacity of HBCUs to provide the highest-quality education to an increasing number of students. The Initiative shall have two primary missions:

(i) increasing the private-sector role, including the role of private foundations, in:

(A) strengthening HBCUs through enhanced institutional planning and development, fiscal stability, and financial management; and

(B) upgrading institutional infrastructure, including the use of technology, to ensure the long-term viability of these institutions; and

(ii) enhancing HBCUs' capabilities to serve our Nation's young adults by:

(A) strengthening HBCUs' ability to equitably participate in Federal programs and exploring new ways of improving the relationship between the Federal Government and HBCUs;

(B) fostering private-sector initiatives and public-private partnerships while promoting specific areas

and centers of academic research and program-based excellence throughout HBCUs;

(C) improving the availability, dissemination, and quality of information concerning HBCUs in the public policy sphere;

(D) sharing administrative and programmatic best practices within the HBCU community;

(E) partnering with elementary and secondary education stakeholders to build a “cradle-to-college” pipeline; and

(F) convening an annual White House Summit on HBCUs to address, among other topics, matters related to the Initiative’s missions and functions.

(c) *Federal Agency Plans.*

(i) The Secretary of Education (Secretary), in consultation with the Executive Director, shall identify those agencies that regularly interact with HBCUs.

(ii) Each agency identified by the Secretary under subsection (c)(i) of this section shall prepare an annual plan (Agency Plan) describing its efforts to strengthen the capacity of HBCUs to participate in applicable Federal programs and initiatives. Where appropriate, each Agency Plan shall address, among other things, the agency’s proposed efforts to:

(A) establish how the agency intends to increase the capacity of HBCUs to compete effectively for grants, contracts, or cooperative agreements;

(B) identify Federal programs and initiatives where HBCUs are not well represented, and improve HBCUs’ participation in those programs and initiatives; and

(C) encourage public-sector, private-sector, and community involvement in improving the overall capacity of HBCUs.

(iii) The head of each agency identified in subsection (c)(i) of this section shall submit its Agency Plan to the Secretary and the Executive Director no later than 90 days after being so identified, and submit an updated Agency Plan annually thereafter.

(iv) To help fulfill the objectives of the Agency Plans, the head of each agency identified by the Secretary may provide, as appropriate, technical assistance and information to the Executive Director to enhance communication with HBCUs concerning the agency’s program activities and the preparation of applications or proposals for grants, contracts, or cooperative agreements.

(v) Each agency identified by the Secretary shall appoint a senior official to report directly to the agency head on that agency’s progress under this order, and to serve as liaison to the Initiative.

(d) *Interagency Working Group.* There is established an Interagency Working Group, which shall be chaired by the Executive Director and shall consist of one representative from each agency identified by the Secretary pursuant to subsection (c)(i) of this section, to help advance and coordinate the work required by this order.

SEC. 3. *President’s Board of Advisors on HBCUs.*

(a) *Establishment.* There is established in the Department of Education the President’s Board of Advisors on Historically Black Colleges and Universities (Board). The Board shall consist of not more than 25 members appointed by the President. The Board shall include the Secretary, the Executive Director, representatives of a variety of sectors—such as philanthropy, education, business, finance, entrepreneurship, innovation, and private foundations—and sitting HBCU presidents. The President shall designate one member of the Board to serve as its Chair, who shall help direct the Board’s work in coordination with the Secretary and in consultation with the Executive Director. The Chair shall also consult with the Executive Director regarding the time and location of the Board’s meetings, which shall take place at least once every 6 months.

(b) *Mission and Functions.* The Board shall advise the President, through the Initiative, on all matters pertaining to strengthening the educational capacity of HBCUs. In particular, the Board shall advise the President in the following areas:

(i) improving the identity, visibility, distinctive capabilities, and overall competitiveness of HBCUs;

(ii) engaging the philanthropic, business, government, military, homeland-security, and education communities in a national dialogue regarding new HBCU programs and initiatives;

(iii) improving the ability of HBCUs to remain fiscally secure institutions that can assist the Nation in achieving its educational goals and in advancing the interests of all Americans;

(iv) elevating the public awareness of, and fostering appreciation of, HBCUs; and

(v) encouraging public-private investments in HBCUs.

(c) *Administration.* The Department of Education shall provide funding and administrative support for the Board, consistent with applicable law and subject to the availability of appropriations. Members of the Board shall serve without compensation, but shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by law. Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.), may apply to the Board, any functions of the President under that Act, except for those of reporting to the Congress, shall be performed by the Chair, in accordance with guidelines issued by the Administrator of General Services.

(d) *Report.* The Board shall report annually to the President on the Board’s progress in carrying out its duties under this section.

SEC. 4. *Revocation of Executive Order.* Executive Order 13532 of February 26, 2010 (Promoting Excellence, Innovation, and Sustainability at Historically Black Colleges and Universities), as amended, is revoked.

SEC. 5. *General Provisions.* (a) For the purposes of this order, “historically black colleges and universities” shall mean those institutions listed in 34 CFR 608.2.

(b) This order shall apply to executive departments and agencies designated by the Secretary. Those departments and agencies shall provide timely reports and such information as is required to effectively carry out the objectives of this order.

(c) The heads of executive departments and agencies shall assist and provide information to the Board, consistent with applicable law, as may be necessary to carry out the functions of the Board. Each executive department and agency shall bear its own expenses of participating in the Initiative.

(d) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(e) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(f) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP.

EXTENSION OF TERM OF PRESIDENT’S BOARD OF ADVISORS ON HISTORICALLY BLACK COLLEGES AND UNIVERSITIES

Term of President’s Board of Advisors on Historically Black Colleges and Universities extended until Sept. 30, 2021, by Ex. Ord. No. 13889, Sept. 27, 2019, 84 F.R. 52743, set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5, Government Organization and Employees.

Previous extensions of term of President’s Board of Advisors on Historically Black Colleges and Universities were contained in the following prior Executive Orders:

Ex. Ord. No. 13811, Sept. 29, 2017, 82 F.R. 46363, extended term until Sept. 30, 2019.

Ex. Ord. No. 13708, Sept. 30, 2015, 80 F.R. 60271, extended term until Sept. 30, 2017.

Ex. Ord. No. 13652, Sept. 30, 2013, 78 F.R. 61817, extended term until Sept. 30, 2015.

Ex. Ord. No. 13591, Nov. 23, 2011, 76 F.R. 74623, extended term until Sept. 30, 2013.

Ex. Ord. No. 13511, Sept. 29, 2009, 74 F.R. 50909, extended term until Sept. 30, 2011.

Ex. Ord. No. 13446, Sept. 28, 2007, 72 F.R. 56175, extended term until Sept. 30, 2009.

Ex. Ord. No. 13385, Sept. 29, 2005, 70 F.R. 57989, extended term until Sept. 30, 2007.

Ex. Ord. No. 13316, Sept. 17, 2003, 68 F.R. 55255, extended term until Sept. 30, 2005.

Ex. Ord. No. 13225, Sept. 28, 2001, 66 F.R. 50291, extended term until Sept. 30, 2003.

Ex. Ord. No. 13138, Sept. 30, 1999, 64 F.R. 53879, extended term until Sept. 30, 2001.

Ex. Ord. No. 13062, §1(e), Sept. 29, 1997, 62 F.R. 51755, extended term until Sept. 30, 1999.

Ex. Ord. No. 12974, Sept. 29, 1995, 60 F.R. 51875, extended term until Sept. 30, 1997.

DETERMINATIONS REGARDING PRESIDENT'S BOARD OF ADVISORS

Memorandum of the President of the United States, Aug. 17, 1990, 55 F.R. 46491, provided:

Memorandum for the Secretary of Education

By virtue of the authority vested in me as President by the Constitution and the laws of the United States of America, including section 208 of title 18 of the United States Code and section 301 of title 3 of the United States Code, I hereby delegate to the Secretary of Education my authority to make determinations under subsection (b) of section 208 of title 18, United States Code, for the members of the President's Board of Advisors on Historically Black Colleges and Universities, established pursuant to Executive Order 12677 of April 28, 1989 [formerly set out above].

This memorandum shall be published in the Federal Register.

GEORGE BUSH.

§ 1061. Definitions

For the purpose of this part:

(1) The term “graduate” means an individual who has attended an institution for at least three semesters and fulfilled academic requirements for undergraduate studies in not more than 5 consecutive school years.

(2) The term “part B institution” means any historically Black college or university that was established prior to 1964, whose principal mission was, and is, the education of Black Americans, and that is accredited by a nationally 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,¹ 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”.

§ 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.

¹ So in original.