

mit a report to the authorizing committees regarding the historically Black colleges and universities described in paragraph (1)(A) that includes administrative and legislative recommendations for addressing the issues related to construction financing facing such historically Black colleges and universities.

(Pub. L. 89-329, title III, §347, formerly title VII, §727, as added Pub. L. 102-325, title VII, §704, July 23, 1992, 106 Stat. 746; renumbered title III, §347, and amended Pub. L. 105-244, title III, §§301(a)(3), (4), 306(e), Oct. 7, 1998, 112 Stat. 1636, 1647; Pub. L. 110-315, title III, §314(e), Aug. 14, 2008, 122 Stat. 3182.)

#### CODIFICATION

Section was formerly classified to section 1132c-6 of this title prior to renumbering by Pub. L. 105-244.

#### PRIOR PROVISIONS

A prior section 347 of Pub. L. 89-329 was classified to section 1069c of this title prior to the general amendment of this subchapter by Pub. L. 99-498.

#### AMENDMENTS

2008—Subsec. (b)(1). Pub. L. 110-315, §314(e)(1)(A), substituted “11 members” for “9 members” in introductory provisions.

Subsec. (b)(1)(C). Pub. L. 110-315, §314(e)(1)(B), substituted “Three members” for “Two members”.

Subsec. (b)(1)(G). Pub. L. 110-315, §314(e)(1)(C), added subpar. (G).

Subsec. (c). Pub. L. 110-315, §314(e)(2), added subsec. (c).

1998—Subsec. (b)(1)(D). Pub. L. 105-244, §306(e)(1)(A), inserted “, or the president’s designee.” after “Fund, Inc.”

Subsec. (b)(1)(E). Pub. L. 105-244, §306(e)(1)(B), inserted “, or the designee of the Association” before the period.

Subsec. (c). Pub. L. 105-244, §306(e)(2), struck out heading and text of subsec. (c). Text read as follows: “There are authorized to be appropriated \$50,000 for fiscal year 1993 and each of the 4 succeeding fiscal years to carry out this section.”

#### 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.

#### TERMINATION OF ADVISORY BOARDS

Advisory boards established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a board established by the President or an officer of the Federal Government, such board is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a board established by Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

### § 1066g. Minority business enterprise utilization

In the performance of and with respect to the Secretary’s effectuation of his responsibilities under section 1066d(1) of this title and to the maximum extent feasible in the implementation of the purposes of this part, minority business persons, including bond underwriters and credit enhancers, bond counsel, marketers, accountants, advisors, construction contractors, and managers should be utilized.

(Pub. L. 89-329, title III, §348, formerly title VII, §728, as added Pub. L. 102-325, title VII, §704, July 23, 1992, 106 Stat. 747; renumbered title III, §348, and amended Pub. L. 105-244, title III, §301(a)(3), (4), (c)(7), Oct. 7, 1998, 112 Stat. 1636, 1637.)

#### CODIFICATION

Section was formerly classified to section 1132c-7 of this title prior to renumbering by Pub. L. 105-244.

#### AMENDMENTS

1998—Pub. L. 105-244, §301(c)(7), substituted “section 1066d(1)” for “section 1132c-4(1)”.

#### 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.

### PART E—MINORITY SCIENCE AND ENGINEERING IMPROVEMENT PROGRAM

#### SUBPART 1—MINORITY SCIENCE AND ENGINEERING IMPROVEMENT PROGRAM

#### CODIFICATION

Pub. L. 105-244, title III, §§301(a)(5), 307(d), Oct. 7, 1998, 112 Stat. 1636, 1648, redesignated subpart 1 (§1135b et seq.) of part B of subchapter X of this chapter as subpart 1 of part E of subchapter III of this chapter and inserted “AND ENGINEERING” before “IMPROVEMENT PROGRAM” in heading.

### § 1067. Findings

Congress makes the following findings:

(1) It is incumbent on the Federal Government to support the technological and economic competitiveness of the United States by improving and expanding the scientific and technological capacity of the United States. More and better prepared scientists, engineers, and technical experts are needed to improve and expand such capacity.

(2) As the Nation’s population becomes more diverse, it is important that the educational and training needs of all Americans are met. Underrepresentation of minorities in science and technological fields diminishes our Nation’s competitiveness by impairing the quantity of well prepared scientists, engineers, and technical experts in these fields.

(3) Despite significant limitations in resources, minority institutions provide an important educational opportunity for minority students, particularly in science and engineering fields. Aid to minority institutions is a good way to address the underrepresentation of minorities in science and technological fields.

(4) There is a strong Federal interest in improving science and engineering programs at minority institutions as such programs lag behind in program offerings and in student enrollment compared to such programs at other institutions of higher education.

(Pub. L. 89-329, title III, §350, as added Pub. L. 105-244, title III, §307(a), Oct. 7, 1998, 112 Stat. 1647.)

#### PRIOR PROVISIONS

A prior section 1067, Pub. L. 89-329, title III, §352, as added Pub. L. 99-498, title III, §301(a), Oct. 17, 1986, 100

Stat. 1304, and amended, which related to waiver authority and reporting requirement, was renumbered section 392 of Pub. L. 89-329 by Pub. L. 105-244, title III, §301(a)(2), Oct. 7, 1998, 112 Stat. 1636, and transferred to section 1068a of this title.

Another prior section 1067, Pub. L. 89-329, title III, §342, as added Pub. L. 96-374, title III, §301, Oct. 3, 1980, 94 Stat. 1398, set waiver authority and reporting requirements for this part, prior to the general amendment of this subchapter by Pub. L. 99-498.

Another prior section 1067, Pub. L. 89-329, title IV, §407, Nov. 8, 1965, 79 Stat. 1234; Pub. L. 90-575, title I, §§101(b)(2), 103, 104, Oct. 16, 1968, 82 Stat. 1017, 1018, related to agreements with institutions, required provisions and use of funds as additional Federal capital contribution for student loan fund, prior to the general amendment 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.

#### EFFECTIVE DATE

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

### § 1067a. Purpose; authority

#### (a) Congressional declaration of purpose

It is the purpose of this subpart to continue the authority of the Department to operate the Minority Institutions Science Improvement Program created under section 1862(a)(1) of title 42 and transferred to the Department by section 3444(a)(1)<sup>1</sup> of this title.

#### (b) Grant authority

The Secretary shall, in accordance with the provisions of this subpart, carry out a program of making grants to institutions of higher education that are designed to effect long-range improvement in science and engineering education at predominantly minority institutions and to increase the participation of underrepresented ethnic minorities, particularly minority women, in scientific and technological careers.

(Pub. L. 89-329, title III, §351, formerly title X, §1021, as added Pub. L. 99-498, title X, §1002, Oct. 17, 1986, 100 Stat. 1561; amended Pub. L. 102-325, title X, §1002(a), July 23, 1992, 106 Stat. 780; renumbered title III, §351, Pub. L. 105-244, title III, §301(a)(5), (7), Oct. 7, 1998, 112 Stat. 1636.)

#### REFERENCES IN TEXT

Section 3444(a)(1) of this title, referred to in subsec. (a), was in the original a reference to section 304(a)(1) of the Department of Education Organization Act of 1979. Sections 304 and 305 of that Act were renumbered as sections 303 and 304, respectively, by Pub. L. 103-382, title II, §271(a)(2), Oct. 20, 1994, 108 Stat. 3929, and are classified to sections 3444 and 3445, respectively, of this title.

#### CODIFICATION

Section was formerly classified to section 1135b of this title prior to renumbering by Pub. L. 105-244.

#### PRIOR PROVISIONS

A prior section 351 of Pub. L. 89-329 was renumbered section 391 and is classified to section 1068 of this title.

#### AMENDMENTS

1992—Subsec. (b). Pub. L. 102-325 inserted “, particularly minority women,” after “ethnic minorities”.

<sup>1</sup> See References in Text note below.

#### 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.

### § 1067b. Grant recipient selection

#### (a) Establishment of criteria

Grants under this subpart shall be awarded on the basis of criteria established by the Secretary by regulations.

#### (b) Priorities to be given in criteria

In establishing criteria under subsection (a) of this section, the Secretary shall give priority to applicants which have not previously received funding from the Minority Institutions Science Improvement Program and to previous grantees with a proven record of success, as well as to applications that contribute to achieving balance among projects with respect to geographic region, academic discipline, and project type.

#### (c) Required criteria

In establishing criteria under subsection (a) of this section, the Secretary may consider the following selection criteria in making grants:

- (1) plan of operation;
- (2) quality of key personnel;
- (3) budget and cost effectiveness;
- (4) evaluation plan;
- (5) adequacy of resources;
- (6) identification of need for the project;
- (7) potential institutional impact of the project;
- (8) institutional commitment to the project;
- (9) expected outcomes; and
- (10) scientific and educational value of the proposed project.

(Pub. L. 89-329, title III, §352, formerly title X, §1022, as added Pub. L. 99-498, title X, §1002, Oct. 17, 1986, 100 Stat. 1561; renumbered title III, §352, Pub. L. 105-244, title III, §301(a)(5), (7), Oct. 7, 1998, 112 Stat. 1636.)

#### CODIFICATION

Section was formerly classified to section 1135b-1 of this title prior to renumbering by Pub. L. 105-244.

#### PRIOR PROVISIONS

A prior section 352 of Pub. L. 89-329 was renumbered section 392 and is classified to section 1068a of this title.

### § 1067c. Use of funds

#### (a) Types of grants

Funds appropriated to carry out this subpart may be made available as—

- (1) institutional grants (as defined in section 1067k(6) of this title);
- (2) cooperative grants (as defined in section 1067k(7) of this title);
- (3) design projects (as defined in section 1067k(8) of this title); or
- (4) special projects (as defined in section 1067k(9) of this title).

#### (b) Authorized uses for each type of grant

(1) The authorized uses of funds made available as institutional grants include (but are not limited to)—

- (A) faculty development programs; or

(B) development of curriculum materials.

(2) The authorized uses of funds made available as cooperative grants include (but are not limited to)—

(A) assisting institutions in sharing facilities and personnel;

(B) disseminating information about established programs in science and engineering;

(C) supporting cooperative efforts to strengthen the institutions' science and engineering programs; or

(D) carrying out a combination of any of the activities in subparagraphs (A) through (C).

(3) The authorized uses of funds made available as design projects include (but are not limited to)—

(A) developing planning, management, and evaluation systems; or

(B) developing plans for initiating scientific research and for improving institutions' capabilities for such activities.

Funds used for design project grants may not be used to pay more than 50 percent of the salaries during any academic year of faculty members involved in the project.

(4) The authorized uses of funds made available as special projects include (but are not limited to)—

(A) advanced science seminars;

(B) science faculty workshops and conferences;

(C) faculty training to develop specific science research or education skills;

(D) research in science education;

(E) programs for visiting scientists;

(F) preparation of films or audio-visual materials in science;

(G) development of learning experiences in science beyond those normally available to minority undergraduate students;

(H) development of pre-college enrichment activities in science; or

(I) any other activities designed to address specific barriers to the entry of minorities into science.

(Pub. L. 89-329, title III, § 353, formerly title X, § 1023, as added Pub. L. 99-498, title X, § 1002, Oct. 17, 1986, 100 Stat. 1562; renumbered title III, § 353, and amended Pub. L. 105-244, title III, § 301(a)(5), (7), (c)(8), Oct. 7, 1998, 112 Stat. 1636, 1637.)

#### CODIFICATION

Section was formerly classified to section 1135b-2 of this title prior to renumbering by Pub. L. 105-244.

#### PRIOR PROVISIONS

A prior section 353 of Pub. L. 89-329 was renumbered section 393 and is classified to section 1068b of this title.

#### AMENDMENTS

1998—Subsec. (a)(1). Pub. L. 105-244, § 301(c)(8)(A), substituted “section 1067k(6)” for “section 1135d-5(6)”.

Subsec. (a)(2). Pub. L. 105-244, § 301(c)(8)(B), substituted “section 1067k(7)” for “section 1135d-5(7)”.

Subsec. (a)(3). Pub. L. 105-244, § 301(c)(8)(C), substituted “section 1067k(8)” for “section 1135d-5(8)”.

Subsec. (a)(4). Pub. L. 105-244, § 301(c)(8)(D), substituted “section 1067k(9)” for “section 1135d-5(9)”.

#### 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 sec-

tion 3 of Pub. L. 105-244, set out as a note under section 1001 of this title.

### § 1067d. Omitted

#### CODIFICATION

Section, Pub. L. 89-329, title III, formerly title X, § 1024, as added Pub. L. 99-498, title X, § 1002, Oct. 17, 1986, 100 Stat. 1562; amended Pub. L. 102-325, title X, § 1002(b), July 23, 1992, 106 Stat. 780; renumbered title III, Pub. L. 105-244, title III, § 301(a)(5), Oct. 7, 1998, 112 Stat. 1636, required Secretary to submit to President and Congress a report by Jan. 1, 1996, summarizing and evaluating Federal programs which seek to increase minority participation and representation in scientific fields.

Section was formerly classified to section 1135b-3 of this title prior to renumbering by Pub. L. 105-244.

#### SUBPART 2—PROGRAMS IN STEM FIELDS

##### PRIOR PROVISIONS

A prior subpart 2, consisting of sections 1067g to 1067i, was redesignated subpart 3 of this part by Pub. L. 110-315, title III, § 315(a)(1), Aug. 14, 2008, 122 Stat. 3182.

### § 1067e. YES partnerships grant program

#### (a) Grant program authorized

Subject to the availability of appropriations to carry out this subpart, the Secretary shall make grants to eligible partnerships (as described in subsection (f)) to support the engagement of underrepresented minority youth and youth who are low-income individuals (as such term is defined in section 302)<sup>1</sup> in science, technology, engineering, and mathematics through outreach and hands-on, experiential-based learning projects that encourage students in kindergarten through grade 12 who are underrepresented minority youth or low-income individuals to pursue careers in science, technology, engineering, and mathematics.

#### (b) Minimum grant amount

A grant awarded to a partnership under this subpart shall be for an amount that is not less than \$500,000.

#### (c) Duration

A grant awarded under this subpart shall be for a period of five years.

#### (d) Non-Federal matching share required

A partnership receiving a grant under this subpart shall provide, from non-Federal sources, in cash or in-kind, an amount equal to 50 percent of the costs of the project supported by such grant.

#### (e) Distribution of grants

In awarding grants under this subpart, the Secretary shall ensure that, to the maximum extent practicable, the projects funded under this subpart are located in diverse geographic regions of the United States.

#### (f) Eligible partnerships

Notwithstanding the general eligibility provision in section 1067g of this title, eligibility to receive grants under this subpart is limited to partnerships described in paragraph (5) of such section.

<sup>1</sup> See References in Text note below.

(Pub. L. 89-329, title III, §355, as added Pub. L. 110-315, title III, §315(a)(2), Aug. 14, 2008, 122 Stat. 3182.)

REFERENCES IN TEXT

Section 302, referred to in subsec. (a), probably means section 302 of Pub. L. 110-315, Aug. 14, 2008, 122 Stat. 3167, which added subsection (g) to section 1058 of this title, defining low-income individual.

PRIOR PROVISIONS

A prior section 355 of Pub. L. 89-329 was classified to section 1069a of this title, prior to repeal by Pub. L. 102-325.

**§ 1067e-1. Promotion of entry into STEM fields**

**(a) Authority to contract, subject to appropriations**

The Secretary is authorized to enter into a contract with a firm with a demonstrated record of success in advertising to implement a campaign to expand the population of qualified individuals in science, technology, engineering, and mathematics fields (referred to in this section as “STEM fields”) by encouraging young Americans to enter such fields.

**(b) Design of campaign**

The campaign under this section shall be designed to enhance the image of education and professions in the STEM fields and promote participation in the STEM fields, and may include—

- (1) monitoring trends in youths’ attitudes toward pursuing education and professions in the STEM fields and their propensity toward entering the STEM fields;
- (2) determining what factors contribute to encouraging and discouraging Americans from pursuing study in STEM fields and entering the STEM fields professionally;
- (3) determining what specific factors limit the participation of groups currently underrepresented in STEM fields, including Latinos, African-Americans, and women; and
- (4) drawing from the market research performed under this section and implementing an advertising campaign to encourage young Americans to take up studies in STEM fields, beginning at an early age.

**(c) Required components**

The campaign under this section shall—

- (1) include components that focus tailored messages on appropriate age groups, starting with elementary school students; and
- (2) link participation in the STEM fields to the concept of service to one’s country, so that young people will be encouraged to enter the STEM fields in order fulfill the obligation to be of service to their country.

**(d) Priority**

The campaign under this section shall hold as a high priority making specific appeals to Hispanic Americans, African Americans, Native Americans, students with disabilities, and women, who are currently underrepresented in the STEM fields, in order to increase their numbers in the STEM fields, and shall tailor recruitment efforts to each specific group.

**(e) Use of variety of media**

The campaign under this section shall make use of a variety of media, with an emphasis on

television advertising, to reach its intended audience.

**(f) Teaching**

The campaign under this section shall include a narrowly focused effort to attract current professionals in the STEM fields, through advertising in mediums likely to reach that specific group, into teaching in a STEM field in elementary schools and secondary schools.

(Pub. L. 89-329, title III, §356, as added Pub. L. 110-315, title III, §315(a)(2), Aug. 14, 2008, 122 Stat. 3183.)

PRIOR PROVISIONS

A prior section 356 of Pub. L. 89-329 was renumbered section 395 and is classified to section 1068d of this title.

**§ 1067e-2. Evaluation and accountability plan**

The Secretary shall develop an evaluation and accountability plan for projects funded under this subpart. Such plan shall include, if the Secretary determines that it is practical, an objective measure of the impact of such projects, such as a measure of whether underrepresented minority student enrollment in courses related to science, technology, engineering, and mathematics increases at the secondary and post-secondary levels.

(Pub. L. 89-329, title III, §357, as added Pub. L. 110-315, title III, §315(a)(2), Aug. 14, 2008, 122 Stat. 3184.)

PRIOR PROVISIONS

A prior section 357 of Pub. L. 89-329 was renumbered section 396 and is classified to section 1068e of this title.

SUBPART 3—ADMINISTRATIVE AND GENERAL PROVISIONS

CODIFICATION

Pub. L. 110-315, title III, §315(a)(1), Aug. 14, 2008, 122 Stat. 3182, redesignated subpart 2 (§1067 et seq.) of this part as subpart 3 of this part.

Pub. L. 105-244, title III, §301(a)(5), Oct. 7, 1998, 112 Stat. 1636, redesignated subpart 3 (§1135d et seq.) of part B of subchapter X of this chapter as subpart 2 of this part.

**§ 1067g. Eligibility for grants**

Eligibility to receive grants under this part is limited to—

- (1) public and private nonprofit institutions of higher education that—
  - (A) award baccalaureate degrees; and
  - (B) are minority institutions;
- (2) public or private nonprofit institutions of higher education that—
  - (A) award associate degrees; and
  - (B) are minority institutions that—
    - (i) have a curriculum that includes science or engineering subjects; and
    - (ii) enter into a partnership with public or private nonprofit institutions of higher education that award baccalaureate degrees in science and engineering;
- (3) nonprofit science-oriented organizations, professional scientific societies, and institutions of higher education that award baccalaureate degrees, that—

(A) provide a needed service to a group of minority institutions; or

(B) provide in-service training for project directors, scientists, and engineers from minority institutions;

(4) consortia of organizations, that provide needed services to one or more minority institutions, the membership of which may include—

(A) public and private nonprofit institutions of higher education which have a curriculum in science or engineering;

(B) institutions of higher education that have a graduate or professional program in science or engineering;

(C) research laboratories of, or under contract with, the Department of Energy, the Department of Defense, or the National Institutes of Health;

(D) relevant offices of the National Aeronautics and Space Administration, National Oceanic and Atmospheric Administration, National Science Foundation, and National Institute of Standards and Technology;

(E) quasi-governmental entities that have a significant scientific or engineering mission; or

(F) institutions of higher education that have State-sponsored centers for research in science, technology, engineering, and mathematics; or

(5) only with respect to grants under subpart 2, partnerships of organizations, the membership of which shall include—

(A) at least one institution of higher education eligible for assistance under this subchapter or subchapter V;

(B) at least one high-need local educational agency (as defined in section 1021 of this title); and

(C) at least two community organizations or entities, such as businesses, professional associations, community-based organizations, philanthropic organizations, or State agencies.

(Pub. L. 89-329, title III, §361, formerly title X, §1041, as added Pub. L. 99-498, title X, §1002, Oct. 17, 1986, 100 Stat. 1564; renumbered title III, §361, and amended Pub. L. 105-244, title III, §§301(a)(5), (7), (b), (c)(9), 307(b), Oct. 7, 1998, 112 Stat. 1636, 1637, 1648; Pub. L. 110-315, title III, §315(b), Aug. 14, 2008, 122 Stat. 3184.)

#### CODIFICATION

Section was formerly classified to section 1135d of this title prior to renumbering by Pub. L. 105-244.

#### AMENDMENTS

2008—Par. (3)(B). Pub. L. 110-315, §315(b)(1), struck out “or” at end.

Par. (4)(A). Pub. L. 110-315, §315(b)(2)(A), substituted “public and private nonprofit institutions of higher education” for “institutions of higher education”.

Par. (4)(C). Pub. L. 110-315, §315(b)(2)(B), inserted “, the Department of Defense, or the National Institutes of Health” before the semicolon.

Par. (4)(D). Pub. L. 110-315, §315(b)(2)(C), added subpar. (D) and struck out former subpar. (D) which read as follows: “private organizations that have science or engineering facilities; or”.

Par. (4)(F). Pub. L. 110-315, §315(b)(2)(D), (E), added subpar. (F).

Par. (5). Pub. L. 110-315, §315(b)(3), added par. (5).

1998—Pub. L. 105-244, §307(b), amended section catchline and text generally. Prior to amendment, text read as follows: “Eligibility to receive grants under this part is limited to—

“(1) public and private nonprofit institutions that are minority institutions (as defined in section 1067k(3) of this title); and

“(2) nonprofit science-oriented organizations, professional scientific societies, and all nonprofit, accredited colleges and universities which provide a needed service to a group of eligible minority institutions or which provide in-service training for project directors, scientists, and engineers from eligible minority institutions.”

Par. (1). Pub. L. 105-244, §301(c)(9), substituted “section 1067k(3)” for “section 1135d-5(3)”.

Pub. L. 105-244, §301(b)(1), inserted “and” after the semicolon.

Par. (2). Pub. L. 105-244, §301(b)(2), substituted a period for “; and”.

Par. (3). Pub. L. 105-244, §301(b)(3), struck out par. (3) which read as follows: “for the purposes of section 1135c-1 of this title, public and private nonprofit institutions that have at least 10 percent minority enrollment.”

#### 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.

### § 1067h. Grant application

#### (a) Submission and contents of applications

An eligible applicant (as determined under section 1067g of this title) that desires to receive a grant under this part shall submit to the Secretary an application therefor at such time or times, in such manner, and containing such information as the Secretary may prescribe by regulation. Such application shall set forth—

(1) a program of activities for carrying out one or more of the purposes described in section 1067a(b) of this title in such detail as will enable the Secretary to determine the degree to which such program will accomplish such purpose or purposes; and

(2) such other policies, procedures, and assurances as the Secretary may require by regulation.

#### (b) Approval based on likelihood of progress

The Secretary shall approve an application only if the Secretary determines that the application sets forth a program of activities which are likely to make substantial progress toward achieving the purposes of this part.

(Pub. L. 89-329, title III, §362, formerly title X, §1042, as added Pub. L. 99-498, title X, §1002, Oct. 17, 1986, 100 Stat. 1564; renumbered title III, §362, and amended Pub. L. 105-244, title III, §301(a)(5), (7), (c)(10), Oct. 7, 1998, 112 Stat. 1636, 1637.)

#### CODIFICATION

Section was formerly classified to section 1135d-1 of this title prior to renumbering by Pub. L. 105-244.

#### AMENDMENTS

1998—Subsec. (a). Pub. L. 105-244, §301(c)(10), substituted “section 1067g” for “section 1135d” in introductory provisions and “section 1067a(b)” for “section 1135b(b)” in par. (1).

#### 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 sec-

tion 3 of Pub. L. 105-244, set out as a note under section 1001 of this title.

**§ 1067i. Cross program and cross agency cooperation**

The Minority Science and Engineering Improvement Programs shall cooperate and consult with other programs within the Department and within Federal, State, and private agencies which carry out programs to improve the quality of science, mathematics, and engineering education.

(Pub. L. 89-329, title III, §363, formerly title X, §1043, as added Pub. L. 99-498, title X, §1002, Oct. 17, 1986, 100 Stat. 1564; amended Pub. L. 102-325, title X, §1002(d), July 23, 1992, 106 Stat. 780; renumbered title III, §363, Pub. L. 105-244, title III, §301(a)(5), (7), Oct. 7, 1998, 112 Stat. 1636.)

CODIFICATION

Section was formerly classified to section 1135d-2 of this title prior to renumbering by Pub. L. 105-244.

AMENDMENTS

1992—Pub. L. 102-325 inserted “and consult” after “cooperate”.

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.

**§ 1067j. Administrative provisions**

**(a) Technical staff**

The Secretary shall appoint, without regard to the provisions of title 5 governing appointments in the competitive service, not less than 2 technical employees with appropriate scientific and educational background to administer the programs under this part who may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

**(b) Procedures for grant review**

The Secretary shall establish procedures for reviewing and evaluating grants and contracts made or entered into under such programs. Procedures for reviewing grant applications, based on the peer review system, or contracts for financial assistance under this subchapter may not be subject to any review outside of officials responsible for the administration of the Minority Science and Engineering Improvement Programs.

(Pub. L. 89-329, title III, §364, formerly title X, §1044, as added Pub. L. 99-498, title X, §1002, Oct. 17, 1986, 100 Stat. 1564; renumbered title III, §364, Pub. L. 105-244, title III, §301(a)(5), (7), Oct. 7, 1998, 112 Stat. 1636.)

REFERENCES IN TEXT

The provisions of title 5 governing appointments in the competitive service, referred to in subsec. (a), are classified to section 3301 et seq. of Title 5, Government Organization and Employees.

CODIFICATION

Section was formerly classified to section 1135d-3 of this title prior to renumbering by Pub. L. 105-244.

**§ 1067k. Definitions**

For the purpose of this part—

(1) The term “accredited” means currently certified by a nationally recognized accrediting agency or making satisfactory progress toward achieving accreditation.

(2) The term “minority” means American Indian, Alaskan Native, Black (not of Hispanic origin), Hispanic (including persons of Mexican, Puerto Rican, Cuban, and Central or South American origin), Pacific Islander or other ethnic group underrepresented in science and engineering.

(3) The term “minority institution” means an institution of higher education whose enrollment of a single minority or a combination of minorities (as defined in paragraph (2)) exceeds 50 percent of the total enrollment. The Secretary shall verify this information from the data on enrollments in the higher education general information surveys (HEGIS) furnished by the institution to the Office for Civil Rights, Department of Education.

(4) The term “science” means, for the purpose of this program, the biological, engineering, mathematical, physical, behavioral, and social sciences, and history and philosophy of science; also included are interdisciplinary fields which are comprised of overlapping areas among two or more sciences.

(5) The term “underrepresented in science and engineering” means a minority group whose number of scientists and engineers per 10,000 population of that group is substantially below the comparable figure for scientists and engineers who are white and not of Hispanic origin.

(6) The term “institutional grant” means a grant that supports the implementation of a comprehensive science improvement plan, which may include any combination of activities for improving the preparation of minority students for careers in science.

(7) The term “cooperative grant” means a grant that assists groups of nonprofit accredited colleges and universities to work together to conduct a science improvement program.

(8) The term “design projects” means projects that assist minority institutions that do not have their own appropriate resources or personnel to plan and develop long-range science improvement programs.

(9) The term “special projects” means—

(A) a special project grant to a minority institution which supports activities that—

(i) improve the quality of training in science and engineering at minority institutions; or

(ii) enhance the minority institutions’ general scientific research capabilities; or

(B) a special project grant to any eligible applicant which supports activities that—

(i) provide a needed service to a group of eligible minority institutions; or

(ii) provide in-service training for project directors, scientists, and engineers from eligible minority institutions.

(Pub. L. 89-329, title III, §365, formerly title X, §1046, as added Pub. L. 99-498, title X, §1002, Oct. 17, 1986, 100 Stat. 1566; renumbered title III, §365, and amended Pub. L. 105-244, title III, §§301(a)(5), (7), 307(c), Oct. 7, 1998, 112 Stat. 1636, 1648; Pub. L.

110-315, title III, §320(3), Aug. 14, 2008, 122 Stat. 3187.)

CODIFICATION

Section was formerly classified to section 1135d-5 of this title prior to renumbering by Pub. L. 105-244.

AMENDMENTS

2008—Par. (9)(A). Pub. L. 110-315 substituted “supports” for “support” in introductory provisions.

1998—Par. (4). Pub. L. 105-244, §307(c), inserted “behavioral,” after “physical.”

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.

**§ 1067I. Repealed. Pub. L. 105-244, title III, § 301(a)(8), Oct. 7, 1998, 112 Stat. 1636**

Section, Pub. L. 89-329, title III, §366, formerly title X, §1047, as added Pub. L. 99-498, title X, §1002, Oct. 17, 1986, 100 Stat. 1567; amended Pub. L. 100-418, title VI, §6221, Aug. 23, 1988, 102 Stat. 1518; Pub. L. 102-325, title X, §1002(f), July 23, 1992, 106 Stat. 780; renumbered title III, §366, Pub. L. 105-244, title III, §301(a)(5), (7), Oct. 7, 1998, 112 Stat. 1636, authorized appropriations to carry out Fund for Improvement of Postsecondary Education program.

CODIFICATION

Section was formerly classified to section 1135d-6 of this title prior to renumbering by Pub. L. 105-244.

EFFECTIVE DATE OF REPEAL

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

**PART F—STRENGTHENING HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND OTHER MINORITY-SERVING INSTITUTIONS**

CODIFICATION

Part F of title III of Pub. L. 89-329, comprising this part, was originally added as part J of title IV of Pub. L. 89-329 by Pub. L. 110-84, title VIII, §802, Sept. 27, 2007, 121 Stat. 817, and was classified to part I (§1099e) of subchapter IV of this chapter. Part J of title IV of Pub. L. 89-329 was subsequently redesignated part F of title III of Pub. L. 89-329 by Pub. L. 110-315, title III, §316(a)(2), Aug. 14, 2008, 122 Stat. 3185, and transferred to this part.

PRIOR PROVISIONS

A prior part F [§1068 et seq.] of this subchapter was redesignated part G by Pub. L. 110-315, title III, §316(a)(1), Aug. 14, 2008, 122 Stat. 3185.

**§ 1067q. Investment in historically Black colleges and universities and other minority-serving institutions**

**(a) Eligible institution**

An institution of higher education is eligible to receive funds from the amounts made available under this section if such institution is—

- (1) a part B institution (as defined in section 1061 of this title);
- (2) a Hispanic-serving institution (as defined in section 1101a of this title);
- (3) a Tribal College or University (as defined in section 1059c of this title);
- (4) an Alaska Native-serving institution or a Native Hawaiian-serving institution (as defined in section 1059d(b) of this title);

(5) a Predominantly Black Institution (as defined in subsection (c));

(6) an Asian American and Native American Pacific Islander-serving institution (as defined in subsection (c)); or

(7) a Native American-serving nontribal institution (as defined in subsection (c)).

**(b) New investment of funds**

**(1) In general**

**(A) Provision of funds**

There shall be available to the Secretary to carry out this section, from funds in the Treasury not otherwise appropriated, \$255,000,000 for each of the fiscal years 2008 and 2009. The authority to award grants under this section shall expire at the end of fiscal year 2009.

**(B) Availability**

Funds made available under subparagraph (A) for a fiscal year shall remain available for the next succeeding fiscal year.

**(2) Allocation and allotment**

**(A) In general**

Of the amounts made available under paragraph (1) for each fiscal year—

- (i) \$100,000,000 shall be available for allocation under subparagraph (B);
- (ii) \$100,000,000 shall be available for allocation under subparagraph (C); and
- (iii) \$55,000,000 shall be available for allocation under subparagraph (D).

**(B) HSI STEM and articulation programs**

The amount made available for allocation under this subparagraph by subparagraph (A)(i) for any fiscal year shall be available for Hispanic-serving Institutions<sup>1</sup> for activities described in section 1101b of this title, with a priority given to applications that propose—

- (i) to increase the number of Hispanic and other low income students attaining degrees in the fields of science, technology, engineering, or mathematics; and
- (ii) to develop model transfer and articulation agreements between 2-year Hispanic-serving institutions and 4-year institutions in such fields.

**(C) Allocation and allotment HBCUS and PBIS**

From the amount made available for allocation under this subparagraph by subparagraph (A)(ii) for any fiscal year—

- (i) 85 percent shall be available to eligible institutions described in subsection (a)(1) and shall be made available as grants under section 1062 of this title and allotted among such institutions under section 1063 of this title, treating such amount, plus the amount appropriated for such fiscal year in a regular or supplemental appropriation Act to carry out part B of this subchapter, as the amount appropriated to carry out part B of this subchapter for purposes of allotments under section 1063 of this title, for use by such institutions with a priority for—

<sup>1</sup> So in original. Probably should not be capitalized.