



Survey of Federal Laws Containing Goals, Set-Asides, Priorities, or Other Preferences Based on Race, Gender, or Ethnicity

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Summary

This report provides a broad, but by no means exhaustive, survey of federal statutes that specifically refer to race, gender, or ethnicity as factors to be considered in the administration of any federal program. Such measures may include, but are not limited to, goals, timetables, set-asides, quotas, priorities, and preferences, as those terms are generally (however imperfectly) understood. Based on searches of the LEXIS/NEXIS and WESTLAW legal databases using a variety of search strategies, the compilation seeks to be as comprehensive as possible. With certain noted exceptions, the report collectively describes those statutes found during the course of our research that appear, in any manner, to prefer or consider race, gender, or ethnicity as affirmative factors in federal employment, in the award of federal contracts, or in granting any federal benefit to individuals, groups, or institutions. Several laws directed to “socially and economically disadvantaged” individuals, groups, and institutions are included because, as more fully explained by the report, that term has been defined administratively and by statute to presumptively apply to specific racial or ethnic minorities or women.

Contents

Introduction	1
Government-Wide Programs	3
Agency-Specific Programs	6
Agriculture.....	6
Banking	10
Commerce	12
Communications	13
Defense.....	14
Education.....	16
Energy	20
Environment	21
Health and Human Services	21
Homeland Security.....	27
Housing and Urban Development.....	28
Immigration and Naturalization.....	29
Interior.....	29
Internal Revenue.....	29
Justice.....	30
Labor.....	30
Office of Personnel Management	31
Science and Technology	31
Small Business.....	33
State Department and Foreign Affairs.....	34
Transportation.....	34
Veterans Affairs	35

Contacts

Author Contact Information	36
Acknowledgments	36

Introduction

The purpose of this report is to provide a broad, but by no means exhaustive, survey of federal statutes that specifically refer to race, gender, or ethnicity as factors to be considered in the administration of any federal program. Such measures may include, but are not limited to, goals, timetables, set-asides, quotas, priorities, and preferences, as those terms are generally (however imperfectly) understood. Based on searches of the LEXIS/NEXIS and WESTLAW legal databases using a variety of search strategies, the compilation reflects our effort to be as comprehensive as possible.¹ Because of the various ways in which such programs can be described, however, we cannot guarantee complete coverage. Moreover, given the disparate policy objectives and wording of the various provisions, some editorial judgment was called for, and the final product may be viewed as over- or under-inclusive, depending on the reader's perspective. Nonetheless, included are any statutes found during the course of our research that appear, in any manner, to prefer or consider race, gender, or ethnicity as affirmative factors in federal employment, in the award of federal contracts, or in granting any federal benefit to individuals or institutions. Several laws directed to "socially and economically disadvantaged" individuals, groups, and institutions are included because, as explained below, that term has been defined administratively and by statute to presumptively apply to specific racial or ethnic minorities or women.² However, despite the focus on federal laws containing goals, set-asides, priorities, or other preferences based on race, gender, or ethnicity, this report does not attempt to track whether and how "minority" status, "disadvantage," or other relevant terms are defined by statute, regulation, or case law for purposes of these programs. Those interested in specific programs should check the statutes authorizing and regulations implementing those programs, as well as any case law pertaining to the program, to determine eligibility.

It is important to note that certain categories of federal law are purposely not included. For example, federal regulations and executive orders are generally not covered, although certain regulations and executive orders may be discussed when they apply government-wide or are otherwise significant. Also not included are various federal civil rights statutes, like Title VI of

¹ The search included all variants of the following words or phrases: underrepresented, affirmative action, minority, woman, disadvantage, race, and gender. Title 25 of the *United States Code*, which focuses upon Native Americans, was deliberately excluded from this search for reasons discussed below. Included are codified statutes that have not been repealed even if the programs they authorized were of limited duration. However, this report does not include statutes that have been repealed, nor does it track appropriations or appropriations riders that could limit the applicability of any of these provisions. There have been instances where failure to appropriate funds or the terms of an appropriations rider effectively render a program inoperative. *See, e.g.*, Strom Thurmond National Defense Authorization Act for FY1999, P.L. 105-261, § 801, 112 Stat. 1921, 2080-81 (Oct. 17, 1998) (barring the Department of Defense (DOD) from exercising its authority under 10 U.S.C. § 2323 to make price evaluation adjustments to the offers of small disadvantaged businesses (SDBs) in any fiscal year directly following a fiscal year in which DOD awarded at least 5% of its contract dollars to SDBs). This provision kept DOD from granting price evaluation adjustments in every fiscal year between 1998 and 2009. *See* *Rothe Dev. Corp. v. Dep't of Defense*, 545 F.3d 1023, 1028 (Fed. Cir. 2008) (addressing DOD's authority in fiscal years 1998 to 2007); 48 C.F.R. Subpart 19.11 (2008) (suspending price evaluation adjustment authority for FY2008); Dep't of Defense, *Suspension of the Price Evaluation Adjustment for Small Disadvantaged Businesses*, 74 Fed. Reg. 7671 (Feb. 19, 2009) (suspending price evaluation adjustment authority for FY2009).

² The word "disadvantaged" commonly appears in federal and federally funded contracting programs. Many programs, especially those for small businesses, include a presumption that members of certain racial or ethnic groups, or women, are socially and/or economically disadvantaged. *See* CRS Report R40987, *"Disadvantaged" Small Businesses: Definitions and Designations for Purposes of Federal and Federally Funded Contracting Programs*, by (name redacted). Such presumptions based on race have been found to constitute "explicit racial classifications" and are thus included here. *See* *Rothe Dev. Corp.*, 545 F.3d at 1035.

the 1964 Civil Rights Act and related laws, that place nondiscrimination requirements upon recipients of federal financial assistance without mandating racial, ethnic, or gender preferences *per se*. Nor are regulations of the various federal departments or agencies under Title VI included for the similar reason that, although they almost uniformly authorize “affirmative action” by recipients to “overcome the effects of prior discrimination” or otherwise, they do not explicitly define the obligation in terms of “goals” or “set-asides,” or other forms of preference for minorities or women.³ Also beyond the scope of this study are federal antidiscrimination laws that provide for equal opportunity, such as Title VII of the 1964 Civil Rights Act or the Fair Housing Act.⁴ Although many of these statutes authorize “affirmative” relief by the courts in discrimination actions and have been the basis for judicial preference orders in certain circumstances, they do not explicitly direct the imposition of timetables, goals, set-asides, quotas, or preferences on their face.

Another category of statutory preferences excluded from consideration here are federal programs focused solely upon Native Americans living on or near a reservation. Such programs have been upheld by the Supreme Court under the Constitution based on the Government’s historical trust relationship with the Tribes and the “unique legal status [of] Indians” in matters relating to tribal affairs “on or near” the reservation.⁵ According to the accepted legal view, such “special treatment” constitutes neither “racial discrimination” nor “even a ‘racial’ preference.” It is based instead on a “criterion reasonably designed to further the cause of Indian self-government” which “as applied, is granted to Indians not as a discrete racial group, but, rather, as members of quasi-sovereign tribal entities....”⁶ Native American individuals and Indian tribes are among those eligible for some of the programs listed, such as the Minority Small Business and Capital Development Program, but programs open only to Native Americans are generally not included.⁷

We also focused on programs that would arguably directly benefit minorities or women and thus excluded requirements that federal agencies report certain information on their programs for minorities or women to Congress or congressional committees.⁸ Such provisions arguably indirectly benefit minorities and women by making agencies accountable for any apparent failures to deal with minorities or women, but they seem less certain to provide assistance to minorities and women than the other programs and provisions included here. Likewise, we exclude programs that focus exclusively on pregnant women, since these programs are not explicitly based on gender.

Below, this report sets forth the various preference programs, organized into two main sections: government-wide programs and agency-specific programs, which are subdivided by agency.⁹

³ See, e.g., 15 C.F.R. § 15.3(b)(6)(2003) (Department of Agriculture Title VI regulations).

⁴ 42 U.S.C. § 2000e-5(g); 42 U.S.C. § 3613.

⁵ *Morton v. Mancari*, 417 U.S. 535, 548 (1973).

⁶ *Id.* at 554.

⁷ These programs are largely, even if not entirely, the same as those for Alaska Native Corporations, described in CRS Report R40855, *Contracting Programs for Alaska Native Corporations: Historical Development and Legal Authorities*, by (name redacted), (name redacted), and (name redacted).

⁸ See, e.g., 12 U.S.C. § 1723a(n) (requiring reports on, among other things, the volume of mortgages purchased from minority-owned lenders and “any efforts to facilitate relationships with such lenders”).

⁹ For additional information on minority preferences and affirmative action, see the following CRS reports: CRS Report RS22256, *Federal Affirmative Action Law: A Brief History*, by (name redacted); CRS Report RL30470, *Affirmative Action in Employment: A Legal Overview*, by (name redacted); CRS Report RL30470, *Affirmative Action and Diversity in* (continued...)

Government-Wide Programs

This section lists programs involving “preferential” treatment of minorities or women that multiple federal agencies have a role in implementing. It does not address statutes without explicit racial, gender, or ethnicity classifications that agencies could potentially implement in such a way as to prefer minorities or women.¹⁰ Because many of these programs are known by their names, they are listed here alphabetically by name, when possible, with their statutory authorities noted parenthetically after their names.

Affirmative Action Plans (Executive Order 11246, as amended by Executive Orders 11375, 11478, 12086, 12107, and 13279, as well as partially superseded by Executive Order 11478): Requires all non-construction federal prime contractors or subcontractors with 50 or more employees that receive more than \$50,000 from the government in any twelve month period to develop written affirmative action plans for each of their establishments. Additionally, agencies cannot award or modify non-construction contracts valued at \$10 million or more unless the Office of Federal Contract Compliance Programs at the Department of Labor determines in writing that the contractor is compliant with Executive Order 11246. Construction contractors are subject to separate affirmative action requirements, including having “goals for minority and female participation, expressed in percentage terms for the [c]ontractor’s aggregate workforce in each trade on all construction work in the covered area” incorporated as terms of the contract.¹¹

Agency Forecasts (15 U.S.C. § 637(a)(12)(C)(i)-(iii)): Requires agencies with contract actions worth \$50 million or more per fiscal year to prepare “forecast[s] of expected contract opportunities or classes of contract opportunities for the next and succeeding fiscal years that small business concerns, including those owned and controlled by socially and economically disadvantaged individuals, are capable of performing.” To the extent that such information is available, such forecasts shall include (1) the approximate number of individual contract opportunities; (2) the approximate dollar value, or range of dollar values, for each contract opportunity or class of contract opportunities; (3) the anticipated time for issuance of a procurement request (by fiscal quarter); and (4) the activity responsible for award and administration of the contract.

Goaling Program (15 U.S.C. § 644(g)(1)-(2)): Requires the President to set government-wide goals for the percentage of federal contract dollars awarded to various types of small businesses, including small disadvantaged businesses (SDBs) and women-owned small businesses (WOSBs).

(...continued)

Public Education: Legal Developments, by (name redacted); CRS Report RL33234, *Minority Contracting and Affirmative Action for Disadvantaged Small Businesses: Legal Issues*, by (name redacted); and CRS Report R40744, *“8(a) Program” for Small Businesses Owned and Controlled by the Socially and Economically Disadvantaged: Legal Requirements and Issues*, by (name redacted) and (name redacted).

¹⁰ Agencies conducting negotiated procurements under the authority of the Armed Services Procurement Act of 1947 (10 U.S.C. §§ 2302 et seq.) or the Federal Property and Administrative Services Act of 1949 (40 U.S.C. §§ 471 et seq. and 41 U.S.C. §§ 251 et seq.) could potentially use firms’ small business status—including their status as SDBs, women-owned small businesses, or 8(a) firms—as evaluation factors in determining which offer provides “best value” for the government. The relevant statutes do not specifically contemplate agencies’ use of these authorities to award contracts to minority- or women-owned firms. However, at least some agencies appear to use them to favor other classes of small businesses. See CRS Report R40998, *The Inapplicability of Limitations on Subcontracting to “Preference Contracts” for Small Businesses: Washington-Harris Group*, by (name redacted).

¹¹ 48 C.F.R. § 52.222-23(b).

The goals for each category should be “not less than 5 percent of the total value of all prime contract and subcontract awards.”¹² Agency heads must set similar, agency-specific goals for contracting and subcontracting with SDBs and WOSBs in consultation with the Small Business Administration (SBA) Administrator. The agency-specific goals do not need to meet or exceed any specific percentage. Rather, they are to “realistically reflect the potential” of small businesses to perform federal prime contracts and subcontracts and thus vary among agencies.¹³

Grants and Cooperative Agreements with State and Local Governments (OMB Circular A-102): Establishes a national policy to award a “fair share of contracts” to small and minority business firms, as well as requires grantees to take “similar appropriate affirmative action to support women’s enterprises.”

Minority Small Business and Capital Development Program (8(a) Program) (15 U.S.C. § 636(j); 15 U.S.C. § 637(a)): Provides various benefits for participating small businesses, which must be at least 51% owned and controlled by socially and economically disadvantaged individuals or groups. Benefits include (1) set-aside and sole-source contracts with federal agencies; (2) direct and guaranteed loans from the SBA; (3) transfer of technology and surplus property owned by the United States; (4) management and technical assistance, including training in financing, management, accounting, bookkeeping, marketing, the operation of small businesses, and the identification and development of new business opportunities; and (5) participation in an SBA-sponsored mentor-protégé program, with mentors providing protégés with technical or management assistance; financial assistance in the form of equity investments or loans; subcontracts; or assistance in performing prime contracts with the government in the form of joint venture arrangements.¹⁴

Small Business Innovation Research (SBIR) Program (15 U.S.C. § 638): Requires every federal department with a research and development budget of \$100 million or more to operate an SBIR program, which seeks, among other things, to increase the involvement of SDBs in the process of technological innovation.¹⁵

Small Business Subcontracting Program (15 U.S.C. § 637(d)): Promotes the use of SDBs and WOSBs as subcontractors on federal prime contracts. Agencies must include clauses obligating the contractor to carry out the federal policy of ensuring that SDBs and WOSBs have “the maximum practicable opportunity to participate in [contract] performance” in all eligible contracts valued at over \$150,000.¹⁶ Agencies must also negotiate subcontracting plans with the apparently successful offeror before awarding, amending, or modifying any eligible contract valued at over \$650,000 (\$1.5 million for construction contracts for public facilities). Subcontracting plans must include percentage goals for the use of SDBs and WOSBs, among others, as subcontractors and describe the efforts the offeror will make to ensure that such

¹² 15 U.S.C. § 644(g)(1).

¹³ 15 U.S.C. § 644(g)(2). *See also* Small Business Goaling Report: Fiscal Year 2009, *available at* https://www.fpds.gov/downloads/top_requests/FPDSNG_SB_Goaling_FY_2009.pdf (reporting on agencies’ performance in meeting the goals for contracting and subcontracting with small businesses).

¹⁴ 13 C.F.R. § 124.520(a). For more information about the 8(a) Mentor-Protégé Program, see CRS Report R41722, *Small Business Mentor-Protégé Programs*, by (name redacted) and (name redacted).

¹⁵ For more on SBIR, see CRS Report 96-402, *Small Business Innovation Research (SBIR) Program*, by (name redacted).

¹⁶ 15 U.S.C. § 637(d)(3)(A).

businesses “have an equitable opportunity to compete for subcontracts.”¹⁷ Agencies cannot award an eligible contract unless the subcontracting plan has been agreed upon and is incorporated into the contract. The plan constitutes a “material part of the contract,”¹⁸ and a contractor’s failure to comply in good faith with it constitutes a material breach, potentially requiring the contractor to pay liquidated damages.¹⁹ Agencies must consider contractors’ performance on the goals listed in their subcontracting plans when evaluating past performance.²⁰ Past performance is considered (1) as an evaluation factor in negotiated procurements; (2) when determining whether prospective contractors are sufficiently “responsible” to be awarded a federal contract; and (3) when determining award fees. Performance in subcontracting with SDBs, WOSBs, and other small businesses is the only factor that agencies *must* consider when evaluating past performance.

Small Disadvantaged Business Participation Program (48 C.F.R. §§ 19.1201-19.1202-4): Authorizes agencies to use the following “evaluation factors,” focused upon subcontracting with SDBs, when awarding prime contracts: (1) the extent to which the offers specifically identify potential subcontracting opportunities for SDBs; (2) the extent of offerors’ commitment to use SDBs; (3) the complexity and variety of work to be performed by small SDBs; (4) the realism of offerors’ proposals; (5) the offerors’ past performance in complying with subcontracting plan goals for SDBs and monetary targets for SDB participation; and (6) the extent of SDB participation in terms of the value of the total acquisition. Agencies also have authority to incorporate “monetary incentives” for subcontracting with SDBs into their prime contracts. Such incentives reward prime contractors by paying them up to 10% of the amount by which their performance in subcontracting with SDBs exceeds their targets for subcontracting with SDBs.

Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations (OMB Circular A-110): Requires agencies to encourage funding recipients to use women-owned and minority-owned banks as a way of promoting the “national goal of expanding the opportunities for women-owned and minority-owned business enterprises.”

Women-Owned Small Business Program (15 U.S.C. § 637(m)): Authorizes agencies to “restrict competition for any contract for the procurement of goods and services by the Federal government to small business concerns owned and controlled by women” when certain conditions are met.²¹ These conditions require that (1) the small business be at least 51% owned by one or more women who are economically disadvantaged; (2) the contracting officer reasonably expects that offers will be obtained from at least two responsible small businesses offering the products of different small businesses and the award will be made at a fair market price; (3) the anticipated value of the contract will not exceed \$3 million (\$5 million for manufacturing contracts); and (4) the proposed contract is for the procurement of goods or services in an industry in which the SBA has determined that WOSBs are underrepresented.²²

¹⁷ 15 U.S.C. § 637(d)(6)(C).

¹⁸ 15 U.S.C. § 637(d)(4)(B)(iv).

¹⁹ 48 C.F.R. § 19.705-7.

²⁰ 48 C.F.R. § 42.1502(g).

²¹ 15 U.S.C. § 637(m).

²² 15 U.S.C. § 637(m)(2)(A)-(F) & (m)(4). Implementation of set-asides for women-owned small businesses did not occur until February 2011, in part, because of concerns over the limited number and nature of the industries in which the SBA had found that WOSBs were underrepresented. *See* Small Business Administration, Proposed Rule: Women-Owned Small Business Federal Contract Assistance Procedures, 72 Fed. Reg. 73285 (Dec. 27, 2007) (identifying only (continued...))

41 U.S.C. § 1122: Requires the Office of Federal Procurement Policy (OFPP)²³ to develop policies, in consultation with the SBA Administrator, that ensure that SDBs and WOSBs “are provided with the maximum practicable opportunities to participate in procurements that are conducted for amounts below the simplified acquisition threshold” (generally \$150,000)²⁴ and promote achievement of the government-wide and agency-specific goals for contracting and subcontracting with SDBs and WOSBs.

41 U.S.C. § 2301: Requires that agency electronic commerce systems, technologies, procedures, and processes facilitate access to federal procurement opportunities for SDBs and WOSBs, among others.

Agency-Specific Programs

Agriculture

7 U.S.C. § 450i: Establishes competitive, special, and facilities research grants. The Secretary of Agriculture may assist in the development of capabilities in the agricultural, food, and environmental sciences by “ensur[ing] that the faculty of small, mid-sized, and minority-serving institutions who have not previously been successful in obtaining competitive grants under this subsection receive a portion of the grants.”

7 U.S.C. § 1524: Requires the Secretary to place “special emphasis” on risk management strategies, education, and outreach to specifically targeted groups, including socially disadvantaged farmers and ranchers, in carrying out programs on crop insurance and risk management education.

7 U.S.C. § 1531: Provides for a waiver of minimum risk management purchase requirements for certain socially disadvantaged livestock producers, farmers, and ranchers.

7 U.S.C. § 1632a: Establishes value-added agricultural product market development grants. The Secretary must give priority in awarding these grants to projects that contribute to increasing opportunities for certain groups, including socially disadvantaged farmers and ranchers. The Secretary also must reserve 10% of the amounts made available for each fiscal year to fund projects that benefit beginning farmers or ranchers or socially disadvantaged farmers or ranchers.

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four industries in which WOSBs are underrepresented); Robert Brodsky, SBA Issues New Proposal on Small Business Program, But Same Questions Remain, *Gov't Exec.*, Sept. 30, 2008, available at <http://www.govexec.com/dailyfed/0908/093008rb1.htm> (reporting an SBA proposal to increase the number of industries in which women are underrepresented from 4 to 31); Omnibus Appropriations Act, 2009, P.L. 111-8, Administrative Provisions—Small Business Administration, § 522, 123 Stat. 673 (Mar. 11, 2009) (prohibiting SBA from using funds appropriated under the act to implement the set-aside program with the previously identified industries). However, on October 7, 2010, the SBA issued new regulations for the WOSB set-aside program, identifying 83 industries in which women are underrepresented or substantially underrepresented. Small Business Administration, Women-Owned Small Business Federal Contract Program: Final Rule, 75 Fed. Reg. 62258 (Oct. 7, 2010).

²³ Located within the Office of Management and Budget, OFPP provides overall direction of government-wide procurement policies, regulations, procedures, and forms for executive-branch agencies.

²⁴ 41 U.S.C. § 405(d)(11).

7 U.S.C. § 1924: Establishes the conservation loan and loan guarantee program. The Secretary is required to “give priority” to qualified beginning farmers or ranchers and socially disadvantaged farmers or ranchers, among other groups, when making or guaranteeing loans under this section.

7 U.S.C. § 1932(c): Establishes rural cooperative development grants, for which appropriations of \$50 million for each of fiscal years 2008 through 2012 have been authorized. If the total amount appropriated for a fiscal year exceeds \$7.5 million, the Secretary must reserve an amount equal to 20% of the total amount appropriated for grants for cooperative development centers, individual cooperatives, or groups of cooperatives that serve socially disadvantaged groups and a majority of whose boards of directors or governing boards are comprised of individuals who are members of socially disadvantaged groups.

7 U.S.C. § 1935: Establishes a program to provide loans to qualified beginning farmers or ranchers and socially disadvantaged farmers or ranchers for down payments on farm ownership loans. The Secretary, “to the maximum extent practicable,” shall (1) encourage retiring farmers and ranchers to assist in the sale of their farms and ranches to qualified beginning farmers or ranchers and socially disadvantaged farmers or ranchers by providing seller financing; (2) coordinate the loan program established by this section with state programs that provide farm ownership or operating loans for beginning farmers or ranchers or socially disadvantaged farmers or ranchers; and (3) establish annual performance goals to promote the use of the down payment loan program and other joint financing arrangements as the preferred choice for direct real estate loans made by any lender to a qualified beginning farmer or rancher or socially disadvantaged farmer or rancher.

7 U.S.C. § 1936: Establishes the beginning farmer or rancher and socially disadvantaged farmer or rancher contract land sales program. Subject to eligibility requirements and some limitations, the Secretary is to guarantee loans made by private sellers of farms or ranches to qualified beginning farmers or ranchers or socially disadvantaged farmers or ranchers.

7 U.S.C. § 1985: Establishes the order and method of sale for the Secretary in offering to sell real property that is acquired through security servicing. Not later than 135 days after acquiring real property, the Secretary shall offer to sell the property to a qualified beginning farmer or rancher or a socially disadvantaged farmer or rancher at current market value based on a current appraisal. “To the maximum extent practicable, the Secretary shall maximize the opportunity for beginning farmers or ranchers and socially disadvantaged farmers or ranchers to purchase real property acquired by the Secretary under this title by combining or dividing inventory parcels of the property in such manner as the Secretary determines to be appropriate.” This section also permits the leasing of property to beginning farmers or ranchers or socially disadvantaged farmers or ranchers for farms or ranches acquired by the Secretary if the beginning farmer or rancher or the socially disadvantaged farmer or rancher qualifies for a credit sale or direct farm ownership loan.

7 U.S.C. § 2000: Establishes a “homestead protection” program, under which, at any time during the period of occupancy of a borrower-owner who is a socially disadvantaged farmer or rancher, the borrower-owner, or a member of his or her immediate family, shall “have a right of first refusal to reacquire the homestead property on such terms and conditions as the Secretary shall determine, except that the Secretary may not demand a payment for the homestead property that is in excess of the current market value of the homestead property as established by an independent appraisal.”

7 U.S.C. § 2003: Requires the Secretary to establish annual target participation rates that ensure members of socially disadvantaged groups receive loans and have the opportunity to purchase or lease inventory farmland.

7 U.S.C. § 2016(h): Prohibits the Secretary from approving an electronic benefits transfer system for the food stamp program in which households must participate unless “a sufficient number of eligible retail food stores, including those stores able to serve minority language populations, have agreed to participate in the system throughout the area in which it will operate to ensure that eligible households will not suffer a significant reduction in their choice of retail food stores or a significant increase in the cost of food or transportation to participating food stores.”

7 U.S.C. § 2204b: Directs the Secretary to prepare a comprehensive rural development strategy based on the needs, goals, objectives, plans, and recommendations of local communities, sub-state areas, states, and multistate regions. Such strategy must “take into account the need to improve the economic well-being of all rural residents and alleviate the problems of low income, elderly, minority, and otherwise disadvantaged rural residents.”

7 U.S.C. § 2279: Requires the Secretary of Agriculture to “carry out an outreach and technical assistance program to encourage and assist socially disadvantaged farmers and ranchers ... in owning and operating farms and ranches ... [and] in participating equitably in the full range of agricultural programs offered by the Department.”

7 U.S.C. § 2279a: Requires the Secretary to adjust the bases and yields and make available any appropriate commodity program benefits if he or she determines that crop acreage bases or farm program payment yields established for farms owned or operated by socially disadvantaged producers were not established in accordance with the law. The Secretary shall also make such changes in the administration of the Consolidated Farm and Rural Development Act as are deemed necessary “to provide for the fair and equitable treatment of socially disadvantaged producers” if it is determined that application of the act with respect to such producers is inconsistent with the act’s requirements.

7 U.S.C. § 3151: Establishes grants to enhance research capacity in schools of veterinary medicine. The Secretary may set aside a portion of funds appropriated for the award of grants under this section for grants to eligible colleges and universities that the Secretary determines have “unique capabilities for achieving the objective of full participation of minority groups in research in the Nation’s schools of veterinary medicine.”

7 U.S.C. § 3152: Establishes grants and fellowships for food and agricultural sciences education. The Secretary may set aside a portion of the funds appropriated for the awarding of grants to eligible colleges and universities (including the University of the District of Columbia) that the Secretary “determines have unique capabilities for achieving the objective of full representation of minority groups in the food and agricultural sciences workforce, or in the rural economic, community, and business development workforce, of the United States.”

7 U.S.C. § 3241: Authorizes the Secretary to make grants to Hispanic-serving institutions (HSIs) for the purpose of promoting and strengthening the ability of such institutions to carry out education, applied research, and related community development programs.

7 U.S.C. § 3319f: Establishes grants for the beginning farmer and rancher development program. Not less than 25% of the funds used to carry out this provision for a fiscal year shall be used to

support programs and services that address the needs of socially disadvantaged beginning farmers or ranchers.

7 U.S.C. § 5331: Requires that the National Nutrition Monitoring Advisory Council include representatives of minority organizations, among others.

7 U.S.C. § 5923(c): Establishes grants for the rural electronic commerce extension program and specifies that selection criteria for such grants shall include “the extent of participation of low-income and minority businesses or microenterprises in a proposed project or activity under the extension program.” A development center or grant applicant must obtain contributions from non-federal sources of an amount equal to 50% of the grant amount, although this amount may be reduced to 25% if the grant recipient serves low-income or minority-owned businesses or microenterprises.

7 U.S.C. § 5925: Establishes high-priority research and extension areas. Research and extension grants may be made under this section to increase participation by women and underrepresented minorities from rural areas in the fields of science, technology, engineering, and mathematics, with priority given to eligible institutions that carry out continuing programs funded by the Secretary.

7 U.S.C. § 6934: Establishes the Office of Advocacy and Outreach within the Department of Agriculture, whose duties include ensuring small farms and ranches, beginning farmers and ranchers, and socially disadvantaged farmers and ranchers have access to and participate equitably in Department programs and services. The Secretary is also required to establish the Socially Disadvantaged Farmers Group within the Office.

7 U.S.C. § 7625: Authorizes the Secretary to give priority to socially disadvantaged farmers when awarding grants in support of the national food safety training, education, extension, outreach, and technical assistance program.

7 U.S.C. § 8111: Establishes the Biomass Crop Assistance Program (BCAP) and requires the Secretary to provide financial assistance to producers of eligible crops in BCAP project areas. In selecting BCAP project areas, the Secretary shall consider socially disadvantaged farmers or ranchers.

7 U.S.C. § 8711: Excludes socially disadvantaged farmers and ranchers from provisions on the treatment of farms with limited base acres.

7 U.S.C. § 8752: Excludes socially disadvantaged farmers or ranchers from provisions on the treatment of farms with limited base acres for peanut farms.

16 U.S.C. §§ 3835(f), 3841(a)(1)(B): Provide additional transition options for socially disadvantaged farmers and ranchers under the agricultural resources conservation program in order to facilitate the transfer of land subject to contracts from retired or retiring owners and operators to beginning farmers or ranchers and socially disadvantaged farmers or ranchers.

16 U.S.C. §§ 3839aa-2, 3841(g)(1)(B): Limit increases in payments for socially disadvantaged farmers and ranchers under the agricultural resources conservation program.

16 U.S.C. § 3844: Allows the Secretary to offer “incentives” for socially disadvantaged farmers and ranchers to participate in conservation programs.

19 U.S.C. § 2497: Provides for waivers for socially disadvantaged farmers and ranchers under a supplemental agricultural disaster assistance program.

42 U.S.C. § 3020e-1: Authorizes the Assistant Secretary to award grants to entities that establish pension counseling and information outreach programs for “women, minorities, older individuals residing in rural areas and low income retirees, and older individuals with limited English proficiency.”

Banking

12 U.S.C. § 635: Establishes the powers and functions of the Export-Import Bank. Among its duties, the Bank shall be responsible for advising small businesses of opportunities, with particular emphasis on conducting outreach and increasing loans to socially and economically disadvantaged small businesses, WOSBs, and small businesses employing fewer than 100 employees and on liaising with the SBA and other departments and agencies on matters affecting small businesses.

12 U.S.C. § 635a: Establishes an office whose sole function is to continue and enhance the outreach activities of the Bank with respect to, and increase the total amount of loans, guarantees, and insurance provided by the Bank to support, exports by socially and economically disadvantaged small businesses and WOSBs within the Small Business Division. The President of the Bank must ensure, to the maximum extent practicable, that qualified minority and women applicants are considered when filling positions.

12 U.S.C. § 635a-4: Requires the Board of Directors of the Export-Import Bank to attempt to ensure that a major share of any loan guarantee ultimately serves to promote exports from small, medium-size, and minority businesses or agricultural concerns.

12 U.S.C. § 1441: Requires the Financing Corporation to ensure that minority-owned or -controlled commercial banks, investment banking firms, underwriters, and bond counsels have an opportunity to “participate to a significant degree” in any public offering of obligations it issues.

12 U.S.C. § 1441a: Authorizes the Resolution Trust Corporation (RTC) to award minority- and women-owned businesses “an additional 10 percent of the total technical points and an additional 5 percent of the total cost preference points achievable in the technical and cost rating process” when evaluating proposals for contracts. RTC must establish guidelines for “achieving the goal of a reasonably even distribution of contracts awarded to the various subgroups of the class of minority- and women-owned businesses and minority- and women-owned law firms whose total number of certified contractors comprise not less than 5 percent of all minority- and women-owned certified contractors.” This provision also includes requirements to (1) promote the acquisition of branch facilities in minority neighborhoods by minority depository institutions; (2) provide assistance to minority-owned depository institutions and minority investors in acquiring savings associations for which the RTC has been appointed conservator or receiver; (3) establish a minority interim capital assistance program; and (4) give offers from minority individuals, minority-owned businesses, or minority depository institutions “preference” when considering offers to acquire any insured depository institution, or branch thereof, located in a minority neighborhood.

12 U.S.C. § 1441b: Requires the Thrift Depositor Protection Oversight Board to ensure that minority-owned or -controlled commercial banks, investment banking firms, underwriters, and

bond counsels have an opportunity to participate to a significant degree in any public or negotiated offering of obligations it issues.

12 U.S.C. § 1823(f)(12): Authorizes Federal Deposit Insurance Corporation (FDIC) approval of minority-controlled bank acquisitions by minority-controlled holding companies without regard to asset size.

12 U.S.C. § 1831q: Requires the FDIC to periodically provide to a wide range of minority- and women-owned businesses and nonprofit organizations more than 50% controlled by minority individuals that provide affordable housing with information that is “sufficient to inform such businesses and organizations of availability and terms of financing.”

12 U.S.C. § 1833e: Requires that the FDIC, the Comptroller of the Currency, and the Federal Housing Finance Board each prescribe regulations “to establish and oversee a minority outreach program ... to ensure inclusion ... of minorities and women” in all agency contracts.

12 U.S.C. § 2219c: Requires that all institutions within the Farm Credit System with more than 20 employees establish and maintain affirmative action plans that “appl[y] the affirmative action standards otherwise applied to contractors of the Federal Government.”

12 U.S.C. § 2279aa-6: Requires the Federal Agricultural Mortgage Corporation to ensure that, as a condition of providing any guarantees, facilities take “such steps as may be necessary to ensure that minority owned or controlled investment banking firms, underwriters, and bond counsels ... have an opportunity to participate to a significant degree in any public offering of securities.”

12 U.S.C. § 2903: Allows federal financial supervisory agencies examining the record of nonminority-owned and non-women-owned financial institutions in “meeting the credit needs of its entire community, including low- and moderate-income neighborhoods” to consider capital investment, loan participation, and other ventures undertaken by the institution in cooperation with minority- and women-owned financial institutions and low-income credit unions provided that these activities help meet the credit needs of local communities in which such institutions and credit unions are chartered.

12 U.S.C. § 2907: Provides that any donation or sale on favorable terms of a bank branch in a minority neighborhood to a minority- or women-owned depository institution shall be a factor in determining the compliance of the selling or donating institution with the Community Reinvestment Act.

12 U.S.C. § 4520: Requires the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and any Federal Home Loan Bank to establish minority outreach programs to “ensure the inclusion (to the maximum extent possible) in contracts entered into by the enterprises of minorities ... and women and businesses owned by minorities and women ..., including financial institutions, investment banking firms, underwriters, accountants, brokers, and providers of legal services.”

12 U.S.C. § 4703: Establishes the National Fund for Community Development Banking and creates a 15-member advisory board, which includes nine private citizens appointed by the President who shall be selected, to the maximum extent practicable, to provide for national geographic representation and racial, ethnic, and gender diversity.

12 U.S.C. § 5217: Requires the Secretary of the Treasury to develop and implement standards and procedures to ensure, to the maximum extent practicable, the inclusion and utilization of minorities, women, and minority- and women-owned businesses in any solicitation or contract under the Troubled Assets Relief Program for which the Secretary has waived any provisions of the Federal Acquisition Regulation pertaining to minority contracting.

12 U.S.C. § 5452: Requires the “Departmental Offices of the Department of the Treasury,” Federal Deposit Insurance Corporation, Federal Housing Finance Agency, Federal Reserve banks, Board of Governors of the Federal Reserve System, National Credit Union Administration, Office of the Comptroller of the Currency, Securities and Exchange Commission, and Bureau of Consumer Financial Protection each to establish an Office of Minority and Women Inclusion, with responsibility for all matters of the agency relating to diversity. The directors of these Offices are to develop and implement standards and procedures to ensure, to the maximum extent possible, the fair inclusion and utilization of minorities, women, and minority- and women-owned businesses in activities of the agency, including the performance of any contracts. Contract proposals shall be evaluated, “to the extent consistent with applicable law,” in part, based upon the diversity of the applicant, and contractors shall ensure, to the maximum extent practicable, the fair inclusion of minorities and women in their workforce and as subcontractors. Contractors or subcontractors who fail to make good faith efforts to include minorities and women may be terminated.

Commerce

15 U.S.C. § 278g-5: Authorizes the Director of the National Institute of Standards and Technology to work with industry, trade associations, professional societies, and others to “raise awareness in the United States, including awareness by businesses that are majority owned by women, minorities, or both, of enterprise integration activities in the United States and abroad, including by the convening of conferences.”

15 U.S.C. § 3704: Requires the Secretary of Commerce to establish a Minority Serving Institution Digital and Wireless Technology Opportunity Program to enable eligible minority-serving institutions of higher education to acquire and augment their use of digital and wireless networking technologies to improve the quality and delivery of educational services.

15 U.S.C. §§ 7101 et seq.: Establish the Interagency Committee on Women’s Business Enterprise, which is to “[p]romote, coordinate and monitor the plans, programs and operations of the departments and agencies of the Executive Branch which may contribute to the establishment, preservation and strengthening of women’s business enterprise.” The SBA Administrator must ensure, “to the extent possible,” that the Committee’s appointed members reflect geographic, racial, economic, and sectoral diversity.

15 U.S.C. § 7404: Requires the Director of the National Science Foundation (NSF) to establish a program to award grants to minority-serving and other institutions of higher education “to establish or improve undergraduate and master’s degree programs in computer and network security [and] to increase the number of students, including the number of students from groups historically underrepresented in these fields.”

15 U.S.C. § 7501: Establishes the National Nanotechnology Program and creates interdisciplinary nanotechnology research centers, which are to (1) be established, “to the greatest extent possible,” in geographically diverse locations; (2) encourage the participation of Historically Black Colleges

and Universities (HBCUs) and minority institutions, and (3) include institutions located in states participating in the Experimental Program to Stimulate Competitive Research.

19 U.S.C. § 2511(f): Specifies that the President’s authority to waive “discriminatory purchasing requirements” in government procurement does not authorize waiver of “preferences” for minorities or small businesses.

42 U.S.C. § 6705: Prohibits grants for local public works projects from being made unless “the applicant gives satisfactory assurance to the Secretary that at least 10 per centum of the amount of each grant shall be expended for minority business enterprises” or the Secretary determines otherwise.

Communications

47 U.S.C. §§ 309(i)(3)(A), 309(j)(4)(D): Require the Federal Communications Commission (FCC) to “establish rules and procedures to ensure that, in the administration of any system of random selection ... used for granting licenses or construction permits for any media of mass communications, significant preferences will be granted to applicants or groups of applicants, the grant to which of the license or permit would increase the diversification of ownership of the media of mass communications. To further diversify the ownership of media of mass communications, an additional significant preference shall be granted to any applicant controlled by a member or members of a minority group.” The FCC must also prescribe regulations for use in radio licensing proceedings that “ensure that small businesses, rural telephone companies, and businesses owned by members of minority groups and women are given the opportunity to participate in the provision of spectrum-based services, and, for such purposes, consider the use of tax certificates, bidding preferences, and other procedures.”

47 U.S.C. §§ 392, § 393: Establish grants for the construction of public telecommunications facilities. The Secretary of Commerce must “give special consideration” to applications that would increase ownership of, operation of, and participation in public telecommunications entities by minorities and women. The Secretary is also required to “take affirmative steps” to inform minorities and women of the availability of funds and the localities where new public telecommunications facilities are needed, and to “provide such other assistance and information as may be appropriate.”

47 U.S.C. § 396(a)(6): Directs the Corporation for Public Broadcasting to “encourage the development of programming ... that addresses the needs of unserved and underserved audiences, particularly children and minorities.”

47 U.S.C. § 532(i): Provides for programming from qualified minority or educational programming sources.

47 U.S.C. § 554: Establishes equal employment opportunity requirements for any corporation, partnership, association, joint-stock company, or trust engaged primarily in the management or operation of cable systems.

47 U.S.C. § 1305(h)(3): Gives SDBs special consideration in the selection of grant recipients under the Broadband Technology Opportunities Program funded by the American Recovery and Reinvestment Act.

Defense

10 U.S.C. § 1722(h): Requires the Secretary of Defense or the Secretary of a military department to, consistent with the merit system principles, take into consideration the need to maintain a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service when developing acquisition workforce policies.

10 U.S.C. § 2191: Requires the Secretary of Defense to take “appropriate action” to encourage applications for National Defense Science and Engineering Graduate Fellowships from persons who are members of groups, including minority groups, women, and disabled persons that have historically been underrepresented in the science and technology fields.

10 U.S.C. § 2193: Requires the Secretary of Defense to give priority to awarding grants for higher education in science and mathematics “in a manner likely to stimulate the interest of women and members of minority groups in pursuing scientific and engineering careers.”

10 U.S.C. § 2194: Requires that Department of Defense (DOD) laboratories give “priority” to entering into education partnership agreements with HBCUs and other minority institutions.

10 U.S.C. § 2196(j)(8): Specifies that the selection criteria for the manufacturing engineering grant program established by the Secretary of Defense must require proposals “to achieve a significant level of participation by women, members of minority groups, and individuals with disabilities through active recruitment of students from among such persons.”

10 U.S.C. §§ 2302 note, 2303 note: Establish a temporary DOD Mentor-Protégé Program to encourage major DOD contractors to furnish SDBs with assistance designed to enhance their capabilities to perform as subcontractors and suppliers under DOD contracts. Mentors may provide a range of assistance to protégés, including general business management assistance, progress payments under subcontracts, advance payments, loans, and cash in exchange for ownership interests in protégé firms.

10 U.S.C. § 2304(b)(2): Authorizes defense agencies, the National Aeronautics and Space Administration (NASA), and the Coast Guard, to set aside procurements for competitions in which only small businesses, HBCUs, and minority institutions can participate in order to further the purposes of 10 U.S.C. § 2323.

10 U.S.C. § 2323: Establishes as a goal that 5% of the contract dollars of DOD, NASA, and the Coast Guard be awarded to SDBs each year. Section 2323 also authorizes these agencies to “enter into contracts using less than full and open competitive procedures (including awards under section 8(a) of the Small Business Act) and partial set asides,” as well as make price evaluation adjustments of up to 10% to offers of SDBs.²⁵ The U.S. Court of Appeals for the Federal Circuit found this provision facially unconstitutional in its November 2008 decision in *Rothe Development Corporation v. Department of Defense*,²⁶ and agencies have since been barred from

²⁵ Other agencies had similar authority to make noncompetitive awards or grant price evaluation adjustments to SDBs under the Federal Acquisition Streamlining Act (FASA) of 1994, but this authority expired on September 30, 2003. P.L. 103-355, § 7102, 108 Stat. 3368-69 (Oct. 13, 1994). Agencies’ authority under FASA was originally set to expire on September 30, 2000, but it was extended once through September 30, 2003, at which time it was not renewed. See 15 U.S.C. § 644 note.

²⁶ *Rothe Dev. Corp.*, 545 F.3d 1023. For more on the *Rothe* case, see CRS Report R40440, *Rothe Development* (continued...)

implementing any programs under its authority.²⁷ However, legislation enacted by the first session of the 111th Congress restored defense agencies' authority to provide certain forms of technical and infrastructure assistance to minority-serving institutions of higher education, including HBCUs, HSIs, Alaska Native- and Native Hawaiian-serving institutions (ANNHIs), and other minority institutions.²⁸

10 U.S.C. § 2362: Requires the Secretary of Defense, acting through the Director of Defense Research and Engineering and the Secretary of each military department, to carry out a program to provide assistance to covered educational institutions, including accredited postsecondary minority institutions, to assist the Department in defense-related research, development, testing, and evaluation activities. The Secretary is also authorized to implement a program assisting HBCUs and other minority-serving institutions of higher education to participate in defense-related research, testing, and evaluation activities through the competitive awarding of grants, cooperative agreements, contracts, scholarships, fellowships, or the acquisition of research equipment or instrumentation, among other means.

10 U.S.C. § 2687 note: Requires the Secretary of Defense to give preference “to the greatest extent practicable” to SDBs when entering contracts with private entities as part of the closure or realignment of a military installation under a base closure law.

10 U.S.C. § 2904(b)(2): Specifies that the Strategic Environmental Research and Development Program Scientific Advisory Board shall consist of “persons who are eminent in the fields of basic sciences, engineering, ocean and environmental sciences, education, research management, international and security affairs, health physics, health sciences, or social sciences with due regard given to the equitable representation of scientists and engineers who are women or who represent a minority group.”

10 U.S.C. § 4552(5): Articulates a federal policy of providing, “as appropriate,” small businesses, including socially and economically disadvantaged small businesses and new small businesses, with “incentives that encourage those businesses to undertake manufacturing and other industrial processing activities that contribute to the prosperity of the United States.”

10 U.S.C. § 4553: Creates the Armament Retooling and Manufacturing Support (ARMS) Initiative, whose purposes include increasing opportunities for small businesses, including socially and economically disadvantaged small businesses and new small businesses, to use eligible facilities for ARMS-related purposes.

33 U.S.C. § 544c: Directs the Secretary of the Army, acting through the Chief of Engineers, to “make a maximum effort to assure the full participation of members of minority groups, living in the States participating in the Tennessee-Tombigbee Waterway Development Authority,” in the

(...continued)

Corporation v. Department of Defense: The Constitutionality of Federal Contracting Programs for Minority-Owned and Other Small Businesses, by (name redacted) and (name redacted).

²⁷ See *Rothe Dev. Corp. v. Dep't of Defense*, 606 F. Supp. 2d 648, 653 (W.D. Tex. 2009). Even prior to *Rothe*, the Department of Defense was prohibited from making price evaluation adjustments to the offers of SDBs by Section 801 of the Strom Thurmond National Defense Authorization Act for FY1999. See *supra* note 1.

²⁸ National Defense Authorization Act for FY2010, P.L. 111-84, § 252, 123 Stat. 2242-43 (Oct. 28, 2009) (codified at 10 U.S.C. § 2362).

construction of the Tennessee-Tombigbee Waterway project, including encouraging the use of minority-owned firms whenever possible.

44 U.S.C. § 502 note: Requires the Public Printer to establish a “test program,” ending on October 1, 2000, to increase the number of contracts for printing, binding, and related services for DOD awarded to SDBs, HBCUs, and minority institutions. The goal for the program was that the amount of such contracts should be “equivalent to not more than 5 percent of the value of the printing, binding, and related services which were procured in the preceding fiscal year by the Government Printing Office from non-Government sources” for DOD.

50 U.S.C. § 403 note: Requires the Director of Central Intelligence to carry out and report to Congress on a three-year pilot project to test and evaluate alternative, innovative methods to promote equality of employment opportunities within the intelligence community for women, minorities, and individuals with diverse ethnic and cultural backgrounds, skills, language proficiency, and expertise.

50 U.S.C. § 403-1: Requires the Director of National Intelligence, in consultation with the heads of other agencies or elements of the intelligence community, to prescribe personnel policies and programs applicable to the intelligence community that “ensure that the personnel of the intelligence community are sufficiently diverse for purposes of the collection and analysis of intelligence through the recruitment and training of women, minorities, and individuals with diverse ethnic, cultural, and linguistic backgrounds.”

50 U.S.C. § 1902: Requires that the Secretary of Defense or any contract organization selecting the recipients of scholarships, fellowships, or grants awarded pursuant to this title “take into consideration” (1) the extent to which the selections will result in there being an equitable geographic distribution of scholarships, fellowships, or grants and (2) the extent to which the distribution of scholarships and fellowships to individuals reflects the cultural, racial, and ethnic diversity of the U.S. population.

Education

20 U.S.C. § 954: Provides that, in selecting individuals and groups of exceptional talent as recipients of financial assistance provided under this subsection, the Chairperson of the National Endowment for the Arts (NEA) shall give particular regard to artists and artistic groups that have traditionally been underrepresented.

20 U.S.C. § 955: Requires the President to give “due regard” to the equitable representation of women, minorities, and individuals with disabilities who are involved in the arts when making appointments to the National Council on the Arts and make appointments so as to represent equitably all geographical areas in the United States.

20 U.S.C. § 956: Requires the Chairperson of the National Endowment for the Humanities to give “particular regard” to scholars and educational and cultural institutions that have traditionally been underrepresented when selecting individuals and groups of exceptional talent as recipients of financial assistance provided under this subsection.

20 U.S.C. § 957: Requires the President to give “due regard” to equitable representation of women, minorities, and individuals with disabilities who are involved in the humanities when making appointments to the National Council on the Humanities.

20 U.S.C. § 959: Requires the NEA Chairperson to ensure that all advisory panels are composed, to the extent practicable, of individuals reflecting a wide geographic, ethnic, and minority representation, as well as individuals reflecting diverse artistic and cultural points of view.

20 U.S.C. §§ 1022 et seq.: Establish the Teacher Quality Partnership Grants program, a stated purpose of which is to recruit highly qualified individuals, including minorities and individuals from other occupations, into the teaching force.

20 U.S.C. § 1032a: Authorizes grants, contracts, and cooperative agreements for consortia to carry out projects to develop teaching with modern digital age tools. Eligible consortia must collaborate with educational institutions that teach courses to pre-service teachers so as to better reach underrepresented pre-service teacher populations with programs that connect such populations with applications of technology.

20 U.S.C. § 1033a: Authorizes the Secretary of Education to award grants to minority-serving institutions of higher education under the Honorable Augustus F. Hawkins Centers for Excellence to enhance teacher education.

20 U.S.C. §§ 1051 et seq.: Provide a range of assistance to institutions of higher education that serve high percentages of minority students.

20 U.S.C. §§ 1070a-12 et seq.: Authorize grants under the Federal Trio Programs for various educational programs and services provided to individuals who are “underrepresented, disadvantaged, and/or students of limited English proficiency.”

20 U.S.C. § 1078-11: Allows loan forgiveness for individuals who are employed full-time as teachers and are from a population underrepresented in the teaching profession, as determined by the Secretary.

20 U.S.C. § 1101: Authorizes programs that provide assistance to HSIs.

20 U.S.C. § 1131: Authorizes the Secretary to award competitive grants to minority-serving institutions of higher education for purposes of establishing an Institute for International Public Policy so as to enhance the international competitiveness of the United States by increasing the participation of underrepresented populations in the international service.

20 U.S.C. § 1135b: Establishes application criteria for graduate assistance programs in “areas of national need.” Grant applicants must set forth policies and procedures to assure that, in making fellowship awards, the institution will seek talented students from traditionally underrepresented backgrounds, as determined by the Secretary.

20 U.S.C. § 1136: Establishes the Thurgood Marshall Legal Educational Opportunity Program, which provides assistance to secondary school or college students who are minorities or are from low-income families or economically or otherwise disadvantaged backgrounds.

20 U.S.C. § 1136a: Authorizes masters degree programs at HBCUs.

20 U.S.C. § 1136b: Authorizes masters degree programs at predominantly black institutions.

20 U.S.C. § 1141: Establishes the College Access Challenge Grant program, a primary purpose of which is to provide financial aid and support services to students from underrepresented populations so as to increase the number of such students who enter and remain in college.

20 U.S.C. § 1161b: Establishes the Mathematics and Science Scholars program. State governors must prioritize the awarding of scholarships under this subsection to particular eligible students, such as students attending schools in high-need local educational agencies; students who are from groups underrepresented in the fields of mathematics, science, and engineering; students served by local educational agencies that do not meet or exceed state standards in mathematics and science; or other high-need students.

20 U.S.C. § 1161g: Establishes the Patsy T. Mink Fellowship Program, which provides, through eligible institutions, fellowship awards to assist highly qualified minorities and women in acquiring doctoral or other terminal degrees in academic areas in which such individuals are underrepresented for purposes of entering the professoriate.

20 U.S.C. §§ 1161n-2, 1161n-3: Establish grants for cooperative education, which can only be used, among other things, for outreach to potential participants, including underrepresented and nontraditional populations. Model cooperative education programs in the fields of science and mathematics for underrepresented women and minorities are encouraged.

20 U.S.C. §§ 2324, § 2342: Establish career and technical education assistance to the states and authorize funds for, among other things, research centers for the recruitment and retention of career and technical education teachers, faculty, counselors, and administrators, including individuals in groups underrepresented in the teaching profession. State plans must describe the recruitment and retention of career and technical education teachers, faculty, and career guidance and academic counselors, including individuals in groups underrepresented in the teaching profession.

20 U.S.C. § 3412: Establishes the Special Assistant for Gender Equity within the Department of Education, who shall promote, coordinate, and evaluate gender equity programs, including the dissemination of information, technical assistance, and coordination of research activities.

20 U.S.C. § 3420: Establishes the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students within the Department of Education, the director of which shall coordinate the administration of bilingual education programs and consult with the Secretary concerning policy decisions affecting bilingual education and minority languages affairs.

20 U.S.C. § 3912: Requires that NSF funds available for science and engineering education be used to encourage potential students, including underrepresented and underserved populations, to pursue careers in mathematics, science, engineering, and critical foreign languages.

20 U.S.C. § 3916: Requires that 15% of NSF funds for science and engineering education be allocated to faculty exchange and other programs involving higher educational institutions with “an enrollment which includes a substantial percentage of students who are members of a minority group, or who are economically or educationally disadvantaged and institutions which demonstrate a commitment to meet the special educational needs of students who are members of a minority group or are economically or educationally disadvantaged.”

20 U.S.C. § 3919: Requires the NSF to make every effort to ensure that consideration is given to proposals containing provisions designed to meet the needs of underrepresented and underserved populations when providing financial assistance for science and engineering education.

20 U.S.C. § 3985: Requires applicants for partnerships in mathematics, science, and engineering education to provide assurances that consideration is given to programs and activities designed to meet the needs of underrepresented and underserved populations.

20 U.S.C. § 5205(d): Requires that no less than 10% of Eisenhower Exchange Fellowship Program funds “shall be available only for participation by individuals who are representative of United States minority populations.”

20 U.S.C. § 5506: Requires the Administrator of the Environmental Protection Agency (EPA) to provide for wide geographic, cultural, and minority representation in selecting individuals for environmental internships and fellowships.

20 U.S.C. § 5508: Requires the Administrator of the EPA to ensure that the Environmental Education Advisory Council and Task Force has members representing the various geographic regions of the country, has minority representation, and includes members whose professional backgrounds include scientific, policy, and other appropriate disciplines.

20 U.S.C. § 5983: Authorizes the Secretary to make grants for the development and implementation of seminars on American government and civics for elementary and secondary school teachers and other educators who work with minority and Native American students.

20 U.S.C. § 6125: Establishes School-to-Work Opportunities grants for states, which can fund, among other things, development of training and technical support systems for teachers, employers, mentors, counselors, related services personnel, and others that include specialized training and technical support for the counseling and training of women, minorities, and individuals with disabilities for high-skill, high-wage careers in nontraditional employment.

20 U.S.C. § 6301: States that the goal of the No Child Left Behind Act is to meet “the educational needs of low-achieving children in our Nation’s highest poverty schools, limited English proficient children, migratory children, children with disabilities, Indian children, neglected or delinquent children, and young children in need of reading assistance; [and] clos[e] the gaps between minority and nonminority students, and between disadvantaged children and their more advantaged peers.”

20 U.S.C. § 6494: Establishes the Close Up fellowship program, applications for which must contain assurances that, in awarding the fellowships to economically disadvantaged students, special consideration shall be given to the participation of those students with special educational needs, including students with disabilities, ethnic minority students, and students with migrant parents.

20 U.S.C. § 6623(a)(4): Authorizes award of subgrants to local educational agencies that develop and implement “initiatives to promote retention of highly qualified teachers and principals, particularly within elementary schools and secondary schools with a high percentage of low-achieving students, including programs that provide ... financial incentives, to principals who have a record of improving the academic achievement of all students, but particularly students from racial and ethnic minority groups, and students with disabilities.”

20 U.S.C. § 6662(c)(10): Authorizes the Secretary of Education to award grants to partnership activities involving the engineering, mathematics, or science department of an institution of higher education and a high-need elementary or secondary school that include “training mathematics and science teachers and developing programs to encourage young women and other underrepresented individuals in mathematics and science careers to pursue postsecondary degrees in majors leading to such careers.”

20 U.S.C. §§ 7283 et seq.: Authorize programs and grants to implement effective gender-equity policies and programs at all educational levels.

20 U.S.C. § 9105a(b)(3): Requires the President of the Museum and Library Services Board to give due regard to equitable representation of women, minorities, and persons with disabilities who are involved with museums and libraries when making appointments to the Board.

20 U.S.C. § 9579: Authorizes the Director of the Institute for Education Sciences to establish fellowships in “institutions of higher education (which may include ... historically Black colleges and universities and other institutions of higher education with large numbers of minority students) that support graduate and postdoctoral study on site at the Institute or at the institution of higher education.” The Director shall ensure that women and minorities are actively recruited for participation.

42 U.S.C. § 1862d: Requires that at least 12% of the amounts appropriated for the Academic Research Facilities Modernization Program shall be reserved for HBCUs and other institutions that enroll a substantial percentage of Black, Hispanic, or Native American students.

Energy

42 U.S.C. § 7141: Authorizes the Secretary of Energy to provide financial assistance in the form of loans to any minority business enterprise “under such rules as he shall prescribe to assist such enterprises in participating fully in research, development, demonstration, and contract activities of the Department to the extent he considers appropriate.”

42 U.S.C. § 7256 note: Establishes the goal that 5% of the amounts spent by the Department of Energy in carrying out national security programs in each fiscal year between FY1994 and FY2000 were to be spent with SDBs, HBCUs, and minority institutions.

42 U.S.C. § 7381r: Establishes a mentoring program to recruit and mentor women and underrepresented minorities interested in careers in science, engineering, and mathematics.

42 U.S.C. § 13556: Requires that “[t]o the extent practicable,” the head of each agency shall provide that “not less than 10 percent of the total combined amounts obligated for contracts and subcontracts” under the Energy Policy Act of 1992 be expended with socially and economically disadvantaged individuals, women, HBCUs, or college and universities with more than 20% Hispanic or Native American enrollment.

42 U.S.C. § 16161: Requires the Secretary to support programs at HBCUs, minority institutions of higher education, and institutions of higher education located in selected states for the development of solar energy technologies and wind energy technologies for the production of hydrogen.

42 U.S.C. § 16311: Authorizes \$49 million for each of the fiscal years 2005 through 2009 for integrated bioenergy research and development programs, projects, and activities, at least \$5 million of which (for each fiscal year) shall be for training and education targeted to minority and socially disadvantaged farmers and ranchers.

42 U.S.C. § 16534: Requires the Director of the Office of Science to “endeavor to ensure” that the grant recipients represent various types of institutions of higher education and nonprofit, nondegree-granting research organizations, including minority institutions.

42 U.S.C. § 17172: Authorizes grants for solar energy curriculum, which shall be awarded with “[d]ue consideration” given to women, underrepresented minorities, and persons with disabilities.

Environment

10 U.S.C. § 2904: Requires the Secretaries of Defense and Energy, in consultation with the Administrator of the EPA, to jointly appoint a Strategic Environmental Research and Development Program Scientific Advisory Board, whose members shall be appointed with “due regard” given to the equitable representation of scientists and engineers who are women or who represent minority groups.

42 U.S.C. § 4370d: Requires the EPA Administrator to ensure that at least 8% of federal funding for prime contracts and subcontracts awarded “in support of authorized programs, including grants, loans, and contracts for wastewater treatment and leaking underground storage tanks grants” be made available to small businesses owned and controlled by socially and economically disadvantaged individuals or HBCUs.

42 U.S.C. § 7601 note: Requires that the EPA Administrator, to the extent practicable, ensure that not less than 10% of the total federal funding for research related to the requirements of the Clean Air Act Amendments of 1990 be made available to disadvantaged businesses, HBCUs, or other minority institutions of higher education. Use of quotas or “requirement[s] that [have] the effect of a quota” is prohibited.

Health and Human Services

21 U.S.C. § 1177: Creates special-project grants and contracts for drug abuse prevention, treatment, and rehabilitation. The Secretary of Health and Human Services shall encourage the submission of and give special consideration to applications for programs and projects aimed at underserved populations, such as racial and ethnic minorities, Native Americans, youth, the elderly, women, handicapped individuals, and families of drug abusers.

42 U.S.C. § 237a, 42 U.S.C. § 242s, 42 U.S.C. § 299b-24a, 42 U.S.C. § 914, 21 U.S.C. § 399b: Requires the establishment of Offices of Women’s Health in each of the Office of the Secretary, Office of the Director of the Centers for Disease Control and Prevention, Office of the Director of Healthcare and Quality Research, Office of the Administrator of the Health Resources and Health Services Administration, and Office of the Commissioner of Food and Drugs. These centers are to establish goals and objectives, identify projects to conduct or support, provide information, and consult with relevant stakeholders in order to improve women’s health.

42 U.S.C. § 247b-5: Authorizes the Centers for Disease Control and Prevention (CDC) to make grants to states and local health departments to carry out programs that may include the needs of underserved and minority populations regarding prostate cancer.

42 U.S.C. § 247b-17: Requires the Secretary to carry out a national campaign to increase health care providers and women’s knowledge regarding gynecologic cancers.

42 U.S.C. § 247c-1: Authorizes the Director of the CDC to make grants to states, political subdivisions of states, and other public or nonprofit private entities for the purpose of carrying out the activities described in subsection (c) regarding any treatable sexually transmitted disease that can cause infertility in women if treatment is not received.

42 U.S.C. § 274: Requires the Organ Procurement and Transplantation Network to carry out studies and demonstration projects for the purpose of improving procedures for organ donation procurement and allocation, including but not limited to projects to examine and attempt to increase transplantation among populations with special needs, including children and individuals who are members of racial or ethnic minority groups.

42 U.S.C. § 274k: Authorizes the Secretary, through the Administrator of the Health Resources and Services Administration, to establish, by one or more contracts, a C.W. Bill Young Cell Transplantation Program, which shall carry out a program for the recruitment of bone marrow donors, including increasing the representation of racial and ethnic minority groups (including persons of mixed ancestry) in the program.

42 U.S.C. § 280c-3: Directs the Secretary to make grants to states for demonstration projects on Alzheimer’s Disease so as improve individuals’ access to home-based or community-based long-term care, particularly “individuals who are members of racial or ethnic minority groups, who have limited proficiency in speaking the English language, or who live in rural areas.”

42 U.S.C. § 280m: Establishes a young women’s breast health awareness and support program and requires a public health campaign promoting breast health in young women of all racial, ethnic, and cultural backgrounds.

42 U.S.C. § 281: Establishes the National Institute on Minority Health and Health Disparities within the National Institutes of Health (NIH).

42 U.S.C. § 285a-6: Directs the National Cancer Institute, in consultation with the National Cancer Advisory Board, to intensify and coordinate the Institute’s activities with respect to research on breast and ovarian cancer and other cancers of the reproductive system of women.

42 U.S.C. § 285b-7a: Directs the National Heart, Lung, and Blood Institute, to expand, intensify, and coordinate research and related activities with respect to heart attack, stroke, and other cardiovascular diseases in women.

42 U.S.C. § 285e-10: Directs the National Institute on Aging, in cooperation with the other national research institutes and agencies of NIH, to conduct research into women’s aging processes.

42 U.S.C. § 287d: Establishes the Office of Research on Women’s Health.

42 U.S.C. § 288: Creates the Ruth L. Kirschstein National Research Service Awards for biomedical and behavioral research and provides grant making authority. The Secretary shall carry out the program in a manner that will result in the recruitment of women and individuals from disadvantaged backgrounds, including racial and ethnic minorities, into fields of biomedical or behavior research and in the provision of research training to women and such individuals.

42 U.S.C. § 289a-2: Requires the Director of NIH to ensure that women and minority groups are included as subjects when conducting or supporting clinical research.

42 U.S.C. § 290aa: Establishes the Associate Administrator for Women's Services within the Substance Abuse and Mental Health Services Administration.

42 U.S.C. § 292t: Prohibits the Secretary from making a federal capital contribution to a health professions school to participate in the student loan program unless the school is (1) carrying out a program for recruiting and retaining students from disadvantaged backgrounds, including racial and ethnic minorities, and recruiting and retaining minority faculty; and (2) agrees to: ensure that adequate instruction regarding minority health issues is provided in the school's curricula; enter into arrangements with health clinics providing services to significant numbers of individuals from disadvantaged backgrounds, including minority groups, to provide students with experience in providing clinical services to such individuals; enter into agreements with public or nonprofit private secondary educational institutions and undergraduate institutions of higher education for the purpose of carrying out programs regarding the educational preparation of disadvantaged students, including minority students, to enter the health professions and regarding the recruitment of such individuals into the health professions; and establish a mentor program to assist disadvantaged students, including minority students, in completing the school's educational requirements for degrees. The Secretary shall give special consideration to schools that have enrollments of underrepresented minorities above the national average for health professions schools when making federal capital contributions to student loan funds.

42 U.S.C. § 293: Requires the Secretary to make grants to, and enter into contracts with, designated health professions schools and other public and nonprofit health or educational entities for the purpose of assisting the schools in supporting programs of excellence in health professions education for underrepresented minority individuals.

42 U.S.C. §§ 293a, 293d: Authorize the Secretary to make grants to eligible entities for the awarding of scholarships for disadvantaged students. The Secretary shall give priority, in awarding grants to eligible entities that are health professions and nursing schools, to eligible entities based on the proportion of graduating students going into primary care, the proportion of underrepresented minority students, and the proportion of graduates working in medically underserved communities.

42 U.S.C. §§ 293b, § 293d: Allow the Secretary to make grants to and enter into contracts with eligible entities to assist in increasing the number of underrepresented minority individuals who are members of the faculty of certain eligible schools.

42 U.S.C. §§ 293c, 293d: Provide grants for the purpose of assisting individuals from disadvantaged backgrounds, as determined in accordance with criteria prescribed by the Secretary, to undertake education to enter a health profession. The Secretary, to the extent practicable, shall ensure that services and activities are adequately allocated among the various racial and ethnic populations who are from disadvantaged backgrounds.

42 U.S.C. § 293k: Requires the Secretary to give priority in awarding grants for the training of interns, residents, or physician assistants, to qualified applicants that have a record of training individuals who are from disadvantaged backgrounds, including racial and ethnic minorities underrepresented among primary care practice or general or pediatric dentistry.

42 U.S.C. §§ 293i, 294f: Establish the Advisory Committees on Training in Primary Care Medicine and Dentistry and on Interdisciplinary, Community-Based Linkages. The Secretary shall ensure the adequate representation of women and minorities in appointing the members of the Advisory Committees.

42 U.S.C. § 295: Authorizes the Secretary to award grants or contracts to eligible entities to increase the number of individuals in the public health workforce. The Secretary may grant preference to entities serving individuals who are from disadvantaged backgrounds, including underrepresented racial and ethnic minorities.

42 U.S.C. §§ 296m: Allows the Secretary to award grants and contracts to eligible entities to meet the costs of special projects intended to increase nursing education opportunities for individuals from disadvantaged backgrounds, including racial and ethnic minorities underrepresented among registered nurses, by providing student scholarships or stipends, pre-entry preparation, and retention activities.

42 U.S.C. § 297t: Establishes the National Advisory Council on Nurse Education and Practice and requires the Secretary to ensure adequate representation of minorities in appointing the members of the Council.

42 U.S.C. § 299a-1: Directs the Agency for Health Care Research and Quality to conduct and support research and support demonstrations on factors that contribute to health disparities. The Director shall implement research strategies and mechanisms that will enhance the involvement of individuals who are members of minority health disparity populations or other health disparity populations; health services researchers who are such individuals; institutions that train such individuals as researchers; members of minority health disparity populations or other health disparity populations for whom the Agency is attempting to improve the quality and outcomes of care; and representatives of appropriate tribal or other community-based organizations with respect to health disparity populations.

42 U.S.C. §§ 300k, 300n-4a: Authorize the Secretary, acting through the Director of the CDC, to make grants to states for the purpose of carrying out programs to screen women for breast and cervical cancer as a preventive health measure.

42 U.S.C. § 300u-6: Establishes the Office of Minority Health within the Office of the Secretary to improve minority health and the quality of care received by minorities, as well as eliminate racial and ethnic disparities in health care.

42 U.S.C. §§ 300x-21, 300x-22, 300x-27: Establish Center for Substance Abuse Treatment formula grants to states and provide allocation amounts for women.

42 U.S.C. § 300ee-1: Directs the Secretary, acting through the Director of the CDC, to establish an office for the purpose of “ensuring that, in carrying out the duties of the Secretary with respect to prevention of acquired immune deficiency syndrome, the Secretary develops and implements

prevention programs targeted at minority populations and provides appropriate technical assistance in the implementation of such programs.”

42 U.S.C. § 300ee-34: Authorizes appropriations for prevention of acquired immune deficiency syndrome national information programs and directs allocations for financial assistance to minority entities for the provision of services to minority populations.

42 U.S.C. § 300ff-71: Requires the Secretary, acting through the Administrator of the Health Resources and Services Administration, to award grants to public and nonprofit private entities for the purpose of providing family-centered care involving outpatient or ambulatory care for women, infants, children, and youth with HIV/AIDS.

42 U.S.C. § 300ff-121: Directs the Health Resources and Services Administration to develop a formula for awarding certain Minority AIDS Initiative grants “that ensures that funding is provided based on the distribution of populations disproportionately impacted by HIV/AIDS.”

42 U.S.C. § 464z-3: Establishes the National Center on Minority Health and Health Disparities to conduct and support research, training, dissemination of information, and other programs with respect to minority health conditions and other populations with health disparities. The director of the center shall give priority to conducting and supporting minority health disparities research.

42 U.S.C. § 464z-4: Requires the Center on Minority Health and Health Disparities to award grants or contracts to designated biomedical and behavioral research institutions or consortia for the purpose of assisting the institutions in supporting programs of excellence in biomedical and behavioral research training for individuals who are members of minority health disparity populations or other health disparity populations.

42 U.S.C. § 464z-5: Establishes a program of contracting with qualified health professionals under which such professionals agree to engage in minority health disparities research or other health disparities research in consideration for the federal government agreeing to repay, for each year of engaging in such research, not more than \$35,000 (principal and interest) on their educational loans.

42 U.S.C. § 673: Establishes state payments for adoptive parents of children with “special needs,” which include specific factors or conditions, such as ethnic background, age, or membership in a minority or sibling group, or the presence of factors such as medical conditions or physical, mental, or emotional handicaps, because of which it is reasonable to conclude that the child cannot be placed with adoptive parents without adoption assistance.

42 U.S.C. §§ 1397aa et seq.: Establish grants for outreach programs for racial and ethnic minorities under the State Children’s Health Insurance Program.

42 U.S.C. § 1761: Encourages “efforts” by service institutions to use small businesses and minority-owned businesses as sources of supplies and services. Such efforts shall afford those firms the maximum feasible opportunity to compete for contracts using program funds.

42 U.S.C. § 3025: Requires state agencies to provide assurance that preference in Older Americans programs will be given to providing services to low-income older individuals, including low-income minority older individuals and older individuals with limited English proficiency.

42 U.S.C. § 3027(a)(20): Requires that state plans for grant programs on aging “shall provide assurances that special efforts will be made to provide technical assistance to minority providers of services.”

42 U.S.C. § 3032f: Authorizes the Assistant Secretary to award grants and contracts to eligible organizations to carry out projects to provide opportunities for older individuals to participate in multigenerational activities and civic engagement. The Assistant Secretary shall give preference to eligible organizations proposing multigenerational activity projects that will serve older individuals and communities with the greatest need, with particular attention to low-income minority individuals, older individuals with limited English proficiency, older individuals residing in rural areas, and low-income minority communities.

42 U.S.C. § 3056: Establishes caps for administrative expenses under a community services program for older Americans, but authorizes the Secretary to increase the amount available to pay administrative costs if a grantee demonstrates that the number of eligible minority individuals participating in the project will decline if the amount available to pay administrative costs is increased.

42 U.S.C. § 5023: Requires the Director to take appropriate steps to ensure that special efforts are made to recruit, select, and assign qualified individuals age 55 years or older from minority populations to serve as volunteers under National Senior Service Corps.

42 U.S.C. § 5113: Directs the Secretary to provide for the provision of technical assistance in planning, improving, developing, and carrying out programs and activities relating to adoption and promote professional leadership training of minorities in the adoption field.

42 U.S.C. § 5116d: Requires community-based application grants for the prevention of child abuse and neglect to include a description of outreach activities that will be undertaken to “maximize the participation of racial and ethnic minorities, children and adults with disabilities, homeless families and those at risk of homelessness, and members of other underserved or underrepresented groups” by the grant recipient and any community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect.

42 U.S.C. § 9843: Authorizes Head Start technical assistance and training grants for HBCUs, HSIs, and tribal colleges and universities to, among other things, develop program curricula to promote high-quality services and instruction to children with diverse backgrounds, including African American, Hispanic, and Indian children.

42 U.S.C. § 10410: Provides grants for states for funding of state domestic violence coalitions that further the purposes of domestic violence intervention and prevention activities. Such activities include conducting public education campaigns regarding domestic violence through the use of public service announcements and informative materials that are designed for print media, billboards, public transit advertising, electronic broadcast media, and other vehicles for information that inform the public about domestic violence, including information aimed at underserved racial, ethnic or language-minority populations.

42 U.S.C. § 11225: Establishes the National Alzheimer’s Project within the Office of the Secretary, which is to ensure the inclusion of ethnic and racial populations at higher risk of

Alzheimer's, or less likely to receive care, in clinical, research, and service efforts with the purpose of decreasing health disparities in Alzheimer's.

42 U.S.C. §§ 13925 et seq.: Establish the Violence Against Women Act and authorize several grant programs aimed at preventing violence against women.

42 U.S.C. § 15024: Requires that state plans for federal assistance to state councils on developmental disabilities include assurances that the state has taken affirmative steps to assure that participation in funded programs is geographically representative of the state and reflects the state's diversity with respect to race and ethnicity.

Homeland Security

6 U.S.C. § 195c: Requires the Director of the Science and Technology Homeland Security International Cooperative Programs Office at the Department of Homeland Security (DHS) to facilitate the planning, development, and implementation of international cooperative activity through grants, cooperative agreements, or contracts with foreign public or private entities; governmental organizations; businesses, including small businesses and socially and economically disadvantaged small businesses; federally funded research and development centers; and universities.

6 U.S.C. § 321m: Establishes a voluntary private sector preparedness accreditation and certification program and provides that, in accrediting qualified third parties to carry out the certification process under this subsection, selected entities shall ensure, to the extent practicable, that the third parties include qualified small, minority, women-owned, or disadvantaged business concerns when appropriate.

6 U.S.C. § 415: Establishes the Homeland Security Education Program and requires the Administrator to take reasonable steps to ensure that the student body represents racial, gender, and ethnic diversity.

6 U.S.C. 592: Establishes the National Nuclear Forensics Expertise Development Program and directs it to encourage the participation of students and faculty from HBCUs, Hispanic-serving institutions, Tribal Colleges and Universities, Asian American and Native American Pacific Islander-serving institutions, Alaska Native-serving institutions, and Hawaiian Native-serving institutions when awarding undergraduate scholarships, graduate fellowships, and faculty awards for study in nuclear and geochemical science specialties directly relevant to technical nuclear forensics.

6 U.S.C. § 1135: Requires that the Secretary of Homeland Security issue guidelines to ensure that eligible public transportation agencies receiving grants for security improvements use minority or disadvantaged concerns "to the extent possible."

6 U.S.C. § 1152: Directs the Secretary to ensure, to the extent practicable, that Amtrak grant recipients under this title who use contractors or subcontractors use small, minority, women-owned, or disadvantaged business concerns as contractors or subcontractors when appropriate.

15 U.S.C. § 2229a: Establishes grant making authority for the U.S. Fire Service and requires grant applications to provide, at a minimum, assurances that the applicant will, to the extent

practicable, seek, recruit, and hire members of racial and ethnic minority groups and women in order to increase their ranks within firefighting.

42 U.S.C. § 5197h: Establishes the minority emergency preparedness demonstration program, which provides for grants, contracts, or cooperative agreements with eligible organizations, including nonprofits whose primary mission is to provide services to communities predominately populated by minority citizens and that can demonstrate partnerships with minority-owned businesses or minority businesses located in HUBZones.

Housing and Urban Development

12 U.S.C. § 1701q: Directs the Secretary of Housing and Urban Development to make available appropriate technical assistance to assure that applicants having limited resources, particularly minority applicants, are able to participate more fully in the supportive housing for the elderly program.

12 U.S.C. § 4108: Authorizes the Secretary to approve a plan of action that provides for termination of the low-income affordability restrictions through prepayment of the mortgage or voluntary termination of the mortgage insurance contract only upon a written finding that the supply of vacant, comparable housing is sufficient to ensure that such prepayment will not materially affect the housing opportunities of minorities in the community within which the housing is located.

12 U.S.C. § 4565: Requires government-sponsored enterprises to take affirmative steps to assist primary lenders to make housing credit available in areas with concentrations of low-income and minority families.

42 U.S.C. §§ 3025 et seq.: Require state agencies to provide assurance that preference will be given to providing services to older individuals with the greatest economic and social need, with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas.

42 U.S.C. § 5307: Authorizes the Secretary to make grants to HBCUs to expand their role and effectiveness in addressing community development needs, including neighborhood revitalization, housing, and economic development in their localities.

42 U.S.C. § 12831: Requires each participating jurisdiction to prescribe procedures acceptable to the Secretary to establish and oversee a minority outreach program within that jurisdiction to ensure the inclusion, to the maximum extent possible, of minorities, women, and entities owned by minorities and women, including real estate firms, construction firms, appraisal firms, management firms, financial institutions, investment banking firms, underwriters, accountants, and providers of legal services, in all contracts entered into by the participating jurisdiction so as to facilitate the jurisdiction's efforts to provide affordable housing authorized under this act or other applicable federal housing law.

Immigration and Naturalization

8 U.S.C. § 1522(a)(1)(A): Requires the Director to (1) make available sufficient resources for employment training and placement in order to achieve economic self-sufficiency among refugees as quickly as possible; (2) provide refugees with the opportunity to acquire sufficient English language training to enable them to become effectively resettled as quickly as possible; (3) ensure that cash assistance is made available to refugees in such a manner as not to discourage their economic self-sufficiency; and (4) ensure that women have the same opportunities as men to participate in training and instruction.

Interior

16 U.S.C. § 470a: Authorizes the Secretary of Interior to make grants or loans to “nonprofit organizations representing ethnic or minority groups” for the preservation of their cultural heritage.

16 U.S.C. § 590h: Establishes state, county, and area committees on conservation and environmental assistance and requires the Secretary to solicit and accept nominations from organizations representing the interests of socially disadvantaged groups.

16 U.S.C. § 1445c: Requires the Secretary to establish and administer through the National Ocean Service the Dr. Nancy Foster Scholarship Program to provide graduate education scholarships in oceanography, marine biology or maritime archeology, particularly to members of minority groups.

16 U.S.C. § 1649: Establishes the Forestry Student Grant Program to provide assistance to expand the professional education of forestry, natural resources, and environmental scientists. The program includes competitive grant fellowships to assist undergraduate and graduate minority or female students attending institutions having programs in forestry and natural resources.

16 U.S.C. § 1725: Authorizes the Secretary to provide “resource assistants” to any federal land managing agency, with preference in the selection of assistants being given to individuals who are enrolled in an institution of higher education or are recent graduates from an institution of higher education, particularly women and participants from historically black, Hispanic, and Native American schools.

16 U.S.C. § 2504: Establishes federal assistance grants for the Urban Park and Recreation Recovery Program. Criteria for project selection and approval include the extent to which a proposed project would provide employment opportunities for minorities, youth, and low- and moderate-income residents in the project neighborhood.

Internal Revenue

26 U.S.C. § 36C: Details allowances for qualified adoption expenses, including for “children with special needs,” or children who have specific factors or conditions, such as their ethnic background, age, or membership in a minority or sibling group, medical conditions or physical, mental, or emotional handicaps, which make it reasonable to conclude that they cannot be placed with adoptive parents without providing adoption assistance.

Justice

31 U.S.C. § 3718: Requires the Attorney General to use his or her “best efforts” when entering into contracts with law firms owned and controlled by socially and economically disadvantaged individuals when retaining private counsel to furnish legal services in the case of claims of indebtedness owed to the United States.

31 U.S.C. § 6701(f): Requires that not less than 10% of the amount paid from the Local Government Fiscal Assistance Fund created by the Violent Crime Control Act be expended on contracts or subcontracts with socially and economically disadvantaged small businesses, WOSBs, HBCUs, and institutions of higher education with more than 20% Hispanic or Native-American student enrollment.

42 U.S.C. § 3796dd-1: Establishes the “Cops on the Beat” program. Applicants must provide assurances that they will, to the extent practicable, seek, recruit, and hire members of racial and ethnic minority groups and women in order to increase their ranks within the sworn positions in the law enforcement agency.

42 U.S.C. §§ 3796gg et seq.: Establish a program of grants to states to provide personnel, training, technical assistance, data collection and other equipment for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women, as well as the Violence Against Women Office.

Labor

15 U.S.C. § 1022a: Requires the President to incorporate medium-term annual numerical goals in each Economic Report in order to reduce unemployment and directs that every effort shall be made to reduce differences between the rates of unemployment among youth, women, minorities, handicapped persons, veterans, middle-aged and older persons and other labor force groups and the overall rate of unemployment which are caused by any improper factors with the ultimate objective of removing such differentials to the extent possible.

29 U.S.C. §§ 11 et seq.: Establish Women’s Bureau of the Department of Labor, which has the duty of formulating standards and policies that promote the welfare of wage-earning women, improve their working condition, increase their efficiency, and advance their opportunities for profitable employment and which has the authority to investigate and report to the Department of Labor upon all matters pertaining to the welfare of women in industry.

29 U.S.C. § 718: Requires the Commissioner and Director to require entities receiving funding for rehabilitation services under grants, contracts, or cooperative agreements to demonstrate how they will address, in whole or in part, the needs of individuals with disabilities from minority backgrounds.

29 U.S.C. §§ 2503-2504: Require the Secretary of Labor to give priority in awarding grants for women in apprenticeship and nontraditional occupations to applications from community-based organizations that demonstrate experience preparing women to gain employment in apprenticeable occupations or other nontraditional occupations; demonstrate experience working with the business community to prepare them to place women in apprenticeable occupations or other nontraditional occupations; have tradeswomen or women in nontraditional occupations as

active members of the organization, as either employed staff or board members; and have experience delivering technical assistance.

29 U.S.C. § 2918a: Establishes the YouthBuild Program and requires the Secretary to ensure that grant applications contain, at a minimum, descriptions of the special outreach efforts that will be undertaken to recruit eligible young women, including young women with dependent children, as participants.

Office of Personnel Management

5 U.S.C. § 4107(b): Requires agencies to, consistent with merit systems principles, take into consideration the need to maintain a balanced workforce in which women, members of racial and ethnic minority groups, and persons with disabilities are appropriately represented in government service when exercising authority to select and assign an employee to academic degree training.

5 U.S.C. § 4313: Requires appraisals of performance in the Senior Executive Service to be based on both individual and organizational performance, taking into account such factors as meeting affirmative action goals, achievement of equal employment opportunity requirements, and compliance with the merit systems principles.

5 U.S.C. § 5379(e): Requires agencies to, consistent with the merit system principles, take into consideration the need to maintain a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented in government service when selecting employees to receive student loan repayment benefits.

5 U.S.C. § 7201: Describes the federal government's antidiscrimination policy and minority recruitment program and specifies that it is the policy of the United States to ensure equal employment opportunities for employees without discrimination because of race, color, religion, sex, or national origin. Each executive agency must also conduct a continuing program for the recruitment of members of minorities to eliminate "underrepresentation" of minorities in the various categories of civil service employment within the federal service.

5 U.S.C. § 8473(b): Requires the Chairman of the 25-member Employee Thrift Advisory Council to appoint one member to represent employee organizations having as a purpose promoting the interests of women in government service.

31 U.S.C. § 732: Requires the personnel management system include a minority recruitment program.

Science and Technology

15 U.S.C. § 278g-1, 278g-2: Require the director of the National Institute of Standards and Technology to give consideration to the goal of promoting the participation of underrepresented minorities in research areas supported by the institute when evaluating applications for research and postdoctoral fellowships. Applications from teachers from high-need schools are also to be given special consideration in selecting participants for the teacher development program.

15 U.S.C. § 1542: Establishes the Ernest F. Hollings Scholarship Program, which shall promote participation by groups underrepresented in oceanic and atmospheric science and technology.

33 U.S.C. §§ 893a, 1127: Establish the National Sea Grant College Program and require the Administrator of the National Oceanic and Atmospheric Administration (NOAA) to allocate funding among sea grant colleges and institutes so as to encourage cooperation with minority-serving institutions to enhance collaborative research opportunities and increase the number of such students graduating in NOAA science areas. The Secretary of Commerce shall strive to ensure equal access for minority and economically disadvantaged students to the program carried out under this subsection.

42 U.S.C. § 1862n-1: Establishes the Robert Noyce Teacher Scholarship Program and requires the Director to broadly disseminate information about when and how to apply for grants under this section, including by conducting outreach to HBCUs and minority institutions.

42 U.S.C. § 1862n-10: Authorizes the Director of the NSF to establish a program to award competitive, merit-based grants to HSIs, ANNHIs, and other institutions of higher education serving a substantial number of minority students to enhance the quality of undergraduate science, mathematics, and engineering education at such institutions and to increase the retention and graduation rates of students pursuing associate's or baccalaureate degrees in science, mathematics, engineering, or technology.

42 U.S.C. § 1863: Establishes the National Science Board and requires the President to give due regard to equitable representation of scientists and engineers who are women or who represent minority groups when making nominations to the Board.

42 U.S.C. § 1885a: Authorizes the NSF to support activities designed to increase the participation of women in courses of study at the undergraduate, graduate, and postgraduate levels leading to degrees in scientific and engineering fields; encourage women to consider and prepare for careers in science and engineering; or provide traineeship and fellowship opportunities for women in science and engineering.

42 U.S.C. § 1885c: Establishes the Committee on Equal Opportunities in Science and Engineering, which is responsible for reviewing and evaluating all NSF matters relating to opportunities for the participation in, and the advancement of, women, minorities, and persons with disabilities in education, training, and science and engineering research programs.

51 U.S.C. § 30304: Requires the NASA Administrator to annually establish as a goal that at least 8% of the total value of prime contracts and subcontracts awarded in support of authorized programs be made to small businesses or other organizations owned or controlled by socially and economically disadvantaged individuals, including HBCUs, HSIs, ANNHIs, tribal colleges or universities, and minority educational institutions.

51 U.S.C. § 30305: Requires NASA to competitively select organizations to partner with NASA centers, aerospace contractors, and academic institutions to carry out a program to help promote the competitiveness of small, minority-owned, and women-owned businesses through enhanced insight into the technologies of NASA's space and aeronautics programs.

51 U.S.C. § 40906: Encourages the NASA Administrator to ensure equal access for minority and economically disadvantaged students to NASA's education programs and requires the Administrator to establish the Dr. Mae C. Jemison Grant Program to work with minority serving institutions to bring more women of color into the field of space and aeronautics.

Small Business

15 U.S.C. § 631: Establishes the Minority Small Business and Capital Development Program, commonly known as the 8(a) Program and described among the government-wide programs, which is intended to (1) promote the business development of small business concerns owned and controlled by socially and economically disadvantaged individuals so that such concerns can compete on an equal basis in the American economy; (2) promote the competitive viability of such concerns in the marketplace by providing such available contract, financial, technical, and management assistance as may be necessary; and (3) increase procurement of articles, supplies, services, materials, and construction work from small business concerns owned by socially and economically disadvantaged individuals.

15 U.S.C. § 633: Creates an Associate Administrator for Minority Small Business and Capital Ownership Development, who shall be an employee in the competitive service or in the Senior Executive Service and a career appointee and shall be responsible to the SBA Administrator for the formulation and execution of the policies and programs under certain sections of the Small Business Act that provide assistance to minority small business concerns.

15 U.S.C. § 634b: Establishes the Office of Advocacy, whose functions include evaluating the efforts of Federal agencies, business, and industry to assist minority enterprises and making such other recommendations as may be appropriate to assist the development and strengthening of minority and other small business enterprises.

15 U.S.C. § 636(m): Establishes the SBA's "microloan program," under which it can make direct loans to "eligible intermediaries" to enable such intermediaries to make "small-scale loans, particularly loans in amounts averaging not more than \$10,000," to start-up, newly established, or growing small business concerns owned by women and minorities, among others, for working capital or the acquisition of materials, supplies, or equipment.

15 U.S.C. § 648: Authorizes the SBA to make grants to assist in establishing small business development centers. Grants may be used solely to assist with outreach, development, and enhancement of minority-owned small business startups or expansions, HUBZone small business concerns, veteran-owned small business startups or expansions, and WOSB startups or expansions, in communities impacted by base closings or military or corporate downsizing, or in rural or underserved communities.

15 U.S.C. § 656: Establishes the Women's Business Center Program, under which the SBA may provide financial assistance to private nonprofit organizations to conduct five-year projects for the benefit of WOSBs.

15 U.S.C. § 657d: Establishes the Federal and State Technology (FAST) Partnership Program, with the purpose of strengthening the technological competitiveness of small businesses. The SBA Administrator and the SBIR program managers at the NSF and DOD may consider whether the proposal addresses the needs of WOSBs and small businesses owned and controlled by minorities when making awards or entering into cooperative agreements.

15 U.S.C. § 694b: Establishes the SBA surety bond guarantees program and grants the SBA authority to pay up to 90% of the losses incurred by sureties from breach of the terms of a bid, payment, performance or other bond of a SDB or HUBZone small business that did not exceed \$5 million at the time the bond was executed if the SBA specifically approved issuance of the bond.

15 U.S.C. § 695: Authorizes loans to foster economic development through the state development company program, which funds projects directed toward at least one of several development objectives, one of which is the development of minority- or women-owned businesses.

State Department and Foreign Affairs

22 U.S.C. § 2151 note: Gives the Minority Resource Center responsibility for increasing the participation of economically and socially disadvantaged business enterprises in contract, procurement, grant, and research and development activities funded under Part I of the Foreign Assistance Act of 1961. Among other things, the Center shall (1) serve as a clearinghouse for information; (2) design programs; (3) conduct market research; and (4) develop support mechanisms for such firms.

22 U.S.C. § 2665a: Requires that “priority consideration” for Foreign Service fellowships be given to higher education faculty members who teach in programs in international affairs that serve significant numbers of students from cultural and ethnic groups underrepresented in the Foreign Service.

22 U.S.C. § 2719: Requires the Secretary of State to give special emphasis to promoting knowledge and awareness of, and interest in employment with, the Foreign Service among minority students.

22 U.S.C. § 3905: Establishes a minority recruitment program for the Foreign Service.

22 U.S.C. § 3922a: Requires the head of each agency utilizing the Foreign Service personnel system to develop a plan to significantly increase the number of members of minority groups and women in the Foreign Service in that agency, with particular emphasis on mid-level positions.

22 U.S.C. § 4002: Requires the Secretary to assure that substantial number of women and members of minority groups are appointed to each selection board that evaluates the performance of members of the Senior Foreign Service and members of the Service.

22 U.S.C. § 4852: Requires that not less than 10% of the amount appropriated for diplomatic construction or design projects each fiscal year be allocated “to the extent practicable” for contracts with U.S. minority contractors.

22 U.S.C. § 4864(e): Requires that not less than 10% of the amount of funds obligated for local guard contracts for Foreign Service buildings be allocated “to the extent practicable” for contracts with minority small business contractors.

22 U.S.C. § 6102: Requires the Mansfield Center for Pacific Affairs to select Mansfield Fellowship recipients based solely on merit and make positive efforts to recruit candidates reflecting the cultural, racial, and ethnic diversity of the United States.

Transportation

23 U.S.C. § 101 note: Requires that not less than 10% of the amounts made available in federal highway funds under Titles I, III, and V of P.L. 109-59 or under 23 U.S.C. § 403 be expended through disadvantaged business enterprises (DBEs). States are required to survey and compile an

annual listing of DBEs within the state and notify the Secretary of Transportation in writing of the percentage of various types of such firms.

23 U.S.C. § 504(d): Establishes the Dwight David Eisenhower Transportation Fellowship Program and Garrett Morgan Technology and Education Program to provide grants to education agencies, with a priority for programs targeting minorities and women.

49 U.S.C. § 332: Establishes the Minority Resource Center within the Department of Transportation.

49 U.S.C. § 5322: Authorizes the Secretary to undertake, or make grants and contracts for, programs that address human resource needs as they apply to public transportation activities, including outreach program to increase minority and female employment in public transportation activities and training and assistance for minority business opportunities.

49 U.S.C. § 40110: Authorizes the head of the Federal Aviation Administration (FAA) to develop and implement an acquisition management system that addresses the unique needs of the agency. Certain provisions of federal law, including the Small Business Act, do not apply to this system. However, small businesses and small businesses owned and controlled by socially and economically disadvantaged individuals shall nonetheless be given “all reasonable opportunities to be awarded contracts.”

49 U.S.C. § 44511: Establishes aviation research grants and requires the Administrator to establish a solicitation, review, and evaluation process that ensures the inclusion of historically black institutions of higher education and other minority nonprofit research organizations.

49 U.S.C. § 47107: Authorizes the Secretary to approve project grant applications for airport development projects only if there are satisfactory written assurances that the airport owner or operator will take any actions necessary to ensure, “to the maximum extent practicable,” that at least 10% of all businesses selling consumer products or providing consumer services at the airport are owned and controlled by DBEs.

Veterans Affairs

38 U.S.C. §§ 317, 318: Establish Centers for Minority and Women Veterans.

38 U.S.C. §§ 542, 544: Establish Advisory Committees on Minority and Women Veterans.

38 U.S.C. § 1712a: Establishes a pilot program to evaluate the feasibility and advisability of providing reintegration and readjustment services (including financial and occupational counseling and information and counseling on stress reduction and conflict resolution) in group retreat settings to women veterans who are recently separated from service in the Armed Forces after prolonged deployment.

38 U.S.C. § 2021a: Authorizes grants for programs and facilities that provide dedicated services to homeless women veterans. Grants may be used to provide job training, counseling, placement services, and child care services to expedite the reintegration of homeless women veterans into the labor force.

38 U.S.C. § 2061: Establishes a grant program for homeless veterans with special needs, including homeless veterans who are women or women caring for minor dependents.

38 U.S.C. § 7303: Authorizes the Department of Veterans Affairs to provide grants to medical research programs that conduct and support clinical research on minorities who are veterans.

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