

109TH CONGRESS
2^D SESSION

H. R. 5988

To amend the Higher Education Act of 1965 to authorize grant programs to enhance the access of low-income Black students to higher education.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2006

Mr. DAVIS of Illinois (for himself, Mr. OWENS, Mr. SCOTT of Virginia, and Mr. PAYNE) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Higher Education Act of 1965 to authorize grant programs to enhance the access of low-income Black students to higher education.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Predominantly Black
5 Institution Act of 2006”.

6 **SEC. 2. PREDOMINANTLY BLACK INSTITUTIONS.**

7 Part A of title III of the Higher Education Act of
8 1965 (20 U.S.C. 1051 et seq.) is amended by inserting

1 after section 317 (20 U.S.C. 1059d) the following new sec-
2 tion:

3 **“SEC. 318. PREDOMINANTLY BLACK INSTITUTIONS.**

4 “(a) FINDINGS AND PURPOSE.—

5 “(1) FINDINGS.—The Congress finds that—

6 “(A) although Black Americans have made
7 significant progress in closing the ‘gap’ between
8 Black and White enrollment in higher edu-
9 cation—

10 “(i) Black Americans continue to trail
11 Whites in the percentage of the college-age
12 cohort who enroll and graduate from col-
13 lege;

14 “(ii) the college participation rate of
15 Whites was 46 percent from 2000–2002,
16 while that for Blacks was only 39 percent;
17 and

18 “(iii) the gap between White and
19 Black baccalaureate degree attainment
20 rates also remains high, continuing to ex-
21 ceed 10 percent;

22 “(B) a growing number of Black American
23 students are participating in higher education
24 and are enrolled at a growing number of urban
25 and rural Predominantly Black Institutions

1 that have included in their mission the provi-
2 sion of academic training and education for
3 both traditional and non-traditional minority
4 students;

5 “(C) the overwhelming majority of stu-
6 dents attending Predominantly Black Institu-
7 tions come from low- and middle-income fami-
8 lies and qualify for participation in the Federal
9 student assistance programs or other need-
10 based Federal programs; and recent data from
11 the National Postsecondary Student Aid Study
12 indicate that 47 percent of Pell grant recipients
13 were Black compared to only 21 percent of
14 Whites;

15 “(D) many of these students are also ‘first
16 generation’ college students who lack the appro-
17 priate academic preparation for success in col-
18 lege and whose parents lack the ordinary knowl-
19 edge and information regarding financing a col-
20 lege education;

21 “(E) there is a particular national need to
22 aid institutions of higher education that have
23 become Predominantly Black Institutions by
24 virtue of the fact that they have expanded op-

1 portunities for Black American and other mi-
2 nority students;

3 “(F) Predominantly Black Institutions ful-
4 fill a unique mission and represent a vital com-
5 ponent of the American higher education land-
6 scape, far beyond that which was initially envi-
7 sioned;

8 “(G) Predominantly Black Institutions
9 serve the cultural and social advancement of
10 low-income, Black American and other minority
11 students and are a significant access point for
12 these students to higher education and the op-
13 portunities offered by American society;

14 “(H) the concentration of these students in
15 a limited number of two-year and four-year
16 Predominantly Black Institutions and their de-
17 sire to secure a degree to prepare them for a
18 successful career places special burdens on
19 those institutions who attract, retain, and grad-
20 uate these students; and

21 “(I) financial assistance to establish or
22 strengthen the physical plants, financial man-
23 agement, academic resources, and endowments
24 of the Predominantly Black Institutions are ap-
25 propriate methods to enhance these institutions

1 and facilitate a decrease in reliance on govern-
2 mental financial support and to encourage reli-
3 ance on endowments and private sources.

4 “(2) PURPOSE.—It is the purpose of this sec-
5 tion to assist Predominantly Black Institutions in
6 expanding educational opportunity through a pro-
7 gram of Federal assistance.

8 “(b) DEFINITIONS.—For purposes of this section:

9 “(1) PREDOMINANTLY BLACK INSTITUTION.—
10 The term ‘Predominantly Black Institution’ means
11 an institution of higher education—

12 “(A) that is an eligible institution (as de-
13 fined in paragraph (5)(A) of this subsection)
14 with a minimum of 1,000 undergraduate stu-
15 dents;

16 “(B) at which at least 50 percent of the
17 undergraduate students enrolled at the institu-
18 tion are low-income individuals or first-genera-
19 tion college students (as that term is defined in
20 section 402A(g)); and

21 “(C) at which at least 50 percent of the
22 undergraduate students are enrolled in an edu-
23 cational program leading to a bachelor’s or as-
24 sociate’s degree that the institution is licensed
25 to award by the State in which it is located.

1 “(2) LOW-INCOME INDIVIDUAL.—The term
2 ‘low-income individual’ has the meaning given such
3 term in section 402A(g).

4 “(3) MEANS-TESTED FEDERAL BENEFIT PRO-
5 GRAM.—The term ‘means-tested Federal benefit pro-
6 gram’ means a program of the Federal Government,
7 other than a program under title IV, in which eligi-
8 bility for the programs’ benefits, or the amount of
9 such benefits, or both, are determined on the basis
10 of income or resources of the individual or family
11 seeking the benefit.

12 “(4) STATE.—The term ‘State’ means each of
13 the 50 States and the District of Columbia.

14 “(5) OTHER DEFINITIONS.—For purposes of
15 this section, the terms defined by section 312 have
16 the meanings provided by that section, except as fol-
17 lows:

18 “(A) ELIGIBLE INSTITUTION.—

19 “(i) The term ‘eligible institution’
20 means an institution of higher education
21 that—

22 “(I) has an enrollment of needy
23 undergraduate students as required
24 and defined by subparagraph (B);

1 “(II) except as provided in sec-
2 tion 392(b), the average educational
3 and general expenditure of which are
4 low, per full-time equivalent under-
5 graduate student in comparison with
6 the average educational and general
7 expenditure per full-time equivalent
8 undergraduate student of institutions
9 that offer similar instruction;

10 “(III) has an enrollment of un-
11 dergraduate students that is at least
12 40 percent Black American students;

13 “(IV) is legally authorized to pro-
14 vide, and provides within the State,
15 an educational program for which the
16 institution awards a bachelors degree,
17 or in the case of a junior or commu-
18 nity college, an associate’s degree; and

19 “(V) is accredited by a nationally
20 recognized accrediting agency or asso-
21 ciation determined by the Secretary to
22 be a reliable authority as to the qual-
23 ity of training offered, or is, according
24 to such an agency or association,

1 making reasonable progress toward
2 accreditation.

3 “(ii) For purposes of the determina-
4 tion of whether an institution is an eligible
5 institution under this subparagraph, the
6 factor described under clause (i)(I) shall be
7 given twice the weight of the factor de-
8 scribed under clause (i)(III).

9 “(B) ENROLLMENT OF NEEDY STU-
10 DENTS.—The term ‘enrollment of needy stu-
11 dents’ means the enrollment at an eligible insti-
12 tution with respect to which at least 50 percent
13 of the undergraduate students enrolled in an
14 academic program leading to a degree—

15 “(i) in the second fiscal year pre-
16 ceding the fiscal year for which the deter-
17 mination is made, were Pell Grant recipi-
18 ents in such year;

19 “(ii) come from families that receive
20 benefits under a means-tested Federal ben-
21 efits program (as defined in subsection
22 (b)(3));

23 “(iii) attended a public or nonprofit
24 private secondary school which is in the
25 school district of a local educational agency

1 which was eligible for assistance pursuant
2 to title I of the Elementary and Secondary
3 Education Act of 1965 in any year during
4 which the student attended that secondary
5 school, and which for the purpose of this
6 paragraph and for that year was deter-
7 mined by the Secretary (pursuant to regu-
8 lations and after consultation with the
9 State educational agency of the State in
10 which the school is located) to be a school
11 in which the enrollment of children counted
12 under section 1113(a)(5) of the Elemen-
13 tary and Secondary Education Act of 1965
14 exceeds 30 percent of the total enrollment
15 of that school; or

16 “(iv) are ‘first-generation college stu-
17 dents’ as that term is defined in section
18 402A(g), and a majority of such first-gen-
19 eration college students are low-income in-
20 dividuals.

21 “(c) AUTHORIZED ACTIVITIES.—

22 “(1) TYPES OF ACTIVITIES AUTHORIZED.—
23 Grants awarded pursuant to subsection (d) shall be
24 used by Predominantly Black Institutions—

1 “(A) to assist the institution to plan, de-
2 velop, undertake, and implement programs to
3 enhance the institution’s capacity to serve more
4 low- and middle-income Black American stu-
5 dents;

6 “(B) to expand higher education opportu-
7 nities for title IV eligible students by encour-
8 aging college preparation and student persist-
9 ence in secondary and postsecondary education;
10 and

11 “(C) to strengthen the institution’s finan-
12 cial ability to serve the academic needs of the
13 students described in subparagraphs (A) and
14 (B).

15 “(2) AUTHORIZED ACTIVITIES.—Grants made
16 to an institution under subsection (d) shall be used
17 for one or more of the following activities:

18 “(A) The activities described in section
19 311(a)(1) through (11).

20 “(B) Academic instruction in disciplines in
21 which Black Americans are underrepresented.

22 “(C) Establishing or enhancing a program
23 of teacher education designed to qualify stu-
24 dents to teach in a public elementary or sec-
25 ondary school in the State that shall include, as

1 part of such program, preparation for teacher
2 certification.

3 “(D) Establishing community outreach
4 programs which will encourage elementary and
5 secondary students to develop the academic
6 skills and the interest to pursue postsecondary
7 education.

8 “(E) Other activities proposed in the appli-
9 cation submitted pursuant to subsection (e)
10 that—

11 “(i) contribute to carrying out the
12 purposes of this section; and

13 “(ii) are approved by the Secretary as
14 part of the review and acceptance of such
15 application.

16 “(3) ENDOWMENT FUND.—

17 “(A) IN GENERAL.—A Predominantly
18 Black Institution may use not more than 20
19 percent of the grant funds provided under this
20 section to establish or increase an endowment
21 fund at the institution.

22 “(B) MATCHING REQUIREMENT.—In order
23 to be eligible to use grant funds in accordance
24 with subparagraph (A), the Predominantly
25 Black Institution shall provide matching funds

1 from non-Federal sources, in an amount equal
2 to or greater than the Federal funds used in ac-
3 cordance with subparagraph (A), for the estab-
4 lishment or increase of the endowment fund.

5 “(C) COMPARABILITY.—The provisions of
6 part C regarding the establishment or increase
7 of an endowment fund, that the Secretary de-
8 termines are not inconsistent with this sub-
9 section, shall apply to funds used under sub-
10 paragraph (A).

11 “(4) LIMITATION.—Not more than 50 percent
12 of the allotment of any Predominantly Black Institu-
13 tion may be available for the purpose of constructing
14 or maintaining a classroom, library, laboratory, or
15 other instructional facility.

16 “(d) ALLOTMENTS TO PREDOMINANTLY BLACK IN-
17 STITUTIONS.—

18 “(1) ALLOTMENT: PELL GRANT BASIS.—From
19 the amounts appropriated to carry out this section
20 for any fiscal year, the Secretary shall allot to each
21 Predominantly Black Institution a sum which bears
22 the same ratio to one-half that amount as the num-
23 ber of Pell Grant recipients in attendance at such
24 institution at the end of the academic year preceding
25 the beginning of that fiscal year bears to the total

1 number of Pell Grant recipients at all institutions el-
2 igible under this section.

3 “(2) ALLOTMENT: GRADUATES BASIS.—From
4 the amounts appropriated to carry out this section
5 for any fiscal year, the Secretary shall allot to each
6 Predominantly Black Institution a sum which bears
7 the same ratio to one-fourth that amount as the
8 number of graduates for such school year at such in-
9 stitution bears to the total number of graduates for
10 such school year at all intuitions eligible under this
11 section.

12 “(3) ALLOTMENT: GRADUATES SEEKING A
13 HIGHER DEGREE BASIS.—From the amounts appro-
14 priated to carry out this section for any fiscal year,
15 the Secretary shall allot to each Predominantly
16 Black Institution a sum which bears the same ratio
17 to one-fourth of that amount as the percentage of
18 graduates per institution who are admitted to and in
19 attendance at, within 2 years of graduation with an
20 associates degree or a baccalaureate degree, either a
21 baccalaureate degree-granting institution or a grad-
22 uate or professional school in a degree program in
23 disciplines in which Black American students are
24 underrepresented, bears to the percentage of such
25 graduates per institution for all eligible institutions.

1 “(4) MINIMUM ALLOTMENT.—(A) Notwith-
2 standing paragraphs (1), (2), and (3), the amount
3 allotted to each Predominantly Black Institution
4 under this section shall not be less than \$250,000.

5 “(B) If the amount appropriated pursuant to
6 section 399 for any fiscal year is not sufficient to
7 pay the minimum allotment, the amount of such
8 minimum allotment shall be ratably reduced. If addi-
9 tional sums become available for such fiscal year,
10 such reduced allocation shall be increased on the
11 same basis as it was reduced until the amount allot-
12 ted equals the minimum allotment required by sub-
13 paragraph (A).

14 “(5) REALLOTMENT.—The amount of a Pre-
15 dominantly Black Institution’s allotment under para-
16 graph (1), (2), (3), or (4) for any fiscal year, which
17 the Secretary determines will not be required for
18 such institution for the period such allotment is
19 available, shall be available for reallocation to other
20 Predominantly Black Institutions in proportion to
21 the original allotment to such other institutions
22 under this section for such fiscal year. The Secretary
23 shall reallocate such amounts from time to time, on
24 such date and during such period as the Secretary
25 deems appropriate.

1 “(e) APPLICATIONS.—No Predominantly Black Insti-
2 tution shall be entitled to its allotment of Federal funds
3 for any grant under subsection (d) for any period unless
4 the institution submits an application to the Secretary at
5 such time, in such manner, and containing or accompanied
6 by such information as the Secretary may reasonably re-
7 quire.

8 “(f) APPLICATION REVIEW PROCESS.—Section 393
9 shall not apply to applications under this section.

10 “(g) PROHIBITION.—No Predominantly Black Insti-
11 tution that applies for and receives a grant under this sec-
12 tion may apply for or receive funds under any other pro-
13 gram under this part or part B of this title.

14 “(h) DURATION AND CARRYOVER.—Any funds paid
15 to a Predominantly Black Institution under this section
16 and not expended or used for the purposes for which the
17 funds were paid within 10 years following the date of the
18 grant awarded to such institution under this section shall
19 be repaid to the Treasury of the United States.”.

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