

116TH CONGRESS  
1ST SESSION

# S. 461

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## AN ACT

To strengthen the capacity and competitiveness of historically Black colleges and universities through robust public-sector, private-sector, and community partnerships and engagement, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “HBCU Propelling  
3 Agency Relationships Towards a New Era of Results for  
4 Students Act” or the “HBCU PARTNERS Act”.

5 **SEC. 2. FINDINGS AND PURPOSES.**

6 (a) FINDINGS.—Congress finds the following:

7 (1) As many colleges and universities across the  
8 country kept their doors closed to African American  
9 applicants, historically Black colleges and univer-  
10 sities (referred to in this section as “HBCUs”)  
11 played a central role in ensuring that African Ameri-  
12 cans could attain an excellent education.

13 (2) Today, HBCUs continue to play a critical  
14 role in ensuring that African Americans, and those  
15 of all races, can access high-quality educational op-  
16 portunities.

17 (3) HBCUs enroll nearly 300,000 students, an  
18 estimated 70 percent of whom come from low-income  
19 backgrounds and 80 percent of whom are African  
20 American.

21 (4) According to the National Association For  
22 Equal Opportunity In Higher Education, HBCUs  
23 make up just 3 percent of American institutions of  
24 higher education but serve more than a fifth of Afri-  
25 can American college students.

1           (5) A March 2017 report from the Education  
2 Trust concluded that HBCUs have higher comple-  
3 tion rates for African American students than other  
4 institutions serving similar student populations.

5           (6) In 2014, HBCUs generated a total direct  
6 economic impact of \$14,800,000,000 and created  
7 more than 134,000 jobs, according to a study com-  
8 missioned by the United Negro College Fund (re-  
9 ferred to in this section as “UNCF”).

10           (7) According to the Thurgood Marshall College  
11 Fund (referred to in this section as “TMCF”), 40  
12 percent of African American Members of Congress,  
13 50 percent of African American lawyers, and 80 per-  
14 cent of African American judges are graduates of  
15 HBCUs.

16           (8) According to UNCF, in 2013, HBCUs  
17 awarded a quarter of all science, technology, engi-  
18 neering, and mathematics bachelor’s degrees award-  
19 ed to African Americans.

20           (9) According to TMCF, approximately 9 per-  
21 cent of all African American college students attend  
22 HBCUs.

23           (10) According to UNCF, African American  
24 graduates of HBCUs are almost twice as likely as  
25 African Americans who graduated from other insti-

1       tutions to report that their university prepared them  
2       well for life.

3       (b) **PURPOSES.**—The purposes of this Act are—

4           (1) to strengthen the capacity and competitive-  
5       ness of HBCUs to fulfill their principal mission of  
6       equalizing educational opportunity, as described in  
7       section 301(b) of the Higher Education Act of 1965  
8       (20 U.S.C. 1051(b));

9           (2) to align HBCUs with the educational and  
10      economic competitiveness priorities of the United  
11      States;

12          (3) to provide students enrolled at HBCUs with  
13      the highest quality educational and economic oppor-  
14      tunities;

15          (4) to bolster and facilitate productive inter-  
16      actions between HBCUs and Federal agencies; and

17          (5) to encourage HBCU participation in and  
18      benefit from Federal programs, grants, contracts,  
19      and cooperative agreements.

20 **SEC. 3. DEFINITIONS.**

21       In this Act:

22          (1) **APPLICABLE AGENCY.**—The term “applica-  
23      ble agency” means any Federal agency designated  
24      by the Secretary, in accordance with section 4.

1           (2) EXECUTIVE DIRECTOR.—The term “Execu-  
2     tive Director” means—

3           (A) the Executive Director of the White  
4     House Initiative on Historically Black Colleges  
5     and Universities, as designated by the Presi-  
6     dent; or

7           (B) if no such Executive Director is des-  
8     ignated, such person as the President may des-  
9     ignate to lead the White House Initiative on  
10    Historically Black Colleges and Universities.

11          (3) HBCU.—The term “HBCU” means a his-  
12    torically Black college or university.

13          (4) HISTORICALLY BLACK COLLEGE OR UNI-  
14    VERSITY.—The term “historically Black college or  
15    university” has the meaning given the term “part B  
16    institution” under section 322 of the Higher Edu-  
17    cation Act of 1965 (20 U.S.C. 1061).

18          (5) PRESIDENT’S BOARD OF ADVISORS.—The  
19    term “President’s Board of Advisors” means the  
20    President’s Board of Advisors on historically Black  
21    colleges and universities.

22          (6) SECRETARY.—Except as otherwise provided,  
23    the term “Secretary” means the Secretary of Edu-  
24    cation.

1           (7) WHITE HOUSE INITIATIVE.—The term  
2           “White House Initiative” means the White House  
3           Initiative on historically Black colleges and univer-  
4           sities.

5 **SEC. 4. STRENGTHENING HBCUS THROUGH FEDERAL**  
6           **AGENCY PLANS.**

7           (a) DESIGNATING APPLICABLE AGENCIES.—The  
8           Secretary, in consultation with the Executive Director,  
9           shall identify those Federal agencies that regularly inter-  
10          act with HBCUs and designate them as applicable agen-  
11          cies.

12          (b) SUBMITTING AGENCY PLANS.—Not later than  
13          February 1 of each year, the head of each applicable agen-  
14          cy shall submit to the Secretary and the Executive Direc-  
15          tor an annual Agency Plan describing efforts to strength-  
16          en the capacity of HBCUs to participate in relevant Fed-  
17          eral programs and initiatives under the jurisdiction of the  
18          applicable agency.

19          (c) FURTHER REQUIREMENTS FOR SUBMISSION AND  
20          ACCESSIBILITY.—The head of each applicable agency shall  
21          submit each annual Agency Plan described in subsection  
22          (b) to the Committee on Health, Education, Labor, and  
23          Pensions of the Senate and the Committee on Education  
24          and Labor of the House of Representatives.

1 (d) AGENCY PLAN CONTENT.—Where appropriate,  
2 each Agency Plan shall, among other things—

3 (1) establish how the applicable agency intends  
4 to increase the capacity of HBCUs to compete effec-  
5 tively for grants, contracts, or cooperative agree-  
6 ments;

7 (2) identify Federal programs and initiatives  
8 under the jurisdiction of the applicable agency where  
9 HBCUs are not well-represented;

10 (3) outline proposed efforts to improve HBCUs’  
11 participation in such programs and initiatives in  
12 which they are underrepresented;

13 (4) describe any progress made towards advanc-  
14 ing or achieving goals and efforts from previous  
15 Agency Plans;

16 (5) encourage public-sector, private-sector, and  
17 community involvement in improving the capacity of  
18 HBCUs; and

19 (6) meet, where relevant, any additional criteria  
20 established by the Secretary or the White House Ini-  
21 tiative.

22 (e) AGENCY ENGAGEMENT.—To help fulfill the objec-  
23 tives of the Agency Plans, the head of each applicable  
24 agency—

1           (1) may provide, as appropriate, technical as-  
2           sistance and information to the Executive Director  
3           to enhance communication with HBCUs concerning  
4           the applicable agency's program activities and the  
5           preparation of applications or proposals for grants,  
6           contracts, or cooperative agreements; and

7           (2) shall appoint a senior official to report di-  
8           rectly to the agency head on the applicable agency's  
9           progress under this section.

10 **SEC. 5. PRESIDENT'S BOARD OF ADVISORS ON HBCUS.**

11           (a) ADMINISTRATION.—

12           (1) IN GENERAL.—There is established the  
13           President's Board of Advisors on historically Black  
14           colleges and universities in the Department of Edu-  
15           cation or, if the President so elects, within the Exec-  
16           utive Office of the President.

17           (2) FUNDING FROM ED.—Except as provided in  
18           paragraph (3), the Secretary shall provide funding  
19           and administrative support for the President's  
20           Board of Advisors, subject to the availability of ap-  
21           propriations.

22           (3) FUNDING FROM THE EXECUTIVE OFFICE OF  
23           THE PRESIDENT.—If the President elects to locate  
24           the President's Board of Advisors within the Execu-  
25           tive Office of the President, the Executive Office of

1 the President shall provide funding and administra-  
2 tive support for the President's Board of Advisors,  
3 subject to the availability of appropriations.

4 (b) MEMBERSHIP.—The President shall appoint not  
5 more than 23 members to the President's Board of Advi-  
6 sors, and the Secretary and Executive Director or their  
7 designees shall serve as ex officio members. The President  
8 shall designate one member of the President's Board of  
9 Advisors to serve as its Chair, who shall help direct the  
10 Board's work in coordination with the Secretary and in  
11 consultation with the Executive Director. The Chair shall  
12 also consult with the Executive Director regarding the  
13 time and location of meetings of the President's Board  
14 of Advisors, which shall take place not less frequently than  
15 once every 6 months. Members of the President's Board  
16 of Advisors shall serve without compensation, but shall be  
17 reimbursed for travel expenses, including per diem in lieu  
18 of subsistence, as authorized by law. Insofar as the Fed-  
19 eral Advisory Committee Act (5 U.S.C. App.) may apply  
20 to the Board, any functions of the President under such  
21 Act, except for those of reporting to the Congress, shall  
22 be performed by the Chair, in accordance with guidelines  
23 issued by the Administrator of General Services.

24 (c) MISSION AND FUNCTIONS.—The President's  
25 Board of Advisors shall advise the President, through the

1 White House Initiative, on all matters pertaining to  
2 strengthening the educational capacity of HBCUs. In par-  
3 ticular, the President's Board of Advisors shall advise the  
4 President in the following areas:

5 (1) Improving the identity, visibility, distinctive  
6 capabilities, and overall competitiveness of HBCUs.

7 (2) Engaging the philanthropic, business, gov-  
8 ernment, military, homeland-security, and education  
9 communities in a national dialogue regarding new  
10 HBCU programs and initiatives.

11 (3) Improving the ability of HBCUs to remain  
12 fiscally secure institutions that can assist the Nation  
13 in achieving its educational goals and in advancing  
14 the interests of all Americans.

15 (4) Elevating the public awareness of, and fos-  
16 tering appreciation of, HBCUs.

17 (5) Encouraging public-private investments in  
18 HBCUs.

19 (6) Improving government-wide strategic plan-  
20 ning related to HBCU competitiveness to align Fed-  
21 eral resources and provide the context for decisions  
22 about HBCU partnerships, investments, perform-  
23 ance goals, priorities, human capital development  
24 and budget planning.

1 (d) REPORT.—The President’s Board of Advisors  
2 shall report annually to the President on the Board’s  
3 progress in carrying out its duties under this section.

Passed the Senate February 12, 2019.

Attest:

*Secretary.*

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