

110TH CONGRESS
1ST SESSION

H. R. 4216

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

NOVEMBER 15, 2007

Mr. DAVIS of Illinois introduced the following bill; which was referred to the Committee on Education and Labor

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 2007”.

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

7 (a) AMENDMENT.—Part A of title III of the Higher
8 Education Act of 1965 (20 U.S.C. 1051 et seq.) is amend-
9 ed by inserting after section 317 (20 U.S.C. 1059d) the
10 following new section:

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

2 “(a) FINDINGS AND PURPOSE.—

3 “(1) FINDINGS.—Congress finds that—

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

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

12 “(ii) among recent secondary school
13 graduates, the college participation rate of
14 Whites was 46 percent from 2000–2002,
15 while that for Blacks was only 39 percent;
16 and

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

21 “(B) a growing number of Black American
22 students are participating in higher education
23 and are enrolled at an increasing number of
24 urban and rural Predominantly Black Institu-
25 tions that have included in their mission the
26 provision of academic training and education

1 for both traditional and non-traditional minor-
2 ity students;

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

14 “(D) many of these students who enroll in
15 Predominantly Black Institutions 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 requisite
19 knowledge and information regarding financing
20 a college 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 Predominantly Black In-

1 stitutions have expanded opportunities for
2 Black American and other minority students;

3 “(F) Predominantly Black Institutions ful-
4 fill a unique mission within American higher
5 education, far beyond that which was initially
6 envisioned;

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

13 “(H) the concentration of the students de-
14 scribed in subparagraph (G) in a limited num-
15 ber of 2-year and 4-year Predominantly Black
16 Institutions and the desire of these students to
17 secure a degree to prepare these students 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 academic resources, physical
23 plants, financial management, and endowments
24 of the Predominantly Black Institutions are ap-
25 propriate methods to enhance the educational

1 quality of the Predominantly Black Institutions,
2 to facilitate decreased long-term reliance on
3 governmental financial support, and to encour-
4 age reliance on endowments and private
5 sources.

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

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

11 “(1) OTHER DEFINITIONS.—For purposes of
12 this section, the terms defined by section 312 have
13 the meanings provided by that section, except as
14 provided in the following paragraphs.

15 “(2) ELIGIBLE INSTITUTION.—The term ‘eligi-
16 ble institution’ means an institution of higher edu-
17 cation that—

18 “(A) has an enrollment of needy under-
19 graduate students as required and defined by
20 paragraph (3);

21 “(B) has an average educational and gen-
22 eral expenditure which is low, per full-time
23 equivalent undergraduate student in comparison
24 with the average educational and general ex-
25 penditure per full-time equivalent under-

graduate student of institutions that offer similar instruction, except that the Secretary may apply the waiver requirements described in section 392(b) to this subparagraph in the same manner as the Secretary applies the waiver requirements to section 312(b)(1)(B);

“(C) has an enrollment of undergraduate students that is at least 40 percent Black American students;

“(D) is legally authorized to provide, and provides within the State, an educational program for which the institution of higher education awards a bachelors degree, or in the case of a junior or community college, an associate’s degree; and

“(E) is accredited by a nationally recognized accrediting agency or association determined by the Secretary to be a reliable authority as to the quality of training offered, or is, according to such an agency or association, making reasonable progress toward accreditation.

“(3) ENROLLMENT OF NEEDY STUDENTS.—

The term ‘enrollment of needy students’ means the enrollment at an eligible institution with respect to

1 which not less than 50 percent of the undergraduate
2 students enrolled in an academic program leading to
3 a degree—

4 “(A) in the second fiscal year preceding
5 the fiscal year for which the determination is
6 made, were Federal Pell Grant recipients for
7 such year;

8 “(B) come from families that receive bene-
9 fits under a means-tested Federal benefits pro-
10 gram (as defined in paragraph (5));

11 “(C) attended a public or nonprofit private
12 secondary school—

13 “(i) that is in the school district of a
14 local educational agency that was eligible
15 for assistance under part A of title I of the
16 Elementary and Secondary Education Act
17 of 1965 for any year during which the stu-
18 dent attended such secondary school; and

19 “(ii) which for the purpose of this
20 paragraph and for that year was deter-
21 mined by the Secretary (pursuant to regu-
22 lations and after consultation with the
23 State educational agency of the State in
24 which the school is located) to be a school
25 in which the enrollment of children counted

1 under section 1113(a)(5) of such Act ex-
2 ceeds 30 percent of the total enrollment of
3 such school; or

4 “(D) are first-generation college students
5 as that term is defined in section 402A(g), and
6 a majority of such first-generation college stu-
7 dents are low-income individuals.

8 “(4) LOW-INCOME INDIVIDUAL.—The term
9 ‘low-income individual’ has the meaning given such
10 term in section 402A(g).

11 “(5) MEANS-TESTED FEDERAL BENEFIT PRO-
12 GRAM.—The term ‘means-tested Federal benefit pro-
13 gram’ means a program of the Federal Government,
14 other than a program under title IV, in which eligi-
15 bility for the programs’ benefits, or the amount of
16 such benefits, or both, are determined on the basis
17 of income or resources of the individual or family
18 seeking the benefit.

19 “(6) PREDOMINANTLY BLACK INSTITUTION.—
20 The term ‘Predominantly Black Institution’ means
21 an institution of higher education—

22 “(A) that is an eligible institution (as de-
23 fined in paragraph (2)) with a minimum of
24 1,000 undergraduate students;

1 “(B) at which not less than 50 percent of
2 the undergraduate students enrolled at the in-
3 stitution are low-income individuals or first-gen-
4 eration college students (as that term is defined
5 in section 402A(g)); and

6 “(C) at which not less than 50 percent of
7 the undergraduate students are enrolled in an
8 educational program leading to a bachelor’s or
9 associate’s degree that the institution is li-
10 censed to award by the State in which it is lo-
11 cated.

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

14 “(c) GRANT AUTHORITY.—

15 “(1) IN GENERAL.—The Secretary is authorized
16 to award grants, from allotments under subsection
17 (e), to Predominantly Black Institutions to enable
18 the Predominantly Black Institutions to carry out
19 the authorized activities described in subsection (d).

20 “(2) PRIORITY.—In awarding grants under this
21 section the Secretary shall give priority to Predomi-
22 nantly Black Institutions with large numbers or per-
23 centages of students described in subsection
24 (b)(2)(A) or (b)(2)(C). The level of priority given to
25 Predominantly Black Institutions with large num-

1 bers or percentages of students described in sub-
2 section (b)(2)(A) shall be twice the level of priority
3 given to Predominantly Black Institutions with large
4 numbers or percentages of students described in
5 subsection (b)(2)(C).

6 “(d) AUTHORIZED ACTIVITIES.—

7 “(1) REQUIRED ACTIVITIES.—Grant funds pro-
8 vided under this section shall be used—

9 “(A) to assist the Predominantly Black In-
10 stitution to plan, develop, undertake, and imple-
11 ment programs to enhance the institution’s ca-
12 pacity to serve more low- and middle-income
13 Black American students;

14 “(B) to expand higher education opportu-
15 nities for students eligible to participate in pro-
16 grams under title IV by encouraging college
17 preparation and student persistence in sec-
18 ondary and postsecondary education; and

19 “(C) to strengthen the financial ability of
20 the Predominantly Black Institution to serve
21 the academic needs of the students described in
22 subparagraphs (A) and (B).

23 “(2) ADDITIONAL ACTIVITIES.—Grant funds
24 provided under this section shall be used for one or
25 more of the following activities:

1 “(A) The activities described in paragraphs
2 (1) through (11) of section 311(c).

3 “(B) Academic instruction in disciplines in
4 which Black Americans are underrepresented.

5 “(C) Establishing or enhancing a program
6 of teacher education designed to qualify stu-
7 dents to teach in a public elementary school or
8 secondary school in the State that shall include,
9 as part of such program, preparation for teach-
10 er certification.

11 “(D) Establishing community outreach
12 programs which will encourage elementary and
13 secondary students to develop the academic
14 skills and the interest to pursue postsecondary
15 education.

16 “(E) Establishing or increasing an endow-
17 ment fund in accordance with paragraph (3).

18 “(F) Other activities proposed in the appli-
19 cation submitted pursuant to subsection (f)
20 that—

21 “(i) contribute to carrying out the
22 purposes of this section; and

23 “(ii) are approved by the Secretary as
24 part of the review and acceptance of such
25 application.

1 “(3) ENDOWMENT FUND.—

2 “(A) IN GENERAL.—A Predominantly
3 Black Institution may use not more than 20
4 percent of the grant funds provided under this
5 section to establish or increase an endowment
6 fund at the institution.

7 “(B) MATCHING REQUIREMENT.—In order
8 to be eligible to use grant funds in accordance
9 with subparagraph (A), the Predominantly
10 Black Institution shall provide matching funds
11 from non-Federal sources, in an amount equal
12 to or greater than the Federal funds used in ac-
13 cordance with subparagraph (A), for the estab-
14 lishment or increase of the endowment fund.

15 “(C) COMPARABILITY.—The provisions of
16 part C regarding the establishment or increase
17 of an endowment fund, that the Secretary de-
18 termines are not inconsistent with this sub-
19 section, shall apply to funds used under sub-
20 paragraph (A).

21 “(4) LIMITATION.—Not more than 50 percent
22 of the grant funds provided to a Predominantly
23 Black Institution under this section may be available
24 for the purpose of constructing or maintaining a

1 classroom, library, laboratory, or other instructional
2 facility.

3 “(e) ALLOTMENTS TO PREDOMINANTLY BLACK IN-
4 STITUTIONS.—

5 “(1) ALLOTMENT: PELL GRANT BASIS.—From
6 the amounts appropriated to carry out this section
7 for any fiscal year, the Secretary shall allot to each
8 Predominantly Black Institution having an applica-
9 tion approved under subsection (f) a sum that bears
10 the same ratio to one-half of that amount as the
11 number of Federal Pell Grant recipients in attend-
12 ance at such institution at the end of the academic
13 year preceding the beginning of that fiscal year,
14 bears to the total number of Federal Pell Grant re-
15 cipients at all such institutions at the end of such
16 academic year.

17 “(2) GRADUATES BASIS.—From the amounts
18 appropriated to carry out this section for any fiscal
19 year, the Secretary shall allot to each Predominantly
20 Black Institution having an application approved
21 under subsection (f) a sum which bears the same
22 ratio to one-fourth that amount as the number of
23 graduates for such academic year at such institution
24 bears to the total number of graduates for such aca-

1 demic year at all institutions eligible under this sec-
2 tion.

3 “(3) GRADUATES SEEKING A HIGHER DEGREE
4 BASIS.—From the amounts appropriated to carry
5 out this section for any fiscal year, the Secretary
6 shall allot to each Predominantly Black Institution
7 having an application approved under subsection (f)
8 a sum which bears the same ratio to one-fourth of
9 that amount as the percentage of graduates per
10 from such institution who are admitted to and in at-
11 tendance at, not later than 2 years of graduation
12 with an associates degree or a baccalaureate degree,
13 either a baccalaureate degree-granting institution or
14 a graduate or professional school in a degree pro-
15 gram in disciplines in which Black American stu-
16 dents are underrepresented, bears to the percentage
17 of such graduates for such institutions.

18 “(4) MINIMUM ALLOTMENT.—

19 “(A) IN GENERAL.—Notwithstanding
20 paragraphs (1), (2), and (3), the amount allot-
21 ted to each Predominantly Black Institution
22 under this section shall not be less than
23 \$250,000.

24 “(B) INSUFFICIENT AMOUNT.—If the
25 amount appropriated pursuant to section

1 399(a)(1)(D) for a fiscal year is not sufficient
2 to pay the minimum allotment provided under
3 subparagraph (A) for a fiscal year, then the
4 amount of such minimum allotment shall be
5 ratably reduced. If additional sums become
6 available for such fiscal year, such reduced allo-
7 cation shall be increased on the same basis as
8 it was reduced until the amount allotted equals
9 the minimum allotment required by subpara-
10 graph (A).

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

23 “(f) APPLICATIONS.—Each Predominantly Black In-
24 stitution desiring a grant under this section shall submit
25 an application to the Secretary at such time, in such man-

ner, and containing or accompanied by such information
as the Secretary may reasonably require.

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

“(h) PROHIBITION.—No Predominantly Black Institution that applies for and receives a grant under this section may apply for or receive funds under any other program under this part or part B of this title.

“(i) DURATION AND CARRYOVER.—Any funds paid to a Predominantly Black Institution under this section and not expended or used for the purposes for which the funds were paid within 10 years following the date on which the grant is awarded shall be repaid to the Treasury.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 399(a)(1) of the Act is amended by adding at the end the following new subparagraph:

“(D) There are authorized to be appropriated to carry out section 318, \$25,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 5 succeeding fiscal years.”.

○