

Editorial Notes

CODIFICATION

This section was enacted as part of the HBCU Propelling Agency Relationships Towards a New Era of Results for Students Act or the HBCU PARTNERS Act, and not as part of the Higher Education Act of 1965 which comprises this chapter.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Education and Labor of House of Representatives changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Eighteenth Congress, Jan. 9, 2023.

FINDINGS AND PURPOSES

Pub. L. 116-270, §2, Dec. 31, 2020, 134 Stat. 3325, provided that:

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

“(1) As many colleges and universities across the country kept their doors closed to African American applicants, historically Black colleges and universities (referred to in this section as ‘HBCUs’) played a central role in ensuring that African Americans could attain an excellent education.

“(2) Today, HBCUs continue to play a critical role in ensuring that African Americans, and those of all races, can access high-quality educational opportunities.

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

“(4) According to the National Association For Equal Opportunity In Higher Education (referred to in this section as ‘NAFEO’), HBCUs make up just 3 percent of American institutions of higher education but serve more than a fifth of African American college students.

“(5) According to the Thurgood Marshall College Fund (referred to in this section as ‘TMCF’), approximately 9 percent of all African American college students attend HBCUs.

“(6) A March 2017 report from the Education Trust concluded that HBCUs have higher completion rates for African American students than other institutions serving similar student populations.

“(7) According to TMCF, 40 percent of African American Members of Congress, 50 percent of African American lawyers, and 80 percent of African American judges are graduates of HBCUs.

“(8) According to NAFEO, HBCUs graduate approximately 50 percent of African American public school teaching professionals.

“(9) According to the United Negro College Fund (referred to in this section as ‘UNCF’), African American graduates of HBCUs are almost twice as likely as African Americans who graduated from other institutions to report that their university prepared them well for life.

“(10) According to a study commissioned by UNCF, in 2014, HBCUs generated a total direct economic impact of \$14,800,000,000 and created more than 134,000 jobs.

“(11) According to a 2019 report produced by the American Council on Education and UNCF, despite efforts to counter a historical legacy of inequitable funding and notable investments by the Federal Government and many State governments, resource inequities continue to plague HBCUs.

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

“(1) to strengthen the capacity and competitiveness of HBCUs to fulfill their principal mission of equalizing educational opportunity, as described in section 301(b) of the Higher Education Act of 1965 (20 U.S.C. 1051(b));

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

“(3) to provide students enrolled at HBCUs with the highest quality educational and economic opportunities;

“(4) to bolster and facilitate productive interactions between HBCUs and Federal agencies; and

“(5) to encourage HBCU participation in and benefit from Federal programs, grants, contracts, and cooperative agreements.”

DEFINITIONS

Pub. L. 116-270, §3, Dec. 31, 2020, 134 Stat. 3326, provided that: “In this Act [see Short Title of 2020 Amendment note set out under section 1001 of this title]:

“(1) APPLICABLE AGENCY.—The term ‘applicable agency’ means—

“(A) the Department of Agriculture;

“(B) the Department of Commerce;

“(C) the Department of Defense;

“(D) the Department of Education;

“(E) the Department of Energy;

“(F) the Department of Health and Human Services;

“(G) the Department of Homeland Security;

“(H) the Department of Housing and Urban Development;

“(I) the Department of the Interior;

“(J) the Department of Justice;

“(K) the Department of Labor;

“(L) the Department of State;

“(M) the Department of Transportation;

“(N) the Department of Treasury;

“(O) the Department of Veterans Affairs;

“(P) the National Aeronautics and Space Administration;

“(Q) the National Oceanic and Atmospheric Administration;

“(R) the National Science Foundation;

“(S) the Small Business Administration; and

“(T) any other Federal agency designated as an applicable agency under section 4 [enacting this section].

“(2) EXECUTIVE DIRECTOR.—The term ‘Executive Director’ means—

“(A) the Executive Director of the White House Initiative on Historically Black Colleges and Universities, as designated by the President; or

“(B) if no such Executive Director is designated, such person as the President may designate to lead the White House Initiative on Historically Black Colleges and Universities.

“(3) HBCU.—The term ‘HBCU’ means a historically Black college or university.

“(4) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term ‘historically Black college or university’ has the meaning given the term ‘part B institution’ under section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

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

“(6) SECRETARY.—Except as otherwise provided, the term ‘Secretary’ means the Secretary of Education.

“(7) WHITE HOUSE INITIATIVE.—The term ‘White House Initiative’ means the White House Initiative on historically Black colleges and universities.”

§ 1063e. President’s Board of Advisors on HBCUs**(a) Administration****(1) In general**

There is established the President’s Board of Advisors on historically Black colleges and universities in the Department of Education or, if the President so elects, within the Executive Office of the President.

(2) Funding from ED¹

Except as provided in paragraph (3), the Secretary shall provide funding and administrative support for the President's Board of Advisors, subject to the availability of appropriations.

(3) Funding from the Executive Office of the President

If the President elects to locate the President's Board of Advisors within the Executive Office of the President, the Executive Office of the President shall provide funding and administrative support for the President's Board of Advisors, subject to the availability of appropriations.

(b) Membership**(1) In general**

The President shall appoint not more than 23 members to the President's Board of Advisors, and the Secretary and Executive Director or their designees shall serve as ex officio members.

(2) Chair**(A) Designation**

The President shall designate one member of the President's Board of Advisors to serve as its Chair, who shall help direct the Board's work in coordination with the Secretary and in consultation with the Executive Director.

(B) Consultation

The Chair shall also consult with the Executive Director regarding the time and location of meetings of the President's Board of Advisors, which shall take place not less frequently than once every 6 months.

(C) Performance

Insofar as the Federal Advisory Committee Act (5 U.S.C. App.)² may apply to the President's Board of Advisors, any functions of the President under such Act, except for those of reporting to the Congress, shall be performed by the Chair, in accordance with guidelines issued by the Administrator of General Services.

(3) Compensation

Members of the President's Board of Advisors shall serve without compensation, but shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by law.

(c) Mission and functions

The President's Board of Advisors shall advise the President, through the White House Initiative, on all matters pertaining to strengthening the educational capacity of HBCUs, which shall include the following:

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

(2) Engaging the philanthropic, business, government, military, homeland-security, and

education communities in a national dialogue regarding new HBCU programs and initiatives.

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

(4) Elevating the public awareness of, and fostering appreciation of, HBCUs.

(5) Encouraging public-private investments in HBCUs.

(6) Improving government-wide strategic planning related to HBCU competitiveness to align Federal resources and provide the context for decisions about HBCU partnerships, investments, performance goals, priorities, human capital development, and budget planning.

(d) Report

The President's Board of Advisors shall report annually to the President on the Board's progress in carrying out its duties under this section.

(Pub. L. 116-270, § 5, Dec. 31, 2020, 134 Stat. 3328.)

Editorial Notes

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (b)(2)(C), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which was set out in the Appendix to Title 5, Government Organization and Employees, and was substantially repealed and restated in chapter 10 (§1001 et seq.) of Title 5 by Pub. L. 117-286, §§3(a), 7, Dec. 27, 2022, 136 Stat. 4197, 4361. For disposition of sections of the Act into chapter 10 of Title 5, see Disposition Table preceding section 101 of Title 5.

CODIFICATION

This section was enacted as part of the HBCU Propelling Agency Relationships Towards a New Era of Results for Students Act or the HBCU PARTNERS Act, and not as part of the Higher Education Act of 1965 which comprises this chapter.

PART C—ENDOWMENT CHALLENGE GRANTS FOR INSTITUTIONS ELIGIBLE FOR ASSISTANCE UNDER PART A OR PART B

§ 1064. Repealed. Pub. L. 102-325, title III, § 304(a)(2), July 23, 1992, 106 Stat. 476

Section, Pub. L. 89-329, title III, §331, as added Pub. L. 99-498, title III, §301(a), Oct. 17, 1986, 100 Stat. 1298, related to establishment of challenge grant program.

A prior section 1064, Pub. L. 89-329, title III, §331, as added Pub. L. 96-374, title III, §301, Oct. 3, 1980, 94 Stat. 1395; amended Pub. L. 97-35, title V, §516(c)(2), Aug. 13, 1981, 95 Stat. 447, established a challenge grant program, prior to the general revision of this subchapter by Pub. L. 99-498.

Another prior section 1064, Pub. L. 89-329, title IV, §404, Nov. 8, 1965, 79 Stat. 1233, related to time and manner of making application for grant, selection of recipients and conditions precedent to award, prior to the general revision of part A of subchapter IV of this chapter by Pub. L. 92-318, title I, §131(b)(1), June 23, 1972, 86 Stat. 247.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1992, see section 2 of Pub. L. 102-325, set out as an Effective Date of 1992 Amendment note under section 1001 of this title.

¹ So in original.

² See References in Text note below.