

**Suspend the Rules and Pass the Bill, S. 461, with an Amendment**

**(The amendment strikes all after the enacting clause and inserts a new text)**

116<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 461

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IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2019

Referred to the Committee on Oversight and Reform, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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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,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. FINDINGS AND PURPOSES.**

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

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

9 (2) Today, HBCUs continue to play a critical  
10 role in ensuring that African Americans, and those  
11 of all races, can access high-quality educational op-  
12 portunities.

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

17 (4) According to the National Association For  
18 Equal Opportunity In Higher Education (referred to  
19 in this section as “NAFEO”), HBCUs make up just  
20 3 percent of American institutions of higher edu-  
21 cation but serve more than a fifth of African Ameri-  
22 can college students.

23 (5) According to the Thurgood Marshall College  
24 Fund (referred to in this section as “TMCF”), ap-  
25 proximately 9 percent of all African American col-  
26 lege students attend HBCUs.

1           (6) 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           (7) According to TMCF, 40 percent of African  
6           American Members of Congress, 50 percent of Afri-  
7           can American lawyers, and 80 percent of African  
8           American judges are graduates of HBCUs.

9           (8) According to NAFEO, HBCUs graduate  
10          approximately 50 percent of African American pub-  
11          lic school teaching professionals.

12          (9) According to the United Negro College  
13          Fund (referred to in this section as “UNCF”), Afri-  
14          can American graduates of HBCUs are almost twice  
15          as likely as African Americans who graduated from  
16          other institutions to report that their university pre-  
17          pared them well for life.

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

22          (11) According to a 2019 report produced by  
23          the American Council on Education and UNCF, de-  
24          spite efforts to counter a historical legacy of inequi-  
25          table funding and notable investments by the Fed-

1       eral Government and many State governments, re-  
2       source inequities continue to plague HBCUs.

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—

24           (A) the Department of Agriculture;

25           (B) the Department of Commerce;

- 1 (C) the Department of Defense;
- 2 (D) the Department of Education;
- 3 (E) the Department of Energy;
- 4 (F) the Department of Health and Human  
5 Services;
- 6 (G) the Department of Homeland Security;
- 7 (H) the Department of Housing and  
8 Urban Development;
- 9 (I) the Department of the Interior;
- 10 (J) the Department of Justice;
- 11 (K) the Department of Labor;
- 12 (L) the Department of State;
- 13 (M) the Department of Transportation;
- 14 (N) the Department of Treasury;
- 15 (O) the Department of Veterans Affairs;
- 16 (P) the National Aeronautics and Space  
17 Administration;
- 18 (Q) the National Oceanic and Atmospheric  
19 Administration;
- 20 (R) the National Science Foundation;
- 21 (S) the Small Business Administration;
- 22 and
- 23 (T) any other Federal agency designated  
24 as an applicable agency under 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—

10           (1) identify each Federal agency with which an  
11           HBCU—

12                   (A) has entered into a grant, contract, or  
13                   cooperative agreement; or

14                   (B) is eligible to participate in the pro-  
15                   grams and initiatives under the jurisdiction of  
16                   such Federal agency; and

17           (2) designate each Federal agency so identified  
18           as an applicable agency.

19           (b) SUBMITTING AGENCY PLANS.—Not later than  
20           February 1 of each year, the head of each applicable agen-  
21           cy shall submit to the Secretary, the Executive Director,  
22           the Committee on Health, Education, Labor, and Pen-  
23           sions of the Senate, the Committee on Education and  
24           Labor of the House of Representatives, and the Presi-  
25           dent’s Board of Advisors an annual Agency Plan describ-

1 ing efforts to strengthen the capacity of HBCUs to par-  
2 ticipate or be eligible to participate in the programs and  
3 initiatives under the jurisdiction of such applicable agency  
4 as described in subsection (a)(1)(B).

5 (c) FURTHER REQUIREMENTS FOR SUBMISSION AND  
6 ACCESSIBILITY.—The Executive Director shall make all  
7 annual Agency Plan submissions publicly available online  
8 in a user-friendly format.

9 (d) AGENCY PLAN CONTENT.—Where appropriate,  
10 each Agency Plan shall include—

11 (1) a description of how the applicable agency  
12 intends to increase the capacity of HBCUs to com-  
13 pete effectively for grants, contracts, or cooperative  
14 agreements;

15 (2) an identification of Federal programs and  
16 initiatives under the jurisdiction of the applicable  
17 agency in which HBCUs are underrepresented;

18 (3) an outline of proposed efforts to improve  
19 HBCUs' participation in such programs and initia-  
20 tives;

21 (4) a description of any progress made towards  
22 advancing or achieving goals and efforts from pre-  
23 vious Agency Plans submitted under this section by  
24 such applicable agency;

1           (5) a description of how the applicable agency  
2 plans to encourage public-sector, private-sector, and  
3 community involvement to improve the capacity of  
4 HBCUs to compete effectively for grants, contracts,  
5 or cooperative agreements, and to participate in pro-  
6 grams and initiatives under the jurisdiction of such  
7 agency;

8           (6) an identification of programs and initiatives  
9 not listed in a previous Agency Plan in which an  
10 HBCU may participate;

11           (7) any other information the applicable agency  
12 determines is relevant to promoting opportunities to  
13 fund, partner, contract, or otherwise interact with  
14 HBCUs; and

15           (8) any additional criteria established by the  
16 Secretary or the White House Initiative.

17       (e) AGENCY ENGAGEMENT.—To help fulfill the objec-  
18 tives of the Agency Plans, the head of each applicable  
19 agency—

20           (1) shall provide, as appropriate, technical as-  
21 sistance and information to the Executive Director  
22 to enhance communication with HBCUs concerning  
23 the applicable agency's—

24           (A) programs and initiatives described in  
25 subsection (d)(2); and

1 (B) the preparation of applications or pro-  
2 posals for grants, contracts, or cooperative  
3 agreements; and

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

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

8 (a) ADMINISTRATION.—

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

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

19 (3) FUNDING FROM THE EXECUTIVE OFFICE OF  
20 THE PRESIDENT.—If the President elects to locate  
21 the President's Board of Advisors within the Execu-  
22 tive Office of the President, the Executive Office of  
23 the President shall provide funding and administra-  
24 tive support for the President's Board of Advisors,  
25 subject to the availability of appropriations.

1 (b) MEMBERSHIP.—

2 (1) IN GENERAL.—The President shall appoint  
3 not more than 23 members to the President’s Board  
4 of Advisors, and the Secretary and Executive Direc-  
5 tor or their designees shall serve as ex officio mem-  
6 bers.

7 (2) CHAIR.—

8 (A) DESIGNATION.—The President shall  
9 designate one member of the President’s Board  
10 of Advisors to serve as its Chair, who shall help  
11 direct the Board’s work in coordination with  
12 the Secretary and in consultation with the Ex-  
13 ecutive Director.

14 (B) CONSULTATION.—The Chair shall also  
15 consult with the Executive Director regarding  
16 the time and location of meetings of the Presi-  
17 dent’s Board of Advisors, which shall take place  
18 not less frequently than once every 6 months.

19 (C) PERFORMANCE.—Insofar as the Fed-  
20 eral Advisory Committee Act (5 U.S.C. App.)  
21 may apply to the President’s Board of Advisors,  
22 any functions of the President under such Act,  
23 except for those of reporting to the Congress,  
24 shall be performed by the Chair, in accordance

1 with guidelines issued by the Administrator of  
2 General Services.

3 (3) COMPENSATION.—Members of the Presi-  
4 dent’s Board of Advisors shall serve without com-  
5 pensation, but shall be reimbursed for travel ex-  
6 penses, including per diem in lieu of subsistence, as  
7 authorized by law.

8 (c) MISSION AND FUNCTIONS.—The President’s  
9 Board of Advisors shall advise the President, through the  
10 White House Initiative, on all matters pertaining to  
11 strengthening the educational capacity of HBCUs, which  
12 shall include the following:

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

15 (2) Engaging the philanthropic, business, gov-  
16 ernment, military, homeland-security, and education  
17 communities in a national dialogue regarding new  
18 HBCU programs and initiatives.

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

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

1           (5) Encouraging public-private investments in  
2           HBCUs.

3           (6) Improving government-wide strategic plan-  
4           ning related to HBCU competitiveness to align Fed-  
5           eral resources and provide the context for decisions  
6           about HBCU partnerships, investments, perform-  
7           ance goals, priorities, human capital development,  
8           and budget planning.

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