

Legislation for Title IV
Part J, College Cost Reduction and Access Act of 2007*

SEC. 802. INVESTMENT IN HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY-SERVING INSTITUTIONS.

Title IV (20 U.S.C. 1070 et seq.) is further amended by adding after part I (as added by section 701 of this Act) the following new part:

``PART J—STRENGTHENING HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND OTHER MINORITY-SERVING INSTITUTIONS

``SEC. 499A. INVESTMENT IN HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND OTHER MINORITY-SERVING INSTITUTIONS.

``(a) ELIGIBLE INSTITUTION.—An institution of higher education is eligible to receive funds from the amounts made available under this section if such institution is—

- ``(1) a part B institution (as defined in section 322 (20 U.S.C. 1061));
- ``(2) a Hispanic-serving institution (as defined in section 502 (20 U.S.C. 1101a));
- ``(3) a Tribal College or University (as defined in section 316 (20 U.S.C. 1059c));
- ``(4) an Alaska Native-serving institution or a Native Hawaiian-serving institution (as defined in section 317(b) (20 U.S.C. 1059d(b)));
- ``(5) a Predominantly Black Institution (as defined in subsection (c));
- ``(6) an Asian American and Native American Pacific Islander-serving institution (as defined in subsection (c)); or
- ``(7) a Native American-serving nontribal institution (as defined in subsection (c)).

``(b) NEW INVESTMENT OF FUNDS.—

``(1) IN GENERAL.—There shall be available to the Secretary to carry out this section, from funds not otherwise appropriated, \$255,000,000 for each of the fiscal years 2008 and 2009. The authority to award grants under this section shall expire at the end of fiscal year 2009.

``(2) ALLOCATION AND ALLOTMENT.—

``(A) IN GENERAL.—Of the amounts made available under paragraph (1) for each fiscal year—

- ``(i) \$100,000,000 shall be available for allocation under subparagraph (B);
- ``(ii) \$100,000,000 shall be available for allocation under subparagraph (C); and
- ``(iii) \$55,000,000 shall be available for allocation under subparagraph (D).

``(B) HSI STEM AND ARTICULATION PROGRAMS. — The amount made available for allocation under this subparagraph by subparagraph (A)(i) for any fiscal year shall be available for Hispanic-serving Institutions for activities described in section 503, with a priority given to applications that propose—

“(i) to increase the number of Hispanic and other low income students attaining degrees in the fields of science, technology, engineering, or mathematics; and

“(ii) to develop model transfer and articulation agreements between 2-year Hispanic-serving institutions and 4-year institutions in such fields.

“(C) ALLOCATION AND ALLOTMENT HBCUS AND PBIS.—

From the amount made available for allocation under this subparagraph by subparagraph (A)(ii) for any fiscal year—

“(i) 85 percent shall be available to eligible institutions described in subsection (a)(1) and shall be made available as grants under section 323 and allotted among such institutions under section 324, treating such amount, plus the amount appropriated for such fiscal year in a regular or supplemental appropriation Act to carry out part B of title III, as the amount appropriated to carry out part B of title III for purposes of allotments under section 324, for use by such institutions with a priority for—

“(I) activities described in paragraphs (1), (2), (4), (5), and (10) of section 323(a); and

“(II) other activities, consistent with the institution’s comprehensive plan and designed to increase the institution’s capacity to prepare students for careers in the physical or natural sciences, mathematics, computer science or information technology or sciences, engineering, language instruction in the less-commonly taught languages or international affairs, or nursing or allied health professions; and

“(ii) 15 percent shall be available to eligible institutions described in subsection (a)(5) and shall be available for a competitive grant program to award 25 grants of \$600,000 annually for programs in any of the following areas:

“(I) science, technology, engineering, or mathematics (STEM);

“(II) health education;

“(III) internationalization or globalization;

“(IV) teacher preparation; or

“(V) improving educational outcomes of African American males.

“(D) ALLOCATION AND ALLOTMENT TO OTHER MINORITY-SERVING INSTITUTIONS.—From the amount made available for allocation under this subparagraph by subparagraph (A)(iii) for any fiscal year—

“(i) \$30,000,000 for such fiscal year shall be available to eligible institutions described in subsection (a)(3) and shall be made available as grants under section 316, treating such \$30,000,000 as part of the amount appropriated for such fiscal year in a regular or supplemental appropriation Act to carry out such section, and using such \$30,000,000 for purposes described in subsection (c) of such section;

“(ii) \$15,000,000 for such fiscal year shall be available to eligible institutions described in subsection (a)(4) and shall be made available as grants under section 317, treating such \$15,000,000 as part of the amount appropriated for such fiscal year in a regular or supplemental appropriation

Act to carry out such section and using such \$15,000,000 for purposes described in subsection (c) of such section;

“(iii) \$5,000,000 for such fiscal year shall be available to eligible institutions described in subsection (a)(6) for activities described in section 311(c); and

“(iv) \$5,000,000 for such fiscal year shall be available to eligible institutions described in subsection (a)(7)–

“(I) to plan, develop, undertake, and carry out activities to improve and expand such institutions’ capacity to serve Native Americans, which may include–

“(aa) the purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes;

“(bb) renovation and improvement in classroom, library, laboratory, and other instructional facilities;

“(cc) support of faculty exchanges, faculty development, and faculty fellowships to assist faculty in attaining advanced degrees in the faculty’s field of instruction;

“(dd) curriculum development and academic instruction;

“(ee) the purchase of library books, periodicals, microfilm, and other educational materials;

“(ff) funds and administrative management, and acquisition of equipment for use in strengthening funds management;

“(gg) the joint use of facilities such as laboratories and libraries; and

“(hh) academic tutoring and counseling programs and student support services; and

“(II) to which the Secretary, to the extent possible and consistent with a competitive process under which such grants are awarded, allocates funds under this clause to ensure maximum and equitable distribution among all such eligible institutions.

“(c) DEFINITIONS.–

“(1) ASIAN AMERICAN.—The term ‘Asian American’ has the meaning given the term ‘Asian’ in the Office of Management and Budget’s Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity as published on October 30, 1997 (62 Fed. Reg. 58789).

“(2) ASIAN AMERICAN AND NATIVE AMERICAN PACIFIC ISLANDER-SERVING INSTITUTION.—The term ‘Asian American and Native American Pacific Islander-serving institution’ means an institution of higher education that–

“(A) is an eligible institution under section 312(b); and

“(B) at the time of application, has an enrollment of undergraduate students that is at least 10 percent Asian American and Native American Pacific Islander students.

“(3) ENROLLMENT OF NEEDY STUDENTS.—The term ‘enrollment of needy students’ means the enrollment at an institution of higher education with respect to which not less than 50 percent of the undergraduate students enrolled in an academic program leading to a degree—

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

“(B) come from families that receive benefits under a means-tested Federal benefit program (as defined in paragraph (5));

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

“(i) that is in the school district of a local educational agency that was eligible for assistance under part A of title I of the Elementary and Secondary Education Act of 1965 for any year during which the student attended such secondary school; and

“(ii) which for the purpose of this paragraph and for that year was determined by the Secretary (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which the enrollment of children counted under a measure of poverty described in section 1113(a)(5) of such Act exceeds 30 percent of the total enrollment of such school; or

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

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

“(5) MEANS-TESTED FEDERAL BENEFIT PROGRAM.—The term ‘means-tested Federal benefit program’ means a program of the Federal Government, other than a program under title IV, in which eligibility for the programs’ benefits or the amount of such benefits are determined on the basis of income or resources of the individual or family seeking the benefit.

“(6) NATIVE AMERICAN.—The term ‘Native American’ means an individual who is of a tribe, people, or culture that is indigenous to the United States.

“(7) NATIVE AMERICAN PACIFIC ISLANDER.—The term ‘Native American Pacific Islander’ means any descendant of the aboriginal people of any island in the Pacific Ocean that is a territory or possession of the United States.

“(8) NATIVE AMERICAN-SERVING NONTRIBAL INSTITUTION.—
The term ‘Native American-serving nontribal institution’ means an institution of higher education that—

“(A) at the time of application—

“(i) has an enrollment of undergraduate students that is not less than 10 percent Native American students; and

“(ii) is not a Tribal College or University (as defined in section 316); and

“(B) submits to the Secretary such enrollment data as may be necessary to demonstrate that the institution is described in subparagraph (A), along with such other information and data as the Secretary may by regulation require.

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

“(A) has an enrollment of needy students as defined by paragraph (3);

“(B) has an average educational and general expenditure which is low, per full-time equivalent undergraduate student in comparison with the average educational and general expenditure per full-time equivalent undergraduate student of institutions of higher education 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—

“(i) that is at least 40 percent Black American students;

“(ii) that is at least 1,000 undergraduate students;

“(iii) of which not less than 50 percent of the undergraduate students enrolled at the institution are low-income individuals or first-generation college students (as that term is defined in section 402A(g)); and

“(iv) of which not less than 50 percent of the undergraduate students are enrolled in an educational program leading to a bachelor’s or associate’s degree that the institution is licensed to award by the State in which the institution is located;

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

“(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; and

“(F) is not receiving assistance under part B of title III.”

March 11, 2008

*This legislation became Part F, Section 371 of Title III of the Higher Education Act with passage of the Higher Education Opportunity Act of 2008.