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Calendar No. 389

115TH CONGRESS
2d Session

SENATE

REPORT
115–234

TO REAUTHORIZE THE HISTORICALLY BLACK COLLEGES AND UNIVERSITIES HISTORIC PRESERVATION PROGRAM

APRIL 25, 2018.—Ordered to be printed

Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany S. 1446]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1446) to reauthorize the Historically Black Colleges and Universities Historic Preservation program, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of S. 1446 is to reauthorize the Historically Black Colleges and Universities Historic Preservation program for fiscal years 2018 through 2024.

BACKGROUND AND NEED

Historically Black Colleges and Universities (HBCUs) are defined by the Higher Education Act of 1965, as amended, as "any historically black college or university that was established prior to 1964, whose principal mission was, and is, the education of black Americans, and that is accredited by a nationally recognized accrediting agency or association determined by the Secretary of Education to be a reliable authority as to the quality of training offered or is, according to such agency or association, making reasonable progress toward accreditation." The National Center for Education Statistics currently lists 102 accredited HBCUs.

In 1980, President Jimmy Carter signed Executive Order 12232, establishing the White House Initiative on HBCUs, which was in-

tended to create a structure to help the schools access and benefit from Federally funded programs. As a result, the National Park Service (NPS) began awarding matching grants, and, at times, earmarked grants, to HBCUs for the purpose of historic preservation. These grants aid HBCUs in repairing historic buildings on their campuses. Initially, all HBCUs were required to provide a 50 percent matching requirement for Federal grants, but this was reduced to 30 percent in 2004. In addition, the 2009 American Recovery and Reinvestment Act (Public Law 111–5) earmarked an additional $15 million for the HBCU Preservation Program. In 2017, Congress appropriated $4 million for the program.

HBCU matching grants may be used to "repair historic structures on the campuses of Historically Black Colleges and Universities that are listed in the National Register of Historic Places or considered eligible to be listed by the State Historic Preservation Officer." In addition, the project applicants must meet additional federal guidelines, including matching and essential preservation repair work requirements. No new construction or major reconstruction is eligible for the program.

LEGISLATIVE HISTORY

Senators Harris and Graham introduced S. 1446 on June 27, 2017. Similar language was included in section 7118 of S. 1460, the Energy and Natural Resources Act of 2017 (Cal. 162).

Companion legislation, H.R. 1135, was introduced by Rep. Clyburn on February 16, 2017, in the House of Representatives and referred to the Committee on Natural Resources. The House Committee on Natural Resources favorably reported H.R. 1135 (H. Rept. 115–157) on June 2, 2017. On June 27, 2017, H.R. 1135 passed the House of Representatives by voice vote.

The Senate Subcommittee on National Parks conducted a hearing on S. 1446 and H.R. 1135 on February 14, 2018.

In the 114th Congress, Senator Graham introduced similar legislation, S. 3512, on December 7, 2016. Companion legislation, H.R. 295, was introduced in the House of Representatives by Rep. Clyburn on January 13, 2015, and referred to the Committee on Natural Resources. H.R. 295 was favorably reported, as amended, by the House Committee on Natural Resources (H. Rept. 114–549) on May 10, 2016. H.R. 295 passed the House of Representatives by voice vote on September 12, 2016.

The Committee on Energy and Natural Resources met in open business session on March 8, 2018, and ordered S. 1446 and H.R. 1135 favorably reported.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on March 8, 2018, by a majority voice vote of a quorum present, recommends that the Senate pass S. 1446.

SECTION-BY-SECTION ANALYSIS

Section 1. Historically Black Colleges and Universities Historic Preservation program reauthorized

Section 1 amends Section 507(d)(2) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333) to reauthorize the Historically Black Colleges and Universities Historic Preservation program for fiscal years 2018 through 2024.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the costs of this measure has been provided by the Congressional Budget Office:

Summary: S. 1446 would authorize the appropriation of funds for the Historic Preservation Fund to provide grants for the restoration and preservation of historic buildings at Historically Black Colleges and Universities (HBCUs). CBO estimates that implementing the bill would cost $17 million over the 2019–2023 period, assuming appropriation of the authorized amounts.

Enacting S. 1446 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting S. 1466 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

S. 1446 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

Estimated cost to the Federal Government: The estimated budgetary effect of S. 1466 is shown in the following table. The costs of the legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—						
	2018	2019	2020	2021	2022	2023	2019–2023
INCREASES IN SPENDING SUBJECT TO APPROPRIATION							
Authorization Level	10	10	10	10	10	10	50
Estimated Outlays	0	3	3	3	4	4	17

S. 1446 would authorize the appropriation of $10 million in 2018. CBO does not estimate any outlays for that authorization because appropriations for 2018 have already been provided.

Basis of estimate: For this estimate, CBO assumes the bill will be enacted near the end of 2018. S. 1446 would authorize appropriations of $10 million a year over the 2018–2024 period.

CBO estimates that demand for the HBCU preservation grants would be less than the annual amount that would be authorized. (In 2018, the Congress provided $5 million for this program.) Information from the National Park Service (NPS) suggests that many eligible institutions cannot provide the 30 percent of the project cost from nonfederal funds that is required under current law to receive a preservation grant. Using information from the NPS about the expected number of grant applications and typical grant amounts, CBO estimates that implementing S. 1446 would cost $17 million over the 2019–2023 period, assuming appropriation of the authorized amounts.

Pay-As-You-Go considerations: None.

Increase in long-term direct spending and deficits: CBO estimates that enacting S. 1466 would not increase net direct spending

or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

Mandates: S. 1446 contains no intergovernmental or private-sector mandates as defined in UMRA.

Previous CBO estimate: On May 26, 2017, CBO transmitted a cost estimate for H.R. 1135, a bill to reauthorize the Historically Black Colleges and Universities Historic Preservation program, as ordered reported by the House Committee on Natural Resources on April 27, 2017. On April 11, 2018, CBO transmitted a cost estimate for H.R. 1135, an act to reauthorize the Historically Black Colleges and Universities Historic Preservation program, as ordered reported by the Senate Committee on Energy and Natural Resources on March 8, 2018. The three pieces of legislation are similar; however, differences in estimated outlays reflect different assumptions about when the legislation will be enacted.

Estimate prepared by: Federal costs: Janani Shankaran; Mandates: Zachary Byrum.

Estimate reviewed by: Kim P. Cawley, Chief, Natural and Physical Resources Cost Estimates Unit; H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1446. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1446, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 1446, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the Department of the Interior at the February 14, 2018, hearing on S. 1446 follows:

STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE AUTHORITY OF THE DIRECTOR OF THE NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE ENERGY AND NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, CONCERNING S. 1446 AND H.R. 1135, A BILL TO REAUTHORIZE THE HISTORICALLY BLACK COLLEGES AND UNIVERSITES HISTORIC PRESERVATION PROGRAM

Chairman Daines, Ranking Member King, and members of the Subcommittee, thank you for the opportunity to

present the Department of the Interior's views on S. 1446 and H.R. 1135, bills to reauthorize the Historically Black Colleges and Universities historic preservation program.

The Department supports S. 1446 and H.R. 1135. This bill would reauthorize funding for the preservation and restoration of historic buildings and structures on the campuses of Historically Black Colleges and Universities (HBCUs) for fiscal years 2018 through 2024, at a level of $10 million annually. This program provides infrastructure support for these important institutions.

The funding authorized by S. 1446 and H.R. 1135 would support public-private partnership efforts to revitalize historic HBCU buildings. Repairs would improve safety and functionality, including stabilizing structures, repairing damaged masonry, abating environmental hazards such as lead paint and asbestos, replacing antiquated electrical and plumbing systems, fixing leaking roofs, repairing termite damage, and providing handicapped accessibility. The historic buildings on these campuses have specialized repair needs, requiring highly skilled trades and quality materials, the costs of which may strain a limited college budget.

Between 1998 and 2009, almost $60 million of Historic Preservation Fund (HPF) grants were awarded to HBCUs. These HPF apportionments supported over 60 institutions, funding 131 infrastructure projects. While the prior annual authorization (P.L. 104–333, as amended by P.L. 108–7) expired at the end of 2008, in some subsequent years, Congress has appropriated funding for historic preservation grants to HBCUs under the broader authority of the National Historic Preservation Act (54 U.S.C. 302906). HBCUs continue to proudly provide opportunities for higher education, show us that education can serve as a path to prosperity, and preserve an important part of the American story.

Mr. Chairman, this concludes my statement. I would be pleased to answer any questions you or other members of the Subcommittee may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the original bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

PUBLIC LAW 104–333

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OMNIBUS PARKS AND PUBLIC LANDS MANAGEMENT ACT OF 1996

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DIVISION I

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TITLE V—HISTORIC AREAS AND CIVIL RIGHTS

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SEC. 507. HISTORICALLY BLACK COLLEGES AND UNIVERSITIES HISTORIC BUILDING RESTORATION AND PRESERVATION.

(a) AUTHORITY TO MAKE GRANTS.—From the amounts made available to carry out the National Historic Preservation Act, the Secretary of the Interior shall make grants in accordance with this section to eligible historically black colleges and universities for the preservation and restoration of historic buildings and structures on the campus of these institutions.

(b) GRANT CONDITIONS.—Grants made under subsection (a) shall be subject to the condition that the grantee covenants, for the period of time specified by the Secretary, that—

(1) no alteration will be made in the property with respect to which the grant is made without the concurrence of the Secretary; and

(2) reasonable public access to the property with respect to which the grant is made will be permitted by the grantee for interpretive and educational purposes.

(c) MATCHING REQUIREMENT FOR BUILDINGS AND STRUCTURES LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES.—

(1) IN GENERAL.—Except as provided by paragraphs (2) and (3), the Secretary may obligate funds made available under this section for a grant with respect to a building or structure listed on, or eligible for listing on, the National Register of Historic Places only if the grantee agrees to match, from funds derived from non-Federal sources, the amount of the grant with an amount that is equal or greater than the grant.

(2) WAIVER.—The Secretary may waive paragraphs (1) and (3) with respect to a grant if the Secretary determines from circumstances that an extreme emergency exists or that such a waiver is in the public interest to assure the preservation of historically significant resources.

(3) EXCEPTION.—The Secretary shall not obligate funds made available under subsection (d)(2) for a grant with respect to a building or structure listed on, or eligible for listing on, the National Register of Historic Places unless the grantee agrees to provide, from funds derived from non-Federal sources, an amount that is equal to 30 percent of the total cost of the project for which the grant is provided.

(d) FUNDING PROVISION.—

(1) IN GENERAL.—Under section 108 of the National Historic Preservation Act, $29,000,000 shall be made available to carry out the purposes of this section. Of amounts made available pursuant to this section, $5,000,000 shall be available for grants to Fisk University, $2,500,000 shall be available for

grants to Knoxville College, $2,000,000 shall be available for grants to Miles College, Alabama, $1,500,000 shall be available for grants to Talladega College, Alabama, $1,550,000 shall be available for grants to Selma University, Alabama, $250,000 shall be available for grants to Stillman College, Alabama, $200,000 shall be available for grants to Concordia College, Alabama, $2,900,000 shall be available for grants to Allen University, South Carolina, $1,000,000 shall be available for grants to Claflin College, South Carolina, $2,000,000 shall be available for grants to Voorhees College, South Carolina, $1,000,000 shall be available for grants to Rust College, Mississippi, and $3,000,000 shall be available for grants to Tougaloo College, Mississippi.

(2) ADDITIONAL FUNDING.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated from the Historic Preservation Fund to carry out this section $10,000,000 for each of fiscal years 2003 through 2008 **[**.**]** *and each of fiscal years 2018 through 2024.*

(e) REGULATIONS.—The Secretary shall develop such guidelines as may be necessary to carry out this section.

(f) DEFINITIONS.—For the purposes of this section:

(1) HISTORICALLY BLACK COLLEGES.—The term "historically black colleges and universities" has the same meaning given the term "part B institution" by section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(2) HISTORIC BUILDING AND STRUCTURES.—The term "historic building and structures" means a building or structure listed on, or eligible for listing on, the National Register of Historic Places or designated a National Historic Landmark.

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