

TO REAUTHORIZE THE HISTORICALLY BLACK COLLEGES
AND UNIVERSITIES HISTORIC PRESERVATION PROGRAM

MAY 10, 2016.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 295]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 295) to reauthorize the Historically Black Colleges and Universities Historic Preservation program, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. HISTORICALLY BLACK COLLEGES AND UNIVERSITIES HISTORIC PRESERVATION PROGRAM REAUTHORIZED.

Section 507(d)(2) of the Omnibus Parks and Public Lands Management Act of 1996 (54 U.S.C. 302101 note) is amended by striking the period at the end and inserting “and each of fiscal years 2017 through 2023.”.

PURPOSE OF THE BILL

The purpose of H.R. 295 is to reauthorize the Historically Black Colleges and Universities Historic Preservation program.

BACKGROUND AND NEED FOR LEGISLATION

In 1988, the National Park Service (NPS) established the Historically Black Colleges and Universities (HBCU) Preservation Program with the award of grants to document, preserve, and stabilize historic structures on HBCU campuses. Throughout the history of the program, the NPS has awarded over \$60 million to HBCUs to assist them in repairing historic buildings. Historic preservation projects may include: structural stabilization, repairing damaged masonry, replacing antiquated electrical and plumbing systems,

abating environmental hazards such as asbestos, repairing termite damage, fixing leaking roofs, and providing handicapped accessibility.

Funding for preservation and restoration at HBCUs from the Historic Preservation Fund (HPF) was initially authorized by the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333). Specifically, Congress authorized \$29 million to be appropriated and required HBCUs to raise 50 percent of the funds locally to match the federal grant. Further, the law specified that of the amount to be appropriated, \$23 million in grants would be earmarked for twelve particular colleges and universities. Later, funding provided in the Fiscal Year 2001 Interior Appropriations Act (Public Law 106–291), completed the 12 ongoing projects authorized in the 104th Congress.

In 2003, Congress amended Public Law 104–333 to authorize \$10 million in additional appropriations for each of fiscal years 2003 through 2008, and lowered the matching requirement to 30 percent. Although funding was authorized, Congress did not appropriate the full \$10 million in each of those years. Instead, Congress appropriated \$0 in FY2003, \$2.96 million in FY2004, \$3.45 million in FY2005, \$2.96 million in FY2006, and \$0 in FY2007 and FY2008.

Since FY2008, no further appropriations were authorized for HBCUs from the HPF. However, in supplemental appropriations for FY2009 in the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), Congress appropriated an additional \$15 million for HBCUs (and waived the nonfederal matching requirement for these funds).

On February 11, 2016, the Subcommittee on Federal Lands held a legislative hearing on H.R. 295. At the hearing, Dr. Henry Tisdale, president of Claflin University, a HBCU located in Orangeburg, South Carolina, testified in favor of H.R. 295. Additionally, Dr. Stephanie Toothman, Associate Director of Cultural Resources, Partnerships and Science at the National Park Service, offered testimony from the Department of the Interior in support of the bill.

COMMITTEE ACTION

H.R. 295 was introduced on January 13, 2015, by Congressman James E. Clyburn (D–SC). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. On February 11, 2016, the Subcommittee held a hearing on the bill. On March 15, 2016, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Chairman Rob Bishop (R–UT) offered an amendment designated #1. The amendment was adopted by unanimous consent. No other amendments were offered, and the bill, as amended, was ordered favorably reported to the House of Representatives by unanimous consent on March 16, 2016.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on

Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 295—To Reauthorize the Historically Black Colleges and Universities Historic Preservation Program

H.R. 295 would authorize the appropriation of \$10 million annually from 2017 through 2023 for the Historic Preservation Fund to provide grants for the restoration and preservation of historic buildings at Historically Black Colleges and Universities (HBCUs). No funds have been appropriated for this program since 2009.

Although, the legislation would authorize an annual appropriation of \$10 million through 2023, CBO estimates that demand for the preservation grants would be less than that amount. 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. Based on information from the NPS about the expected number of grant applications and the amount of the typical grant award, CBO estimates that implementing the legislation would cost about \$3 million a year and \$12 million over the 2017–2021 period, assuming appropriation of the estimated amounts. Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 295 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

H.R. 295 contains no intergovernmental or private-sector mandates defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Marin Burnett. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. The Congressional Budget Office has concluded that implementing the legislation would cost about \$12 million over the 2017–2021 time period, subject to appropriation.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to reauthorize the Historically Black Colleges and Universities Historic Preservation program.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

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, Mis-

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 2017 through 2023.

(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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