

Committee on Natural Resources

Rob Bishop Chairman
Mark-Up Memorandum

April 24, 2017

To: All Natural Resources Committee Members

From: Majority Committee Staff, Terry Camp
Subcommittee on Federal Lands (x 6-7736)

Mark-Up: **H.R. 1135 (Rep. James Clyburn)**, To reauthorize the Historically Black Colleges and Universities Historic Preservation program.
April 26 & 27, 2017; 1324 Longworth HOB.

Summary of the Bill

H.R. 1135, introduced on February 16, 2017 by Congressman James Clyburn (D-SC-6), amends the Omnibus Parks and Public Lands Management Act of 1996 to reauthorize, for FY2018 – FY2024, Historic Preservation Fund activities related to the preservation and restoration of historic buildings and structures on the campuses of historically black colleges and universities.

Cosponsors

[47 Cosponsors](#)

Background

In 1988, the National Park Service (NPS) began 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 on their campuses.

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 (P.L. 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 FY2001 Interior Appropriations Act (P.L. 106-291), completed the 12 ongoing projects authorized in the 104th Congress.

In 2003, Congress amended P.L. 104-333 to authorize \$10 million in additional appropriations for each of the 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 (FY2003-FY2008). 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 (P.L. 111-5), Congress appropriated an additional \$15 million for HBCUs (and waived the nonfederal matching requirement for these funds).

Representative Clyburn introduced a nearly identical bill, H.R. 295, in the 114th Congress. On February 11, 2016, the Subcommittee on Federal Lands held a hearing on the bill, and on March 16, 2016, the Committee on Natural Resources voted to report the bill, with amendments, to the full House. The bill later passed in the House by voice vote on September 12, 2016.

Major Provisions

- Reauthorizes the Historically Black Colleges and Universities Historic Preservation program for a period of seven years.

Cost

In the 114th Congress, the Congressional Budget Office estimated that implementing H.R. 295, a bill nearly identical to H.R. 1135, would cost about \$3 million a year and \$12 million over the 2017-2021 period, assuming appropriation of the estimated amounts.¹

Administration Position

In testimony before the Subcommittee on Federal lands on February 11, 2016, the National Park Service expressed support for H.R. 295, a bill nearly identical to H.R. 1135.²

Anticipated Amendments

None.

¹ <https://www.cbo.gov/publication/51464>.

² Statement of Dr. Stephanie Toothman on H.R. 295, Subcommittee on Federal Lands Legislative Hearing on February 11, 2016, http://naturalresources.house.gov/uploadedfiles/testimony_toothman.pdf

Effect on Current Law (Ramseyer)

Showing Current Law as Amended by H.R. 1135

[new text highlighted in yellow; deleted text bracketed and highlighted in blue]

Section 507 of Public Law 104-333, Omnibus Parks and Public Lands Management Act of 1996

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 [see 54 U.S.C. 300101 et seq.], 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 [see 54 U.S.C. 303101 to 303103], \$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.