

AMENDING SECTION 507 OF THE OMNIBUS PARKS AND PUBLIC LANDS
MANAGEMENT ACT OF 1996 TO AUTHORIZE ADDITIONAL APPROPRIA-
TIONS FOR HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, TO
DECREASE THE MATCHING REQUIREMENT RELATED TO SUCH APPRO-
PRIATIONS, AND FOR OTHER PURPOSES

JUNE 20, 2002.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. HANSEN, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 1606]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 1606) to amend section 507 of the Omnibus Parks and Public Lands Management Act of 1996 to authorize additional appropriations for historically black colleges and universities, to decrease the matching requirement related to such appropriations, and for other purposes, 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. DECREASED MATCHING REQUIREMENT; AUTHORIZATION OF APPROPRIATIONS.

(a) DECREASED MATCHING REQUIREMENT.—Section 507(c) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 470a note) is amended—

(1) by striking “(1) Except” and inserting the following:

“(1) IN GENERAL.—Except”;

(2) by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”;

(3) by striking “(2) The Secretary” and inserting the following:

“(2) WAIVER.—The Secretary”;

(4) by striking “paragraph (1)” and inserting “paragraphs (1) and (3)”;

(5) by adding at the end the following new paragraph:

“(3) EXCEPTION.—The Secretary may 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 only if 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.”.

(b) AUTHORIZATION OF APPROPRIATION.—Section 507(d) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 470a note) is amended—

(1) by striking “Pursuant to” and inserting the following:

“(1) 1996 AUTHORIZATION.—Pursuant to”; and

(2) by adding at the end the following new paragraph:

“(2) ADDITIONAL AUTHORIZATION.—In addition to amounts made available under paragraph (1), pursuant to section 108 of the National Historic Preservation Act, there is authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.”.

PURPOSE OF THE BILL

The purpose of H.R. 1606 is to amend section 507 of the Omnibus Parks and Public Lands Management Act of 1996 to authorize additional appropriations for historically black colleges and universities, and to decrease the matching requirement related to such appropriations, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

For over a century, Historically Black Colleges and Universities (HBCUs) have played an important role in providing opportunities for higher education to millions of African-Americans. Many of these colleges and universities were founded during the era of slavery or when American society was deeply segregated. Although social conditions have changed radically since these colleges and universities were founded, the HBCUs have remained committed to providing African-American students with superb educational opportunities. Almost 300,000 African Americans are currently enrolled in HBCUs, and among their alumni are Members of Congress, hundreds of elected officials, military officers, physicians, teachers, attorneys, judges, ambassadors, and business executives.

Many of the buildings at the HBCUs are listed on the National Register, and because of their age, are in need of significant repair. A 1998 GAO study, conducted with the aid of the Department of the Interior identified 712 properties in need of repair, 529 of which are either listed on, or eligible for, listing on the National Register. The remaining 183 properties are considered historic, but not included in the previous two categories. The study also noted that the cost estimates in the report may include some work that would be ineligible for federal assistance due to its non-conformance with the Secretary of Interior’s Standards for the Treatment of Historic Properties. The 1996 Omnibus Parks and Public Lands Management Act authorized an appropriation of \$29 million dollars for HBCU historic preservation purposes. However, the current 50/50 match requirement has proven to be difficult to meet for some of the HBCUs and proponents have argued for a reduction in the match requirement.

COMMITTEE ACTION

H.R. 1606 was introduced on April 26, 2001 by Congressman James Clyburn (D-SC) and referred to the Committee on Resources. On May 2, 2001, the bill was referred within the Committee to the Subcommittee on National Parks, Recreation, and Public Lands. On November 1, 2001, the Subcommittee held a hearing on the bill. On May 22, 2002, the Subcommittee was discharged from further consideration and the Full Committee met to mark up the bill. Mr. Rahall offered an amendment to replace the

figure of \$530 million and insert “such sums as may be necessary”. It was adopted by unanimous consent and the bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

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

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) 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)(3)(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.

2. 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. According to the Congressional Budget Office, implementation of this bill would cost approximately \$120 million over a five-year time period, and approximately \$650 million over the next decade, subject to appropriations.

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 amend the Omnibus Parks and Public Lands Management Act of 1996 to authorize additional appropriations for historically black colleges and universities, and to decrease the related matching requirement.

4. Congressional Budget Office Cost Estimate. 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:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 19, 2002.

Hon. JAMES V. HANSEN,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1606, a bill to amend section 507 of the Omnibus Parks and Public Lands Management Act

of 1996 to authorize additional appropriations for historically black colleges and universities, to decrease the matching requirement related to such appropriations, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 1606—A bill to amend section 507 of the Omnibus Parks and Public Lands Management Act of 1996 to authorize additional appropriations for historically black colleges and universities, to decrease the matching requirement related to such appropriations, and for other purposes

Summary: H.R. 1606 would authorize the appropriation of whatever amounts are necessary for grants to preserve and restore certain structures at historically black colleges and universities (HBCUs). Projects funded under the bill would be subject to the requirement that the grant recipient finance 30 percent of a project's cost.

Assuming appropriation of the necessary amounts, CBO estimates that federal costs to preserve and restore all historic structures at HBCUs would be about \$120 million over the 2003–2007 period, and a total of around \$650 million over the next decade. Such costs could be significantly higher or lower, depending on how many structures are eligible for federal funding, how many years it takes to complete the restoration program, and the availability of matching funds from potential grant recipients. H.R. 1606 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 1606 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 1606 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—				
	2003	2004	2005	2006	2007
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level	55	60	60	65	65
Estimated Outlays	5	10	25	35	45

Basis of Estimate: The Omnibus Parks and Public Lands Management Act of 1996 authorized the National Park Service (NPS) to pay half of the cost of restoring eligible structures (mostly buildings) at HBCUs. To be eligible for a restoration grant under the 1996 act (or under the National Historic Preservation Act generally), a building must either be on the National Register of Historic Places or have been determined eligible for such listing by a state historic preservation officer. For the purpose of making the 50 percent matching grants, the 1996 act authorized the appropriation of \$29 million from the Historic Preservation Fund. All of the

authorized funding was appropriated between fiscal years 1998 and 2001, and there were no appropriations specifically earmarked for HBCUs in 2002. HBCUs can still apply for grants but such applications would have to compete with other eligible applicants for federal funds awarded to their states.

H.R. 1606 would amend the 1996 Act to authorize the appropriation of such sums as are necessary to restore and preserve historic properties at HBCUs in addition to the existing authorization. For all such future grants, the HBCUs would need to provide only 30 percent of a project's costs rather than half, as required by the 1996 act. Based on information provided by the NPS and on a 1998 study by the General Accounting Office of restoration needs at HBCUs, CBO estimates that it would cost the NPS \$650 million to finance 70 percent of all such restoration projects over the next 10 years. This amount is based on restoration needs identified and priced by over 100 HBCUs using different standards and methodologies. Total federal costs could vary substantially from available estimates once the restoration program begins. Such costs could be much higher, particularly if program funding is spread over more years—as historic buildings continue to deteriorate and construction costs rise over time. Conversely, total costs could be much lower if a significant portion of identified projects are found to be ineligible for federal funding or if some HBCUs are unable to provide the 30 percent match.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: H.R. 1606 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. The changes made by the bill would benefit colleges and universities eligible for grants under section 507 of the 1996 act, many of which are public institutions.

Estimate prepared by: Federal Costs: Deborah Reis; Impact on State, Local, and Tribal Governments: Marjorie Miller; and Impact on the Private Sector: Lauren Marks.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

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, existing law in which no change is proposed is shown in roman):

**SECTION 507 OF THE OMNIBUS PARKS AND PUBLIC
LANDS MANAGEMENT ACT OF 1996**

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

(a) * * *

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(c) **MATCHING REQUIREMENT FOR BUILDINGS AND STRUCTURES LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES.—**[(1) Except]

(1) *IN GENERAL.*—*Except as provided by [paragraph (2)] 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) **The Secretary**]

(2) *WAIVER.*—*The Secretary may waive [paragraph (1)] 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 may 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 only if 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.—**[Pursuant to]

(1) *1996 AUTHORIZATION.*—*Pursuant to 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 AUTHORIZATION.*—*In addition to amounts made available under paragraph (1), pursuant to section 108 of the National Historic Preservation Act, there is authorized to be*

7

appropriated such sums as may be necessary to carry out the purposes of this section.

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