

117TH CONGRESS  
1ST SESSION

# H. R. 3294

To provide for the long-term improvement of Historically Black Colleges and Universities, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2021

Ms. ADAMS (for herself, Mr. HILL, Ms. SEWELL, and Mr. TURNER) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To provide for the long-term improvement of Historically Black Colleges and Universities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Institutional Grants  
5 for New Infrastructure, Technology, and Education for  
6 HBCU Excellence Act” or the “IGNITE HBCU Excel-  
7 lence Act”.

1 **SEC. 2. GRANTS FOR THE LONG-TERM IMPROVEMENT OF**  
2 **HBCUS.**

3 (a) **IN GENERAL.**—The Secretary shall award grants  
4 to eligible entities, on a competitive basis, to support long-  
5 term improvements to the facilities of such entities in ac-  
6 cordance with this Act.

7 (b) **APPLICATION.**—To be considered for a grant  
8 under this section, an eligible entity shall submit an appli-  
9 cation to the Secretary at such time, in such manner, and  
10 containing such information as the Secretary may require,  
11 including—

12 (1) to the extent possible, the information nec-  
13 essary for the Secretary to make the determinations  
14 under subsection (c);

15 (2) a description of the projects that such eligi-  
16 ble entity plans to carry out with the grant, and how  
17 such projects will advance the long-term goals of the  
18 entity; and

19 (3) an explanation of how such projects will re-  
20 duce risks to the health, welfare, and safety of stu-  
21 dents, staff, administrators, faculty, researchers, and  
22 guests at such eligible entity.

23 (c) **PRIORITY.**—In awarding grants under this sec-  
24 tion, the Secretary—

25 (1) shall give priority to eligible entities that—

1 (A) demonstrate the greatest need to im-  
2 prove campus facilities, as determined by a  
3 comparison of factors identified by the Sec-  
4 retary, which may include—

5 (i) consideration of threats posed by  
6 the proximity of such facilities to toxic  
7 sites;

8 (ii) the vulnerability of such facilities  
9 to natural disasters and environmental  
10 risks;

11 (iii) the median age of such facilities,  
12 including the facilities that such eligible  
13 entities will use grant funds to improve;

14 (iv) the extent to which student en-  
15 rollment exceeds physical and instructional  
16 capacity;

17 (v) the condition of major systems in  
18 such facilities such as heating, ventilation,  
19 air conditioning, electrical, water, and  
20 sewer systems;

21 (vi) the condition of roofs, windows,  
22 and doors of such facilities;

23 (vii) other critical health and safety  
24 conditions;

1 (viii) the number and condition of fa-  
2 cilities in significant disrepair; and

3 (ix) the total amount of deferred  
4 maintenance of such facilities;

5 (B) demonstrate the most limited capacity  
6 to raise funds for the long-term improvement of  
7 campus facilities, as determined by an assess-  
8 ment of—

9 (i) the current and historic ability of  
10 the eligible entity to raise funds for con-  
11 struction, renovation, modernization, and  
12 major repair projects for campus;

13 (ii) whether the eligible entity has  
14 been able to issue bonds or receive other  
15 funds to support school construction  
16 projects; and

17 (iii) the bond rating of the eligible en-  
18 tity;

19 (C) enroll the highest percentages of stu-  
20 dents who are eligible to receive a Federal Pell  
21 Grant under subpart 1 of part A of title IV of  
22 the Higher Education Act of 1965 (20 U.S.C.  
23 1070a et seq.), and whose families qualify for  
24 other Federal need-based aid;

1 (D) are public institutions facing declining  
2 State support or investment; or

3 (E) demonstrate an effort to seek support  
4 from public and private entities for projects  
5 carried out with a grant awarded under this  
6 Act; and

7 (2) may give priority to eligible entities—

8 (A) that lack access to high-speed  
9 broadband and will use the grant funds to im-  
10 prove access to high-speed broadband sufficient  
11 to support digital learning in accordance with  
12 section 3(a)(9); or

13 (B) at which the highest degree that is  
14 predominantly awarded to students is an associ-  
15 ate's degree.

16 (d) GEOGRAPHIC DISTRIBUTION.—The Secretary  
17 shall ensure that grants under this section are awarded  
18 to eligible entities in a manner that reflects the geographic  
19 distribution of such entities in the United States.

20 (e) TECHNICAL ASSISTANCE.—The Secretary, di-  
21 rectly or by grant or contract, may provide technical as-  
22 sistance to eligible entities to prepare the entities to qual-  
23 ify, apply for, and maintain a grant, under this Act.

24 (f) RELATIONSHIP TO HBCU CAPITAL FINANCING  
25 PROGRAM.—

1           (1) IN GENERAL.—The Secretary may take into  
2           consideration whether an eligible entity has received  
3           a loan under a loan agreement made under part D  
4           of title III of the Higher Education Act of 1965 (20  
5           U.S.C. 1066 et seq.) when—

6                   (A) reviewing grant applications under this  
7           section;

8                   (B) determining priority under subsection  
9           (c); and

10                  (C) determining the amount awarded for a  
11           grant under this Act.

12           (2) PRIORITY.—With respect to paragraph  
13           (1)(B), the Secretary may—

14                   (A) determine that an eligible entity should  
15           not receive priority under subsection (c) if such  
16           entity has received a loan under a loan agree-  
17           ment made under part D of title III of the  
18           Higher Education Act of 1965 (20 U.S.C. 1066  
19           et seq.); and

20                   (B) determine that an eligible entity  
21           should receive higher priority under subsection  
22           (c) if such entity has not received a loan under  
23           a loan agreement made under part D of title III  
24           of the Higher Education Act of 1965 (20  
25           U.S.C. 1066 et seq.).

1 **SEC. 3. GRANT USES.**

2 (a) PERMITTED USES.—Except as provided in sub-  
3 section (b), an eligible entity that receives a grant under  
4 this Act shall use such grant funds to carry out at least  
5 one of the following activities:

6 (1) Construct, modernize, renovate, or retrofit  
7 the campus facilities of such entity, which may in-  
8 clude—

9 (A) providing for the improvement of exist-  
10 ing, or the establishment of new, instructional  
11 program spaces, laboratories, or research facili-  
12 ties relating to fields of science, technology, en-  
13 gineering, the arts, mathematics, health, agri-  
14 culture, education, medicine, law, and other dis-  
15 ciplines;

16 (B) constructing or improving roads or  
17 other transportation infrastructure on campus,  
18 for which the eligible entity is responsible;

19 (C) establishing or improving the use of  
20 campus facilities for the purpose of community-  
21 based partnerships that provide students and  
22 community members with academic, health, ca-  
23 reer, and social services; and

24 (D) preserving facilities with historic sig-  
25 nificance, and facilities that house historic or  
26 cultural artifacts.

1           (2) Purchase or modernize vehicle fleets owned  
2           and operated by such entity that are used primarily  
3           for the purpose of facilitating campus accessibility  
4           and student academic activities.

5           (3) Carry out major repairs to the facilities or  
6           other physical plants of such entity, including de-  
7           ferred maintenance projects.

8           (4) Acquire and install academic and residential  
9           furniture, fixtures, and instructional research-related  
10          equipment and technology in the campus facilities of  
11          such entity.

12          (5) For the purpose of facilitating the construc-  
13          tion of new campus facilities funded with a grant  
14          under this Act—

15                (A) purchase or otherwise acquire title to  
16                land to serve as a permanent site for such fa-  
17                cilities; and

18                (B) to the extent that other public or pri-  
19                vate funds are insufficient—

20                      (i) prepare land for the construction  
21                      of such facilities; and

22                      (ii) pay other preconstruction costs re-  
23                      lating to the development of such facilities.



1           (6) Install or extend the life and usability of  
2 basic systems and components of campus facilities,  
3 which may include—

4           (A) high-speed broadband internet infra-  
5 structure sufficient to support digital and tech-  
6 nology-based learning;

7           (B) high-capacity, middle-mile broadband  
8 networks, and campus-wide broadband net-  
9 works, including 5G and future network genera-  
10 tions;

11          (C) fiber, cyber, and telecommunications  
12 infrastructure, including small cells;

13          (D) heating, ventilation, and air condi-  
14 tioning (HVAC) or other indoor air quality sys-  
15 tems;

16          (E) support for last-mile service for rural  
17 campuses when other means of providing this  
18 support is unavailable; and

19          (F) other infrastructure to support the  
20 success of operations and other digital and  
21 technology needs.

22           (7) Strengthen the safety and security of the  
23 campus of such entity by improving or utilizing de-  
24 sign elements, principles, and technology that—

1 (A) guarantee layers of security through-  
2 out the such campus; and

3 (B) uphold the function of such campus as  
4 a learning and teaching environment.

5 (8) Reduce current or anticipated overcrowding  
6 in the campus facilities.

7 (9) Ensure that the building envelopes of the  
8 campus facilities—

9 (A) protect occupants and interiors of such  
10 facilities from natural elements; and

11 (B) are structurally sound and secure.

12 (10) Improve energy and water efficiency to  
13 lower the costs of energy and water consumption in  
14 campus facilities.

15 (11) With respect to campus facilities, reduce  
16 or eliminate the presence of—

17 (A) toxins and chemicals, including mer-  
18 cury, radon, polychlorinated biphenyls, lead,  
19 and asbestos;

20 (B) mold and mildew;

21 (C) rodents and pests; or

22 (D) biological, radiological, and other  
23 waste related to research.

24 (12) Ensure the safety of drinking water at the  
25 tap and water used for meal preparation in campus

1 facilities, which may include testing of the potability  
2 of water at the tap for the presence of lead and  
3 other contaminants.

4 (13) Bring campus facilities into compliance  
5 with applicable fire, health, and safety codes and  
6 regulations.

7 (14) Make existing campus facilities accessible  
8 to individuals with disabilities through compliance  
9 with—

10 (A) the Americans with Disabilities Act of  
11 1990 (42 U.S.C. 12101 et seq.); and

12 (B) section 504 of the Rehabilitation Act  
13 of 1973 (29 U.S.C. 794).

14 (b) PROHIBITED USES.—An eligible entity that re-  
15 ceives a grant under this Act may not use such grant  
16 funds for—

17 (1) payment of routine and predictable mainte-  
18 nance costs, minor repairs, and utility bills; or

19 (2) any facility that is—

20 (A) primarily used for athletic contests or  
21 exhibitions or other events for which admission  
22 is charged to the general public;

23 (B) primarily used for or associated with  
24 sectarian instruction or religious worship; or

1           (3) the purchase or support of any communica-  
2           tions equipment or service (as defined in section 9  
3           of the Secure and Trusted Networks Act of 2019  
4           (47 U.S.C. 1608)) that poses a risk to national secu-  
5           rity.

6           (c) SUPPLEMENT NOT SUPPLANT.—An eligible enti-  
7           ty shall use a grant received under this Act only to supple-  
8           ment the level of Federal, State, and local public funds  
9           that would, in the absence of such grant, be made avail-  
10          able for the activities supported by the grant, and not to  
11          supplant such funds.

12          (d) ENCOURAGING PARTNERSHIPS.—The Secretary  
13          shall encourage partnerships between eligible entities and  
14          public and private entities to—

15                 (1) provide additional funding; and

16                 (2) assist in carrying out the activities under  
17          this Act.

18          **SEC. 4. REQUIREMENTS FOR HAZARD-RESISTANCE AND EN-**  
19                                 **ERGY AND WATER CONSERVATION.**

20          An eligible entity that receives a grant under this Act  
21          shall ensure that any new construction, modernization, or  
22          renovation project carried out with such grant funds meets  
23          or exceeds the following requirements:

1           (1) Requirements for such projects set forth in  
2           the most recent published edition of a nationally rec-  
3           ognized, consensus-based model building code.

4           (2) Requirements for such projects set forth in  
5           the most recent published edition of a nationally rec-  
6           ognized, consensus-based model energy conservation  
7           code.

8           (3) Performance criteria under the WaterSense  
9           program, established under section 324B of the of  
10          the Energy Policy and Conservation Act (42 U.S.C.  
11          6294b), applicable to such projects within a nation-  
12          ally recognized, consensus-based model code.

13 **SEC. 5. USE OF SMALL BUSINESS CONCERNS.**

14          In carrying out projects funded with a grant under  
15          this Act, an eligible entity shall seek to procure contracts  
16          from small business concerns owned and controlled by vet-  
17          erans (including service-disabled veterans), qualified  
18          HUBZone small business concerns, small business con-  
19          cerns owned and controlled by socially and economically  
20          disadvantaged individuals, and small business concerns  
21          owned and controlled by women.

1 **SEC. 6. RESERVATION FOR ADMINISTRATIVE AND OTHER**  
2 **ACTIVITIES.**

3 (a) RESERVATION.—An eligible entity that receives  
4 a grant under this Act may reserve a total of not more  
5 than five percent of the amount of such grant to—

6 (1) develop the facilities master plan required  
7 under subsection (b);

8 (2) carry out activities to—

9 (A) protect the health of students, staff,  
10 administrators, faculty, researchers, and guests  
11 during the construction or modernization of the  
12 campus facilities of such entity; and

13 (B) mitigate excessive noise caused by ac-  
14 tivities carried out under this Act;

15 (3) pay personnel to carry out administrative  
16 work relating to the grant program; and

17 (4) pay other reasonable administrative costs  
18 associated with the grant program.

19 (b) FACILITIES MASTER PLAN.—

20 (1) IN GENERAL.—Not later than 180 days  
21 after receiving a grant under this Act, an eligible en-  
22 tity shall submit to the Secretary a comprehensive  
23 10-year facilities master plan.

24 (2) ELEMENTS.—The facilities master plan re-  
25 quired under paragraph (1) shall include, with re-

1 spect to the eligible entity submitting such plan, a  
2 description of—

3 (A) the extent to which the campus facili-  
4 ties—

5 (i) meet the educational needs of stu-  
6 dents; and

7 (ii) support the educational mission  
8 and vision of such entity;

9 (B) the physical condition of the campus  
10 facilities;

11 (C) the current health, safety, and environ-  
12 mental conditions of the campus facilities, in-  
13 cluding—

14 (i) indoor air quality;

15 (ii) the presence of hazardous and  
16 toxic substances and chemicals on or near  
17 such facilities;

18 (iii) the safety of drinking water at  
19 the tap and water used for meal prepara-  
20 tion, including the level of lead and other  
21 contaminants in such water;

22 (iv) energy and water efficiency;

23 (v) excessive noise in academic spaces;

24 and

1 (vi) other health, safety, and environ-  
2 mental conditions that would impact the  
3 health, safety, and learning ability of stu-  
4 dents;

5 (D) the actual and anticipated impact of  
6 current and future student enrollment levels (as  
7 of the date of application) on the design of cur-  
8 rent and future campus facilities, as well as the  
9 financial implications of such enrollment levels;

10 (E) the dollar amount and percentage of  
11 funds such entity will dedicate to capital con-  
12 struction projects, including—

13 (i) any funds in the budget of such  
14 entity that will be dedicated to such  
15 projects; and

16 (ii) any funds not in such budget that  
17 will be dedicated to such projects, includ-  
18 ing any funds available to the eligibility en-  
19 tity as the result of a bond issue or the  
20 Historically Black College and University  
21 Capital Financing Program under part D  
22 of title III of the Higher Education Act of  
23 1965 (20 U.S.C. 1066 et seq.); and

24 (F) the dollar amount and percentage of  
25 funds such entity will dedicate to the mainte-



1 nance and operation of campus facilities, in-  
2 cluding—

3 (i) any funds in the budget of such  
4 entity that will be dedicated to the mainte-  
5 nance and operation of such facilities; and

6 (ii) any funds not in the budget of  
7 such entity that will be dedicated to the  
8 maintenance and operation of such facili-  
9 ties.

10 (3) CONSULTATION.—In developing the facili-  
11 ties master plan, the eligible entity demonstrate that  
12 it conducted meaningful consultation with diverse  
13 stakeholders, which may include—

14 (A) staff and other institutional leaders;

15 (B) custodial and maintenance staff;

16 (C) emergency first responders;

17 (D) campus facilities directors;

18 (E) students and families;

19 (F) community residents, including those  
20 directly affected by actions undertaken as a re-  
21 sult of utilizing grant funds;

22 (G) government entities;

23 (H) local charitable foundations;

24 (I) local employers;

25 (J) Indian Tribes, as applicable; and

1 (K) other such individuals and entities.

2 **SEC. 7. HBCU CAPITAL FINANCING LOAN DISBURSEMENT**  
3 **AND FORGIVENESS.**

4 (a) IN GENERAL.—Each time an institution of higher  
5 education receives a disbursement of a loan amount under  
6 a covered closed loan agreement, the Secretary shall  
7 repay—

8 (1) the outstanding balance of principal, inter-  
9 est, fees, and costs on such loan amount (as of the  
10 date of such disbursement) under the covered closed  
11 loan agreement; and

12 (2) any reimbursement (including reimburse-  
13 ments of escrow and return of fees and deposits) re-  
14 lating to the covered closed loan agreement that are  
15 usual and customary when the loan is paid off by  
16 the institution.

17 (b) COVERED CLOSED LOAN AGREEMENT.—In this  
18 section, the term “covered closed loan agreement” means  
19 each of the following:

20 (1) A closed loan agreement—

21 (A) executed before the date of enactment  
22 of the Consolidated Appropriations Act, 2021  
23 (Public Law 116–260);

1 (B) made under part D of title III of the  
2 Higher Education Act of 1965 (20 U.S.C. 1066  
3 et seq.); and

4 (C) that provides for loan amounts that  
5 have not been disbursed as of the date of enact-  
6 ment of the Consolidated Appropriations Act,  
7 2021 (Public Law 116–260).

8 (2) A closed loan agreement—

9 (A) authorized under section 3512 of the  
10 CARES Act (20 U.S.C. 1001 note); and

11 (B) made for the deferment of balances  
12 that have not been disbursed as of the date of  
13 enactment of the Consolidated Appropriations  
14 Act, 2021 (Public Law 116–260).

15 **SEC. 8. REPORTS.**

16 (a) DEPARTMENT OF EDUCATION REPORT.—

17 (1) IN GENERAL.—Not later than 2 years after  
18 the date of the enactment of this Act, and annually  
19 thereafter, the Secretary shall submit to the appro-  
20 priate congressional committees a report on the  
21 projects carried out with grant funds awarded under  
22 this Act.

23 (2) ELEMENTS.—The report required under  
24 paragraph (1) shall include—

1 (A) with respect to projects carried out by  
2 eligible entities with grant funds awarded under  
3 this Act, an assessment of—

4 (i) the types of such projects;

5 (ii) the square footage of the improve-  
6 ments made by such projects,  
7 disaggregated by—

8 (I) total square footage; and

9 (II) square footage per each eligi-

10 ble entity;

11 (iii) the total cost of each such  
12 project;

13 (iv) the cost described in clause (iii),  
14 disaggregated by the cost of—

15 (I) planning;

16 (II) design;

17 (III) construction;

18 (IV) site purchase; and

19 (V) improvements;

20 (v) the geographic distribution of such  
21 projects; and

22 (vi) the demographic composition of  
23 the student population served by such  
24 projects, disaggregated by—

25 (I) race and ethnicity; and

1 (II) the number and percentage  
2 of students enrolled at such entities  
3 who are eligible to receive a Federal  
4 Pell Grant under subpart 1 of part A  
5 of title IV of the Higher Education  
6 Act of 1965 (20 U.S.C. 1070a et  
7 seq.);

8 (B) an evaluation of a sample of grant re-  
9 cipients, selected by the Secretary taking into  
10 account size and geographic location of each  
11 grantee, to determine how such recipients are  
12 using the grant and the effectiveness of the ac-  
13 tivities carried out with the grant; and

14 (C) an analysis of compliance with the re-  
15 quirement in section 3(c).

16 (b) COMPTROLLER GENERAL STUDY REPORT.—

17 (1) STUDY REQUIRED.—Not later than 4 years  
18 after the date of the enactment of this Act, the  
19 Comptroller General of the United States shall con-  
20 duct a study on the implementation of the grant  
21 program under this Act.

22 (2) ELEMENTS.—The study conducted under  
23 paragraph (1) shall include—

24 (A) an examination of program implemen-  
25 tation challenges; and

1           (B) an assessment of whether any changes  
2           are needed to make grants under this Act more  
3           accessible to eligible entities with fiscal chal-  
4           lenges to help them raise capital for infrastruc-  
5           ture projects.

6           (3) REPORT.—After the completion of the study  
7           under paragraph (1), the Comptroller General shall  
8           submit to the appropriate congressional committees  
9           a report on the results of the study, including any  
10          recommendations to the Secretary for improvements  
11          to the implementation of the grant program under  
12          this Act.

13 **SEC. 9. DEFINITIONS.**

14          In this Act:

15           (1) ELIGIBLE ENTITY.—The term “eligible enti-  
16          ty” means—

17           (A) a part B institution, as such term is  
18          defined in section 322(2) of the Higher Edu-  
19          cation Act of 1965 (20 U.S.C. 1061(2)); or

20           (B) a Historically Black Graduate Profes-  
21          sional School identified in section 326(e) of  
22          such Act (20 U.S.C. 1063b(e)).

23           (2) SECRETARY.—The term “Secretary” means  
24          the Secretary of Education.

1           (3) STATE.—The term “State” has the mean-  
2           ing given such term in section 103 of the Higher  
3           Education Act of 1965 (20 U.S.C. 1003).

4 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

5           There are authorized to be appropriated such sums  
6           as may be necessary to carry out this Act for each of fiscal  
7           years 2022 through 2027.

○