

117TH CONGRESS
1ST SESSION

S. 1945

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

IN THE SENATE OF THE UNITED STATES

MAY 27, 2021

Mr. COONS (for himself and Mr. SCOTT of South Carolina) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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;

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; or

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 En-
10 ergy 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.

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