

119TH CONGRESS
2D SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mr. SCOTT of South Carolina introduced the following bill; which was read twice and referred to the Committee on _____

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”.

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

10 (a) IN GENERAL.—

1 (1) GRANTS AUTHORIZED.—The Secretary shall
2 award grants to eligible entities, on a competitive
3 basis, to support long-term improvements to the fa-
4 cilities of such entities in accordance with this Act.

5 (2) GRANT PERIOD.—With respect to each eligi-
6 ble entity that is awarded a grant under this section,
7 such grant shall be for a period determined appro-
8 priate by the Secretary based on the information
9 submitted by such entity under subsection (b).

10 (3) MULTIPLE GRANTS PERMITTED.—An eligi-
11 ble entity may apply for, and be awarded, more than
12 1 grant under this section.

13 (b) APPLICATION.—To be considered for a grant
14 under this section, an eligible entity shall submit an appli-
15 cation to the Secretary at such time, in such manner, and
16 containing such information as the Secretary may require,
17 including—

18 (1) to the extent possible, the information nec-
19 essary for the Secretary to make the determinations
20 under subsection (c);

21 (2) a description of the projects that such eligi-
22 ble entity plans to carry out with the grant and how
23 such projects will advance the long-term goals of the
24 entity;

25 (3) an explanation of—

1 (A) how such projects will reduce risks to
2 the health, welfare, and safety of students,
3 staff, administrators, faculty, researchers, and
4 guests at such eligible entity; and

5 (B) the anticipated number of years that
6 any facilities constructed, improved, or replaced
7 under such projects may be used before pre-
8 senting a risk described in subparagraph (A);

9 (4) the median age of the facilities that such
10 entity plans to improve or replace under such
11 projects; and

12 (5) in the case of an eligible entity seeking to
13 carry out facility repairs described in section
14 3(a)(3), a preventative maintenance plan for such
15 repairs.

16 (c) PRIORITY.—In awarding grants under this sec-
17 tion, the Secretary—

18 (1) shall give priority to an eligible entity
19 that—

20 (A) demonstrates the greatest need to im-
21 prove campus facilities, as determined by a
22 comparison of factors identified by the Sec-
23 retary, which may include—

1 (i) consideration of threats posed by
2 the proximity of such facilities to toxic
3 sites;

4 (ii) the vulnerability of such facilities
5 to natural disasters and environmental
6 risks;

7 (iii) the median age of the facilities
8 that such entity will use grant funds to im-
9 prove;

10 (iv) the extent to which student en-
11 rollment exceeds physical and instructional
12 capacity;

13 (v) the condition of major systems in
14 such facilities such as heating, ventilation,
15 air conditioning, electrical, water, and
16 sewer systems;

17 (vi) the condition of roofs, windows,
18 and doors of such facilities;

19 (vii) other critical health and safety
20 conditions;

21 (viii) the number and condition of fa-
22 cilities in significant disrepair; and

23 (ix) the total amount of deferred
24 maintenance of such facilities;

1 (B) demonstrates the most limited capacity
2 to raise funds for the long-term improvement of
3 campus facilities, as determined by an assess-
4 ment of—

5 (i) the current and historic ability of
6 the eligible entity to raise funds for con-
7 struction, renovation, modernization, and
8 major repair projects for campus;

9 (ii) whether the eligible entity has
10 been able to issue bonds or receive other
11 funds to support school construction
12 projects;

13 (iii) the bond rating of the eligible en-
14 tity;

15 (iv) the number of students enrolled
16 as of the date on which the application is
17 submitted;

18 (v) the total value of the endowment
19 of the eligible entity as of the date on
20 which the application is submitted;

21 (vi) the total amount of deferred
22 maintenance of such facilities; and

23 (vii) the amount and sources of insti-
24 tutional revenue;

1 (C) enrolls the highest percentages of stu-
2 dents who are eligible to receive a Federal Pell
3 Grant under subpart 1 of part A of title IV of
4 the Higher Education Act of 1965 (20 U.S.C.
5 1070a et seq.), and whose families qualify for
6 other Federal need-based aid;

7 (D) is a public institution that—

8 (i) faces declining State support or in-
9 vestment; and

10 (ii) demonstrates limited ability to
11 generate revenue, as determined by assess-
12 ing—

13 (I) the total value of the endow-
14 ment of the institution as of the date
15 on which the application is submitted;
16 and

17 (II) the costs of the deferred
18 maintenance of the institution relative
19 to the total revenue of the institution;
20 and

21 (E) demonstrates an effort to seek support
22 from public and private entities for projects
23 carried out with a grant awarded under this
24 Act; and

25 (2) may give priority to an eligible entity—

1 (A) that lacks access to high-speed
2 broadband and will use the grant funds to im-
3 prove access to high-speed broadband sufficient
4 to support digital and technology-based learning
5 in accordance with section 3(a)(6);

6 (B) at which the highest degree that is
7 predominantly awarded to students is an associ-
8 ate's degree;

9 (C) that did not receive a grant under this
10 Act in the preceding fiscal year; or

11 (D) that proposes projects aligned with
12 long-term infrastructure priorities that—

13 (i) serve as regional models, as deter-
14 mined by the Secretary;

15 (ii) address multiple needs on the
16 campus of the entity;

17 (iii) address the needs of at least 1 el-
18 igible entity in addition to the entity re-
19 ceiving the grant; or

20 (iv) encourage efforts described in sec-
21 tion 3(d).

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

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

5 (f) RELATIONSHIP TO HBCU CAPITAL FINANCING
6 PROGRAM.—

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

12 (A) reviewing grant applications under this
13 section;

14 (B) determining priority under subsection
15 (c); and

16 (C) determining the amount awarded for a
17 grant under this Act.

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

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

1 (B) determine that an eligible entity
2 should receive higher priority under subsection
3 (c) if such entity has not received a loan under
4 a loan agreement made under part D of title III
5 of the Higher Education Act of 1965 (20
6 U.S.C. 1066 et seq.).

7 **SEC. 3. GRANT USES.**

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

12 (1) Construct, modernize, renovate, or retrofit
13 the campus facilities of such entity, which may in-
14 clude—

15 (A) improving existing, or establishing
16 new, instructional laboratories or workforce-
17 aligned (as determined by the Secretary) re-
18 search facilities relating to fields of health,
19 science, technology, engineering, the arts, agri-
20 culture, education, and other disciplines as de-
21 termined by the Secretary;

22 (B) constructing or improving roads or
23 other transportation infrastructure on campus,
24 for which the eligible entity is responsible;

1 (C) preserving facilities with historic sig-
2 nificance and facilities that house historic or
3 cultural artifacts;

4 (D) constructing, modernizing, renovating,
5 and retrofitting any campus facility or dor-
6 mitory (including dining facilities) or other fa-
7 cility customarily used for housing students;

8 (E) improving security and safety for stu-
9 dents, faculty, and staff;

10 (F) installing or upgrading water, waste-
11 water, power, and underground infrastructure;
12 and

13 (G) developing facilities or infrastructure
14 that support job creation, entrepreneurship, and
15 community-based opportunities, including estab-
16 lishing workforce development hubs that—

17 (i) are aligned with regional labor
18 market needs;

19 (ii) focus on fields such as artificial
20 intelligence; and

21 (iii) support education, training, and
22 career placement for students.

23 (2) Purchase, manufacture, or modernize vehi-
24 cle fleets owned and operated by such entity that are

1 used primarily for the purpose of facilitating campus
2 accessibility and student academic activities.

3 (3) Carry out repairs, including with respect to
4 deferred maintenance, to the facilities of such eligi-
5 ble entity in accordance with the preventative main-
6 tenance plan submitted under section 2(b)(5).

7 (4) Acquire and install research-related equip-
8 ment and technology in the campus facilities of such
9 entity, including specialty equipment with respect to
10 emerging fields (as determined by the Secretary, in
11 consultation with the head of the eligible entity),
12 such as artificial intelligence, data science, machine
13 learning, cybersecurity, biotechnology, chemistry,
14 pharmaceutical sciences, robotics, and advanced
15 manufacturing.

16 (5) For the purpose of facilitating the construc-
17 tion of new campus facilities that are not primarily
18 used for classroom instruction or academic activi-
19 ties—

20 (A) purchase or otherwise acquire title to
21 land to serve as a permanent site for such fa-
22 cilities; and

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

1 (i) prepare land for the construction
2 of such facilities; and

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

5 (6) Install or extend the life of basic systems
6 and components of campus facilities, which may in-
7 clude—

8 (A) high-speed broadband internet infra-
9 structure sufficient to support digital and tech-
10 nology-based learning;

11 (B) high-capacity, middle-mile broadband
12 networks, and campus-wide broadband net-
13 works, including 5G and future network genera-
14 tions;

15 (C) fiber, cyber, and telecommunications
16 infrastructure, including small cells;

17 (D) heating, ventilation, and air condi-
18 tioning (HVAC) or other indoor air quality sys-
19 tems;

20 (E) support for last-mile service for rural
21 campuses when other means of providing this
22 support is unavailable; and

23 (F) other infrastructure to support the
24 success of operations and other digital and
25 technology needs.

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

4 (A) guarantee layers of security through-
5 out such campus; and

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

8 (8) Strengthen institutional planning and gov-
9 ernance to support long-term infrastructure goals
10 by—

11 (A) developing or updating campus infra-
12 structure master plans, facility condition assess-
13 ments, deferred maintenance strategies, or long-
14 term capital project timeliness;

15 (B) aligning campus infrastructure master
16 plans with academic and workforce priorities,
17 including with respect to the facilities used by
18 programs in high-demand fields (as determined
19 by the Secretary) in order to address the needs
20 of such facilities and support the growth of
21 such programs;

22 (C) modernizing auxiliary services to im-
23 prove financial sustainability, service quality, or
24 institutional competitiveness;

1 (D) supporting high-quality research and
2 development efforts, including planning and ex-
3 panding partnerships with manufacturers, em-
4 ployers, or innovation stakeholders that
5 strengthen infrastructure and innovation; and

6 (E) establishing or expanding offices or
7 initiatives for the recruitment and retention of
8 faculty in fields of research.

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

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

14 (2) any facility that is primarily used for ath-
15 letic contests or exhibitions or other events for which
16 admission is charged to the general public;

17 (3) the purchase or support of any communica-
18 tions equipment or service (as defined in section 9
19 of the Secure and Trusted Communications Net-
20 works Act of 2019 (47 U.S.C. 1608)) that poses a
21 risk to national security; or

22 (4) activities that are funded, in whole or in
23 part, under part B of title III of the Higher Edu-
24 cation Act of 1965 (20 U.S.C. 1060 et seq.), unless
25 the Secretary approves such use.

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

7 (d) ENCOURAGING PARTNERSHIPS.—The Secretary
8 shall encourage partnerships between eligible entities and
9 public and private entities to—

10 (1) provide additional funding; and

11 (2) assist in carrying out the activities under
12 this Act.

13 **SEC. 4. 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—

17 (1) small business concerns owned and con-
18 trolled by veterans (including service-disabled vet-
19 erans); and

20 (2) qualified HUBZone small business con-
21 cerns.

1 **SEC. 5. 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 5 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 facilities master plan that—

24 (A) describes how the entity will carry out
25 the activities identified in the application sub-

1 mitted under section 2(b) with the grant funds
2 received under this Act; and

3 (B) identifies the anticipated benefits and
4 outcomes of such activities.

5 (2) ELEMENTS.—The facilities master plan re-
6 quired under paragraph (1) shall include, with re-
7 spect to the eligible entity submitting such plan, a
8 description of, as of the date on which such plan is
9 submitted—

10 (A) the extent to which the campus facili-
11 ties—

12 (i) meet the educational needs of stu-
13 dents; and

14 (ii) support the educational mission
15 and vision of such entity;

16 (B) the physical condition of the campus
17 facilities;

18 (C) the current health, safety, and environ-
19 mental conditions of the campus facilities, in-
20 cluding—

21 (i) indoor air quality;

22 (ii) the presence of hazardous and
23 toxic substances and chemicals on or near
24 such facilities;

1 (iii) the safety of drinking water at
2 the tap and water used for meal prepara-
3 tion, including the level of lead and other
4 contaminants in such water;

5 (iv) energy and water efficiency;

6 (v) excessive noise in academic spaces;

7 and

8 (vi) other health, safety, and environ-
9 mental conditions that would impact the
10 health, safety, and learning ability of stu-
11 dents;

12 (D) the actual and anticipated impact of
13 current and future student enrollment levels (as
14 of the date of application) on the design of cur-
15 rent and future campus facilities, as well as the
16 financial implications of such enrollment levels;

17 (E) the dollar amount and percentage of
18 funds such entity will dedicate to capital con-
19 struction projects, including—

20 (i) any funds in the budget of such
21 entity that will be dedicated to such
22 projects; and

23 (ii) any funds not in such budget that
24 will be dedicated to such projects, includ-
25 ing any funds available to the eligibility en-

1 tity as the result of a bond issue or the
2 Historically Black College and University
3 Capital Financing Program under part D
4 of title III of the Higher Education Act of
5 1965 (20 U.S.C. 1066 et seq.); and

6 (F) the dollar amount and percentage of
7 funds such entity will dedicate to the mainte-
8 nance and operation of campus facilities, in-
9 cluding—

10 (i) any funds in the budget of such
11 entity that will be dedicated to the mainte-
12 nance and operation of such facilities; and

13 (ii) any funds not in the budget of
14 such entity that will be dedicated to the
15 maintenance and operation of such facili-
16 ties.

17 (3) CONSULTATION.—In developing the facili-
18 ties master plan, the eligible entity shall demonstrate
19 that it conducted meaningful consultation with di-
20 verse stakeholders, which may include—

21 (A) staff and other institutional leaders;

22 (B) custodial and maintenance staff;

23 (C) emergency first responders;

24 (D) campus facilities directors;

25 (E) students and families;

- 1 (F) community residents, including those
2 directly affected by actions undertaken as a re-
3 sult of utilizing grant funds;
- 4 (G) government entities;
- 5 (H) local charitable foundations;
- 6 (I) local employers;
- 7 (J) Indian Tribes, as applicable; and
- 8 (K) other such individuals and entities.

9 **SEC. 6. HBCU CAPITAL FINANCING LOAN DISBURSEMENT**
10 **AND FORGIVENESS.**

11 (a) IN GENERAL.—Each time an institution of higher
12 education receives a disbursement of a loan amount under
13 a covered closed loan agreement, the Secretary shall
14 repay—

15 (1) the outstanding balance of principal, inter-
16 est, fees, and costs on such loan amount (as of the
17 date of such disbursement) under the covered closed
18 loan agreement; and

19 (2) any reimbursement (including reimburse-
20 ments of escrow and return of fees and deposits) re-
21 lating to the covered closed loan agreement that are
22 usual and customary when the loan is paid off by
23 the institution.

1 (b) COVERED CLOSED LOAN AGREEMENT.—In this
2 section, the term “covered closed loan agreement” means
3 a closed loan agreement—

4 (1) executed before the date of enactment of the
5 Consolidated Appropriations Act, 2021 (Public Law
6 116–260);

7 (2) made under part D of title III of the High-
8 er Education Act of 1965 (20 U.S.C. 1066 et seq.);
9 and

10 (3) that provides for loan amounts that have
11 not been disbursed as of the date of enactment of
12 the Consolidated Appropriations Act, 2021 (Public
13 Law 116–260).

14 **SEC. 7. REPORTS.**

15 (a) DEPARTMENT OF EDUCATION REPORT.—

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

22 (2) ELEMENTS.—The report required under
23 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 APPROPRIATIONS RE-
17 PORT.—

18 (1) IN GENERAL.—Not later than 2 years after
19 the date of the enactment of this Act, the Com-
20 troller General of the United States shall conduct a
21 study on the amount of appropriations necessary to
22 continue implementing the grant program under this
23 Act.

24 (2) ELEMENTS.—The study conducted under
25 paragraph (1) shall include—

1 (A) an evaluation of the approximate total
2 cost of deferred maintenance across eligible en-
3 tities; and

4 (B) an overview of sources of funding for
5 addressing such needs other than the grant pro-
6 gram under this Act.

7 (3) REPORT.—After the completion of the study
8 under paragraph (1), the Comptroller General shall
9 submit to the Committee on Appropriations of the
10 Senate and the Committee on Appropriations of the
11 House of Representatives a report on the results of
12 the study.

13 (4) RESULTS.—The results of the study shall
14 be used to inform the appropriation of funds to
15 carry out this Act for the fiscal years following the
16 submission of the report under paragraph (3).

17 (c) COMPTROLLER GENERAL IMPLEMENTATION RE-
18 PORT.—

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

24 (2) ELEMENTS.—The study conducted under
25 paragraph (1) shall include—

1 (A) an examination of program implemen-
2 tation challenges; and

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

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

15 **SEC. 8. DEFINITIONS.**

16 In this Act:

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

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

22 (B) an institution or program listed under
23 section 326(e)(1) of such Act (20 U.S.C.
24 1063b(e)(1)).

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

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

6 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

7 There are authorized to be appropriated such sums
8 as may be necessary to carry out this Act for each of fiscal
9 years 2027 through 2032.