

106TH CONGRESS  
1ST SESSION

# H. R. 3071

To amend title XII of the Elementary and Secondary Education Act of 1965 to provide grants to improve the infrastructure of elementary and secondary schools.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 13, 1999

Mr. OWENS introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend title XII of the Elementary and Secondary Education Act of 1965 to provide grants to improve the infrastructure of elementary and secondary schools.

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. REVISION OF TITLE XII.**

4       Title XII of the Elementary and Secondary Edu-  
5       cation Act of 1965 (20 U.S.C. 8501 et seq.) is amended  
6       to read as follows:

7       **“SEC. 12001. FINDINGS.**

8       “The Congress finds the following:

1           “(1) There are 52,700,000 students in 88,223  
2 elementary and secondary schools across the United  
3 States. The current Federal expenditure for edu-  
4 cation infrastructure is \$12,000,000. The Federal  
5 expenditure per enrolled student for education infra-  
6 structure is 23 cents. An appropriation of  
7 \$22,000,000,000 would result in a Federal expendi-  
8 ture for education infrastructure of \$417 per stu-  
9 dent per fiscal year.

10           “(2) The General Accounting Office in 1995 re-  
11 ported that the Nation’s elementary and secondary  
12 schools need approximately \$112,000,000,000 to re-  
13 pair or upgrade facilities. Increased enrollments and  
14 continued building decay has raised this need to an  
15 estimated \$200,000,000,000. Local education agen-  
16 cies, particularly those in central cities or those with  
17 high minority populations, cannot obtain adequate  
18 financial resources to complete necessary repairs or  
19 construction. These local education agencies face an  
20 annual struggle to meet their operating budgets.

21           “(3) According to a 1991 survey conducted by  
22 the American Association of School Administrators,  
23 74 percent of all public school buildings need to be  
24 replaced. Almost one-third of such buildings were  
25 built prior to World War II.

1           “(4) The majority of the schools in unsatisfac-  
2           tory condition are concentrated in central cities and  
3           serve large populations of poor or minority students.

4           “(5) In the large cities of America, numerous  
5           schools still have polluting coal burning furnaces.  
6           Decaying buildings threaten the health, safety, and  
7           learning opportunities of students. A growing body  
8           of research has linked student achievement and be-  
9           havior to the physical building conditions and over-  
10          crowding. Asthma and other respiratory illnesses  
11          exist in above average rates in areas of coal burning  
12          pollution.

13          “(6) According to a study conducted by the  
14          General Accounting Office in 1995, most schools are  
15          unprepared in critical areas for the 21st century.  
16          Most schools do not fully use modern technology and  
17          lack access to the information superhighway. Schools  
18          in central cities and schools with minority popu-  
19          lations above 50 percent are more likely to fall short  
20          of adequate technology elements and have a greater  
21          number of unsatisfactory environmental conditions  
22          than other schools.

23          “(7) School facilities such as libraries and  
24          science laboratories are inadequate in old buildings  
25          and have outdated equipment. Frequently, in over-

1 crowded schools, these same facilities are utilized as  
2 classrooms for an expanding school population.

3 “(8) Overcrowded classrooms have a dire im-  
4 pact on learning. Students in overcrowded schools  
5 score lower on both mathematics and reading exams  
6 than do students in schools with adequate space. In  
7 addition, overcrowding in schools negatively affects  
8 both classroom activities and instructional tech-  
9 niques. Overcrowding also disrupts normal operating  
10 procedures, such as lunch periods beginning as early  
11 as 10 a.m. and extending into the afternoon; teach-  
12 ers being unable to use a single room for an entire  
13 day; too few lockers for students, and jammed hall-  
14 ways and restrooms which encourage disorder and  
15 rowdy behavior.

16 “(9) School modernization for information tech-  
17 nology is an absolute necessity for education for a  
18 coming CyberCivilization. The General Accounting  
19 Office has reported that many schools are not using  
20 modern technology and many students do not have  
21 access to facilities that can support education into  
22 the 21st century. It is imperative that we now view  
23 computer literacy as basic as reading, writing, and  
24 arithmetic.

1           “(10) Both the national economy and national  
2           security require an investment in school construc-  
3           tion. Students educated in modern, safe, and well-  
4           equipped schools will contribute to the continued  
5           strength of the American economy and will ensure  
6           that our Armed Forces are the best trained and best  
7           prepared in the world. The shortage of qualified in-  
8           formation technology workers continues to escalate  
9           and presently many foreign workers are being re-  
10          cruited to staff jobs in America. Military manpower  
11          shortages of personnel capable of operating high  
12          tech equipment are already acute in the Navy and  
13          increasing in other branches of the Armed Forces.

14   **“SEC. 12002. PURPOSE.**

15          The purpose of this title is to provide Federal funds  
16          to enable local educational agencies to finance the costs  
17          associated with the construction, repair, and moderniza-  
18          tion for information technology of school facilities within  
19          their jurisdictions.

20   **“SEC. 12003. FEDERAL ASSISTANCE IN THE FORM OF**  
21                   **GRANTS.**

22          “(a) AUTHORITY AND CONDITIONS FOR GRANTS.—

23                  “(1) IN GENERAL.—To assist in the construc-  
24          tion, reconstruction, renovation, or modernization for  
25          information technology of elementary and secondary

1 schools, the Secretary shall make grants of funds to  
2 State educational agencies for the construction, re-  
3 construction, or renovation, or for modernization for  
4 information technology, of such schools.

5 “(2) FORMULA FOR ALLOCATION.—From the  
6 amount appropriated under section 12006 for any  
7 fiscal year, the Secretary shall allocate to each State  
8 an amount that bears the same ratio to such appro-  
9 priated amount as the number of school-age children  
10 in such State bears to the total number of school-  
11 age children in all the States. The Secretary shall  
12 determine the number of school-age children on the  
13 basis of the most recent satisfactory data available  
14 to the Secretary.

15 “(b) CONDITIONS FOR RECEIPT OF GRANTS.—

16 “(1) APPLICATIONS.—In order to receive a  
17 grant under this title, a State shall submit to the  
18 Secretary an application containing or accompanied  
19 by such information and assurances as the Secretary  
20 may require. Such applications shall specify the  
21 method by which the State educational agency will  
22 allocate funds to local educational agencies and the  
23 procedures by which projects will be selected for  
24 funding. Such applications shall contain assurances  
25 that such funds will only be provided if the State

1 educational agency finds that such constructions will  
2 be undertaken in an economical manner, and that  
3 any such construction, reconstruction, renovation, or  
4 modernization is not or will not be of elaborate or  
5 extravagant design or materials.

6 “(2) PRIORITIES.—In approving projects for  
7 funding under this title, the State educational agen-  
8 cy shall consider—

9 “(A) the threat the condition of the phys-  
10 ical plant poses to the safety and well-being of  
11 students;

12 “(B) the demonstrated need for the con-  
13 struction, reconstruction, renovation, or mod-  
14 ernization as based on the condition of the facil-  
15 ity;

16 “(C) the age of the facility to be renovated  
17 or replaced; and

18 “(D) the needs related to preparation for  
19 modern technology.

20 “(c) AMOUNT AND CONDITION OF GRANTS.—A grant  
21 to a local educational agency may be in an amount not  
22 exceeding the total cost of the facility construction, recon-  
23 struction, renovation, or modernization for information  
24 technology, as determined by the State educational agen-  
25 cy.

1 **“SEC. 12004. GENERAL PROVISIONS.**

2       “The Secretary shall take such action as may be nec-  
3 essary to ensure that all laborers and mechanics employed  
4 by contractors or subcontractors on any project assisted  
5 under this part—

6           “(1) shall be paid wages at rates not less than  
7 those prevailing on the same type of work on similar  
8 construction in the immediate locality as determined  
9 by the Secretary of Labor in accordance with the  
10 Act of March 31, 1931 (Davis-Bacon Act), as  
11 amended; and

12           “(2) shall be employed not more than 40 hours  
13 in any 1 week unless the employee receives wages for  
14 the employee’s employment in excess of the hours  
15 specified in paragraph (1) at a rate not less than  
16 one and one-half times the regular rate at which the  
17 employee is employed;

18 but the Secretary may waive the application of this sub-  
19 section in cases or classes or cases where laborers or me-  
20 chanics, not otherwise employed at any time in the con-  
21 struction of such project, voluntarily donate their services  
22 without full compensation for the purpose of lowering the  
23 costs of construction and the Secretary determines that  
24 any amounts saved thereby are full credited to the edu-  
25 cational institution undertaking the construction.



1   **“SEC. 12005. DEFINITIONS.**

2       “As used in this title:

3           “(1) SCHOOL.—The term ‘school’ means struc-  
4       tures suitable for use as classrooms, laboratories, li-  
5       braries, and related facilities, the primary purpose of  
6       which is the instruction of elementary and secondary  
7       school students.

8           “(2) STATE.—The term State includes the sev-  
9       eral States of the United States and the District of  
10      Columbia.

11   **“SEC. 12006. AUTHORIZATION OF APPROPRIATIONS.**

12       “‘There are authorized to be appropriated to carry out  
13   this title, \$11,000,000,000 for fiscal year 2000 and a sum  
14   no less than this amount for each of the 9 succeeding fis-  
15   cal years.’”.

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