

106TH CONGRESS
1ST SESSION

H. R. 3143

To establish the High Performance Schools Program in the Department of Education and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 25, 1999

Mr. UDALL of Colorado (for himself and Mr. GEORGE MILLER of California) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To establish the High Performance Schools Program in the Department of Education 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 “High Performance
5 Schools Act of 1999”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—The Congress finds the following:

8 (1) American K–12 schools spend over \$6 bil-
9 lion annually on energy costs which is more than is
10 spent on books and computers combined.

1 (2) Educators teach and students learn best in
2 an environment that is comfortable, healthy, natu-
3 rally lit where possible, and in good repair and stud-
4 ies have indicated that student achievement is great-
5 er and attendance higher when those conditions are
6 met.

7 (3) Over half of our nation’s K–12 schools are
8 more than 40 years old and in need of renovation to
9 reach such standard of efficiency and comfort and
10 6,000 new schools will be required over the next 10
11 years to accommodate the growing number of stu-
12 dents.

13 (4) Inadequate ventilation in school buildings,
14 poor lighting and acoustical quality, and uncomfort-
15 able temperatures can diminish students’ capacity to
16 concentrate and excel.

17 (5) Inefficient use of water, either in consump-
18 tion or from poorly maintained systems, is prevalent
19 in older schools.

20 (6) Using a whole building approach in the de-
21 sign of new schools and the renovation of existing
22 schools—considering how materials, systems, and
23 products connect and overlap and also how a school
24 is integrated on its site and within the surrounding

1 community—will result in high performance school
2 buildings.

3 (7) Adoption of whole building concepts has
4 been shown to result in dramatic improvements in
5 student and teacher performance.

6 (8) Adopting a whole building approach usually
7 results in a lower life-cycle cost for the school build-
8 ing than for a conventionally designed and built
9 building.

10 (9) Systematic use of energy conservation in
11 school construction and renovation projects can save
12 at least one quarter of current energy costs, leaving
13 more money for teachers and educational materials.

14 (10) The use of renewable energy sources such
15 as daylighting, passive solar heating, photovoltaics,
16 wind, geothermal, hydropower, and biomass power in
17 a building already designed to be low-energy can
18 help meet the building's energy needs without added
19 emissions.

20 (11) Using environmentally preferable products
21 and providing for adequate supplies of fresh air will
22 improve indoor air quality and provide healthful
23 school buildings.

24 (12) Most school districts do not have the
25 knowledge of cutting-edge design and technologies to

1 implement optimum efficiency into new school con-
2 struction or into school renovations.

3 (13) Congress is currently considering legisla-
4 tion that will help school districts build new schools
5 and renovate existing schools.

6 (b) PURPOSE.—It is the purpose of this Act to assist
7 school districts in the production of high performance ele-
8 mentary and secondary school buildings that are healthful,
9 productive, energy efficient, and environmentally sound.

10 **SEC. 3. PROGRAM ESTABLISHMENT AND ADMINISTRATION.**

11 (a) ESTABLISHMENT.—There is established in the
12 Department of Education the High Performance Schools
13 Program (hereafter in this Act referred to as the “Pro-
14 gram”).

15 (b) IN GENERAL.—The Secretary of Education may,
16 through the Program, make grants—

17 (1) to be provided to school districts to imple-
18 ment the purpose of this Act;

19 (2) to administer the program of assistance to
20 school districts pursuant to this Act; and

21 (3) to promote participation by school districts
22 in the program established by this Act.

23 (c) GRANTS TO ASSIST SCHOOL DISTRICTS.—Grants
24 under subsection (b)(1) shall be used to achieve energy
25 efficiency performance not less than 30 percent beyond the

1 levels prescribed in the 1998 International Energy Con-
2 servation Code as it is in effect for new construction and
3 existing buildings. Grants under such subsection shall be
4 made to school districts that—

5 (1) have demonstrated a need for such grants
6 in order to respond appropriately to increasing ele-
7 mentary and secondary school enrollments or to
8 make major investments in renovation of school fa-
9 cilities;

10 (2) have demonstrated that the districts do not
11 have adequate funds to respond appropriately to
12 such enrollments or achieve such investments with-
13 out assistance; and

14 (3) have made a commitment to use the grant
15 funds to develop high performance school buildings
16 in accordance with the plan developed and approved
17 pursuant to subsection (e)(1).

18 (d) OTHER GRANTS.—

19 (1) GRANTS FOR ADMINISTRATION.—Grants
20 under subsection (b)(2) shall be used to evaluate
21 compliance by school districts with requirements of
22 this Act and in addition may be used for—

23 (A) distributing information and materials
24 to clearly define and promote the development

1 of high performance school buildings for both
2 new and existing facilities;

3 (B) organizing and conducting programs
4 for school board members, school district per-
5 sonnel, architects, engineers, and others to ad-
6 vance the concepts of high performance school
7 buildings;

8 (C) obtaining technical services and assist-
9 ance in planning and designing high perform-
10 ance school buildings; and

11 (D) collecting and monitoring data and in-
12 formation pertaining to the high performance
13 school building projects.

14 (2) GRANTS TO PROMOTE PARTICIPATION.—

15 Grants under subsection (b)(3) may be used for pro-
16 motional and marketing activities, including facili-
17 tating private and public financing, promoting the
18 use of energy service companies, working with school
19 administrations, students, and communities, and co-
20 ordinating public benefit programs.

21 (e) IMPLEMENTATION.—

22 (1) PLANS.—Grants under subsection (b) shall
23 be provided only to school districts that, in consulta-
24 tion with State offices of energy and education, have
25 developed plans that the State agency designated by

1 the Governor of the State determines to be feasible
2 and appropriate in order to the achieve the purposes
3 for which such grants were made.

4 (2) SUPPLEMENTING GRANT FUNDS.—The
5 State agency referred to in paragraph (1) shall en-
6 courage qualifying school districts to supplement
7 their grant funds with funds from other sources in
8 the implementation of their plans.

9 **SEC. 4. ALLOCATION OF FUNDS.**

10 (a) GOVERNORS.—Except as provided in subsection
11 (c), funds appropriated for the implementation of this Act
12 shall be provided to the Governors of the States. Each
13 Governor shall determine the appropriate State agency to
14 administer the program of assistance to school districts
15 under this Act.

16 (b) PURPOSES.—Except as provided in subsection
17 (c), funds appropriated under section 5 shall be allocated
18 as follows:

19 (1) Seventy percent shall be used to make
20 grants under section 3(b)(1).

21 (2) Fifteen percent shall be used to make
22 grants under section 3(b)(2).

23 (3) Fifteen percent shall be used to make
24 grants under section 3(b)(3).

1 (c) OTHER FUNDS.—The Secretary of Education
 2 may, through the Program established under section 3(a),
 3 retain an amount, not to exceed \$300,000 per year, to
 4 assist State agencies designated by the Governor in coordi-
 5 nating and implementing such Program. Such funds may
 6 be used to develop reference materials to further define
 7 the principles and criteria to achieve high performance
 8 school buildings.

9 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

10 For grants under section 3(b) there are authorized
 11 to be appropriated \$200,000,000 for fiscal year 2001,
 12 \$210,000,000 for fiscal year 2002, \$220,000,000 for fis-
 13 cal year 2003, \$230,000,000 for fiscal year 2004, and
 14 such sums as may be necessary for each of the subsequent
 15 6 fiscal years.

16 **SEC. 6. DEFINITIONS.**

17 For purposes of this Act:

18 (1) ELEMENTARY AND SECONDARY SCHOOL.—

19 The term “elementary school” and “secondary
 20 school” shall have the same meaning given such
 21 terms in paragraphs (14) and (25) of section 14101
 22 of the Elementary and Secondary Education Act of
 23 1965 (20 U.S.C. 8801(14),(25)).

24 (2) HIGH PERFORMANCE SCHOOL BUILDING.—

25 The term “high performance school building” refers

1 to a school building which, in its design, construc-
2 tion, operation, and maintenance maximizes use of
3 renewable energy and energy conservation practices,
4 is cost-effective on a life-cycle basis, uses affordable,
5 environmentally preferable, durable materials, en-
6 hances indoor environmental quality, protects and
7 conserves water, and optimizes site potential.

8 (3) RENEWABLE ENERGY.—The term “renew-
9 able energy” means energy produced by solar, wind,
10 geothermal, hydropower, and biomass power.

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