

106TH CONGRESS  
2D SESSION

# S. 2124

To authorize Federal financial assistance for the urgent repair and renovation of public elementary and secondary schools in high-need areas.

---

## IN THE SENATE OF THE UNITED STATES

FEBRUARY 29, 2000

Mr. HARKIN (for himself, Mr. ROBB, Mr. BINGAMAN, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. WELLSTONE, and Mr. DODD) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

---

## A BILL

To authorize Federal financial assistance for the urgent repair and renovation of public elementary and secondary schools in high-need areas.

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. PUBLIC SCHOOL REPAIR AND RENOVATION.**

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:

## **“TITLE XII—PUBLIC SCHOOL REPAIR AND RENOVATION**

### **“SEC. 12001. FINDINGS.**

“Congress finds as follows:

“(1) The General Accounting Office estimated in 1995 that it would cost \$112,000,000,000 to bring our Nation’s school facilities into good overall condition.

“(2) The General Accounting Office also found in 1995 that 60 percent of the Nation’s schools, serving 28,000,000 students, reported that 1 or more building features, such as roofs and plumbing, needed to be extensively repaired, overhauled, or replaced.

“(3) The National Center for Education Statistics reported that the average age for a school building in 1998 was 42 years and that local educational agencies with relatively high rates of poverty tend to have relatively old buildings.

“(4) School condition is positively correlated with student achievement, according to a number of research studies.

“(5) The results of a recent survey indicate that the condition of schools with large proportions

1 of students living on Indian lands is particularly  
2 poor.

3 “(6) While school repair and renovation are pri-  
4 marily a State and local concern, some States and  
5 communities are not, on their own, able to meet the  
6 burden of providing adequate school facilities for all  
7 students, and the poorest communities have had the  
8 greatest difficulty meeting this need. It is, therefore,  
9 appropriate for the Federal Government to provide  
10 assistance to high-need communities for school re-  
11 pair and renovation.

12 **“SEC. 12002. PURPOSE.**

13 “The purpose of this title is to assist high-need local  
14 educational agencies in making urgent repairs and renova-  
15 tions to public school facilities in order to—

16 “(1) reduce health and safety problems, includ-  
17 ing violations of local or State fire codes, faced by  
18 students; and

19 “(2) improve the ability of students to learn in  
20 their school environment.

21 **“SEC. 12003. AUTHORIZED ACTIVITIES.**

22 “(a) IN GENERAL.—A recipient of a grant or loan  
23 under this title shall use the grant or loan funds to carry  
24 out the purpose of this title by—

1           “(1) repairing or replacing roofs, electrical wir-  
2           ing or plumbing systems;

3           “(2) repairing, replacing, or installing heating,  
4           ventilation, or air conditioning systems;

5           “(3) ensuring that repairs and renovations  
6           under this title comply with the requirements of sec-  
7           tion 504 of the Rehabilitation Act of 1973 and the  
8           Americans with Disabilities Act of 1990 relating to  
9           the accessibility of public school programs to individ-  
10          uals with disabilities; and

11          “(4) making other types of school repairs and  
12          renovations that the Secretary may reasonably deter-  
13          mine are urgently needed, particularly projects to  
14          correct facilities problems that endanger the health  
15          and safety of students and staff such as violations  
16          of State or local fire codes.

17          “(b) LIMITATION.—The Secretary shall not approve  
18          an application for a grant or loan under this title unless  
19          the applicant demonstrates to the Secretary’s satisfaction  
20          that the applicant lacks sufficient funds, from other  
21          sources, to carry out the repairs or renovations for which  
22          the applicant is requesting assistance.

1 **“SEC. 12004. GRANTS TO LOCAL EDUCATIONAL AGENCIES**  
2 **WITH HIGH CONCENTRATIONS OF STUDENTS**  
3 **LIVING ON INDIAN LANDS.**

4 “(a) GRANTS AUTHORIZED.—From funds available  
5 under section 12008(a), the Secretary shall award grants  
6 to local educational agencies to enable the agencies to  
7 carry out the authorized activities described in section  
8 12003 and subsection (e).

9 “(b) ELIGIBILITY.—A local educational agency is eli-  
10 gible for a grant under this section if the number of chil-  
11 dren determined under section 8003(a)(1)(C) of this Act  
12 for that agency constituted at least 50 percent of the num-  
13 ber of children who were in average daily attendance at  
14 the schools of such agency during the preceding school  
15 year.

16 “(c) ALLOCATION OF FUNDS.—The Secretary shall  
17 allocate funds available to carry out this section to eligible  
18 local educational agencies based on their respective num-  
19 bers of children in average daily attendance who are  
20 counted under section 8003(a)(1)(C) of this Act.

21 “(d) APPLICATIONS.—Each eligible local educational  
22 agency that desires to receive a grant under this section  
23 shall submit an application to the Secretary that  
24 includes—

25 “(1) a statement of how the agency will use the  
26 grant funds;

1           “(2) a description of the steps the agency will  
 2           take to adequately maintain the facilities that the  
 3           agency repairs, renovates, or constructs with those  
 4           funds; and

5           “(3) such other information and assurances as  
 6           the Secretary may reasonably require.

7           “(e) CONSTRUCTION OF NEW SCHOOLS.—In addition  
 8           to any other activity authorized under section 12003, an  
 9           eligible local educational agency may use grant funds re-  
 10          ceived under this section to construct a new school if the  
 11          agency demonstrates to the Secretary’s satisfaction that  
 12          the agency will replace an existing school that is in such  
 13          poor condition that renovating the school will not be cost-  
 14          effective.

15       **“SEC. 12005. GRANTS TO HIGH-POVERTY LOCAL EDU-**  
 16                               **CATIONAL AGENCIES.**

17          “(a) GRANTS AUTHORIZED.—From funds available  
 18          under section 12008(b)(1), the Secretary shall make  
 19          grants, on a competitive basis, to local educational agen-  
 20          cies with poverty rates of 25 percent or greater to enable  
 21          the agencies to carry out the authorized activities de-  
 22          scribed in section 12003.

23          “(b) CRITERIA FOR AWARDED GRANTS.—In award-  
 24          ing grants under this section, the Secretary shall  
 25          consider—

1           “(1) the poverty rate, the need for school re-  
2       pairs and renovations, and the fiscal capacity of  
3       each local educational agency; and

4           “(2) such other factors as the Secretary deter-  
5       mines appropriate.

6       “(c) APPLICATIONS.—Each eligible local educational  
7       agency that desires to receive a grant under this section  
8       shall submit an application to the Secretary that  
9       includes—

10           “(1) a description of the agency’s urgent need  
11       for school repair and renovation and of how the  
12       agency will use funds available under this title to  
13       meet those needs;

14           “(2) information on the fiscal effort that the  
15       agency is making in support of education and evi-  
16       dence demonstrating that the agency lacks the ca-  
17       pacity to meet the agency’s urgent school repair and  
18       renovation needs without assistance made available  
19       under this title;

20           “(3) a description of the steps the agency will  
21       take to adequately maintain the facilities that the  
22       agency repairs or renovates with the assistance; and

23           “(4) such other information and assurances as  
24       the Secretary may reasonably require.

1 **“SEC. 12006. SCHOOL RENOVATION GRANTS AND LOANS.**

2       “(a) GRANTS AND LOANS AUTHORIZED.—From  
3 funds available under section 12008(b)(2), the Secretary  
4 shall make grants, and shall pay the cost of loans made,  
5 on a competitive basis, to local educational agencies that  
6 lack the ability to fund urgent school repairs without a  
7 grant or loan provided under this section to enable the  
8 agencies to carry out the authorized activities described  
9 in section 12003.

10       “(b) LOAN PERIOD.—Each loan under this section  
11 shall be for a period of 7 years and shall carry an interest  
12 rate of 0 percent.

13       “(c) CRITERIA FOR MAKING LOANS.—In making  
14 loans under this section, the Secretary shall consider—

15               “(1) the extent of poverty, the need for school  
16 repairs and renovations, and the fiscal capacity of  
17 each applicant; and

18               “(2) such other factors as the Secretary deter-  
19 mines appropriate.

20       “(d) APPLICATIONS.—Each eligible local educational  
21 agency that desires to receive a grant or loan under this  
22 section shall submit an application to the Secretary that  
23 includes the information described in section 12005(c).

24       “(e) CREDIT STANDARDS.—In carrying out this sec-  
25 tion, the Secretary—



1           “(1) shall not extend credit without finding that  
2           there is reasonable assurance of repayment; and

3           “(2) may use credit enhancement techniques, as  
4           appropriate, to reduce the credit risk of loans.

5   **“SEC. 12007. PROGRESS REPORTS.**

6           “The Secretary shall require recipients of grants and  
7   loans under this title to submit progress reports and such  
8   other information as the Secretary determines necessary  
9   to ensure compliance with this title and to evaluate the  
10   impact of activities assisted under this title.

11   **“SEC. 12008. AUTHORIZATION OF APPROPRIATIONS.**

12           “(a) GRANTS UNDER SECTION 12004.—For the pur-  
13   pose of making grants under section 12004, there are au-  
14   thorized to be appropriated \$50,000,000 for fiscal year  
15   2001 and such sums as may be necessary for each of the  
16   4 succeeding fiscal years.

17           “(b) GRANTS UNDER SECTION 12005 AND GRANTS  
18   AND LOANS UNDER SECTION 12006.—For the purpose  
19   of making grants under section 12005, and grants and  
20   loans under section 12006, there are authorized to be ap-  
21   propriated \$1,250,000,000 for fiscal year 2001 and such  
22   sums as may be necessary for each of the succeeding 4  
23   years, of which—

24           “(1) 10 percent shall be available for grants  
25           under section 12005; and

1           “(2) 90 percent shall be available to make  
2       grants and to pay the cost of loans under section  
3       12006.

4           “(c) LIMITATION ON LOAN VOLUME.—Within the  
5       available resources and authority, gross obligations for the  
6       principal amount of direct loans offered by the Secretary  
7       under section 12006 for fiscal year 2001 shall not exceed  
8       \$7,000,000,000, or the amount specified in an applicable  
9       appropriations Act, whichever is greater.

10   **“SEC. 12009. DEFINITIONS.**

11       “For the purpose of this title, the following terms  
12       have the following meanings:

13           “(1) LOCAL EDUCATIONAL AGENCY.—The term  
14       ‘local educational agency’ has the meaning given  
15       that term in section 14101(18) (A) and (B) of this  
16       Act.

17           “(2) PUBLIC SCHOOL FACILITY.—

18           “(A) IN GENERAL.—The term ‘public  
19       school facility’ means a public building whose  
20       primary purpose is the instruction of public ele-  
21       mentary or secondary students.

22           “(B) EXCLUSIONS.—The term excludes  
23       athletic stadiums or any other structure or fa-  
24       cility intended primarily for athletic exhibitions,

1 contests, games, or events for which admission  
2 is charged to the general public.

3 “(3) REPAIR AND RENOVATION.—The term ‘re-  
4 pair and renovation’ used with respect to an existing  
5 public school facility, means the repair or renovation  
6 of the facility without increasing the size of the  
7 facility.”.

