

107TH CONGRESS
1ST SESSION

H. R. 469

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.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 2001

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

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;

18 “(D) whether the facility is eligible to re-
19 ceive education technology assistance from the
20 National Education Technology Funding Cor-
21 poration under section 708 of the Telecommuni-
22 cations Act of 1996 (Public Law 104–104; 110
23 Stat. 157); and

24 “(E) the needs related to preparation for
25 modern technology.

1 “(3) CHARTER SCHOOLS.—In approving
2 projects for funding under this title, the State edu-
3 cational agency shall ensure that a public charter
4 school that constitutes a local educational agency
5 under State law is eligible for assistance under the
6 same terms and conditions as any other local edu-
7 cational agency.

8 “(c) AMOUNT AND CONDITION OF GRANTS.—A grant
9 to a local educational agency may be in an amount not
10 exceeding the total cost of the facility construction, recon-
11 struction, renovation, or modernization for information
12 technology, as determined by the State educational agen-
13 cy.

14 **“SEC. 12004. GENERAL PROVISIONS.**

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

19 “(1) shall be paid wages at rates not less than
20 those prevailing on the same type of work on similar
21 construction in the immediate locality as determined
22 by the Secretary of Labor in accordance with the
23 Act of March 31, 1931 (Davis-Bacon Act), as
24 amended; and

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

7 but the Secretary may waive the application of this sub-
8 section in cases or classes or cases where laborers or me-
9 chanics, not otherwise employed at any time in the con-
10 struction of such project, voluntarily donate their services
11 without full compensation for the purpose of lowering the
12 costs of construction and the Secretary determines that
13 any amounts saved thereby are full credited to the edu-
14 cational institution undertaking the construction.

15 **“SEC. 12005. DEFINITIONS.**

16 “As used in this title:

17 “(1) SCHOOL.—The term ‘school’ means struc-
18 tures suitable for use as classrooms, laboratories, li-
19 braries, and related facilities, the primary purpose of
20 which is the instruction of elementary and secondary
21 school students.

22 “(2) STATE.—The term State includes the sev-
23 eral States of the United States and the District of
24 Columbia.

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

2 “There are authorized to be appropriated to carry out
3 this title, \$11,000,000,000 for fiscal year 2002 and a sum
4 no less than this amount for each of the 9 succeeding fis-
5 cal years.”.

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