

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4316

To improve the quality of public elementary and secondary school libraries, media centers, and facilities in order to help meet the National Education Goals.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 1994

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

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## A BILL

To improve the quality of public elementary and secondary school libraries, media centers, and facilities in order to help meet the National Education Goals.

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 “Education Infrastruc-  
5        ture Act of 1994”.

6        **SEC. 2. FINDINGS.**

7        The Congress finds that—

8            (1) improving the quality of public elementary  
9        and secondary school libraries, media centers, and

1 facilities will help our Nation meet the National  
2 Education Goals;

3 (2) Federal, State, and local funding for the re-  
4 pair, renovation, alteration and construction of pub-  
5 lic elementary and secondary school libraries, media  
6 centers, and facilities has not adequately reflected  
7 need; and

8 (3) the challenges facing our Nation’s public el-  
9 ementary and secondary schools require the con-  
10 certed and collaborative efforts of all levels of gov-  
11 ernment and all sectors of the community.

12 **SEC. 3. PURPOSE.**

13 It is the purpose of this Act to help our Nation meet  
14 the National Education Goals through the repair, renova-  
15 tion, alteration and construction of public elementary and  
16 secondary school libraries, media centers, and facilities,  
17 used for academic or vocational instruction.

18 **SEC. 4. DEFINITIONS.**

19 For purposes of this Act—

20 (1) the term “alteration” refers to any change  
21 to an existing property for use for a different pur-  
22 pose or function;

23 (2) the term “construction” refers to the erec-  
24 tion of a building, structure, or facility, including the  
25 concurrent installation of equipment, site prepara-

1       tion, associated roads, parking, and utilities, which  
2       provides area or cubage not previously available, in-  
3       cluding—

4               (A) freestanding structures, additional  
5               wings, or floors, enclosed courtyards or  
6               entryways, and any other means to provide usa-  
7               ble program space that did not previously exist;  
8               and

9               (B) the complete replacement of an exist-  
10              ing facility;

11             (3) the term “eligible local educational agency”  
12             means a local educational agency, as such term is  
13             defined in section 1471 of the Elementary and Sec-  
14             ondary Education Act of 1965, which demonstrates  
15             in the application submitted under section 7 that  
16             such agency—

17               (A) has urgent repair, renovation, alter-  
18               ation and construction needs for its public ele-  
19               mentary or secondary school libraries, media  
20               centers, and facilities, used for academic or vo-  
21               cational instruction; and

22               (B) serves large numbers or percentages of  
23               disadvantaged students;

1 (4) the term “renovation” refers to any change  
2 to an existing property to allow its more efficient use  
3 within such property’s designated purpose;

4 (5) the term “repair” refers to the restoration  
5 of a failed or failing real property facility, compo-  
6 nent, or a building system to such a condition that  
7 such facility, component, or system may be used ef-  
8 fectively for its designated purpose, if, due to the na-  
9 ture or extent of the deterioration or damage to such  
10 facility, component, or system, such deterioration or  
11 damage cannot be corrected through normal mainte-  
12 nance; and

13 (6) the term “Secretary”, unless otherwise  
14 specified, means the Secretary of Education.

15 **SEC. 5. IMPROVEMENT OF PUBLIC ELEMENTARY AND SEC-**  
16 **ONDARY EDUCATION FACILITIES PROGRAM**  
17 **AUTHORIZED.**

18 (a) PROGRAM AUTHORITY.—From amounts appro-  
19 priated pursuant to the authority of subsection (b) in any  
20 fiscal year, the Secretary shall award grants to eligible  
21 local educational agencies having applications approved  
22 under section 6 to carry out the authorized activities de-  
23 scribed in section 7.

24 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
25 are to be appropriated \$600,000,000 for fiscal year 1995,

1 and such sums as may be necessary for each of the fiscal  
2 years 1996 through 2004, to carry out this Act.

3 **SEC. 6. APPLICATIONS.**

4 (a) CONTENTS REQUIRED.—Each eligible local edu-  
5 cational agency desiring to receive a grant under this Act  
6 shall submit an application to the Secretary. Each such  
7 application shall—

8 (1) contain an assurance that such application  
9 was developed in consultation with parents and  
10 classroom teachers; and

11 (2) include—

12 (A) a description of each architectural,  
13 civil, structural, mechanical, electrical, or tele-  
14 phone line, deficiency to be corrected with funds  
15 provided under this Act, including the priority  
16 for the repair of the deficiency;

17 (B) a description of the corrective action to  
18 be supported with funds provided under this  
19 Act;

20 (C) a cost estimate of the proposed correc-  
21 tive action;

22 (D) an identification of the total amount  
23 and percentage of such agency's budget used in  
24 the preceding fiscal year for the maintenance,  
25 repair, renovation, alteration, and construction

1 of public elementary and secondary school li-  
2 braries, media centers, and facilities;

3 (E) a description of how such agency plans  
4 to maintain the repair, renovation, alteration,  
5 or construction supported with funds provided  
6 under this Act;

7 (F) a description of the extent to which the  
8 repair, renovation, alteration, or construction  
9 will help the Secretary meet the goals described  
10 in section 9(1)(A); and

11 (G) such other information as the Sec-  
12 retary may reasonably require.

13 (b) PRIORITIES IN SELECTION OF APPLICATIONS.—  
14 In selecting applications for the award of grant funds  
15 under this Act, the Secretary shall give priority to local  
16 educational agencies that—

17 (1) are seeking funds for the repair, renovation,  
18 alteration, or construction of facilities that are the  
19 oldest for which funds are sought under this Act;

20 (2) have the highest number of facilities with  
21 health and safety hazards from one or more of the  
22 following sources: asbestos, lead, radon, plumbing,  
23 electrical wiring; and

24 (3) serve areas with high rates of unemploy-  
25 ment.

1 **SEC. 7. AUTHORIZED ACTIVITIES.**

2 Each eligible local educational agency receiving a  
3 grant under this Act shall use such grant funds to help  
4 our Nation meet the National Education Goals through  
5 the repair, renovation, alteration, and construction of a  
6 public elementary or secondary school library, media cen-  
7 ter, or facility, used for academic or vocational instruction,  
8 including—

9 (1) inspection of such library, center, or facility;

10 (2) repairing such library, center, or facility  
11 that poses a health or safety risk to students;

12 (3) upgrading of and alteration to such library,  
13 center, or facility in order to accommodate new in-  
14 structional technology;

15 (4) meeting the requirements of section 504 of  
16 the Rehabilitation Act of 1973 and the Americans  
17 with Disabilities Act of 1990;

18 (5) removal or containment of severely hazard-  
19 ous material such as asbestos, lead, and radon using  
20 a cost-effective method;

21 (6) installation or upgrading of school security  
22 and communications systems;

23 (7) energy conservation;

24 (8) meeting Federal, State, or local codes relat-  
25 ed to fire, air, light, noise, waste disposal, building

1 height, or other codes passed since the initial con-  
2 struction of such library, center, or facility; and

3 (9) replacing an old library, center, or facility  
4 that is most cost-effectively torn down rather than  
5 renovated.

6 **SEC. 8. REQUIREMENTS.**

7 (a) SPECIAL RULES.—

8 (1) MAINTENANCE OF EFFORT.—An eligible  
9 local educational agency may receive a grant under  
10 this Act for any fiscal year only if the Secretary  
11 finds that either the combined fiscal effort per stu-  
12 dent or the aggregate expenditures of that agency  
13 and the State with respect to the provision of free  
14 public education by such local educational agency for  
15 the preceding fiscal year was not less than 90 per-  
16 cent of such combined fiscal effort or aggregate ex-  
17 penditures for the fiscal year for which the deter-  
18 mination is made.

19 (2) SUPPLEMENT NOT SUPPLANT.—An eligible  
20 local educational agency shall use funds received  
21 under this Act only to supplement the amount of  
22 funds that would, in the absence of such Federal  
23 funds, be made available from non-Federal sources  
24 for the repair and construction of school facilities



1 used for educational purposes, and not to supplant  
2 such funds.

3 (b) GENERAL LIMITATIONS.—

4 (1) REAL PROPERTY.—No part of any grant  
5 funds under this Act shall be used for the acqui-  
6 sition of any interest in real property.

7 (2) MAINTENANCE.—Nothing in this Act shall  
8 be construed to authorize the payment of mainte-  
9 nance costs in connection with any projects con-  
10 structed in whole or in part with Federal funds pro-  
11 vided under this Act.

12 (3) ENVIRONMENTAL SAFEGUARDS.—All  
13 projects carried out with Federal funds provided  
14 under this Act shall comply with all relevant Fed-  
15 eral, State, and local environmental laws and regula-  
16 tions.

17 (4) APPLICABILITY OF LAWS REGARDING INDI-  
18 VIDUALS WITH DISABILITIES.—Sections 504 and  
19 505 of the Rehabilitation Act of 1973 and the Amer-  
20 icans with Disabilities Act of 1990 shall apply to  
21 projects carried out with Federal funds provided  
22 under this Act.

1 **SEC. 9. CONTRACTS.**

2 If a project assisted under this Act will be carried  
3 out pursuant to a contract, the following limitations shall  
4 apply:

5 (1) **MINORITY PARTICIPATION.**—The Secretary  
6 shall establish—

7 (A) goals for the participation of small  
8 business concerns as contractors or subcontractors  
9 that meet or exceed the governmentwide  
10 goals established pursuant to section 15(g)(1)  
11 of the Small Business Act (15 U.S.C.  
12 644(g)(1)) for the participation of such concerns  
13 in contracts supported with funds under  
14 this Act (and subcontracts under such contracts); and  
15

16 (B) an evaluation process for such participation  
17 that gives significant weight to the goals  
18 described in subparagraph (A).

19 (2) **DAVIS-BACON.**—All laborers and mechanics  
20 employed by contractors or subcontractors in the  
21 performance of any contract and subcontract for the  
22 repair, renovation, alteration, or construction, including  
23 painting and decorating, of any building or  
24 work that is financed in whole or in part by a grant  
25 under this Act, shall be paid wages not less than  
26 those determined by the Secretary of Labor in ac-

1 cordance with the Act of March 3, 1931 (commonly  
2 known as the Davis-Bacon Act); as amended (40  
3 U.S.C. 276a–276a–5). The Secretary of Labor shall  
4 have the authority and functions set forth in reorga-  
5 nization plan of No. 14 of 1950 (15 FR 3176; 64  
6 Stat. 1267) and section 2 of the Act of June 1,  
7 1934 (commonly known as the Copeland Anti-Kick-  
8 back Act) as amended (40 U.S.C. 276c, 48 Stat.  
9 948).

10 **SEC. 10. TECHNICAL ASSISTANCE.**

11 The comprehensive regional centers established under  
12 section 2203 of the Elementary and Secondary Education  
13 Act of 1965 may provide assistance in the repair, renova-  
14 tion, alteration, and construction of public elementary or  
15 secondary school libraries, media centers, or facilities to  
16 eligible local educational agencies receiving assistance  
17 under this Act.

18 **SEC. 11. FEDERAL ASSESSMENT.**

19 The Secretary shall reserve not more than 1 percent  
20 of funds appropriated pursuant to the authority of section  
21 5(b)—

22 (1) to collect such data as the Secretary deter-  
23 mines necessary at the school, local, and State levels;  
24 and

1           (2) to conduct studies and evaluations, includ-  
2           ing national studies and evaluations, in order to—

3                   (A) monitor the progress of projects sup-  
4                   ported with funds provided under this Act; and

5                   (B) evaluate the state of American public  
6                   elementary and secondary school libraries,  
7                   media centers, and facilities; and

8           (3) to report to the Congress by July 1, 1997,  
9           regarding the findings of the studies and evaluations  
10          described in paragraph (2).

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