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.

IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 1994

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

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 Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the “Education Infrastructure Act of 1994”.

SEC. 2. FINDINGS.

The Congress finds that—

1 (1) improving the quality of public elementary and secondary school libraries, media centers, and
facilities will help our Nation meet the National Education Goals;

(2) Federal, State, and local funding for the repair, renovation, alteration and construction of public elementary and secondary school libraries, media centers, and facilities has not adequately reflected need; and

(3) the challenges facing our Nation’s public elementary and secondary schools require the concerted and collaborative efforts of all levels of government and all sectors of the community.

SEC. 3. PURPOSE.

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

SEC. 4. DEFINITIONS.

For purposes of this Act—

(1) the term “alteration” refers to any change to an existing property for use for a different purpose or function;

(2) the term “construction” refers to the erection of a building, structure, or facility, including the concurrent installation of equipment, site prepara-
tion, associated roads, parking, and utilities, which provides area or cubage not previously available, including—

(A) freestanding structures, additional wings, or floors, enclosed courtyards or entryways, and any other means to provide usable program space that did not previously exist; and

(B) the complete replacement of an existing facility;

(3) the term “eligible local educational agency” means a local educational agency, as such term is defined in section 1471 of the Elementary and Secondary Education Act of 1965, which demonstrates in the application submitted under section 7 that such agency—

(A) has urgent repair, renovation, alteration and construction needs for its public elementary or secondary school libraries, media centers, and facilities, used for academic or vocational instruction; and

(B) serves large numbers or percentages of disadvantaged students;
(4) the term "renovation" refers to any change to an existing property to allow its more efficient use within such property’s designated purpose;

(5) the term "repair" refers to the restoration of a failed or failing real property facility, component, or a building system to such a condition that such facility, component, or system may be used effectively for its designated purpose, if, due to the nature or extent of the deterioration or damage to such facility, component, or system, such deterioration or damage cannot be corrected through normal maintenance; and

(6) the term "Secretary", unless otherwise specified, means the Secretary of Education.

SEC. 5. IMPROVEMENT OF PUBLIC ELEMENTARY AND SECONDARY EDUCATION FACILITIES PROGRAM AUTHORIZED.

(a) PROGRAM AUTHORITY.—From amounts appropriated pursuant to the authority of subsection (b) in any fiscal year, the Secretary shall award grants to eligible local educational agencies having applications approved under section 6 to carry out the authorized activities described in section 7.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are to be appropriated $600,000,000 for fiscal year 1995,
and such sums as may be necessary for each of the fiscal years 1996 through 2004, to carry out this Act.

SEC. 6. APPLICATIONS.

(a) CONTENTS REQUIRED.—Each eligible local educational agency desiring to receive a grant under this Act shall submit an application to the Secretary. Each such application shall—

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

(2) include—

(A) a description of each architectural, civil, structural, mechanical, electrical, or telephone line, deficiency to be corrected with funds provided under this Act, including the priority for the repair of the deficiency;

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

(C) a cost estimate of the proposed corrective action;

(D) an identification of the total amount and percentage of such agency’s budget used in the preceding fiscal year for the maintenance, repair, renovation, alteration, and construction
of public elementary and secondary school libraries, media centers, and facilities;

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

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

    (G) such other information as the Secretary may reasonably require.

(b) Priorities in Selection of Applications.—In selecting applications for the award of grant funds under this Act, the Secretary shall give priority to local educational agencies that—

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

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

    (3) serve areas with high rates of unemployment.
SEC. 7. AUTHORIZED ACTIVITIES.

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

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

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

(3) upgrading of and alteration to such library, center, or facility in order to accommodate new instructional technology;

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

(5) removal or containment of severely hazardous material such as asbestos, lead, and radon using a cost-effective method;

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

(7) energy conservation;

(8) meeting Federal, State, or local codes related to fire, air, light, noise, waste disposal, building
height, or other codes passed since the initial con-
struction of such library, center, or facility; and

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

SEC. 8. REQUIREMENTS.

(a) Special Rules.—

(1) Maintenance of Effort.—An eligible
local educational agency may receive a grant under
this Act for any fiscal year only if the Secretary
finds that either the combined fiscal effort per stu-
dent or the aggregate expenditures of that agency
and the State with respect to the provision of free
public education by such local educational agency for
the preceding fiscal year was not less than 90 per-
cent of such combined fiscal effort or aggregate ex-
penditures for the fiscal year for which the deter-
mination is made.

(2) Supplement Not Supplant.—An eligible
local educational agency shall use funds received
under this Act only to supplement the amount of
funds that would, in the absence of such Federal
funds, be made available from non-Federal sources
for the repair and construction of school facilities
used for educational purposes, and not to supplant such funds.

(b) General Limitations.—

(1) Real Property.—No part of any grant funds under this Act shall be used for the acquisition of any interest in real property.

(2) Maintenance.—Nothing in this Act shall be construed to authorize the payment of maintenance costs in connection with any projects constructed in whole or in part with Federal funds provided under this Act.

(3) Environmental Safeguards.—All projects carried out with Federal funds provided under this Act shall comply with all relevant Federal, State, and local environmental laws and regulations.

(4) Applicability of Laws Regarding Individuals with Disabilities.—Sections 504 and 505 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 shall apply to projects carried out with Federal funds provided under this Act.
If a project assisted under this Act will be carried out pursuant to a contract, the following limitations shall apply:

1. **Minority Participation.** - The Secretary shall establish—
   
   (A) goals for the participation of small business concerns as contractors or subcontractors that meet or exceed the governmentwide goals established pursuant to section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)) for the participation of such concerns in contracts supported with funds under this Act (and subcontracts under such contracts); and

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

2. **Davis-Bacon.** - All laborers and mechanics employed by contractors or subcontractors in the performance of any contract and subcontract for the repair, renovation, alteration, or construction, including painting and decorating, of any building or work that is financed in whole or in part by a grant under this Act, shall be paid wages not less than those determined by the Secretary of Labor in ac-
cordance with the Act of March 3, 1931 (commonly known as the Davis-Bacon Act); as amended (40 U.S.C. 276a-276a-5). The Secretary of Labor shall have the authority and functions set forth in reorganization plan of No. 14 of 1950 (15 FR 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934 (commonly known as the Copeland Anti-Kickback Act) as amended (40 U.S.C. 276c, 48 Stat. 948).

SEC. 10. TECHNICAL ASSISTANCE.

The comprehensive regional centers established under section 2203 of the Elementary and Secondary Education Act of 1965 may provide assistance in the repair, renovation, alteration, and construction of public elementary or secondary school libraries, media centers, or facilities to eligible local educational agencies receiving assistance under this Act.

SEC. 11. FEDERAL ASSESSMENT.

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

(1) to collect such data as the Secretary determines necessary at the school, local, and State levels; and
(2) to conduct studies and evaluations, including national studies and evaluations, in order to—

(A) monitor the progress of projects supported with funds provided under this Act; and

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

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