

106TH CONGRESS
1ST SESSION

S. 1511

To provide for education infrastructure improvement, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 5, 1999

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

A BILL

To provide for education infrastructure improvement, 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 “21st Century School
5 Modernization Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) The General Accounting Office has per-
9 formed a comprehensive survey of the Nation’s pub-
10 lic elementary and secondary school facilities and

1 has found severe levels of disrepair in all areas of
2 the United States.

3 (2) The General Accounting Office has con-
4 cluded that more than 14,000,000 children attend
5 schools in need of extensive repair or replacement,
6 7,000,000 children attend schools with life threat-
7 ening safety code violations, and 12,000,000 chil-
8 dren attend schools with leaky roofs.

9 (3) The General Accounting Office has found
10 the problem of crumbling schools transcends demo-
11 graphic and geographic boundaries. At 38 percent of
12 urban schools, 30 percent of rural schools, and 29
13 percent of suburban schools, at least one building is
14 in need of extensive repair or should be completely
15 replaced.

16 (4) The condition of school facilities has a di-
17 rect effect on the safety of students and teachers
18 and on the ability of students to learn. Academic re-
19 search has provided a direct correlation between the
20 condition of school facilities and student achieve-
21 ment. At Georgetown University, researchers have
22 found the test scores of students assigned to schools
23 in poor condition can be expected to fall 10.9 per-
24 centage points below the test scores of students in
25 buildings in excellent condition. Similar studies have

1 demonstrated up to a 20 percent improvement in
2 test scores when students were moved from a poor
3 facility to a new facility.

4 (5) The General Accounting Office has found
5 most schools are not prepared to incorporate modern
6 technology in the classroom. Forty-six percent of
7 schools lack adequate electrical wiring to support the
8 full-scale use of technology. More than a third of
9 schools lack the requisite electrical power. Fifty-six
10 percent of schools have insufficient phone lines for
11 modems.

12 (6) The Department of Education has reported
13 that elementary and secondary school enrollment, al-
14 ready at a record high level, will continue to grow
15 over the next 10 years, and that in order to accom-
16 modate this growth, the United States will need to
17 build an additional 6,000 schools.

18 (7) The General Accounting Office has deter-
19 mined the cost of bringing schools up to good, over-
20 all condition to be \$112,000,000,000, not including
21 the cost of modernizing schools to accommodate
22 technology, or the cost of building additional facili-
23 ties needed to meet record enrollment levels.

24 (8) Schools run by the Bureau of Indian Affairs
25 (BIA) for Native American children are also in dire

1 need of repair and renovation. The General Account-
2 ing Office has reported that the cost of total inven-
3 tory repairs needed for BIA facilities is
4 \$754,000,000. The December 1997 report by the
5 Comptroller General of the United States states
6 that, “Compared with other schools nationally, BIA
7 schools are generally in poorer physical condition,
8 have more unsatisfactory environmental factors,
9 more often lack key facilities requirements for edu-
10 cation reform, and are less able to support computer
11 and communications technology.”.

12 (9) State and local financing mechanisms have
13 proven inadequate to meet the challenges facing to-
14 day’s aging school facilities. Large numbers of local
15 educational agencies have difficulties securing fi-
16 nancing for school facility improvement.

17 (10) The Federal Government has provided re-
18 sources for school construction in the past. For ex-
19 ample, between 1933 and 1939, the Federal Govern-
20 ment assisted in 70 percent of all new school con-
21 struction.

22 (11) The Federal Government can support ele-
23 mentary and secondary school facilities without
24 interfering in issues of local control, and should help
25 communities leverage additional funds for the im-

1 provement of elementary and secondary school facili-
2 ties.

3 **SEC. 3. PURPOSE.**

4 The purpose of this Act is to help the Nation meet
5 the National Education Goals through the provision of
6 Federal funds to enable local educational agencies to meet
7 the costs associated with the improvement of schools with-
8 in their jurisdiction.

9 **SEC. 4. DEFINITIONS.**

10 The terms used in this Act have the meanings given
11 the terms in section 14101 of the Elementary and Sec-
12 ondary Education Act of 1965 (20 U.S.C. 8801).

13 **TITLE I—SCHOOL MODERNIZA-**
14 **TION AND IMPROVEMENT**

15 **SEC. 101. MODERNIZATION OF PUBLIC ELEMENTARY AND**
16 **SECONDARY EDUCATION FACILITIES PRO-**
17 **GRAM AUTHORIZED.**

18 (a) PROGRAM AUTHORITY.—

19 (1) IN GENERAL.—From amounts appropriated
20 under section 110 for any fiscal year, the Secretary
21 shall award grants to eligible local educational agen-
22 cies with applications approved under section 103 to
23 carry out the authorized activities described in sec-
24 tion 104.

1 (2) SPECIAL RULE.—The Secretary may reserve
2 not more than 1 percent of the amount appropriated
3 under section 110 to provide assistance to Indian
4 schools in accordance with this title.

5 (b) AWARD CATEGORIES.—From the funds appro-
6 priated to carry out this title for each fiscal year, the Sec-
7 retary shall award grants to eligible local educational
8 agencies in each of the following categories:

9 (1) Eligible local educational agencies in which
10 the number of students enrolled is less than 2,500.

11 (2) Such agencies in which such number is
12 2,500 or greater but less than 5,000.

13 (3) Such agencies in which such number is
14 5,000 or greater but less than 10,000.

15 (4) Such agencies in which such number is
16 10,000 or greater but less than 25,000.

17 (5) Such agencies in which such number is
18 25,000 or greater but less than 50,000.

19 (6) Such agencies in which such number is
20 50,000 or greater.

21 (c) MAXIMUM AWARD AMOUNTS.—The Secretary
22 shall annually set the maximum award amounts for each
23 category described in subsection (b)(1).

1 **SEC. 102. AWARD OF GRANTS.**

2 (a) **CRITERIA.**—The Secretary shall award grants
3 under this title on the basis of—

4 (1) high numbers or percentages of the total
5 number of children aged 5 to 17, inclusive, residing
6 in the geographic area served by an eligible local
7 educational agency who are counted under subpart 2
8 of part A of title I of the Elementary and Secondary
9 Education Act of 1965 (20 U.S.C. 6331 et seq.);

10 (2) the extent to which the eligible local edu-
11 cational agency lacks the fiscal capacity, including
12 the ability to raise funds through the full use of such
13 agency's bonding capacity and otherwise, to under-
14 take the project without Federal assistance;

15 (3) the threat the condition of the physical
16 plant poses to the safety and well-being of students;

17 (4) the demonstrated need for the repair, ren-
18 ovation, alteration, or construction based on the con-
19 dition of the facility;

20 (5) the age of the facility to be repaired, ren-
21 ovated, altered, or replaced; and

22 (6) such other criteria as the Secretary may
23 prescribe by regulation.

24 (b) **ALLOCATION AMONG CATEGORIES.**—The Sec-
25 retary shall allocate funds under this title among each of

1 the categories described in paragraph (1) on such basis
2 as the Secretary determines is appropriate, including—

3 (1) the relative numbers or percentages of stu-
4 dents counted under subpart 2 of part A of title I
5 of the Elementary and Secondary Education Act of
6 1965 (20 U.S.C. 6331 et seq.); and

7 (2) the relative costs of carrying out activities
8 under this title in eligible local educational agencies
9 in each such category.

10 (c) FREQUENCY OF AWARDS.—No local educational
11 agency may receive more than one grant under this title
12 in any five-year period.

13 (d) SPECIAL RULE.—The Secretary shall only award
14 grants under this title if the Secretary determines that
15 sufficient funds will be provided under this title or from
16 other sources, such as the issuance of bonds, or savings
17 generated from performance contracting, to carry out the
18 activities for which assistance is sought.

19 **SEC. 103. APPLICATIONS.**

20 (a) APPLICATIONS REQUIRED.—Each eligible local
21 educational agency desiring to receive a grant under this
22 title shall submit an application to the Secretary.

23 (b) APPLICATION CONTENTS.—Each application de-
24 scribed in subsection (a) shall contain—

1 (1) an assurance that the application was devel-
2 oped in consultation with parents and classroom
3 teachers;

4 (2) a description of each architectural, civil,
5 structural, mechanical, or electrical deficiency to be
6 corrected with funds provided under this title, in-
7 cluding the priority for the repair of the deficiency;

8 (3) a description of the criteria used by the ap-
9 plicant to determine the type of corrective action
10 necessary to meet the purpose of this Act;

11 (4) a description of the improvement to be sup-
12 ported with funds provided under this title;

13 (5) a cost estimate of the proposed improve-
14 ment;

15 (6) an identification of other resources, such as
16 unused bonding capacity, that are available to carry
17 out the activities for which funds are requested
18 under this title;

19 (7) a description of how activities supported
20 with funds provided under this title will promote en-
21 ergy conservation; and

22 (8) such other information and assurances as
23 the Secretary may reasonably require.

1 **SEC. 104. AUTHORIZED ACTIVITIES.**

2 (a) IN GENERAL.—Each eligible local educational
3 agency receiving a grant under this title shall use the
4 grant funds only to ensure the health and safety of stu-
5 dents through the repair, renovation, alteration, or con-
6 struction of a public elementary school or secondary school
7 facility.

8 (b) PARTICULAR ACTIVITIES.—Subject to subsection
9 (a), each eligible local educational agency receiving a grant
10 under this title may use the grant funds to meet the re-
11 quirements of section 504 of the Rehabilitation Act of
12 1973 (29 U.S.C. 794) or the Americans with Disabilities
13 Act of 1990 (42 U.S.C. 12101 et seq.).

14 **SEC. 105. GENERAL PROVISIONS.**

15 (a) BUDGET AND ACCOUNTING.—In the performance
16 of, and with respect to, the functions, powers, and duties
17 under this title, the Secretary, notwithstanding the provi-
18 sions of any other law, shall—

19 (1) prepare annually and submit a budget pro-
20 gram as provided for wholly owned Government cor-
21 porations by chapter 91 of title 31, United States
22 Code; and

23 (2) maintain a set of accounts which shall be
24 audited by the Comptroller General in accordance
25 with the provisions of chapter 35 of title 31, United
26 States Code, but such financial transactions of the

1 Secretary, as the making of loans and vouchers ap-
2 proved by the Secretary, in connection with such fi-
3 nancial transactions shall be final and conclusive
4 upon all officers of the Federal Government.

5 (b) USE OF FUNDS.—Funds made available to the
6 Secretary pursuant to the provisions of this title shall be
7 deposited in a checking account or accounts with the
8 Treasurer of the United States. Receipts and assets ob-
9 tained or held by the Secretary in connection with the per-
10 formance of functions under this title, and all funds avail-
11 able for carrying out the functions of the Secretary under
12 this title (including appropriations therefore, which are
13 hereby authorized), shall be available, in such amounts as
14 may from year to year be authorized by the Congress, for
15 the administrative expenses of the Secretary in connection
16 with the performance of such functions.

17 (c) LEGAL POWERS.—In the performance of, and
18 with respect to, the functions, powers, and duties under
19 this title, the Secretary, notwithstanding the provisions of
20 any other law, may—

- 21 (1) prescribe such rules and regulations as may
22 be necessary to carry out the purpose of this Act;
- 23 (2) sue and be sued;
- 24 (3) foreclose on any property or commence any
25 action to protect or enforce any right conferred upon

1 the Secretary by any law, contract, or other agree-
2 ment, and bid for and purchase at any foreclosure
3 or any other sale any property in connection with
4 which the Secretary has made a loan pursuant to
5 this part;

6 (4) in the event of any such acquisition, not-
7 withstanding any other provision of law relating to
8 the acquisition, handling, or disposal of real property
9 by the United States, complete, administer, remodel
10 and convert, dispose of, lease, and otherwise deal
11 with, such property, but any such acquisition of real
12 property shall not deprive any State or political sub-
13 division of such State civil or criminal jurisdiction in
14 and over such property or impair the civil rights
15 under the State or local laws of the inhabitants on
16 such property;

17 (5) sell or exchange at public or private sale, or
18 lease, real or personal property, and sell or exchange
19 any securities or obligations, upon such terms as the
20 Secretary may fix;

21 (6) obtain insurance against loss in connection
22 with property and other assets held; and

23 (7) include in any contract or instrument made
24 pursuant to this title such other covenants, condi-

1 tions, or provisions as may be necessary to assure
2 that the purpose of this Act will be achieved.

3 (d) **APPLICABILITY OF GOVERNMENT CORPORATION**
4 **CONTROL ACT.**—The provisions of section 9107(a) of title
5 31, United States Code, which are applicable to corpora-
6 tions or agencies subject to chapter 91 of such title, shall
7 also be applicable to the activities of the Secretary under
8 this title.

9 **SEC. 106. FAIR WAGES.**

10 All laborers and mechanics employed by contractors
11 or subcontractors in the performance of any contract and
12 subcontract for the repair, renovation, alteration, or con-
13 struction, including painting and decorating, of any facil-
14 ity or work that is financed in whole or in part by a grant
15 under this title, shall be paid wages not less than those
16 determined by the Secretary of Labor in accordance with
17 the Act of March 3, 1931 (commonly known as the Davis-
18 Bacon Act); as amended (40 U.S.C. 276a–276a–5). The
19 Secretary of Labor shall have the authority and functions
20 set forth in reorganization plan of No. 14 of 1950 (15
21 FR 3176; 64 Stat. 1267) and section 2 of the Act of June
22 1, 1934 (commonly known as the Copeland Anti-Kickback
23 Act) as amended (40 U.S.C. 276c, 48 Stat. 948).

24 **SEC. 107. REQUIREMENTS.**

25 (a) **SPECIAL RULES.**—

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

12 (2) SUPPLEMENT NOT SUPPLANT.—An eligible
13 local educational agency shall use funds received
14 under this title only to supplement the amount of
15 funds that would, in the absence of such Federal
16 funds, be made available from non-Federal sources
17 for the repair, renovation, alteration, and construc-
18 tion of school facilities, and not to supplant such
19 funds.

20 (b) GENERAL LIMITATIONS.—

21 (1) REAL PROPERTY.—No part of any grant
22 funds under this title shall be used for the acquisi-
23 tion of any interest in real property.

24 (2) MAINTENANCE.—Nothing in this title shall
25 be construed to authorize the payment of mainte-

1 nance costs in connection with any projects con-
2 structed in whole or in part with Federal funds pro-
3 vided under this title.

4 (3) ENVIRONMENTAL SAFEGUARDS.—All
5 projects carried out with Federal funds provided
6 under this title shall comply with all relevant Fed-
7 eral, State, and local environmental laws and regula-
8 tions.

9 (4) ATHLETIC AND SIMILAR FACILITIES.—No
10 funds received under this title shall be used for sta-
11 diums or other facilities that are primarily used for
12 athletic contests or exhibitions or other events for
13 which admission is charged to the general public.

14 **SEC. 108. FEDERAL ASSESSMENT.**

15 The Secretary shall reserve not more than 1 percent
16 of funds appropriated for each fiscal year under section
17 110—

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

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

22 (A) monitor the progress of projects sup-
23 ported with funds provided under this title; and

1 (B) evaluate the state of United States
2 public elementary school and secondary school
3 facilities; and

4 (3) to report to Congress by July 1, 2002, re-
5 garding the findings of the studies and evaluations
6 described in paragraph (2).

7 **SEC. 109. DEFINITIONS.**

8 For the purpose of this title—

9 (1) the term “construction” includes—

10 (A) the concurrent installation of equip-
11 ment; and

12 (B) the complete or partial replacement of
13 an existing facility, but only if such replacement
14 is less expensive and more cost-effective than
15 repair, renovation, or alteration of the facility;

16 (2) the term “eligible local educational agency”
17 means a local educational agency in which—

18 (A)(i) not less than 15 percent of the chil-
19 dren that reside in the geographic area served
20 by such agency are eligible to be counted under
21 subpart 2 of part A of title I of the Elementary
22 and Secondary Education Act of 1965 (20
23 U.S.C. 6331 et seq.); or

24 (ii) the United States owns Federal prop-
25 erty described in section 8013(5), that has an

1 assessed value (determined as of the time or
2 times when acquired) aggregating 90 percent or
3 more of the assessed value of all real property
4 in such agency (determined as of the time or
5 times when so acquired); and

6 (B) demonstrates in the application sub-
7 mitted under section 103 that such agency has
8 urgent repair, renovation, alteration, or con-
9 struction needs for its public elementary schools
10 or secondary schools facilities; and

11 (3) the term “facility” means a public structure
12 suitable for use as a classroom, laboratory, library,
13 media center, or related facility, the primary purpose
14 of which is the academic or vocational instruction of
15 public elementary school or secondary school stu-
16 dents.

17 **SEC. 110. AUTHORIZATION.**

18 There are authorized to be appropriated to carry out
19 this title \$200,000,000 for fiscal year 2000 and such sums
20 as may be necessary for each of the 4 succeeding fiscal
21 years.

22 **TITLE II—STATE INFRASTRUC-**
23 **TURE BANKS FOR SCHOOLS**

24 **SEC. 201. STATE INFRASTRUCTURE BANK PILOT PROGRAM.**

25 (a) ESTABLISHMENT.—

1 (1) COOPERATIVE AGREEMENTS.—Subject to
2 the provisions of this section, the Secretary of the
3 Treasury, in consultation with the Secretary of Edu-
4 cation, may enter into cooperative agreements with
5 States for the establishment of State infrastructure
6 banks and multistate infrastructure banks for mak-
7 ing loans to local educational agencies for building
8 or repairing elementary schools or secondary schools
9 which provide free public education and to public li-
10 braries for building or repairing library facilities.

11 (2) INTERSTATE COMPACTS.—Congress con-
12 sents to 2 or more of the States that have entered
13 into a cooperative agreement under paragraph (1)
14 with the Secretary of the Treasury for the establish-
15 ment of a multistate infrastructure bank to enter
16 into an interstate compact establishing such bank in
17 accordance with this section.

18 (b) FUNDING.—The Secretary of the Treasury, in
19 consultation with the Secretary of Education, shall make
20 grants to State infrastructure banks and multistate infra-
21 structure banks in a State that has entered into a coopera-
22 tive agreement under subsection (a)(1) to provide initial
23 capital for loans provided under this section to local edu-
24 cational agencies and public libraries. Each bank shall
25 apply repayments of principal and interest on loans to the

1 making of additional loans. The Secretary shall take final
2 action on an application for a grant under this subsection
3 within 90 days of the date of the submittal of such appli-
4 cation.

5 (c) INFRASTRUCTURE BANK REQUIREMENTS.—In
6 order to establish an infrastructure bank under this sec-
7 tion, each State establishing the bank shall—

8 (1) contribute, at a minimum, to the accounts
9 of the bank from non-Federal sources an amount
10 equal to 100 percent of the amount of each capital-
11 ization grant made to the State and contributed to
12 the bank under subsection (b);

13 (2) identify an operating entity of the State as
14 recipient of the grant if the entity has the capacity
15 to manage loan funds and issue debt instruments of
16 the State for purposes of leveraging the funds;

17 (3) allow such funds to be used as reserve for
18 debt issued by the State so long as proceeds are de-
19 posited in the fund for loan purposes;

20 (4) ensure that investment income generated by
21 funds contributed to an account of the bank will
22 be—

23 (A) credited to the account;

1 (B) available for use in providing loans to
2 projects eligible for assistance from the account;
3 and

4 (C) invested in United States Treasury se-
5 curities, bank deposits, or such other financing
6 instruments as the Secretary may approve to
7 earn interest to enhance the leveraging of
8 projects assisted by the bank;

9 (5) ensure that any loan from the bank will
10 bear interest at or below the lowest interest rates
11 being offered for bonds the income from which is ex-
12 empt from Federal taxation, as determined by the
13 State, to make the project that is the subject of the
14 loan feasible;

15 (6) ensure that repayment of any loan from the
16 bank will commence not later than 1 year after the
17 project has been completed;

18 (7) ensure that the term for repaying any loan
19 will not exceed 30 years after the date of the first
20 payment on the loan under paragraph (6); and

21 (8) require the bank to make an annual report
22 to the Secretary on its status and make such other
23 reports as the Secretary may require by guidelines.

24 (d) FORMS OF ASSISTANCE FROM INFRASTRUCTURE
25 BANKS.—

1 (1) IN GENERAL.—An infrastructure bank es-
2 tablished under this section may make loans to a
3 local educational agency or a public library in an
4 amount equal to all or part of the cost of carrying
5 out a project eligible for assistance under this sec-
6 tion.

7 (2) APPLICATIONS FOR LOANS.—An application
8 to an infrastructure bank by a local educational
9 agency or a public library for a loan shall include—

10 (A) in the case of a renovation project, a
11 description of each architectural, civil, struc-
12 tural, mechanical, or electrical deficiency to be
13 corrected with funds under a loan and the pri-
14 orities to be applied;

15 (B) a description of the criteria used by
16 the applicant to determine the type of corrective
17 action necessary for the renovation of a facility;

18 (C) a description of improvements to be
19 made and a cost estimate for the improvements;

20 (D) a description of how work undertaken
21 with the loan will promote energy conservation;
22 and

23 (E) such other information as the infra-
24 structure bank may require.

1 An infrastructure bank shall take final action on a
2 completed application submitted to it within 90 days
3 after the date of its submittal.

4 (3) CRITERIA FOR LOANS.—In considering ap-
5 plications for a loan, an infrastructure bank shall
6 take into account—

7 (A) the extent to which the local edu-
8 cational agency or public library involved lacks
9 the fiscal capacity, including the ability to raise
10 funds through the full use of such agency's
11 bonding capacity or otherwise, to undertake the
12 project for which the loan would be used with-
13 out the loan;

14 (B) in the case of a local educational agen-
15 cy, the threat that the condition of the physical
16 plant in the project poses to the safety and
17 well-being of students;

18 (C) the demonstrated need for the con-
19 struction, reconstruction, or renovation based
20 on the condition of the facility in the project;
21 and

22 (D) the age of such facility.

23 (e) QUALIFYING PROJECTS.—

1 (1) IN GENERAL.—A project is eligible for a
2 loan from an infrastructure bank if it is a project
3 that consists of—

4 (A) the construction of new elementary
5 schools or secondary schools to meet the needs
6 imposed by enrollment growth;

7 (B) the repair or upgrading of classrooms
8 or structures related to academic learning, in-
9 cluding the repair of leaking roofs, crumbling
10 walls, inadequate plumbing, poor ventilation
11 equipment, and inadequate heating or light
12 equipment;

13 (C) an activity to increase physical safety
14 at the educational facility involved;

15 (D) an activity to enhance the educational
16 facility involved to provide access for students,
17 teachers, and other individuals with disabilities;

18 (E) an activity to address environmental
19 hazards at the educational facility involved,
20 such as poor ventilation, indoor air quality, or
21 lighting;

22 (F) the provision of basic infrastructure
23 that facilitates educational technology, such as
24 communications outlets, electrical systems,
25 power outlets, or a communication closet;

1 (G) work that will bring an educational fa-
2 cility into conformity with the requirements
3 of—

4 (i) environmental protection or health
5 and safety programs mandated by Federal,
6 State, or local law if such requirements
7 were not in effect when the facility was ini-
8 tially constructed; and

9 (ii) hazardous waste disposal, treat-
10 ment, and storage requirements mandated
11 by the Solid Waste Disposal Act (42
12 U.S.C. 6901 et seq.) or similar State laws;

13 (H) work that will enable efficient use of
14 available energy resources, especially coal, solar
15 power, and other renewable energy resources;

16 (I) work to detect, remove, or otherwise
17 contain asbestos hazards in educational facili-
18 ties; or

19 (J) work to construct new public library
20 facilities or repair or upgrade existing public li-
21 brary facilities.

22 (2) DAVIS-BACON.—The wage requirements of
23 the Act of March 3, 1931 (commonly known as the
24 Davis-Bacon Act); as amended (40 U.S.C. 276a—

1 276a–5) shall apply with respect to individuals em-
2 ployed on the projects described in paragraph (1).

3 (f) SUPPLEMENTATION.—Any loan made by an infra-
4 structure bank shall be used to supplement and not sup-
5 plant other Federal, State, and local funds available for
6 building or repairing elementary schools or secondary
7 schools.

8 (g) LIMITATION ON REPAYMENTS.—Notwithstanding
9 any other provision of law, the repayment of a loan from
10 an infrastructure bank under this section may not be cred-
11 ited toward the non-Federal share of the cost of any
12 project.

13 (h) SECRETARIAL REQUIREMENTS.—In admin-
14 istering this section, the Secretary of the Treasury shall
15 specify procedures and guidelines for establishing, oper-
16 ating, and providing assistance from an infrastructure
17 bank.

18 (i) UNITED STATES NOT OBLIGATED.—The con-
19 tribution of Federal funds into an infrastructure bank es-
20 tablished under this section shall not be construed as a
21 commitment, guarantee, or obligation on the part of the
22 United States to any third party, nor shall any third party
23 have any right against the United States for payment sole-
24 ly by virtue of the contribution. Any security or debt fi-
25 nancing instrument issued by the infrastructure bank

1 shall expressly state that the security or instrument does
 2 not constitute a commitment, guarantee, or obligation of
 3 the United States.

4 (j) MANAGEMENT OF FEDERAL FUNDS.—Sections
 5 3335 and 6503 of title 31, United States Code, shall not
 6 apply to funds contributed under this section.

7 (k) PROGRAM ADMINISTRATION.—For each of fiscal
 8 years 2000 through 2004, a State may expend not to ex-
 9 ceed 2 percent of the Federal funds contributed to an in-
 10 frastructure bank established by the State under this sec-
 11 tion to pay the reasonable costs of administering the bank.

12 (l) SECRETARIAL REVIEW.—The Secretary of the
 13 Treasury shall review the financial condition of each infra-
 14 structure bank established under this section and transmit
 15 to Congress a report on the results of such review not later
 16 than 90 days after the completion of the review.

17 (m) AUTHORIZATION OF APPROPRIATIONS.—For
 18 grants to States for the initial capitalization of infrastruc-
 19 ture banks there are authorized to be appropriated
 20 \$250,000,000 for fiscal year 2000 and each of the 4 suc-
 21 ceeding fiscal years.

22 **TITLE III—SCHOOLS AS**
 23 **CENTERS OF THE COMMUNITY**

24 **SEC. 301. FINDINGS.**

25 Congress makes the following findings:

1 (1) Communities across the Nation need to
2 build and modernize thousands of public elementary
3 schools and secondary schools in the coming decade
4 in ways that reflect new approaches to teaching and
5 learning, and in ways that reflect the fact that learn-
6 ing is a lifelong process for persons of all ages.
7 These schools can make an enduring difference for
8 these communities by affecting not just students but
9 entire neighborhoods for generations.

10 (2) The National Symposium on School Design
11 has recommended that local educational agencies
12 hold community dialogues that discuss the planning
13 and design of their new school buildings. Community
14 partnerships of parents, educators, architects, urban
15 planners, students, and other interested parties can
16 assist local educational agencies to design new
17 schools that better meet the needs of their commu-
18 nities now and in the future.

19 (3) Establishing such community partnerships
20 for the purpose of broadening public participation in
21 the planning and design of schools encourages
22 broader community involvement in the schools, gen-
23 erates creativity in the planning process, and pro-
24 motes savings, cost-sharing, and the most effective
25 use of the school building by the entire community.

1 Such partnerships can help create schools that are
2 centers of teaching and learning for the entire com-
3 munity.

4 **SEC. 302. PURPOSE.**

5 The purpose of this title is to assist local educational
6 agencies and their communities to increase the involve-
7 ment of parents, teachers, students, and community
8 groups in the planning and design of new and renovated
9 public elementary school and secondary school buildings
10 that—

- 11 (1) enhance teaching and learning, and accom-
12 modate the needs of all learners;
- 13 (2) serve as a center of the community;
- 14 (3) promote health, safety, and security;
- 15 (4) effectively use all available resources; and
- 16 (5) are flexible and can accommodate changing
17 community needs.

18 **SEC. 303. PROGRAM AUTHORIZED.**

19 (a) GRANTS AUTHORIZED.—

- 20 (1) IN GENERAL.—From funds appropriated
21 under section 306, the Secretary shall award grants
22 to local educational agencies participating in eligible
23 consortia to enable the eligible consortia to support
24 the planning and design of—

1 (A) new elementary school or secondary
2 school buildings; or

3 (B) the renovation of existing elementary
4 school or secondary school buildings.

5 (2) DEFINITION OF ELIGIBLE CONSORTIUM.—

6 In this title the term “eligible consortium” means a
7 consortium that—

8 (A) shall include at least 1 local edu-
9 cational agency; and

10 (B) may include such organizations and in-
11 dividuals as a State educational agency, a com-
12 munity-based organization, a local government,
13 a business or industry, an architect, a parent,
14 teacher, or senior citizen group, a library, or a
15 museum.

16 (b) REQUIREMENTS.—

17 (1) DURATION.—Grants under this title shall
18 be awarded for not more than 1 year.

19 (2) LIMITATION.—Not more than 1 grant pro-
20 vided under this title may be used to plan or design
21 the same school.

22 (3) MATCHING.—A grant under this title shall
23 not be used to pay for more than 50 percent of the
24 cost of a planning or design project. A recipient of
25 a grant under this title shall provide at least 50 per-

1 cent of the cost of the planning or design project
2 from non-Federal sources, which may include in-kind
3 contributions, fairly evaluated.

4 (c) GEOGRAPHIC DISTRIBUTION.—In awarding
5 grants under this title, the Secretary is authorized to take
6 such steps as are necessary to ensure an equitable geo-
7 graphic distribution of the grants, including distributing
8 the grants among rural, urban, and suburban local edu-
9 cational agencies.

10 **SEC. 304. USE OF FUNDS.**

11 Grants under this title shall be used by a local edu-
12 cational agency to support the planning or design of a new
13 school building, or of the renovation of an existing school
14 building, and may be used for activities such as—

15 (1) community outreach activities (including the
16 development and circulation of explanatory materials
17 and the cost of meetings) designed to encourage
18 greater participation by the community;

19 (2) the development, with the involvement of all
20 stakeholders, of a master plan for a school district;
21 and

22 (3) necessary administrative support for the eli-
23 gible consortium.

1 **SEC. 305. APPLICATIONS.**

2 (a) IN GENERAL.—Each local educational agency de-
3 siring a grant under this title shall submit to the Secretary
4 an application at such time, and containing such informa-
5 tion, as the Secretary may require.

6 (b) CONTENTS.—Each application submitted under
7 this title shall describe—

8 (1) the community to be served by the new or
9 renovated school, including the needs of that com-
10 munity with respect to such school;

11 (2) the individuals and groups that compose the
12 eligible consortium and their respective functions;

13 (3) the project activities to be supported by the
14 grant and how the activities will help meet the needs
15 of that community and the purpose of this title; and

16 (4) the availability of resources for the project,
17 and how the resources will be obtained.

18 **SEC. 306. AUTHORIZATION OF APPROPRIATIONS.**

19 There are authorized to be appropriated to carry out
20 this title \$10,000,000 for fiscal year 2000 and such sums
21 as may be necessary for each of the 4 succeeding fiscal
22 years.

○