

103^D CONGRESS
1ST SESSION

H. R. 2277

To provide grants to States and Indian tribes to provide payments for labor and related costs associated with the repair and rehabilitation of elementary school, secondary school, and Indian tribal school facilities.

IN THE HOUSE OF REPRESENTATIVES

MAY 26, 1993

Mr. MILLER of California (for himself, Mr. STARK, Mr. YATES, Ms. WOOLSEY, Mr. GUTIERREZ, Mrs. MALONEY, Mr. BARRETT of Wisconsin, Mr. RANGEL, Mr. HINCHEY, Mr. OLVER, Mr. BONIOR, Mr. RUSH, Mr. BLACKWELL, Ms. DELAURO, Mr. ROMERO, Miss. COLLINS of Michigan) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To provide grants to States and Indian tribes to provide payments for labor and related costs associated with the repair and rehabilitation of elementary school, secondary school, and Indian tribal school facilities.

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 “School Repair and
5 Rehabilitation Act”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) According to a 1991 survey conducted by
4 the American Association of School Administrators,
5 74 percent of all public school buildings in the Unit-
6 ed States need to be replaced.

7 (2) Almost $\frac{1}{3}$ of such buildings were built prior
8 to World War II.

9 (3) It is estimated that 1 of every 4 public
10 school buildings in the United States is in inad-
11 equate condition, and of such buildings, 61 percent
12 need maintenance or major repairs, 43 percent are
13 obsolete, 42 percent contain environmental hazards,
14 25 percent are overcrowded, and 13 percent are
15 structurally unsound.

16 (4) According to the 1992 Current Population
17 Survey conducted by the Bureau of Labor Statistics,
18 unemployment in the construction industry is at 13
19 percent for skilled workers and 22.9 percent for
20 laborers.

21 **SEC. 3. ESTABLISHMENT OF GRANT PROGRAM.**

22 (a) GRANTS TO STATES.—The Secretary of Labor
23 shall provide grants to States for the purpose of establish-
24 ing and carrying out programs that provide payments for
25 labor and related costs associated with the repair and re-

1 habilitation of elementary school and secondary school fa-
2 cilities located in such States.

3 (b) GRANTS TO INDIAN TRIBES.—

4 (1) IN GENERAL.—Not less than 5 percent of
5 amounts appropriated to carry out this Act for each
6 fiscal year shall be used by the Secretary to provide
7 grants to Indian tribes for the purpose of establish-
8 ing and carrying out programs that provide pay-
9 ments for labor and related costs associated with the
10 repair and rehabilitation of Indian tribal school
11 facilities under the jurisdiction of such tribes.

12 (2) RULE OF CONSTRUCTION.—Nothing con-
13 tained in paragraph (1) shall be construed to relieve
14 the Secretary of the Interior of the responsibility to
15 provide adequate and equitable funding under the
16 Snyder Act (25 U.S.C. 13) for the operations and
17 maintenance of Indian tribal school facilities.

18 **SEC. 4. APPLICATION.**

19 (a) IN GENERAL.—The Secretary may not provide a
20 grant under section 3 to a State or Indian tribe unless
21 the State or Indian tribe, as the case may be, submits
22 to the Secretary an application in such form and contain-
23 ing such information as the Secretary may require.

24 (b) ASSURANCES.—Such application shall include as-
25 surances the State or Indian tribe, as the case may be,

1 will use Federal funds received from a grant under section
2 3 to supplement and not supplant non-Federal funds that
3 would otherwise be available for activities funded under
4 such section.

5 **SEC. 5. USE OF AMOUNTS.**

6 (a) IN GENERAL.—The Secretary may not provide a
7 grant under section 3 to a State or Indian tribe unless
8 the State or Indian tribe, as the case may be, agrees that
9 it will use all amounts received from such grant to estab-
10 lish a program to provide wages and related employment
11 benefits to individuals for the purpose of employing such
12 individuals to repair and rehabilitate elementary school
13 and secondary school facilities, or Indian tribal school
14 facilities, as the case may be.

15 (b) OTHER REQUIREMENTS.—

16 (1) PRIORITY TO UNEMPLOYED INDIVIDUALS.—
17 In selecting individuals for a program established
18 under subsection (a), a State or Indian tribe shall
19 give priority to individuals who are unemployed, par-
20 ticularly to those individuals who have been unem-
21 ployed for the longest periods of time.

22 (2) COORDINATION WITH APPROPRIATE ENTI-
23 TIES.—In carrying out a program established under
24 subsection (a), a State shall coordinate the activities
25 of such program with appropriate entities located in

1 such State, including appropriate private industry
2 councils (described in section 102 of the Job Train-
3 ing Partnership Act (29 U.S.C. 1512), units of gen-
4 eral local government, nonprofit private organiza-
5 tions, and local educational agencies.

6 **SEC. 6. LABOR STANDARDS.**

7 (a) NONDISCRIMINATION.—No individual shall be ex-
8 cluded from participation in, denied the benefits of, sub-
9 jected to discrimination under, or denied employment in
10 the administration of or in connection with any program
11 described in section 5(a) because of race, color, religion,
12 sex, national origin, age, disability, or political affiliation
13 or belief.

14 (b) DAVIS-BACON REQUIREMENTS.—

15 (1) PREVAILING WAGES REQUIRED.—All labor-
16 ers and mechanics employed by contractors or sub-
17 contractors in any construction, alteration, or repair,
18 including painting and decorating, of projects, build-
19 ings, and works which are federally assisted under
20 this Act, shall be paid wages at rates not less than
21 those prevailing on similar construction in the local-
22 ity as determined by the Secretary in accordance
23 with the Act of March 3, 1931 (commonly known as
24 the Davis-Bacon Act), as amended (40 U.S.C. 276a-
25 276a-5). The Secretary shall have, with respect to

1 such labor standards, the authority and functions
2 set forth in Reorganization Plan Numbered 14 of
3 1950 (15 FR 3176; 64 Stat. 1267) and section 2 of
4 the Act of June 1, 1934, as amended (48 Stat. 948,
5 as amended; 40 U.S.C. 276(c)).

6 (2) FUNDING REQUIRED.—Such rates are not
7 required to be paid to participants under this Act
8 unless they are employed in connection with projects
9 funded by this Act in whole or in part, exclusive of
10 wages and benefits, or projects covered by any other
11 statute requiring the payment of such Davis-Bacon
12 Act wage rates.

13 **SEC. 7. REPORTS.**

14 The Secretary may not provide a grant under section
15 3 to a State or Indian tribe unless the State or Indian
16 tribe, as the case may be, agrees that it will submit, for
17 any fiscal year in which it receives a grant under such
18 section, a report to the Secretary describing the use of
19 such grant and any other information the Secretary deter-
20 mines to be appropriate.

21 **SEC. 8. SELECTION.**

22 (a) AMOUNT OF GRANT.—The annual amount of a
23 grant provided under section 3 to a State or Indian tribe,
24 as the case may be, shall not exceed 10 percent of amounts
25 appropriated for a fiscal year to carry out this Act.

1 (b) PRIORITY.—In providing grants under section 3,
2 the Secretary shall give priority to those States having the
3 most elementary school and secondary school facilities that
4 are in need of repair and that are located in areas of high
5 unemployment.

6 **SEC. 9. DEFINITIONS.**

7 For the purposes of this Act, the following definitions
8 apply:

9 (1) ELEMENTARY SCHOOL.—The term “elemen-
10 tary school” has the meaning given such term in
11 section 1471(8) of the Elementary and Secondary
12 Education Act of 1965 (20 U.S.C. 2891(8)).

13 (2) INDIAN TRIBE.—The term “Indian tribe”
14 means any Indian tribe, band, nation, or other orga-
15 nized group or community, including any Alaska Na-
16 tive village or regional corporation as defined in or
17 established pursuant to the Alaska Native Claims
18 Settlement Act, which is recognized as eligible for
19 the special programs and services provided by the
20 United States to Indians because of their status as
21 Indians.

22 (3) LOCAL EDUCATIONAL AGENCY.—The term
23 “local educational agency” has the meaning given
24 such term in section 1471(12) of the Elementary

1 and Secondary Education Act of 1965 (20 U.S.C.
2 2891(12)).

3 (4) SECONDARY SCHOOL.—The term “second-
4 ary school” has the meaning given such term in sec-
5 tion 1471(21) of the Elementary and Secondary
6 Education Act of 1965 (20 U.S.C. 2891(21)).

7 (5) SECRETARY.—The term “Secretary” means
8 the Secretary of Labor.

9 (6) STATE.—The term “State” means each of
10 the several States, the District of Columbia, the
11 Commonwealth of the Northern Mariana Islands,
12 the Commonwealth of Puerto Rico, American
13 Samoa, Guam, the Virgin Islands, the Republic of
14 the Marshall Islands, the Federated States of Micro-
15 nesia, and Palau.

16 (7) STATE EDUCATIONAL AGENCY.—The term
17 “State educational agency” has the meaning given
18 such term in section 1471(23) of the Elementary
19 and Secondary Education Act of 1965 (20 U.S.C.
20 2891(23)).

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