

84TH CONGRESS
1ST SESSION

H. R. 1791

IN THE HOUSE OF REPRESENTATIVES

JANUARY 10, 1955

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

A BILL

To provide for Federal financial assistance to the States in the construction of elementary and secondary school facilities, 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 That this Act may be cited as the "School Construction Act
4 of 1955".

DEFINITIONS

6 SEC. 2. As used in this Act—

7 (1) The term "Commissioner" means Commissioner of
8 Education, United States Department of Health, Education,
9 and Welfare.

1 (2) The term "State" means any one of the forty-eight
2 States.

3 (3) The term "other parts of the United States" means
4 the District of Columbia, Alaska, Hawaii, Puerto Rico, the
5 Virgin Islands, other Territories, and possessions of the
6 United States.

7 (4) The term "State agency" means the department or
8 agency of any State charged under State law with statewide
9 supervisory control over the system of education within such
10 State or, if there is no such agency, any statewide educational
11 agency within a State designated by or under State law (or
12 in the absence thereof by the governor) as the single educa-
13 tional agency of such State responsible for developing and
14 submitting a State plan for approval under section 4 of this
15 Act and for administering such plan after its approval.

16 (5) The term "school agency" means any administra-
17 tive body which is authorized under State or local law to
18 plan and construct elementary or secondary school facilities,
19 or both.

20 (6) The term "school facility" means (a) one or
21 more buildings suitable for use for the conduct of the activi-
22 ties of any elementary or secondary school, or any part there-
23 of, addition thereto, or extension thereof, (b) any improve-
24 ment of any building or any site for a building of such kind,
25 (c) all approaches, appurtenances, machinery, and utilities

1 necessary or appropriate for the use of any building for such
2 purposes, and (d) initial equipment and furniture appro-
3 priate for the use of any building for such purposes, but
4 shall not include any (A) interest in land, (B) off-site
5 improvement, (C) athletic stadium, or (D) structure or
6 facility intended primarily for the purpose of athletic exhibi-
7 tions, contests, games or other events for which admission
8 is to be charged to the general public.

9 (7) The term "school-age population" means that part
10 of the population which is from five to seventeen years of
11 age, both inclusive.

12 (8) The term "non-Federal funds" means funds raised
13 by any State, any agency thereof, or any school agency with-
14 in such State, but does not include any funds provided by the
15 United States or any department or agency thereof.

16 APPROPRIATIONS AUTHORIZED

17 SEC. 3. (a) In order to assist the States, and other
18 parts of the United States, in providing elementary and
19 secondary school facilities, there is hereby authorized to be
20 appropriated \$500,000,000 to be expended over a period of
21 five years beginning with the first fiscal year after the enact-
22 ment of this Act.

23 (b) There are hereby authorized to be appropriated
24 for expenses of administration such sums as may be necessary

1 to carry out the functions of the Commissioner under this
2 Act.

3 STATE PLANS

4 SEC. 4. (a) Any State desiring to accept the benefits
5 of this Act shall submit to the Commissioner, through its
6 State agency, a State plan to carry out the purposes of this
7 Act within such State. Such State plan shall—

8 (1) designate such State agency as the sole State
9 agency responsible for administering the plan through-
10 out the State;

11 (2) be accompanied by evidence satisfactory to
12 the Commissioner that the State agency will have ade-
13 quate authority to administer and carry into effect such
14 plan in conformity with this Act;

15 (3) set forth, on the basis of a statewide inventory
16 of existing school facilities and a survey of the need for
17 additional school facilities within such State, a statewide
18 school construction program;

19 (4) provide means whereby each school agency
20 within the State shall have reasonable notice of the
21 provisions of this Act and adequate opportunity to apply
22 for a project grant or grants, and to be heard in support
23 of such application, before the State plan is approved
24 by the State agency for submission to the Commissioner;

25 (5) prescribe the standards adopted in such plan

1 for locating, planning, and providing additional school
2 facilities within such State;

3 (6) prescribe the principles adopted in such plan
4 for determining the relative priority of projects, and
5 allotment of Federal and State funds to projects, in-
6 cluded in such plan, taking into account (A) the rela-
7 tive urgency of the need within the different areas of
8 the State for additional school facilities, and (B) the
9 relative financial resources of the several school agencies
10 within the State;

11 (7) prescribe, for the State agency and for school
12 agencies of such State undertaking approved projects
13 under this Act, such fiscal control and fund accounting
14 procedures as may be determined by the Commissioner
15 to be necessary to (A) assure proper disbursement of
16 funds pursuant to the State plan, (B) account for Fed-
17 eral funds allocated under this Act, and (c) assure
18 proper application of non-Federal funds in conformity
19 with the approved State plan; and

20 (8) provide for the making by the State agency
21 to the Commissioner of such reports, at such times, in
22 such form, and containing such information as the Com-
23 missioner shall determine to be necessary to enable him
24 to perform his duties under this Act.

1 (b) The Commissioner shall approve any State plan,
2 and any modification thereof, which he shall determine to
3 be in compliance with the provisions of subsection (a). He
4 shall not finally disapprove any State plan, or any modifica-
5 tion thereof, without first granting to the State agency
6 reasonable notice and opportunity for hearing thereon.

7 APPORTIONMENT OF FUNDS TO STATES

8 SEC. 5. (a) Such sums, and for such fiscal years, as are
9 appropriated pursuant to this Act shall be apportioned by
10 the Commissioner to the forty-eight States. For the pur-
11 pose of determining the apportionment to the several States,
12 the Commissioner shall determine for each State—

13 (1) a population factor, which shall be a number
14 equal to the school-age population of such State;

15 (2) a need for assistance factor, which shall be a
16 fraction, the numerator of which is the amount of the
17 per capita income of all individuals in all States, and the
18 denominator of which is the amount of the per capita
19 income of all individuals in such State; and

20 (3) an index number, which shall be determined
21 by multiplying factor (1) by factor (2).

22 (b) The amount available from any appropriation for
23 apportionment to each State shall be an amount which bears
24 to the total amount available for apportionment to all States

1 the same ratio as the index number for such State bears to
2 the sum of the index numbers for all States.

3 (c) In making his determinations with respect to any
4 appropriation pursuant to subsection (a), the Commissioner
5 shall employ population and per capita income data which
6 shall be certified to him by the Department of Commerce
7 for the most recent period for which complete data are avail-
8 able before the effective date of such appropriation.

9 NON-FEDERAL SHARE

10 SEC. 6. For the purpose of determining the non-Federal
11 share of the authorized school construction program in which
12 the Federal Government will participate during any fiscal
13 year, the Commissioner shall—

14 (1) multiply the Federal funds made available pur-
15 suant to this Act, for apportionment to all States during
16 such fiscal year, by two and one-half. This is the total
17 authorized school construction program for all States
18 for such year;

19 (2) divide the product obtained in subsection 6 (1)
20 by a number equal to the total school-age population of
21 all States. This is the per child authorized school con-
22 struction program, for such fiscal year, in which the
23 Federal Government will participate;

24 (3) for each State, multiply the amount obtained in

1 subsection 6 (2) by a number equal to the school-age
2 population of the State. This product is the total author-
3 ized school construction program for the State for such
4 year;

5 (4) for each State, subtract the Federal apportion-
6 ment determined in subsection 5 (b) from the amount
7 determined in subsection 6 (3). The remainder is the
8 non-Federal share for the State for such year; and

9 (5) for each State, divide the amount of non-Fed-
10 eral funds expended for the construction of elementary
11 and secondary school facilities within the State during
12 the fiscal year by the amount determined in subsection
13 6 (4). This quotient is the ratio of actual State and/or
14 local participation to the non-Federal share in the State.

15 PAYMENTS TO STATES

16 SEC. 7. (a) A State shall not be entitled to receive
17 a payment or payments pursuant to this Act for any fiscal
18 year in excess of its ratio, as determined in subsection 6
19 (5), multiplied by the amount determined for such State
20 in subsection 5 (b).

21 (b) The Commissioner from time to time shall esti-
22 mate the amount or amounts to which each State is entitled
23 to receive under this Act for such ensuing period as he may
24 determine, to provide school facilities pursuant to its ap-
25 proved State plan; and shall certify to the Secretary of the

1 Treasury the amount or amounts so estimated, reduced or
2 increased (as the case may be) by any amount or amounts
3 by which the Commissioner finds that his estimate for any
4 prior period was greater or less than the amount or amounts
5 to which such State was entitled to receive under this Act
6 for such period. The Secretary of the Treasury shall there-
7 upon, prior to audit or settlement by the General Accounting
8 Office, pay to the treasurer or corresponding official of such
9 State, at the time or times fixed by the Commissioner, the
10 amount or amounts so certified. Any amount so paid shall,
11 upon payment, become funds of the State to which it was
12 paid. The treasurer or corresponding official of such State
13 shall pay out such funds only on requisition of the State
14 agency. Except as specifically provided by this Act, ex-
15 penditure of such funds by the State agency shall be subject
16 to the laws of such State, rather than to the laws of the
17 United States.

18 (c) If the Commissioner finds, after reasonable notice
19 and opportunity for hearing accorded to the State agency
20 charged with the administration of any State plan, that in
21 the administration of such plan there has been a failure to
22 comply substantially with the provisions of such plan, the
23 Commissioner shall notify such State agency that further
24 payments will not be made to the State under this Act until
25 the Commissioner is satisfied that there no longer is any such

1 failure of compliance. Until the Commissioner is so satis-
2 fied, he shall make no further certification to the Secretary
3 of the Treasury with respect to such State.

4 STATE REPORTS

5 SEC. 8. The State treasurer or corresponding official of
6 each State having a State plan approved under this Act
7 shall submit to the Commissioner on or before the first day
8 of November of each year, for transmission to the Congress,
9 a detailed statement of the amounts received by such State
10 under this Act for the preceding fiscal year and the amounts
11 disbursed therefrom. The State agency of each such State
12 shall provide for an annual audit of the expenditure of such
13 funds, and for the submission of a duly certified copy thereof
14 to the Commissioner on or before such date, together with
15 its certification that during the fiscal year for which such
16 audit was made the State has complied with the provisions
17 of its State plan and with the applicable provisions of this
18 Act. On the first day of each regular session of the Con-
19 gress, the Commissioner shall transmit such reports to the
20 Congress, together with such summary and recommendations
21 as he deems necessary or appropriate to enable the Congress
22 to evaluate accomplishment under this Act.

23 SEC. 9. Except as specifically provided by this Act, no
24 department, agency, officer, or employee of the United States

1 shall exercise any direction, supervision, or control over, or
2 prescribe any requirement with respect to, any State agency,
3 school agency, or school to which any funds have been or
4 may be paid under this Act.

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