Mr. McClellan (for himself, Mr. Hill, Mr. Sparkman, Mr. Fulbright, Mr. Eastland, Mr. Stennis, Mr. Symington, Mr. Keating, Mr. Gore, Mr. Kerr, Mr. Monroney, Mr. Ellender, Mr. Long, Mr. Magnuson, Mr. Jackson, Mr. Clements, Mr. Gillette, Mr. Lehman, Mr. Johnston of South Carolina, Mr. Lennon, Mr. Murray, Mr. Humphrey, Mr. McCarran, Mr. Ives, and Mr. Douglas) introduced the following bill; which was read twice and referred to the Committee on Labor and Public Welfare.

A BILL

To provide for Federal financial assistance to the States in the construction of public elementary and secondary school facilities, and for other purposes.

1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2. That this Act may be cited as the “Public School Construction Act of 1954”.

3. DEFINITIONS

4. Sec. 2. As used in this Act—

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

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

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

(5) The term "school agency" means any public administrative body which is authorized under State or local law to plan and construct tax-supported and publicly administered elementary or secondary school facilities, or both.

(6) The term "school facility" means (a) one or more buildings suitable for use for the conduct of the activities of any public elementary or secondary school, or any part thereof, addition thereto, or extension thereof, (b) any
improvement of any building or any site for a building of such kind, (c) all approaches, appurtenances, machinery, and utilities necessary or appropriate for the use of any building for such purposes, and (d) initial equipment and furniture appropriate for the use of any building for such purposes, but shall not include any (A) interest in land, (B) off-site improvement, (C) athletic stadium, or (D) structure or facility intended primarily for the purpose of athletic exhibitions, contests, games or other events for which admission is to be charged to the general public.

(7) The term “public elementary and secondary schools” includes any elementary or secondary school which is under public supervision and control and is supported by funds raised by taxation.

(8) The term “school-age population” means that part of the population which is from five to seventeen years of age, both inclusive.

(9) The term “non-Federal funds” means funds raised by any State, any agency thereof, or any school agency within such State, but does not include any funds provided by the United States or any department or agency thereof.

APPROPRIATIONS AUTHORIZED

Sec. 3. (a) In order to assist the States, and other parts of the United States, in providing public elementary
and secondary school facilities, there is hereby authorized to be appropriated such sums and for such fiscal years as may be determined by the Congress.

(b) Amounts paid to any State, or other part of the United States, under this Act shall be expended only for the construction of public elementary and secondary school facilities within such area in conformity with the provisions of this Act.

(c) There are hereby authorized to be appropriated for expenses of administration such sums as may be necessary to carry out the functions of the Commissioner under this Act.

STATE PLANS

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

(1) designate such State agency as the sole State agency responsible for administering the plan throughout the State;

(2) be accompanied by evidence satisfactory to the Commissioner that the State agency will have adequate authority to administer and carry into effect such plan in conformity with this Act;

(3) set forth, on the basis of a statewide inven-
(4) provide means whereby each school agency within the State shall have reasonable notice of the provisions of this Act and adequate opportunity to apply for a project grant or grants, and to be heard in support of such application, before the State plan is approved by the State agency for submission to the Commissioner;

(5) prescribe the standards adopted in such plan for locating, planning, and providing additional school facilities within such State;

(6) prescribe the principles adopted in such plan for determining the relative priority of projects, and allotment of Federal and State funds to projects, included in such plan, taking into account (A) the relative urgency of the need within the different areas of the State for additional school facilities, and (B) the relative financial resources of the several school agencies within the State;

(7) provide, in any State in which separate school facilities are maintained for different racial groups, for equitable and nondiscriminatory priorities and for an equitable and nondiscriminatory apportionment of the
Federal funds received under this Act among such groups;

(8) provide for compliance with the Davis-Bacon Act (49 Stat. 1011);

(9) prescribe, for the State agency and for school agencies of such State undertaking approved projects under this Act, such fiscal control and fund accounting procedures as may be determined by the Commissioner to be necessary to (A) assure proper disbursement of funds pursuant to the State plan, (B) account for Federal funds allocated under this Act, and (C) assure proper application of non-Federal funds in conformity with the approved State plan; and

(10) provide for the making by the State agency to the Commissioner of such reports, at such times, in such form, and containing such information as the Commissioner shall determine to be necessary to enable him to perform his duties under this Act.

(b) The Commissioner shall approve any State plan, and any modification thereof, which he shall determine to be in compliance with the provisions of subsection (a). He shall not finally disapprove any State plan, or any modification thereof, without first granting to the State agency reasonable notice and opportunity for hearing thereon.
Sec. 5. (a) Ninety-five per centum of such sums, and for such fiscal years, as are appropriated pursuant to this Act shall be apportioned by the Commissioner to the forty-eight States. For the purpose of determining the apportionment to the several States, the Commissioner shall determine for each State—

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

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

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

(b) The amount available from any appropriation for apportionment to each State shall be an amount which bears to the total amount available for apportionment to all States the same ratio as the index number for such State bears to the sum of the index numbers for all States.

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

**NON-FEDERAL SHARE**

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

1. multiply the Federal funds made available pursuant to this Act, for apportionment to all States during such fiscal year, by two and one-half. This is the total authorized public-school construction program for all States for such year;

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

3. for each State, multiply the amount obtained in subsection 6 (2) by a number equal to the school-age population of the State. This product is the total authorized public-school construction program for the State for such year;

4. for each State, subtract the Federal apportionment determined in subsection 5 (b) from the amount
1 and determined in subsection 6 (3). The remainder is the 
2 non-Federal share for the State for such year; and 
3 for each State, divide the amount of non-Fed-
4 eral funds expended for the construction of public ele-
5 mentary and secondary school facilities within the State 
6 during the fiscal year by the amount determined in sub-
7 section 6 (4). This quotient is the ratio of actual 
8 State and/or local participation to the non-Federal 
9 share in the State.

10 PAYMENTS TO STATES
11 SEC. 7. (a) A State shall not be entitled to received 
12 a payment or payments pursuant to this Act for any fiscal 
13 year in excess of its ratio, as determined in subsection 6 
14 (5), multiplied by the amount determined for such State 
15 in subsection 5 (b).
16 (b) The Commissioner from time to time shall esti-
17 mate the amount or amounts to which each State is entitled 
18 to receive under this Act for such ensuing period as he may 
19 determine, to provide school facilities pursuant to its ap-
20 proved State plan; and shall certify to the Secretary of the 
21 Treasury the amount or amounts so estimated, reduced or 
22 increased (as the case may be) by any amount or amounts 
23 by which the Commissioner finds that his estimate for any 
24 prior period was greater or less than the amount or amounts 
25 to which such State was entitled to receive under this Act
for such period. The Secretary of the Treasury shall thereupon, prior to audit or settlement by the General Accounting Office, pay to the treasurer or corresponding official of such State, at the time or times fixed by the Commissioner, the amount or amounts so certified. Any amount so paid shall, upon payment, become funds of the State to which it was paid. The treasurer or corresponding official of such States shall pay out such funds only on requisition of the State agency. Except as specifically provided by this Act, expenditure of such funds by the State agency shall be subject to the laws of such State, rather than to the laws of the United States.

(c) If the Commissioner finds, after reasonable notice and opportunity for hearing accorded to the State agency charged with the administration of any State plan, that in the administration of such plan there has been a failure to comply substantially with the provisions of such plan, the Commissioner shall notify such State agency that further payments will not be made to the State under this Act until the Commissioner is satisfied that there no longer is any such failure of compliance. Until the Commissioner is so satisfied, he shall make no further certification to the Secretary of the Treasury with respect to such State.
STATE REPORTS

SEC. 8. The State treasurer or corresponding official of each State having a State plan approved under this Act shall submit to the Commissioner on or before the 1st day of November of each year, for transmission to the Congress, a detailed statement of the amounts received by such State under this Act for the preceding fiscal year and the amounts disbursed therefrom. The State agency of each such State shall provide for an annual audit of the expenditure of such funds, and for the submission of a duly certified copy thereof to the Commissioner on or before such date, together with its certification that during the fiscal year for which such audit was made the State has complied with the provisions of its State plan and with the applicable provisions of this Act. On the first day of each regular session of the Congress, the Commissioner shall transmit such reports to the Congress, together with such summary and recommendations as he deems necessary or appropriate to enable the Congress to evaluate accomplishment under this Act.

STATE CONTROL OF PUBLIC SCHOOLS

SEC. 9. Except as specifically provided by this Act, no department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control over, or
prescribe any requirement with respect to, any State agency, school agency, or school to which any funds have been or may be paid under this Act.

**APPORTIONMENT OF FUNDS TO OTHER PARTS OF THE UNITED STATES**

Sec. 10. Five per centum of such sums, and for such fiscal years, as are appropriated pursuant to this Act shall be apportioned by the Commissioner to other parts of the United States, according to their respective needs for public elementary and secondary school facilities, upon the basis of agreements made with their respective State agencies or corresponding public educational authorities. As a basis for such agreement and for the administration of this section, the Commissioner is hereby authorized to make regulations which shall conform, insofar as feasible, with the provisions relative to the participation of States in the benefits of this Act: Provided, That section 6 and subsection 7 (a) shall not apply to section 10.
A BILL

To provide for Federal financial assistance to the States in the construction of public elementary and secondary school facilities, and for other purposes.

By Mr. McClellan, Mr. Hill, Mr. Sparkman, Mr. Fulbright, Mr. Eastland, Mr. Stennis, Mr. Symington, Mr. Kefauver, Mr. Gore, Mr. Kerr, Mr. Monroney, Mr. Ellender, Mr. Long, Mr. Magnuson, Mr. Jackson, Mr. Clements, Mr. Gillette, Mr. Lehman, Mr. Johnston of South Carolina, Mr. Lennon, Mr. Murray, Mr. Humphrey, Mr. McCarran, Mr. Ives, and Mr. Douglas

JANUARY 20 (legislative day, JANUARY 7), 1954
Read twice and referred to the Committee on Labor and Public Welfare