



H.R. 3221 the Student Aid and Fiscal Responsibility Act of 2009

Summary:

H.R. 3221, the Student Aid and Fiscal Responsibility Act of 2009, authorizes more than \$4 billion for school facility projects over the next two fiscal years, and ensures that school districts will receive funds for school modernization, renovation and repairs that create healthier, safer and more energy-efficient teaching and learning climates. The bill also provides grants to states to help community colleges finance new construction, modernization, renovation and repair projects. AGC has long-advocated for additional investment in school construction, as there is substantial opportunity for investment in upgrading and improving the unmet need for school construction and renovation, which is estimated to be \$3.7 billion. The average age of a public school building is estimated to be over 40 years old, the same age that schools have been documented to deteriorate.

Construction Funding Levels:

The bill would authorize \$2.1 billion in 2010 and 2011 to renovate and modernize facilities for elementary and secondary schools (K-12). The bill would authorize \$2.5 billion in 2011 to renovate and modernize facilities for community colleges.

Distribution:

For elementary and secondary schools (K-12), the bill allocates the same percentage of funds to school districts that they receive under Part A of Title I of the Elementary and Secondary Education Act of 1965, except that it guarantees each such district a minimum of \$5,000.

Grantees are directed to use at least 50% of their grant in FY2010 and 75% in FY2011 for public school modernization, renovation, repair, or construction that meets Leadership in Energy and Environmental Design (LEED) green building rating standards, Energy Star standards, Collaborative for High Performance Schools (CHPS) criteria, Green Building Initiative environmental design and rating standards (Green Globes), or equivalent standards adopted by the entities that have jurisdiction over local educational agencies.

The Bills reserves 2% of the grant funds for assistance to outlying areas and Indian schools and reserves 5% of the grant funds for schools serving geographic areas with significant economic distress and/or recovering from a natural disaster.

For community colleges, The Secretary shall determine the amount available for allocation to each State by determining the amount equal to the total number of students in the State who are enrolled in community colleges and who are pursuing a degree or certificate that is not a bachelor's, master's, professional, or other advanced degree, relative to the total number of such students in all States, combined.

Bill History:

Introduced in the House – Jul. 15, 2009 (Introduced by Rep. George Miller [D-CA])

Reported By Committee on Education and Labor – Jul. 19, 2009

Voted on in House – Sept. 17, 2009 (Passed 253-171 with 10 abstentions – Roll Call #719)

Referred to Senate Committee on Health, Education, Labor, and Pensions – Sept. 22, 2009

H.R. 3221 passed very nearly along party lines. Only 6 of the 253 'Aye' votes for Republicans, while 4 of the 171 'No' votes were Democrats.

Status Report:

The bill has currently been referred to the Senate committee of jurisdiction, the Committee on Health, Education, Labor, and Pensions (HELP). Committee staff currently working on the bill has indicated that the Senate will be writing their own bill language, but that the goal (for the construction figures at least) is to match the numbers in the House bill. The unofficial timetable however, is to finish the bill and have it to the president before the end of the year to maximize the savings and effectiveness of the student aid portions of the bill. Given this timeframe, it is unlikely that there will be time for any hearing on the legislation, as the health care debate has presently taken the lion's share of attention and resources. According to the White House, the Obama Administration "strongly supports House passage of H.R. 3221, the Student Aid and Fiscal Responsibility Act of 2009"

Other Considerations:

While AGC supports the overall bill, it includes the same Buy American language as was included in the American Recovery and Reinvestment Act of 2009 (the Recovery Act) that AGC continues to oppose. Committee staff currently working on the bill has indicated that while they would like to keep the Buy American language in the bill, they see it as unlikely to make it into the final Senate language. AGC will urge Senators to support the bill without the onerous Buy American restrictions.