

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6028

To amend the Elementary and Secondary Education Act of 1965 to provide grants to improve the infrastructure of elementary and secondary schools.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 6, 2006

Mr. OWENS introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend the Elementary and Secondary Education Act of 1965 to provide grants to improve the infrastructure of elementary and secondary schools.

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. GRANTS FOR SCHOOL INFRASTRUCTURE IM-**  
4 **PROVEMENT.**

5 The Elementary and Secondary Education Act of  
6 1965 (20 U.S.C. 6301 et seq.) is amended by adding at  
7 the end the following:

1 **“TITLE X—SCHOOL CONSTRU-**  
2 **CTION, MODERNIZATION, AND**  
3 **INFRASTRUCTURE IMPROVE-**  
4 **MENT**

5 **“SEC. 10001. FINDINGS.**

6 “The Congress finds the following:

7 “(1) There are 48,400,000 students in 95,726  
8 elementary and secondary public schools across the  
9 United States. The current Federal expenditure for  
10 education infrastructure is \$12,000,000. The Fed-  
11 eral expenditure per enrolled student for education  
12 infrastructure is less than 25 cents. An appropria-  
13 tion of \$22,000,000,000 would result in a Federal  
14 expenditure for education infrastructure of \$454 per  
15 student per fiscal year.

16 “(2) The General Accounting Office in 1995 re-  
17 ported that the Nation’s elementary and secondary  
18 schools need approximately \$112,000,000,000 to re-  
19 pair or upgrade facilities. Increased enrollments and  
20 continued building decay has raised this need to an  
21 estimated \$200,000,000,000. Local education agen-  
22 cies, particularly those in central cities or those with  
23 high minority populations, cannot obtain adequate  
24 financial resources to complete necessary repairs or

1 construction. These local education agencies face an  
2 annual struggle to meet their operating budgets.

3 “(3) According to a 1991 survey conducted by  
4 the American Association of School Administrators,  
5 74 percent of all public school buildings need to be  
6 replaced. Almost one-third of such buildings were  
7 built prior to World War II.

8 “(4) The majority of the schools in unsatisfac-  
9 tory condition are concentrated in central cities and  
10 serve large populations of poor or minority students.

11 “(5) In the large cities of America, numerous  
12 schools still have polluting coal burning furnaces.  
13 Decaying buildings threaten the health, safety, and  
14 learning opportunities of students. A growing body  
15 of research has linked student achievement and be-  
16 havior to the physical building conditions and over-  
17 crowding. Asthma and other respiratory illnesses  
18 exist in above average rates in areas of coal burning  
19 pollution.

20 “(6) According to a study conducted by the  
21 General Accounting Office in 1995, most schools are  
22 unprepared in critical areas for the 21st century.  
23 Most schools do not fully use modern technology and  
24 lack access to the information superhighway. Schools  
25 in central cities and schools with minority popu-

1       lations above 50 percent are more likely to fall short  
2       of adequate technology elements and have a greater  
3       number of unsatisfactory environmental conditions  
4       than other schools.

5           “(7) School facilities such as libraries and  
6       science laboratories are inadequate in old buildings  
7       and have outdated equipment. Frequently, in over-  
8       crowded schools, these same facilities are utilized as  
9       classrooms for an expanding school population.

10          “(8) Overcrowded classrooms have a dire im-  
11       pact on learning. Students in overcrowded schools  
12       score lower on both mathematics and reading exams  
13       than do students in schools with adequate space. In  
14       addition, overcrowding in schools negatively affects  
15       both classroom activities and instructional tech-  
16       niques. Overcrowding also disrupts normal operating  
17       procedures, such as lunch periods beginning as early  
18       as 10 a.m. and extending into the afternoon; teach-  
19       ers being unable to use a single room for an entire  
20       day; too few lockers for students, and jammed hall-  
21       ways and restrooms which encourage disorder and  
22       rowdy behavior.

23          “(9) School modernization for information tech-  
24       nology is an absolute necessity for education for a  
25       coming CyberCivilization. The General Accounting

1 Office has reported that many schools are not using  
2 modern technology and many students do not have  
3 access to facilities that can support education into  
4 the 21st century. It is imperative that we now view  
5 computer literacy as basic as reading, writing, and  
6 arithmetic.

7 “(10) Both the national economy and national  
8 security require an investment in school construc-  
9 tion. Students educated in modern, safe, and well-  
10 equipped schools will contribute to the continued  
11 strength of the American economy and will ensure  
12 that our Armed Forces are the best trained and best  
13 prepared in the world. The shortage of qualified in-  
14 formation technology workers continues to escalate  
15 and presently many foreign workers are being re-  
16 cruited to staff jobs in America.

17 **“SEC. 10002. PURPOSE.**

18 “The purpose of this title is to provide Federal funds  
19 to enable local educational agencies to finance the costs  
20 associated with the construction, repair, and moderniza-  
21 tion for information technology of school facilities within  
22 their jurisdictions.

23 **“SEC. 10003. FEDERAL ASSISTANCE IN THE FORM OF**  
24 **GRANTS.**

25 “(a) **AUTHORITY AND CONDITIONS FOR GRANTS.—**

1           “(1) IN GENERAL.—To assist in the construc-  
2           tion, reconstruction, renovation, or modernization for  
3           information technology of elementary and secondary  
4           schools, the Secretary shall make grants of funds to  
5           State educational agencies for the construction, re-  
6           construction, or renovation, or for modernization for  
7           information technology, of such schools.

8           “(2) FORMULA FOR ALLOCATION.—From the  
9           amount appropriated under section 10006 for any  
10          fiscal year, the Secretary shall allocate to each State  
11          an amount that bears the same ratio to such appro-  
12          priated amount as the number of school-age children  
13          in such State bears to the total number of school-  
14          age children in all the States. The Secretary shall  
15          determine the number of school-age children on the  
16          basis of the most recent satisfactory data available  
17          to the Secretary.

18          “(b) CONDITIONS FOR RECEIPT OF GRANTS.—

19                 “(1) APPLICATIONS.—In order to receive a  
20                 grant under this title, a State shall submit to the  
21                 Secretary an application containing or accompanied  
22                 by such information and assurances as the Secretary  
23                 may require. Such applications shall specify the  
24                 method by which the State educational agency will  
25                 allocate funds to local educational agencies and the

1 procedures by which projects will be selected for  
2 funding. Such applications shall contain assurances  
3 that such funds will only be provided if the State  
4 educational agency finds that such constructions will  
5 be undertaken in an economical manner, and that  
6 any such construction, reconstruction, renovation, or  
7 modernization is not or will not be of elaborate or  
8 extravagant design or materials.

9 “(2) PRIORITIES.—In approving projects for  
10 funding under this title, the State educational agen-  
11 cy shall consider—

12 “(A) the threat the condition of the phys-  
13 ical plant poses to the safety and well-being of  
14 students;

15 “(B) the demonstrated need for the con-  
16 struction, reconstruction, renovation, or mod-  
17 ernization as based on the condition of the facil-  
18 ity;

19 “(C) the age of the facility to be renovated  
20 or replaced;

21 “(D) whether the facility is eligible to re-  
22 ceive education technology assistance from the  
23 National Education Technology Funding Cor-  
24 poration under section 708 of the Telecommuni-

1 cations Act of 1996 (Public Law 104–104; 110  
2 Stat. 157); and

3 “(E) the needs related to preparation for  
4 modern technology.

5 “(3) CHARTER SCHOOLS.—In approving  
6 projects for funding under this title, the State edu-  
7 cational agency shall ensure that a public charter  
8 school that constitutes a local educational agency  
9 under State law is eligible for assistance under the  
10 same terms and conditions as any other local edu-  
11 cational agency.

12 “(c) AMOUNT AND CONDITION OF GRANTS.—A grant  
13 to a local educational agency may be in an amount not  
14 exceeding the total cost of the facility construction, recon-  
15 struction, renovation, or modernization for information  
16 technology, as determined by the State educational agen-  
17 cy.

18 **“SEC. 10004. GENERAL PROVISIONS.**

19 “The Secretary shall take such action as may be nec-  
20 essary to ensure that all laborers and mechanics employed  
21 by contractors or subcontractors on any project assisted  
22 under this title—

23 “(1) shall be paid wages at rates not less than  
24 those prevailing on the same type of work on similar  
25 construction in the immediate locality as determined

1 by the Secretary of Labor in accordance with the  
2 Act of March 31, 1931 (Davis-Bacon Act), as  
3 amended; and

4 “(2) shall be employed not more than 40 hours  
5 in any 1 week unless the employee receives wages for  
6 the employee’s employment in excess of the hours  
7 specified in paragraph (1) at a rate not less than  
8 one and one-half times the regular rate at which the  
9 employee is employed;

10 but the Secretary may waive the application of this sub-  
11 section in cases or classes or cases where laborers or me-  
12 chanics, not otherwise employed at any time in the con-  
13 struction of such project, voluntarily donate their services  
14 without full compensation for the purpose of lowering the  
15 costs of construction and the Secretary determines that  
16 any amounts saved thereby are fully credited to the edu-  
17 cational institution undertaking the construction.

18 **“SEC. 10005. DEFINITIONS.**

19 “As used in this title:

20 “(1) SCHOOL.—The term ‘school’ means struc-  
21 tures suitable for use as classrooms, laboratories, li-  
22 braries, and related facilities, the primary purpose of  
23 which is the instruction of elementary and secondary  
24 school students.

1           “(2) STATE.—The term State includes the sev-  
2           eral States of the United States and the District of  
3           Columbia.

4   **“SEC. 10006. AUTHORIZATION OF APPROPRIATIONS.**

5           “‘There are authorized to be appropriated to carry out  
6           this title, \$10,000,000,000 for fiscal year 2007 and a sum  
7           no less than this amount for each of the 4 succeeding fis-  
8           cal years.’”.

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