

108TH CONGRESS
1ST SESSION

H. R. 599

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2003

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

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 INFRASTRUC-**
2 **TURE IMPROVEMENT**

3 **“SEC. 10001. FINDINGS.**

4 “The Congress finds the following:

5 “(1) There are 52,700,000 students in 88,223
6 elementary and secondary schools across the United
7 States. The current Federal expenditure for edu-
8 cation infrastructure is \$12,000,000. The Federal
9 expenditure per enrolled student for education infra-
10 structure is 23 cents. An appropriation of
11 \$22,000,000,000 would result in a Federal expendi-
12 ture for education infrastructure of \$417 per stu-
13 dent per fiscal year.

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

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

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

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

18 “(6) According to a study conducted by the
19 General Accounting Office in 1995, most schools are
20 unprepared in critical areas for the 21st century.
21 Most schools do not fully use modern technology and
22 lack access to the information superhighway. Schools
23 in central cities and schools with minority popu-
24 lations above 50 percent are more likely to fall short
25 of adequate technology elements and have a greater

1 number of unsatisfactory environmental conditions
2 than other schools.

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

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

21 “(9) School modernization for information tech-
22 nology is an absolute necessity for education for a
23 coming CyberCivilization. The General Accounting
24 Office has reported that many schools are not using
25 modern technology and many students do not have

1 access to facilities that can support education into
2 the 21st century. It is imperative that we now view
3 computer literacy as basic as reading, writing, and
4 arithmetic.

5 “(10) Both the national economy and national
6 security require an investment in school construc-
7 tion. Students educated in modern, safe, and well-
8 equipped schools will contribute to the continued
9 strength of the American economy and will ensure
10 that our Armed Forces are the best trained and best
11 prepared in the world. The shortage of qualified in-
12 formation technology workers continues to escalate
13 and presently many foreign workers are being re-
14 cruited to staff jobs in America. Military manpower
15 shortages of personnel capable of operating high
16 tech equipment are already acute in the Navy and
17 increasing in other branches of the Armed Forces.

18 **“SEC. 10002. PURPOSE.**

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

1 **“SEC. 10003. FEDERAL ASSISTANCE IN THE FORM OF**
2 **GRANTS.**

3 “(a) AUTHORITY AND CONDITIONS FOR GRANTS.—

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

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

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

22 “(1) APPLICATIONS.—In order to receive a
23 grant under this title, a State shall submit to the
24 Secretary an application containing or accompanied
25 by such information and assurances as the Secretary
26 may require. Such applications shall specify the

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

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

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

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

21 “(C) the age of the facility to be renovated
22 or replaced;

23 “(D) whether the facility is eligible to re-
24 ceive education technology assistance from the
25 National Education Technology Funding Cor-

1 poration under section 708 of the Telecommuni-
2 cations Act of 1996 (Public Law 104–104; 110
3 Stat. 157); and

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

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

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

19 **“SEC. 10004. GENERAL PROVISIONS.**

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

24 “(1) shall be paid wages at rates not less than
25 those prevailing on the same type of work on similar

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

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

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

19 **“SEC. 10005. DEFINITIONS.**

20 “As used in this title:

21 “(1) SCHOOL.—The term ‘school’ means struc-
22 tures suitable for use as classrooms, laboratories, li-
23 braries, and related facilities, the primary purpose of
24 which is the instruction of elementary and secondary
25 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, \$3,000,000,000 for fiscal year 2003 and a sum
7 no less than this amount for each of the 4 succeeding fis-
8 cal years.”.

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