

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2593

To amend the Elementary and Secondary Education Act of 1965 to establish a discretionary grant program for school construction for local educational agencies affected by base closures and realignments, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

MAY 21, 2009

Mr. EDWARDS of Texas (for himself, Mr. MCINTYRE, and Mr. TERRY) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

## A BILL

To amend the Elementary and Secondary Education Act of 1965 to establish a discretionary grant program for school construction for local educational agencies affected by base closures and realignments, 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        **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Military Children’s  
5        School Investment Act”.

1 **SEC. 2. SCHOOL CONSTRUCTION GRANTS.**

2 (a) IN GENERAL.—Section 8007 of the Elementary  
3 and Secondary Education Act of 1965 (20 U.S.C. 7707)  
4 is amended by adding at the end the following:

5 “(c) SCHOOL CONSTRUCTION GRANTS.—

6 “(1) AUTHORITY AND CONDITIONS FOR  
7 GRANTS.—From the amount appropriated for each  
8 fiscal year under section 8014(f), the Secretary is  
9 authorized to make grants to eligible local edu-  
10 cational agencies to carry out eligible projects for  
11 the construction of public kindergarten, elementary,  
12 and secondary school facilities.

13 “(2) ELIGIBILITY.—To be eligible to receive a  
14 grant under paragraph (1), the local educational  
15 agency shall—

16 “(A) have been eligible to receive a pay-  
17 ment under section 8003 for the fiscal year  
18 prior to the year for which the application is  
19 made; and

20 “(B) have had an overall increase in enroll-  
21 ment—

22 “(i) during the period between the end  
23 of the school year preceding the fiscal year  
24 for which the application is made and the  
25 beginning of the school year immediately  
26 preceding that school year;

1 “(ii) of not less than 250, or not less  
2 than 10 percent (whichever is lower), of  
3 students who are children described in—

4 “(I) subparagraph (A), (B), or  
5 (D) of section 8003(a)(1); or

6 “(II) subparagraph (F) or (G) of  
7 section 8003(a)(1), but only to the ex-  
8 tent such children are civilian depend-  
9 ents of employees of the Department  
10 of Defense; and

11 “(iii) that is the direct result of one or  
12 more of the following:

13 “(I) Base realignment and clo-  
14 sure or global rebasing, as determined  
15 by the Secretary of Defense.

16 “(II) Force structure changes or  
17 force reductions.

18 “(III) An action initiated by the  
19 Secretary of Defense.

20 “(3) CRITERIA FOR GRANTS.—In considering  
21 an application for a grant the Secretary shall con-  
22 sider—

23 “(A) the extent to which the local edu-  
24 cational agency involved needs the grant be-  
25 cause it lacks the fiscal capacity to undertake

1 the project for which the grant would be used  
2 without the grant; and

3 “(B) the demonstrated need for the con-  
4 struction, reconstruction, or renovation based  
5 on the condition of the facility in the project.

6 “(4) ELIGIBLE PROJECTS.—To be an eligible  
7 project for a grant under paragraph (1), the project  
8 must consist of—

9 “(A) the construction of new elementary or  
10 secondary schools to meet the needs imposed by  
11 enrollment growth;

12 “(B) the construction of additional aca-  
13 demic learning space at existing schools;

14 “(C) the repair or upgrading of classrooms  
15 or structures related to academic learning, in-  
16 cluding but not limited to roofs, walls, plumb-  
17 ing, ventilation equipment, and inadequate  
18 heating or lighting equipment; or

19 “(D) the leasing of buildings or portions of  
20 buildings from a private entity for the purpose  
21 of providing school space, with the Secretary’s  
22 approval.

23 “(5) AMOUNT AND CONDITIONS OF GRANTS.—  
24 In making grants under this subsection, the Sec-  
25 retary shall ensure that the amount of a grant does

1 not exceed the total construction, modernization, or  
2 repair costs involved, as determined by the Sec-  
3 retary.

4 “(6) IMPERMISSIBLE USES OF FUNDS.—No  
5 funds received under this subsection may be used  
6 for—

7 “(A) payment of maintenance costs; or

8 “(B) stadiums or other facilities primarily  
9 used for athletic contests or exhibitions or other  
10 events for which admission is charged to the  
11 general public.

12 “(7) SUPPLEMENT, NOT SUPPLANT.—A local  
13 educational agency receiving a grant under this sub-  
14 section shall use such Federal funds only to supple-  
15 ment and not supplant the amount of funds that  
16 would, in the absence of such Federal funds, be  
17 available for construction, modernization, and repair  
18 of public kindergarten, elementary, and secondary  
19 school facilities.

20 “(8) REPORTING.—

21 “(A) REPORTS BY SECRETARY.—Not later  
22 than December 31 of each fiscal year, the Sec-  
23 retary, and the Secretary of Defense, shall each  
24 submit to the Committee on Education and  
25 Labor and the Committee on Armed Services of

1 the House of Representatives and the Com-  
2 mittee on Health, Education, Labor, and Pen-  
3 sions and the Committee on Armed Services of  
4 the Senate a report on grants made under this  
5 subsection, including the types of construction,  
6 modernization, and repair funded, and the  
7 number of students impacted.

8 “(B) REPORTS BY LOCAL EDUCATIONAL  
9 AGENCIES.—Not later than September 30 of  
10 each fiscal year, each local educational agency  
11 receiving a grant under this subsection shall  
12 submit to the Secretary, and to the Secretary of  
13 Defense, a report on the agency’s use of such  
14 grant funds.”.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
16 8014 of that Act (20 U.S.C. 7714) is amended—

17 (1) in subsection (e), by inserting after “8007”  
18 the following: “other than section 8007(c)”; and

19 (2) by inserting after subsection (f) the fol-  
20 lowing:

21 “(g) SCHOOL CONSTRUCTION GRANTS.—For the  
22 purposes of carrying out section 8007(c), there are author-  
23 ized to be appropriated \$500,000,000 for fiscal year 2009

- 1 and such sums as may be necessary for each of the seven
- 2 succeeding fiscal years.”.

○