

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

# H. R. 2187

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## AN ACT

To direct the Secretary of Education to make grants to State educational agencies for the modernization, renovation, or repair of public school facilities, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “21st Century Green High-Performing Public School Fa-  
4 cilities Act”.

5 (b) TABLE OF CONTENTS.—The table of contents for  
6 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.

TITLE I—GRANTS FOR MODERNIZATION, RENOVATION, OR  
REPAIR OF PUBLIC SCHOOL FACILITIES

- Sec. 101. Purpose.
- Sec. 102. Allocation of funds.
- Sec. 103. Allowable uses of funds.
- Sec. 104. Priority projects.

TITLE II—SUPPLEMENTAL GRANTS FOR LOUISIANA, MISSISSIPPI,  
AND ALABAMA

- Sec. 201. Purpose.
- Sec. 202. Allocation to local educational agencies.
- Sec. 203. Allowable uses of funds.

TITLE III—GENERAL PROVISIONS

- Sec. 301. Impermissible uses of funds.
- Sec. 302. Supplement, not supplant.
- Sec. 303. Prohibition regarding State aid.
- Sec. 304. Maintenance of effort.
- Sec. 305. Special rule on contracting.
- Sec. 306. Use of American iron, steel, and manufactured goods.
- Sec. 307. Labor standards.
- Sec. 308. Charter schools.
- Sec. 309. Green schools.
- Sec. 310. Reporting.
- Sec. 311. Authorization of appropriations.
- Sec. 312. Special rules.
- Sec. 313. Youthbuild programs.
- Sec. 314. Evaluation.
- Sec. 315. Advisory Council on Green, High-Performing Schools.
- Sec. 316. Job Corps.
- Sec. 317. Junior and community college students.
- Sec. 318. GAO study.
- Sec. 319. Education regarding projects.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

1           (1) The term “Bureau-funded school” has the  
2 meaning given to such term in section 1141 of the  
3 Education Amendments of 1978 (25 U.S.C. 2021).

4           (2) The term “charter school” has the meaning  
5 given such term in section 5210 of the Elementary  
6 and Secondary Education Act of 1965 (20 U.S.C.  
7 7221).

8           (3) The term “CHPS Criteria” means the  
9 green building rating program developed by the Col-  
10 laborative for High Performance Schools.

11           (4) The term “Energy Star” means the Energy  
12 Star program of the United States Department of  
13 Energy and the United States Environmental Pro-  
14 tection Agency.

15           (5) The term “Green Globes” means the Green  
16 Building Initiative environmental design and rating  
17 system referred to as Green Globes.

18           (6) The term “LEED Green Building Rating  
19 System” means the United States Green Building  
20 Council Leadership in Energy and Environmental  
21 Design green building rating standard referred to as  
22 LEED Green Building Rating System.

23           (7) The term “local educational agency”—

24                   (A) has the meaning given to that term in  
25 section 9101 of the Elementary and Secondary

1 Education Act of 1965 (20 U.S.C. 7801), and  
2 shall also include the Recovery School District  
3 of Louisiana and the New Orleans Public  
4 Schools; and

5 (B) includes any public charter school that  
6 constitutes a local educational agency under  
7 State law.

8 (8) The term “outlying area”—

9 (A) means the United States Virgin Is-  
10 lands, Guam, American Samoa, and the Com-  
11 monwealth of the Northern Mariana Islands;  
12 and

13 (B) includes the freely associated states of  
14 the Republic of the Marshall Islands, the Fed-  
15 erated States of Micronesia, and the Republic  
16 of Palau.

17 (9) The term “public school facilities” means  
18 an existing public school facility, including a public  
19 charter school facility, or another existing facility  
20 planned for adaptive reuse as such a school facility.

21 (10) The term “State” means each of the 50  
22 States, the District of Columbia, and the Common-  
23 wealth of Puerto Rico.

1 **TITLE I—GRANTS FOR MOD-**  
2 **ERNIZATION, RENOVATION,**  
3 **OR REPAIR OF PUBLIC**  
4 **SCHOOL FACILITIES**

5 **SEC. 101. PURPOSE.**

6 Grants under this title shall be for the purpose of  
7 modernizing, renovating, or repairing public school facili-  
8 ties, based on their need for such improvements, to be  
9 safe, healthy, high-performing, and up-to-date techno-  
10 logically.

11 **SEC. 102. ALLOCATION OF FUNDS.**

12 (a) RESERVATION.—

13 (1) IN GENERAL.—From the amount appro-  
14 priated to carry out this title for each fiscal year  
15 pursuant to section 311(a), the Secretary shall re-  
16 serve 2 percent of such amount, consistent with the  
17 purpose described in section 101—

18 (A) to provide assistance to the outlying  
19 areas; and

20 (B) for payments to the Secretary of the  
21 Interior to provide assistance to Bureau-funded  
22 schools.

23 (2) USE OF RESERVED FUNDS.—In each fiscal  
24 year, the amount reserved under paragraph (1) shall  
25 be divided between the uses described in subpara-

1 graphs (A) and (B) of such paragraph in the same  
2 proportion as the amount reserved under section  
3 1121(a) of the Elementary and Secondary Edu-  
4 cation Act of 1965 (20 U.S.C. 6331(a)) is divided  
5 between the uses described in paragraphs (1) and  
6 (2) of such section 1121(a) in such fiscal year.

7 (3) DISTRESSED AREAS AND NATURAL DISAS-  
8 TERS.—From the amount appropriated to carry out  
9 this title for each fiscal year pursuant to section  
10 311(a), the Secretary shall reserve 5 percent of such  
11 amount for grants to—

12 (A) local educational agencies serving geo-  
13 graphic areas with significant economic distress,  
14 to be used consistent with the purpose de-  
15 scribed in section 101 and the allowable uses of  
16 funds described in section 103; and

17 (B) local educational agencies serving geo-  
18 graphic areas recovering from a natural dis-  
19 aster, to be used consistent with the purpose  
20 described in section 201 and the allowable uses  
21 of funds described in section 203.

22 (b) ALLOCATION TO STATES.—

23 (1) STATE-BY-STATE ALLOCATION.—Of the  
24 amount appropriated to carry out this title for each  
25 fiscal year pursuant to section 311(a), and not re-

1 served under subsection (a), each State shall be allo-  
2 cated an amount in proportion to the amount re-  
3 ceived by all local educational agencies in the State  
4 under part A of title I of the Elementary and Sec-  
5 ondary Education Act of 1965 (20 U.S.C. 6311 et  
6 seq.) for the previous fiscal year relative to the total  
7 amount received by all local educational agencies in  
8 every State under such part for such fiscal year.

9 (2) STATE ADMINISTRATION.—A State may re-  
10 serve up to 1 percent of its allocation under para-  
11 graph (1) to carry out its responsibilities under this  
12 title, which include—

13 (A) providing technical assistance to local  
14 educational agencies;

15 (B) developing an online, publicly search-  
16 able database that includes an inventory of pub-  
17 lic school facilities in the State, including for  
18 each, its design, condition, modernization, ren-  
19 ovation and repair needs, usage, utilization, en-  
20 ergy use, and carbon footprint; and

21 (C) creating voluntary guidelines for high-  
22 performing school buildings, including guide-  
23 lines concerning the following:

24 (i) Site location, storm water manage-  
25 ment, outdoor surfaces, outdoor lighting,

1 and transportation (location near public  
2 transit and easy access for pedestrians and  
3 bicycles).

4 (ii) Outdoor water systems, land-  
5 scaping to minimize water use, including  
6 elimination of irrigation systems for land-  
7 scaping, and indoor water use reduction.

8 (iii) Energy efficiency (including min-  
9 imum and superior standards, such as for  
10 heating, ventilation, and air conditioning  
11 systems), use of alternative energy sources,  
12 commissioning, and training.

13 (iv) Use of durable, sustainable mate-  
14 rials and waste reduction.

15 (v) Indoor environmental quality, such  
16 as day lighting in classrooms, lighting  
17 quality, indoor air quality (including with  
18 reference to reducing the incidence and ef-  
19 fects of asthma and other respiratory ill-  
20 nesses), acoustics, and thermal comfort.

21 (vi) Operations and management,  
22 such as use of energy efficient equipment,  
23 indoor environmental management plan,  
24 maintenance plan, and pest management.

1           (3) GRANTS TO LOCAL EDUCATIONAL AGEN-  
2           CIES.—

3           (A) IN GENERAL.—From the amount allo-  
4           cated to a State under paragraph (1), each eli-  
5           gible local educational agency in the State shall  
6           receive an amount in proportion to the amount  
7           received by such local educational agency under  
8           part A of title I of the Elementary and Sec-  
9           ondary Education Act of 1965 (20 U.S.C. 6311  
10          et seq.) for the previous fiscal year relative to  
11          the total amount received by all local edu-  
12          cational agencies in the State under such part  
13          for such fiscal year, except that no local edu-  
14          cational agency that received funds under title  
15          I of that Act for such fiscal year shall receive  
16          a grant of less than \$5,000 in any fiscal year  
17          under this title.

18          (B) ELIGIBLE LOCAL EDUCATIONAL AGEN-  
19          CY.—For purposes of subparagraph (A), the  
20          term “eligible local educational agency” means  
21          a local educational agency that—

22                  (i) meets the requirements for—

23                          (I) a local educational agency  
24                          plan under section 1112(a) of the Ele-

1 elementary and Secondary Education  
2 Act of 1965 (20 U.S.C. 6312(a));

3 (II) public school choice under  
4 section 1116(b)(1)(E) of the Elemen-  
5 tary and Secondary Education Act of  
6 1965 (20 U.S.C. 6316(b)(1)(E));

7 (III) transportation funding for  
8 public school choice under section  
9 1116(b)(9) of the Elementary and  
10 Secondary Education Act of 1965 (20  
11 U.S.C. 6316(b)(9));

12 (IV) supplemental educational  
13 services funding under section  
14 1116(b)(10) of the Elementary and  
15 Secondary Education Act of 1965 (20  
16 U.S.C. 6316(b)(10));

17 (V) supplemental educational  
18 services under section 1116(e) of the  
19 Elementary and Secondary Education  
20 Act of 1965 (20 U.S.C. 6316(e));

21 (VI) private school participation  
22 under section 9501 of the Elementary  
23 and Secondary Education Act of 1965  
24 (20 U.S.C. 7881); and

1 (VII) armed forces recruiter ac-  
2 cess under section 9528 of the Ele-  
3 mentary and Secondary Education  
4 Act of 1965 (20 U.S.C. 7908); and

5 (ii) conducts an independent audit by  
6 a third-party entity, and is certified by the  
7 State, substantiating the overall condition  
8 of the public school facilities and the need  
9 for modernization, renovation, or repair.

10 (4) SPECIAL RULE.—Section 1122(c)(3) of the  
11 Elementary and Secondary Education Act of 1965  
12 (20 U.S.C. 6332(c)(3)) shall not apply to paragraph  
13 (1) or (3).

14 (c) SPECIAL RULES.—

15 (1) DISTRIBUTIONS BY SECRETARY.—The Sec-  
16 retary shall make and distribute the reservations  
17 and allocations described in subsections (a) and (b)  
18 not later than 30 days after an appropriation of  
19 funds for this title is made.

20 (2) DISTRIBUTIONS BY STATES.—A State shall  
21 make and distribute the allocations described in sub-  
22 section (b)(3) within 30 days of receiving such funds  
23 from the Secretary.

1 **SEC. 103. ALLOWABLE USES OF FUNDS.**

2 A local educational agency receiving a grant under  
3 this title shall use the grant for modernization, renovation,  
4 or repair of public school facilities, including, where appli-  
5 cable, early learning facilities, including—

6 (1) repairing, replacing, or installing roofs, in-  
7 cluding extensive, intensive or semi-intensive green  
8 roofs, electrical wiring, water supply and plumbing  
9 systems, sewage systems, storm water runoff sys-  
10 tems, lighting systems, or components of such sys-  
11 tems, building envelope, windows, ceilings, flooring,  
12 or doors, including security doors;

13 (2) repairing, replacing, or installing heating,  
14 ventilation, air conditioning systems, or components  
15 of such systems (including insulation), including in-  
16 door air quality assessments;

17 (3) bringing public schools into compliance with  
18 fire, health, seismic, and safety codes, including pro-  
19 fessional installation of fire/life safety alarms, in-  
20 cluding modernizations, renovations, and repairs  
21 that ensure that schools are prepared for emer-  
22 gencies, such as improving building infrastructure to  
23 accommodate security measures and installing or up-  
24 grading technology to ensure that schools are able to  
25 respond to emergencies such as acts of terrorism,  
26 campus violence, and natural disasters;

1           (4) modifications necessary to make public  
2 school facilities accessible to comply with the Ameri-  
3 cans with Disabilities Act of 1990 (42 U.S.C. 12101  
4 et seq.) and section 504 of the Rehabilitation Act of  
5 1973 (29 U.S.C. 794);

6           (5) abatement, removal, or interim controls of  
7 asbestos, polychlorinated biphenyls, mold, mildew, or  
8 lead-based hazards, including lead-based paint haz-  
9 ards;

10          (6) measures designed to reduce or eliminate  
11 human exposure to classroom noise and environ-  
12 mental noise pollution;

13          (7) modernizations, renovations, or repairs nec-  
14 essary to reduce the consumption of coal, electricity,  
15 land, natural gas, oil, or water;

16          (8) upgrading or installing educational tech-  
17 nology infrastructure to ensure that students have  
18 access to up-to-date educational technology;

19          (9) modernization, renovation, or repair of  
20 science and engineering laboratory facilities, librar-  
21 ies, and career and technical education facilities, in-  
22 cluding those related to energy efficiency and renew-  
23 able energy, and improvements to building infra-  
24 structure to accommodate bicycle and pedestrian ac-  
25 cess;

1           (10) renewable energy generation and heating  
2 systems, including solar, photovoltaic, wind, geo-  
3 thermal, or biomass, including wood pellet, woody  
4 biomass, waste-to-energy, and solar-thermal systems  
5 or components of such systems, and energy audits;

6           (11) measures designed to reduce or eliminate  
7 human exposure to airborne particles such as dust,  
8 sand, and pollens;

9           (12) creating greenhouses, gardens (including  
10 trees), and other facilities for environmental, sci-  
11 entific, or other educational purposes, or to produce  
12 energy savings;

13           (13) upgrading or installing recreational struc-  
14 tures, including physical education facilities for stu-  
15 dents, made from post consumer recovered materials  
16 in accordance with the comprehensive procurement  
17 guidelines prepared by the Administrator of the En-  
18 vironmental Protection Agency under section  
19 6002(e) of the Solid Waste Disposal Act (42 U.S.C.  
20 6962(e));

21           (14) other modernization, renovation, or repair  
22 of public school facilities to—

23                   (A) improve teachers' ability to teach and  
24                   students' ability to learn;

1 (B) ensure the health and safety of stu-  
2 dents and staff;

3 (C) make them more energy efficient; or

4 (D) reduce class size; and

5 (15) required environmental remediation related  
6 to public school modernization, renovation, or repair  
7 described in paragraphs (1) through (14).

8 **SEC. 104. PRIORITY PROJECTS.**

9 In selecting a project under section 103, a local edu-  
10 cational agency may give priority to projects involving the  
11 abatement, removal, or interim controls of asbestos, poly-  
12 chlorinated biphenyls, mold, mildew, lead-based hazards,  
13 including lead-based paint hazards, or a proven car-  
14 cinogen.

15 **TITLE II—SUPPLEMENTAL**  
16 **GRANTS FOR LOUISIANA, MIS-**  
17 **SISSIPPI, AND ALABAMA**

18 **SEC. 201. PURPOSE.**

19 Grants under this title shall be for the purpose of  
20 modernizing, renovating, repairing, or constructing public  
21 school facilities, including, where applicable, early learning  
22 facilities, based on their need for such improvements, to  
23 be safe, healthy, high-performing, and up-to-date techno-  
24 logically.

1 **SEC. 202. ALLOCATION TO LOCAL EDUCATIONAL AGEN-**  
2 **CIES.**

3 (a) IN GENERAL.—Of the amount appropriated to  
4 carry out this title for each fiscal year pursuant to section  
5 311(b), the Secretary shall allocate to local educational  
6 agencies in Louisiana, Mississippi, and Alabama an  
7 amount equal to the infrastructure damage inflicted on  
8 public school facilities in each such district by Hurricane  
9 Katrina or Hurricane Rita in 2005 relative to the total  
10 of such infrastructure damage so inflicted in all such dis-  
11 tricts, combined.

12 (b) DISTRIBUTION BY SECRETARY.—The Secretary  
13 shall determine and distribute the allocations described in  
14 subsection (a) not later than 60 days after an appropria-  
15 tion of funds for this title is made.

16 **SEC. 203. ALLOWABLE USES OF FUNDS.**

17 A local educational agency receiving a grant under  
18 this title shall use the grant for one or more of the activi-  
19 ties described in section 103, except that an agency receiv-  
20 ing a grant under this title also may use the grant for  
21 the construction of new public school facilities.

22 **TITLE III—GENERAL**  
23 **PROVISIONS**

24 **SEC. 301. IMPERMISSIBLE USES OF FUNDS.**

25 No funds received under this Act may be used for—  
26 (1) payment of maintenance costs;

1           (2) stadiums or other facilities primarily used  
2           for athletic contests or exhibitions or other events  
3           for which admission is charged to the general public;

4           (3) improvement or construction of facilities the  
5           purpose of which is not the education of children, in-  
6           cluding central office administration or operations or  
7           logistical support facilities; or

8           (4) purchasing carbon offsets.

9 **SEC. 302. SUPPLEMENT, NOT SUPPLANT.**

10          A local educational agency receiving a grant under  
11 this Act shall use such Federal funds only to supplement  
12 and not supplant the amount of funds that would, in the  
13 absence of such Federal funds, be available for moderniza-  
14 tion, renovation, repair, and construction of public school  
15 facilities.

16 **SEC. 303. PROHIBITION REGARDING STATE AID.**

17          A State shall not take into consideration payments  
18 under this Act in determining the eligibility of any local  
19 educational agency in that State for State aid, or the  
20 amount of State aid, with respect to free public education  
21 of children.

22 **SEC. 304. MAINTENANCE OF EFFORT.**

23          (a) IN GENERAL.—A local educational agency may  
24 receive a grant under this Act for any fiscal year only if  
25 either the combined fiscal effort per student or the aggre-

1 gate expenditures of the agency and the State involved  
2 with respect to the provision of free public education by  
3 the agency for the preceding fiscal year was not less than  
4 90 percent of the combined fiscal effort or aggregate ex-  
5 penditures for the second preceding fiscal year.

6 (b) REDUCTION IN CASE OF FAILURE TO MEET  
7 MAINTENANCE OF EFFORT REQUIREMENT.—

8 (1) IN GENERAL.—The State educational agen-  
9 cy shall reduce the amount of a local educational  
10 agency's grant in any fiscal year in the exact propor-  
11 tion by which a local educational agency fails to  
12 meet the requirement of subsection (a) by falling  
13 below 90 percent of both the combined fiscal effort  
14 per student and aggregate expenditures (using the  
15 measure most favorable to the local agency).

16 (2) SPECIAL RULE.—No such lesser amount  
17 shall be used for computing the effort required  
18 under subsection (a) for subsequent years.

19 (c) WAIVER.—The Secretary shall waive the require-  
20 ments of this section if the Secretary determines that a  
21 waiver would be equitable due to—

22 (1) exceptional or uncontrollable circumstances,  
23 such as a natural disaster; or

24 (2) a precipitous decline in the financial re-  
25 sources of the local educational agency.

1 **SEC. 305. SPECIAL RULE ON CONTRACTING.**

2 Each local educational agency receiving a grant under  
3 this Act shall ensure that, if the agency carries out mod-  
4 ernization, renovation, repair, or construction through a  
5 contract, the process for any such contract ensures the  
6 maximum number of qualified bidders, including local,  
7 small, minority, and women- and veteran-owned busi-  
8 nesses, through full and open competition.

9 **SEC. 306. USE OF AMERICAN IRON, STEEL, AND MANUFAC-**  
10 **TURED GOODS.**

11 (a) IN GENERAL.—None of the funds appropriated  
12 or otherwise made available by this Act may be used for  
13 a project for the modernization, renovation, repair or con-  
14 struction of a public school facility unless all of the iron,  
15 steel, and manufactured goods used in the project are pro-  
16 duced in the United States.

17 (b) EXCEPTIONS.—Subsection (a) shall not apply in  
18 any case or category of cases in which the Secretary finds  
19 that—

20 (1) applying subsection (a) would be incon-  
21 sistent with the public interest;

22 (2) iron, steel, and the relevant manufactured  
23 goods are not produced in the United States in suffi-  
24 cient and reasonably available quantities and of a  
25 satisfactory quality; or

1           (3) inclusion of iron, steel, and manufactured  
2 goods produced in the United States will increase  
3 the cost of the overall project by more than 25 per-  
4 cent.

5           (c) PUBLICATION OF JUSTIFICATION.—If the Sec-  
6 retary determines that it is necessary to waive the applica-  
7 tion of subsection (a) based on a finding under subsection  
8 (b), the Secretary shall publish in the Federal Register  
9 a detailed written justification of the determination.

10          (d) CONSTRUCTION.—This section shall be applied in  
11 a manner consistent with United States obligations under  
12 international agreements.

13 **SEC. 307. LABOR STANDARDS.**

14          The grant programs under this Act are applicable  
15 programs (as that term is defined in section 400 of the  
16 General Education Provisions Act (20 U.S.C. 1221)) sub-  
17 ject to section 439 of such Act (20 U.S.C. 1232b).

18 **SEC. 308. CHARTER SCHOOLS.**

19          (a) IN GENERAL.—A local educational agency receiv-  
20 ing an allocation under this Act shall reserve an amount  
21 of that allocation for charter schools within its jurisdiction  
22 for modernization, renovation, repair, and construction of  
23 charter school facilities.

24          (b) DETERMINATION OF RESERVED AMOUNT.—The  
25 amount to be reserved by a local educational agency under

1 subsection (a) shall be determined based on the combined  
2 percentage of students eligible under part A of title I of  
3 the Elementary and Secondary Education Act of 1965 (20  
4 U.S.C. 6311 et seq.) in the schools of the agency who—

5 (1) are enrolled in charter schools; and

6 (2) the local educational agency, in consultation  
7 with the authorized public chartering agency, ex-  
8 pects to be enrolled, during the year with respect to  
9 which the reservation is made, in charter schools  
10 that are scheduled to commence operation during  
11 such year.

12 (c) SCHOOL SHARE.—Individual charter schools shall  
13 receive a share of the amount reserved under subsection  
14 (a) based on the need of each school for modernization,  
15 renovation, repair, or construction, as determined by the  
16 local educational agency in consultation with charter  
17 school administrators.

18 (d) EXCESS FUNDS.—After the consultation de-  
19 scribed in subsection (c), if the local educational agency  
20 determines that the amount of funds reserved under sub-  
21 section (a) exceeds the modernization, renovation, repair,  
22 and construction needs of charter schools within the local  
23 educational agency’s jurisdiction, the agency may use the  
24 excess funds for other public school facility modernization,  
25 renovation, repair, or construction consistent with this Act

1 and is not required to carry over such funds to the fol-  
2 lowing fiscal year for use for charter schools.

3 **SEC. 309. GREEN SCHOOLS.**

4 (a) IN GENERAL.—In a given fiscal year, a local edu-  
5 cational agency shall use not less than the applicable per-  
6 centage (described in subsection (b)) of funds received  
7 under this Act for public school modernization, renovation,  
8 repairs, or construction that are certified, verified, or con-  
9 sistent with any applicable provisions of—

10 (1) the LEED Green Building Rating System;

11 (2) Energy Star;

12 (3) the CHPS Criteria;

13 (4) Green Globes; or

14 (5) an equivalent program adopted by the State  
15 or another jurisdiction with authority over the local  
16 educational agency, which shall include a verifiable  
17 method to demonstrate compliance with such pro-  
18 gram.

19 (b) APPLICABLE PERCENTAGES.—The applicable  
20 percentage described in subsection (a) is—

21 (1) in fiscal year 2010, 50 percent;

22 (2) in fiscal year 2011, 60 percent;

23 (3) in fiscal year 2012, 70 percent;

24 (4) in fiscal year 2013, 80 percent;

25 (5) in fiscal year 2014, 90 percent; and

1           (6) in fiscal year 2015, 100 percent.

2           (c) **RULE OF CONSTRUCTION.**—Nothing in this sec-  
3 tion shall be construed to prohibit a local educational  
4 agency from using sustainable, domestic hardwood lumber  
5 as ascertained through the forest inventory and analysis  
6 program of the Forest Service of the Department of Agri-  
7 culture under the Forest and Rangeland Renewable Re-  
8 sources Research Act of 1978 (16 U.S.C. 1641 et seq.)  
9 for public school modernization, renovation, repairs, or  
10 construction.

11          (d) **TECHNICAL ASSISTANCE.**—The Secretary, in  
12 consultation with the Secretary of Energy and the Admin-  
13 istrator of the Environmental Protection Agency, shall  
14 provide outreach and technical assistance to States and  
15 local educational agencies concerning the best practices in  
16 school modernization, renovation, repair, and construc-  
17 tion, including those related to student academic achieve-  
18 ment, student and staff health, energy efficiency, and envi-  
19 ronmental protection.

20 **SEC. 310. REPORTING.**

21          (a) **REPORTS BY LOCAL EDUCATIONAL AGENCIES.**—  
22 Local educational agencies receiving a grant under this  
23 Act shall annually compile a report describing the projects  
24 for which such funds were used, including—

1           (1) the number of public schools in the agency,  
2 including the number of charter schools, and for  
3 each, in the aggregate, the number of students from  
4 low-income families;

5           (2) the total amount of funds received by the  
6 local educational agency under this Act and the  
7 amount of such funds expended, including the  
8 amount expended for modernization, renovation, re-  
9 pair, or construction of charter schools;

10          (3) the number of public schools in the agency  
11 with a metro-centric locale code of 41, 42, or 43 as  
12 determined by the National Center for Education  
13 Statistics and the percentage of funds received by  
14 the agency under title I or title II of this Act that  
15 were used for projects at such schools;

16          (4) the number of public schools in the agency  
17 that are eligible for schoolwide programs under sec-  
18 tion 1114 of the Elementary and Secondary Edu-  
19 cation Act of 1965 (20 U.S.C. 6314) and the per-  
20 centage of funds received by the agency under title  
21 I or title II of this Act that were used for projects  
22 at such schools;

23          (5) for each project—

24               (A) the cost;

1 (B) the standard described in section  
2 309(a) with which the use of the funds com-  
3 plied or, if the use of funds did not comply with  
4 a standard described in section 309(a), the rea-  
5 son such funds were not able to be used in com-  
6 pliance with such standards and the agency's  
7 efforts to use such funds in an environmentally  
8 sound manner;

9 (C) if flooring was installed, whether—

10 (i) it was low- or no-VOC (Volatile  
11 Organic Compounds) flooring;

12 (ii) it was made from sustainable and  
13 renewable materials; and

14 (iii) use of flooring described in clause

15 (i) or (ii) was cost-effective; and

16 (D) any demonstrable or expected benefits  
17 as a result of the project (such as energy sav-  
18 ings, improved indoor environmental quality,  
19 student and staff health (including with ref-  
20 erence to reducing the incidence and effects of  
21 asthma and other respiratory illnesses), im-  
22 proved climate for teaching and learning, etc.);  
23 and

24 (6) the total number and amount of contracts  
25 awarded, and the number and amount of contracts

1 awarded to local, small, minority, women, and vet-  
2 eran-owned businesses.

3 (b) AVAILABILITY OF REPORTS.—A local educational  
4 agency shall—

5 (1) submit the report described in subsection  
6 (a) to the State educational agency, which shall com-  
7 pile such information and report it annually to the  
8 Secretary; and

9 (2) make the report described in subsection (a)  
10 publicly available, including on the agency’s website.

11 (c) REPORTS BY SECRETARY.—Not later than De-  
12 cember 31 of each fiscal year, the Secretary shall submit  
13 to the Committee on Education and Labor of the House  
14 of Representatives and the Committee on Health, Edu-  
15 cation, Labor, and Pensions of the Senate, and make  
16 available on the Department of Education’s website, a re-  
17 port on grants made under this Act, including the infor-  
18 mation described in subsection (b)(1), the types of mod-  
19 ernization, renovation, repair, and construction funded,  
20 and the number of students impacted, including the num-  
21 ber of students counted under section 1113(a)(5) of the  
22 Elementary and Secondary Education Act of 1965 (20  
23 U.S.C. 6313(a)(5)).

1 **SEC. 311. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) TITLE I.—To carry out title I, there are author-  
3 ized to be appropriated \$6,400,000,000 for fiscal year  
4 2010 and such sums as may be necessary for each of fiscal  
5 years 2011 through 2015.

6 (b) TITLE II.—To carry out title II, there are author-  
7 ized to be appropriated \$100,000,000 for each of fiscal  
8 years 2010 through 2015.

9 (c) PROHIBITION ON EARMARKS.—None of the funds  
10 appropriated under this section may be used for a Con-  
11 gressional earmark as defined in clause 9(d) of rule XXI  
12 of the Rules of the House of Representatives.

13 **SEC. 312. SPECIAL RULES.**

14 Notwithstanding any other provision of this Act, none  
15 of the funds authorized by this Act may be—

16 (1) used to employ workers in violation of sec-  
17 tion 274A of the Immigration and Nationality Act  
18 (8 U.S.C. 1324a); or

19 (2) distributed to a local educational agency  
20 that does not have a policy that requires a criminal  
21 background check on all employees of the agency.

22 **SEC. 313. YOUTHBUILD PROGRAMS.**

23 The Secretary of Education, in consultation with the  
24 Secretary of Labor, shall work with recipients of funds  
25 under this Act to promote appropriate opportunities for  
26 participants in a YouthBuild program (as defined in sec-

1 tion 173A of the Workforce Investment Act of 1998 (29  
2 U.S.C. 2918a)) to gain employment experience on mod-  
3 ernization, renovation, repair, and construction projects  
4 funded under this Act.

5 **SEC. 314. EVALUATION.**

6 (a) EVALUATION.—

7 (1) IN GENERAL.—The Secretary shall enter  
8 into an agreement with the Institute of Educational  
9 Sciences of the Department of Education to evaluate  
10 the impact of projects funded under this Act on stu-  
11 dent academic achievement, including a comparison  
12 of students attending public schools receiving fund-  
13 ing under this Act with students attending public  
14 schools that are not receiving such funding.

15 (2) RESEARCH DESIGN; DISSEMINATION.—The  
16 Secretary, through a grant, contract, or cooperative  
17 agreement, shall—

18 (A) ensure that the evaluation described in  
19 paragraph (1) is conducted using the strongest  
20 possible research design for determining the ef-  
21 fectiveness of the projects funded under this  
22 Act; and

23 (B) disseminate information on the impact  
24 of the projects in increasing the academic  
25 achievement of students.

1 (b) REPORT.—Not later than 1 year after the final  
2 year for which a grant is made under this Act, the Sec-  
3 retary shall submit to the Committee on Appropriations,  
4 and the Committee on Education and Labor, of the House  
5 of Representatives, and the Committee on Appropriations,  
6 and the Committee on Health, Education, Labor, and  
7 Pensions, of the Senate, a report on the results of the eval-  
8 uation described in subsection (a).

9 (c) PUBLIC AVAILABILITY.—Following the submis-  
10 sion of the report under subsection (b), all reports and  
11 underlying data gathered pursuant to this section shall be  
12 made available, in a timely manner, to the public upon  
13 request.

14 (d) RULE OF CONSTRUCTION.—Nothing in this sec-  
15 tion shall be construed to permit the disclosure of any per-  
16 sonally identifiable information regarding a student, ex-  
17 cept to the parents of the student.

18 (e) LIMIT ON AMOUNT EXPENDED.—The amount ex-  
19 pended by the Secretary to carry out this section for a  
20 fiscal year shall not exceed 0.5 percent of the total amount  
21 appropriated to carry out this Act for such fiscal year.

22 **SEC. 315. ADVISORY COUNCIL ON GREEN, HIGH-PER-**  
23 **FORMING SCHOOLS.**

24 (a) ESTABLISHMENT OF ADVISORY COUNCIL.— The  
25 Secretary shall establish an advisory council to be known

1 as the “Advisory Council on Green, High-Performing  
2 Schools” (in this section referred to as the “Advisory  
3 Council”) which shall be composed of—

4 (1) appropriate officials from the Department  
5 of Education;

6 (2) representatives of the academic, architec-  
7 tural, business, education, engineering, environ-  
8 mental, labor and scientific communities; and

9 (3) such other representatives as the Secretary  
10 deems appropriate.

11 (b) DUTIES OF ADVISORY COUNCIL.—

12 (1) ADVISORY DUTIES.—The Advisory Council  
13 shall advise the Secretary on the impact of green,  
14 high-performing schools, on—

15 (A) teaching and learning;

16 (B) health;

17 (C) energy costs;

18 (D) environmental impact; and

19 (E) other areas that the Secretary and the  
20 Advisory Council deem appropriate.

21 (2) OTHER DUTIES.—The Advisory Council  
22 shall assist the Secretary in—

23 (A) making recommendations on Federal  
24 policies to increase the number of green, high-  
25 performing schools;

1           (B) identifying Federal policies that are  
2           barriers to helping States and local educational  
3           agencies make schools green and high-per-  
4           forming;

5           (C) providing technical assistance and out-  
6           reach to States and local educational agencies  
7           under section 309(c) ; and

8           (D) providing the Secretary such other as-  
9           sistance as the Secretary deems appropriate.

10       (c) CONSULTATION.—In carrying out its duties under  
11       subsection (b), the Advisory Council shall consult with the  
12       Chair of the Council on Environmental Quality and the  
13       heads of appropriate Federal agencies, including the Sec-  
14       retary of Commerce, the Secretary of Energy, the Sec-  
15       retary of Health and Human Services, the Secretary of  
16       Labor, the Administrator of the Environmental Protection  
17       Agency, and the Administrator of the General Services  
18       Administration (through the Office of Federal High-Per-  
19       formance Green Buildings).

20       **SEC. 316. JOB CORPS.**

21       The Secretary of Education, in consultation with the  
22       Secretary of Labor, shall work with recipients of funds  
23       under this Act to promote appropriate opportunities for  
24       individuals enrolled in the Job Corps program carried out  
25       under subtitle C of title I of the Workforce Investment

1 Act of 1998 (29 U.S.C. 2881 et seq.) to gain employment  
2 experience on modernization, renovation, repair, and con-  
3 struction projects funded under this Act.

4 **SEC. 317. JUNIOR AND COMMUNITY COLLEGE STUDENTS.**

5 The Secretary of Education, in consultation with the  
6 Secretary of Labor, shall work with recipients of funds  
7 under this Act to promote appropriate opportunities for  
8 individuals enrolled in a junior or community college (as  
9 defined in section 312(f) of the Higher Education Act of  
10 1965 (20 U.S.C. 1088(f))) certificate or degree program  
11 relating to projects described in section 309(a) to gain em-  
12 ployment experience working on such projects funded  
13 under this Act.

14 **SEC. 318. GAO STUDY.**

15 Not later than 1 year after the date of the enactment  
16 of this Act, the Comptroller General of the United States  
17 shall conduct a study to determine, and report to the Con-  
18 gress on, the extent and types of projects in keeping with  
19 the uses of funds authorized under this Act being under-  
20 taken in schools around the United States, the geographic  
21 distribution of green, high-performing schools in the  
22 United States, including by urban, suburban, and rural  
23 areas, and the relative access to such schools of the demo-  
24 graphic groups described in section 1111(b)(2)(C)(v) of

1 the Elementary and Secondary Education Act of 1965 (20  
2 USC 6311(b)(2)(C)(v)).

3 **SEC. 319. EDUCATION REGARDING PROJECTS.**

4 A local educational agency receiving funds under this  
5 Act may encourage schools at which projects are under-  
6 taken with such funds to educate students about the  
7 project, including, as appropriate, the functioning of the  
8 project and its environmental, energy, sustainability, and  
9 other benefits.

Passed the House of Representatives May 14, 2009.

Attest:

*Clerk.*

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

**H. R. 2187**

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**AN ACT**

To direct the Secretary of Education to make grants to State educational agencies for the modernization, renovation, or repair of public school facilities, and for other purposes.