

Union Calendar No. 46

111TH CONGRESS
1ST SESSION

H. R. 2187

[Report No. 111–100]

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.

IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 2009

Mr. CHANDLER (for himself, Mr. GEORGE MILLER of California, Mr. KILDEE, Mr. LOEBSACK, Mr. TIERNEY, Mr. COURTNEY, Mr. HARE, Mr. HOLT, Mr. ANDREWS, Mr. GRIJALVA, Mr. PIERLUISI, Ms. WOOLSEY, Mr. WU, Mr. TONKO, Mr. POLIS of Colorado, Ms. HIRONO, and Mr. SABLAN) introduced the following bill; which was referred to the Committee on Education and Labor

MAY 11, 2009

Additional sponsors: Ms. SHEA-PORTER, Mrs. DAVIS of California, Mr. CARNAHAN, Mr. DINGELL, Mr. VAN HOLLEN, Mr. SESTAK, Mr. AL GREEN of Texas, Ms. JACKSON-LEE of Texas, and Mr. CUELLAR

MAY 11, 2009

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on April 30, 2009]

A BILL

To direct the Secretary of Education to make grants to State educational agencies for the modernization, renova-

tion, 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,*

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

4 (a) *SHORT TITLE.*—*This Act may be cited as the “21st*
 5 *Century Green High-Performing Public School Facilities*
 6 *Act”.*

7 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 8 *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.

**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.

1 **SEC. 2. DEFINITIONS.**

2 *In this Act:*

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

6 (2) *The term “charter school” has the meaning*
7 *given such term in section 5210 of the Elementary*
8 *and Secondary Education Act of 1965 (20 U.S.C.*
9 *7221).*

10 (3) *The term “CHPS Criteria” means the green*
11 *building rating program developed by the Collabo-*
12 *rative for High Performance Schools.*

13 (4) *The term “Energy Star” means the Energy*
14 *Star program of the United States Department of En-*
15 *ergy and the United States Environmental Protection*
16 *Agency.*

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

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

25 (7) *The term “local educational agency”—*

1 (A) has the meaning given to that term in
2 section 9101 of the Elementary and Secondary
3 Education Act of 1965 (20 U.S.C. 7801), and
4 shall also include the Recovery School District of
5 Louisiana and the New Orleans Public Schools;
6 and

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

10 (8) The term “outlying area”—

11 (A) means the United States Virgin Islands,
12 Guam, American Samoa, and the Common-
13 wealth of the Northern Mariana Islands; and

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

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

22 (10) The term “State” means each of the 50
23 States, the District of Columbia, and the Common-
24 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 mod-*
 7 *ernizing, renovating, or repairing public school facilities,*
 8 *based on their need for such improvements, to be safe,*
 9 *healthy, high-performing, and up-to-date technologically.*

10 **SEC. 102. ALLOCATION OF FUNDS.**

11 *(a) RESERVATION.—*

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

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

19 *(B) for payments to the Secretary of the In-*
 20 *terior to provide assistance to Bureau-funded*
 21 *schools.*

22 *(2) USE OF RESERVED FUNDS.—In each fiscal*
 23 *year, the amount reserved under paragraph (1) shall*
 24 *be divided between the uses described in subpara-*
 25 *graphs (A) and (B) of such paragraph in the same*

1 *proportion as the amount reserved under section*
 2 *1121(a) of the Elementary and Secondary Education*
 3 *Act of 1965 (20 U.S.C. 6331(a)) is divided between*
 4 *the uses described in paragraphs (1) and (2) of such*
 5 *section 1121(a) in such fiscal year.*

6 ***(b) ALLOCATION TO STATES.—***

7 ***(1) STATE-BY-STATE ALLOCATION.—****Of the*
 8 *amount appropriated to carry out this title for each*
 9 *fiscal year pursuant to section 311(a), and not re-*
 10 *served under subsection (a), each State shall be allo-*
 11 *cated an amount in proportion to the amount re-*
 12 *ceived by all local educational agencies in the State*
 13 *under part A of title I of the Elementary and Sec-*
 14 *ondary Education Act of 1965 (20 U.S.C. 6311 et*
 15 *seq.) for the previous fiscal year relative to the total*
 16 *amount received by all local educational agencies in*
 17 *every State under such part for such fiscal year.*

18 ***(2) STATE ADMINISTRATION.—****A State may re-*
 19 *serve up to 1 percent of its allocation under para-*
 20 *graph (1) to carry out its responsibilities under this*
 21 *title, which include—*

22 ***(A) providing technical assistance to local***
 23 ***educational agencies;***

24 ***(B) developing an online, publicly search-***
 25 ***able database that includes an inventory of pub-***

1 *lic school facilities in the State, including for*
2 *each, its design, condition, modernization, ren-*
3 *ovation and repair needs, usage, utilization, en-*
4 *ergy use, and carbon footprint; and*

5 *(C) creating voluntary guidelines for high-*
6 *performing school buildings, including guidelines*
7 *concerning the following:*

8 *(i) Site location, storm water manage-*
9 *ment, outdoor surfaces, outdoor lighting,*
10 *and transportation (location near public*
11 *transit and easy access for pedestrians and*
12 *bicycles).*

13 *(ii) Outdoor water systems, land-*
14 *scaping to minimize water use, including*
15 *elimination of irrigation systems for land-*
16 *scaping, and indoor water use reduction.*

17 *(iii) Energy efficiency (including min-*
18 *imum and superior standards, such as for*
19 *heating, ventilation, and air conditioning*
20 *systems), use of alternative energy sources,*
21 *commissioning, and training.*

22 *(iv) Use of durable, sustainable mate-*
23 *rials and waste reduction.*

24 *(v) Indoor environmental quality, such*
25 *as day lighting in classrooms, lighting qual-*

ity, indoor air quality, acoustics, and thermal comfort.

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

(3) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—

(A) IN GENERAL.—From the amount allocated to a State under paragraph (1), each eligible local educational agency in the State shall receive an amount in proportion to the amount received by such local educational agency under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the previous fiscal year relative to the total amount received by all local educational agencies in the State under such part for such fiscal year, except that no local educational agency that received funds under title I of that Act for such fiscal year shall receive a grant of less than \$5,000 in any fiscal year under this title.

(B) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—For purposes of subparagraph (A), the term

1 *“eligible local educational agency” means a local*
 2 *educational agency that—*

3 *(i) meets the requirements of section*
 4 *1112(a) of the Elementary and Secondary*
 5 *Education Act of 1965 (20 U.S.C. 6311 et*
 6 *seq.); and*

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

12 *(4) SPECIAL RULE.—Section 1122(c)(3) of the*
 13 *Elementary and Secondary Education Act of 1965*
 14 *(20 U.S.C. 6332(c)(3)) shall not apply to paragraph*
 15 *(1) or (3).*

16 *(c) SPECIAL RULES.—*

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

22 *(2) DISTRIBUTIONS BY STATES.—A State shall*
 23 *make and distribute the allocations described in sub-*
 24 *section (b)(3) within 30 days of receiving such funds*
 25 *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—*

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

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

16 *(3) bringing public schools into compliance with*
17 *fire, health, seismic, and safety codes, including pro-*
18 *fessional installation of fire/life safety alarms, includ-*
19 *ing modernizations, renovations, and repairs that en-*
20 *sure that schools are prepared for emergencies, such as*
21 *improving building infrastructure to accommodate se-*
22 *curity measures;*

23 *(4) modifications necessary to make public school*
24 *facilities accessible to comply with the Americans*
25 *with Disabilities Act of 1990 (42 U.S.C. 12101 et*

1 *seq.) and section 504 of the Rehabilitation Act of*
2 *1973 (29 U.S.C. 794);*

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

7 *(6) measures designed to reduce or eliminate*
8 *human exposure to classroom noise and environ-*
9 *mental noise pollution;*

10 *(7) modernizations, renovations, or repairs nec-*
11 *essary to reduce the consumption of coal, electricity,*
12 *land, natural gas, oil, or water;*

13 *(8) upgrading or installing educational tech-*
14 *nology infrastructure to ensure that students have ac-*
15 *cess to up-to-date educational technology;*

16 *(9) modernization, renovation, or repair of*
17 *science and engineering laboratory facilities, libraries,*
18 *and career and technical education facilities, includ-*
19 *ing those related to energy efficiency and renewable*
20 *energy, and improvements to building infrastructure*
21 *to accommodate bicycle and pedestrian access;*

22 *(10) renewable energy generation and heating*
23 *systems, including solar, photovoltaic, wind, geo-*
24 *thermal, or biomass, including wood pellet, woody*

1 *biomass, waste-to-energy, and solar-thermal systems*
 2 *or components of such systems, and energy audits;*
 3 *(11) other modernization, renovation, or repair*
 4 *of public school facilities to—*
 5 *(A) improve teachers’ ability to teach and*
 6 *students’ ability to learn;*
 7 *(B) ensure the health and safety of students*
 8 *and staff;*
 9 *(C) make them more energy efficient; or*
 10 *(D) reduce class size; and*
 11 *(12) required environmental remediation related*
 12 *to public school modernization, renovation, or repair*
 13 *described in paragraphs (1) through (11).*

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

17 ***SEC. 201. PURPOSE.***

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

1 **SEC. 202. ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.**

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

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

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

16 A local educational agency receiving a grant under
 17 this title shall use the grant for one or more of the activities
 18 described in section 103, except that an agency receiving
 19 a grant under this title also may use the grant for the con-
 20 struction of new public school facilities.

21 **TITLE III—GENERAL**
 22 **PROVISIONS**

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

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

1 (2) *stadiums or other facilities primarily used*
 2 *for athletic contests or exhibitions or other events for*
 3 *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 re-*
 24 *ceive a grant under this Act for any fiscal year only if ei-*
 25 *ther the combined fiscal effort per student or the aggregate*

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

6 (b) *REDUCTION IN CASE OF FAILURE TO MEET MAIN-*
 7 *TENANCE OF EFFORT REQUIREMENT.—*

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

16 (2) *SPECIAL RULE.—No such lesser amount shall*
 17 *be used for computing the effort required under sub-*
 18 *section (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 max-*
 6 *imum number of qualified bidders, including local, small,*
 7 *minority, and women- and veteran-owned businesses,*
 8 *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 or*
 12 *otherwise made available by this Act may be used for a*
 13 *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 inconsistent*
 21 *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 the*
3 *cost of the overall project by more than 25 percent.*

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

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

12 **SEC. 307. LABOR STANDARDS.**

13 *The grant programs under this Act are applicable pro-*
14 *grams (as that term is defined in section 400 of the General*
15 *Education Provisions Act (20 U.S.C. 1221)) subject to sec-*
16 *tion 439 of such Act (20 U.S.C. 1232b).*

17 **SEC. 308. CHARTER SCHOOLS.**

18 *A local educational agency receiving an allocation*
19 *under this Act shall distribute an amount of that allocation*
20 *to charter schools within its jurisdiction. The total amount*
21 *to be distributed under the preceding sentence shall be deter-*
22 *mined based on the percentage of students eligible under*
23 *part A of title I of the Elementary and Secondary Edu-*
24 *cation Act of 1965 (20 U.S.C. 6311 et seq.) in the schools*
25 *of the agency who are enrolled in charter schools. Of such*

1 *total, individual charter schools shall receive a share based*
 2 *on the needs of the schools, as determined by the agency*
 3 *in consultation with the charter school community. Funds*
 4 *shall be used only for allowable activities in accordance*
 5 *with this Act.*

6 **SEC. 309. GREEN SCHOOLS.**

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

- 13 (1) *the LEED Green Building Rating System;*
- 14 (2) *Energy Star;*
- 15 (3) *the CHPS Criteria;*
- 16 (4) *Green Globes; or*
- 17 (5) *an equivalent program adopted by the State*
 18 *or another jurisdiction with authority over the local*
 19 *educational agency, which shall include a verifiable*
 20 *method to demonstrate compliance with such pro-*
 21 *gram.*

22 (b) *APPLICABLE PERCENTAGES.*—*The applicable per-*
 23 *centage described in subsection (a) is—*

- 24 (1) *in fiscal year 2010, 50 percent;*
- 25 (2) *in fiscal year 2011, 60 percent;*

- 1 (3) in fiscal year 2012, 70 percent;
2 (4) in fiscal year 2013, 80 percent;
3 (5) in fiscal year 2014, 90 percent; and
4 (6) in fiscal year 2015, 100 percent.

5 (c) *TECHNICAL ASSISTANCE.*—*The Secretary, in con-*
6 *sultation with the Secretary of Energy and the Adminis-*
7 *trator of the Environmental Protection Agency, shall pro-*
8 *vide outreach and technical assistance to States and local*
9 *educational agencies concerning the best practices in school*
10 *modernization, renovation, repair, and construction, in-*
11 *cluding those related to student academic achievement, stu-*
12 *dent and staff health, energy efficiency, and environmental*
13 *protection.*

14 **SEC. 310. REPORTING.**

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

- 19 (1) *the number of public schools in the agency,*
20 *including the number of charter schools, and for each,*
21 *in the aggregate, the number of students from low-in-*
22 *come families;*
23 (2) *the total amount of funds received by the*
24 *local educational agency under this Act and the*
25 *amount of such funds expended, including the amount*

1 *expended for modernization, renovation, repair, or*
2 *construction of charter schools;*

3 (3) *the number of public schools in the agency*
4 *with a metro-centric locale code of 41, 42, or 43 as*
5 *determined by the National Center for Education Sta-*
6 *tistics and the percentage of funds received by the*
7 *agency under title I or title II of this Act that were*
8 *used for projects at such schools;*

9 (4) *the number of public schools in the agency*
10 *that are eligible for schoolwide programs under sec-*
11 *tion 1114 of the Elementary and Secondary Edu-*
12 *cation Act of 1965 (20 U.S.C. 6314) and the percent-*
13 *age of funds received by the agency under title I or*
14 *title II of this Act that were used for projects at such*
15 *schools;*

16 (5) *for each project—*

17 (A) *the cost;*

18 (B) *the standard described in section 309(a)*
19 *with which the use of the funds complied or, if*
20 *the use of funds did not comply with a standard*
21 *described in section 309(a), the reason such*
22 *funds were not able to be used in compliance*
23 *with such standards and the agency's efforts to*
24 *use such funds in an environmentally sound*
25 *manner;*

- 1 (C) if flooring was installed, whether—
2 (i) it was low- or no-VOC (Volatile Or-
3 ganic Compounds) flooring;
4 (ii) it was made from sustainable ma-
5 terials; and
6 (iii) use of flooring described in clause
7 (i) or (ii) was cost-effective; and
8 (D) any demonstrable or expected benefits
9 as a result of the project (such as energy savings,
10 improved indoor environmental quality, im-
11 proved climate for teaching and learning, etc.);
12 and
13 (6) the total number and amount of contracts
14 awarded, and the number and amount of contracts
15 awarded to local, small, minority, women, and vet-
16 eran-owned businesses.
- 17 (b) *AVAILABILITY OF REPORTS.*—A local educational
18 agency shall—
19 (1) submit the report described in subsection (a)
20 to the State educational agency, which shall compile
21 such information and report it annually to the Sec-
22 retary; and
23 (2) make the report described in subsection (a)
24 publicly available, including on the agency’s website.

1 (c) *REPORTS BY SECRETARY.*—Not later than Decem-
 2 ber 31 of each fiscal year, the Secretary shall submit to the
 3 Committee on Education and Labor of the House of Rep-
 4 resentatives and the Committee on Health, Education,
 5 Labor, and Pensions of the Senate, and make available on
 6 the Department of Education’s website, a report on grants
 7 made under this Act, including the information described
 8 in subsection (b)(1), the types of modernization, renovation,
 9 repair, and construction funded, and the number of stu-
 10 dents impacted, including the number of students counted
 11 under section 1113(a)(5) of the Elementary and Secondary
 12 Education Act of 1965 (20 U.S.C. 6313(a)(5)).

13 **SEC. 311. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) *TITLE I.*—To carry out title I, there are authorized
 15 to be appropriated \$6,400,000,000 for fiscal year 2010 and
 16 such sums as may be necessary for each of fiscal years 2011
 17 through 2015.

18 (b) *TITLE II.*—To carry out title II, there are author-
 19 ized to be appropriated \$100,000,000 for each of fiscal years
 20 2010 through 2015.

21 **SEC. 312. SPECIAL RULES.**

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

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

4 (2) *distributed to a local educational agency that*
5 *does not have a policy that requires a criminal back-*
6 *ground check on all employees of the agency.*

7 **SEC. 313. YOUTHBUILD PROGRAMS.**

8 *The Secretary of Education, in consultation with the*
9 *Secretary of Labor, shall work with recipients of funds*
10 *under this Act to promote appropriate opportunities for*
11 *participants in a YouthBuild program (as defined in sec-*
12 *tion 173A of the Workforce Investment Act of 1998 (29*
13 *U.S.C. 2918a)) to gain employment experience on mod-*
14 *ernization, renovation, repair, and construction projects*
15 *funded under this Act.*

Union Calendar No. 46

11TH CONGRESS
1ST Session

H. R. 2187

[Report No. 111-100]

A BILL

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.

MAY 11, 2009

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed