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2D SESSION

H. R. 5401

To authorize the Secretary of Education to make grants for energy efficiency improvements and renewable energy improvements at public school facilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 2008

Mr. LOEBSACK (for himself, Mr. HARE, Ms. HOOLEY, Mr. PAYNE, Mr. VAN HOLLEN, Mr. BOSWELL, and Mr. KAGEN) introduced the following bill; which was referred to the Committee on Education and Labor

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A BILL

To authorize the Secretary of Education to make grants for energy efficiency improvements and renewable energy improvements at public school facilities, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Grants for Renewable and Energy Efficiency Needs School Improvement Act'' or the ''GREEN School Improvement Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) According to a recent report entitled ''Greening America's Schools: Costs and Benefits'' buildings use a large amount of the Nation's energy and electricity. Air pollution and greenhouse gas emissions from burning fossil fuels to heat and to generate electricity for these buildings can impose health, environmental, and property damage costs. Green schools use on average one-third less energy than conventional schools and could lead to large overall emissions reductions per school.

(2) The same report indicates that out of 30 schools reviewed, the average energy savings of a green school over a conventional school was 33 percent and the water savings was 32 percent. The total financial savings from green schools are around $70 per square foot, with a $12 per square foot savings going directly to schools.

(3) According to a 1996 GAO report, school officials estimated that to bring schools up to a ''good overall condition'', it would cost a total of $112,000,000,000, and $11,000,000,000 alone to comply with Federal mandates.

(4) According to a report by the National Center for Education Statistics report, $127,000,000,000 is needed to bring the three-quar-

ters of current school buildings with need for repairs, renovations and modernizations up to a ''good overall condition''.

(5) According to the GAO, 14,000,000 students attend schools considered below standard or dangerous and almost two-thirds of schools have building features such as air conditioning that are in need of extensive repair or replacement leading to the air being unfit to breathe in nearly 15 thousand schools.

(6) A report by The Rural School and Community Trust found that overall public school enrollment in the United States increased by about 602,000 students or 1 percent while enrollment in rural schools increased by over 1,339,000 or 15 percent. The poorest rural populations are in the poorest states least able to afford the cost of an adequate education.

(7) A 2006 report by Building Educational Success Together found that the academically neediest students, minorities and impoverished students were most likely to attend the most decrepit facilities and that while unprecedented spending on facilities and growth was seen across the country, the least affluent school districts made the lowest investment.

(8) According to a recent report entitled ''Greening America's Schools: Costs and Benefits'' an examination of numerous States with green projects found a significant increase in employment and revenue in those States. In this same report, one State with green schools found a 5 percent reduction in teacher turnover.

(9) In examining numerous schools, based on a substantial data set a 3–5 percent improvement in learning ability and test scores in green schools can be expected.

(10) According to a report by the U.S. Environmental Protection Agency entitled ''Indoor Air Quality'' in January 2003, students and faculty typically spend 85 to 90 percent of their time indoors and the concentration of pollutants indoors is typically higher than outdoors, sometimes by as much as 10 or even 100 times.

(11) According to a study by the Carnegie Mellon University Center for Building Performance in 2005, 17 separate studies all found positive health impacts from improved indoor air-quality, ranging from 13.5 percent up to 87 percent improvements with average improvement of 41 percent.

(12) According to a recent report entitled ''Greening America's Schools: Costs and Benefits'', an analysis of numerous green schools showed that both teacher sick days and student absenteeism decreased by 12 to 15 percent in green schools.

SEC. 3. DEFINITIONS.

In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means a consortium of—

(A) one local educational agency; and

(B) one or more—

(i) schools;

(ii) non-profit organizations;

(iii) for-profit organizations; or

(iv) community partners that have the knowledge and capacity to partner and assist with energy improvements.

(2) ENERGY IMPROVEMENTS.—The term ''energy improvements'' means—

(A) any improvement, repair, or renovation, to a school that will result in a direct reduction in school energy costs including but not limited to improvements to building envelope, air conditioning, ventilation, heating system, domestic hot water heating, compressed air sys-

tems, distribution systems, lighting, power systems and controls;

(B) any improvement, repair, renovation, or installation that leads to an improvement in teacher and student health including but not limited to indoor air quality, daylighting, ventilation, electrical lighting, and acoustics; and

(C) the installation of renewable energy technologies (such as wind power, photovoltaics, solar thermal systems, geothermal energy, hydrogen-fueled systems, biomass-based systems, biofuels, anaerobic digesters, and hydropower) involved in the improvement, repair, or renovation to a school.

SEC. 4. FORMULA GRANTS TO STATES FOR ENERGY EFFICIENCY IMPROVEMENTS AND RENEWABLE ENERGY IMPROVEMENTS AT PUBLIC SCHOOL FACILITIES.

(a) AUTHORITY.—From amounts made available for grants under this section, the Secretary of Education shall allocate funds to States to provide grants to local educational agencies and eligible entities to make energy improvements authorized by this section.

(b) FORMULA.—Amounts made available for grants under this section shall be allocated as follows:

(1) 1 percent shall be allocated to provide assistance to outlying areas.

(2) 1 percent shall be allocated to the Secretary of the Interior to provide assistance to Bureau-funded schools.

(3) The remaining amounts shall be allocated to the State educational agencies. Each State educational agency shall be allocated an amount that bears the same relation to the amount appropriated for the fiscal year as the amount the State received for fiscal year 2008 under part A of title I of the Elementary and Secondary Education Act of 1965 bears to the amount all States received for fiscal year 2008, except that no State educational agency shall receive less than 0.5 percent of the remaining amounts.

(c) AMOUNT RESERVED BY STATE FOR ADMINISTRATION.—A State educational agency receiving an allocation under subsection (b) may reserve not more than 2 percent of that allocation for the purpose of administering the distribution of grants under this section.

(d) COMPETITIVE GRANTS.—

(1) IN GENERAL.—After any reservation under subsection (c), the State educational agency shall grant all remaining amounts on a competitive basis

to local educational agencies and eligible entities. Any amounts that the State educational agency cannot grant shall be returned to the Secretary and reallocated by the Secretary to other States under subsection (b).

(2) PRIORITY.—In making grants under this subsection, the State educational agency shall give priority to a local educational agency that has renovation, repair, and improvement funding needs and is—

(A) a high-need local educational agency, as defined in section 2102 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6602); or

(B) a local educational agency designated with a metrocentric locale code of 41, 42, or 43 as determined by the National Center for Education Statistics (NCES), in conjunction with the Bureau of the Census, using the NCES system for classifying local educational agencies.

(3) COMPETITIVE CRITERIA.—The competitive criteria used by the State educational agency shall include the following:

(A) The fiscal capacity of the local educational agency or eligible entity to meet the

needs for improvements of school facilities without assistance under this section, including the ability of the local educational agency or eligible entity to raise funds through the use of local bonding capacity and otherwise.

(B) In the case of a local educational agency that proposes to fund an improvement for a charter school, the extent to which the school has access to funding for the project through the financing methods available to other schools or local educational agencies in the State.

(C) The likelihood that the local educational agency or eligible entity will maintain, in good condition, any facility whose improvement is assisted.

(4) APPLICATIONS.—To be eligible to receive a grant under this section, an applicant must submit to the State educational agency an application that includes each of the following:

(A) A needs assessment of the current condition of the school and facilities that are to receive the energy improvements.

(B) A draft work plan of what applicant hopes to achieve at the school and a description of the energy improvements to be carried out.

(C) A description of the applicant's capacity to provide services and comprehensive support to make the energy improvements.

(D) An assessment of the applicant's expected needs for operation and maintenance training funds, and a plan for use of those funds, if any.

(E) An assessment of the expected benefits of the energy improvements.

(F) A cost estimate of the proposed energy improvements.

(G) An identification of other resources that are available to carry out the activities for which funds are requested under this section, including the availability of utility programs and public benefit funds.

(H) An assurance that the application was developed in consultation with the facilities manager of the school, parents, classroom teachers, and principals.

(I) A memorandum of understanding between the school selected for the energy improvements and the applicant.

(J) An assessment of the need for an audit and, if so, a justification of the need for the audit.

(K) If the applicant is an eligible entity—

(i) a description of the eligible entity;

(ii) a description of the capacity of the eligible entity to provide services and support applicable to the energy improvements; and

(iii) a memorandum of understanding between the eligible entity and local educational agency.

(L) Any other information and assurances that the State educational agency may reasonably require.

(5) MATCHING FUNDS.—The State educational agency may require a recipient to provide matching funds and, in determining the amount of the matching funds, shall take into account the relative poverty of the population served by the local educational agency.

(e) USE OF GRANT AMOUNTS.—

(1) IN GENERAL.—The recipient of a grant under this section shall use the grant amounts only to make the energy improvements contemplated in

the application, subject to the other provisions of this subsection.

(2) OPERATION AND MAINTENANCE TRAINING.—The recipient may use up to 5 percent for operation and maintenance training for energy efficiency and renewable energy improvements (such as maintenance staff and teacher training, education, and preventative maintenance training).

(3) AUDIT.—The recipient may use funds for a third-party investigation and analysis for energy improvements (such as energy audits and existing building commissioning).

(4) CONTINUING EDUCATION.—The recipient may use up to 1 percent of the grant amounts to develop a continuing education curriculum relating to energy improvements.

(f) CONTRACTING REQUIREMENTS.—

(1) DAVIS-BACON.—Any laborer or mechanic employed by any contractor or subcontractor in the performance of work on any energy improvements funded by a grant under this section shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor under subchapter IV of chap-

ter 31 of title 40, United States Code (commonly referred to as the Davis-Bacon Act).

(2) COMPETITION.—Each applicant that receives funds shall ensure that, if the applicant carries out repair or renovation through a contract, any such contract process—

(A) ensures the maximum number of qualified bidders, including small, minority, and women-owned businesses, through full and open competition; and

(B) gives priority to businesses located in, or resources common to, the State or the geographical area in which the project is carried out.

(g) REPORTING.—

(1) BY RECIPIENTS.—Each recipient of a grant under this section shall submit to the State educational agency, at such time as the State educational agency may require, a report describing the use of such funds for energy improvements, the estimated cost savings realized by those energy improvements, the results of any audit, the use of any utility programs and public benefit funds and the use of performance tracking for energy improvements (such

as the Department of Energy: Energy Star program or LEED for Existing Buildings).

(2) BY STATES.—Each State educational agency receiving an allocation under this section shall submit to the Secretary, not later than December 30 of each year, a report on the use of funds received and made available to recipients for energy improvements, the estimated cost savings realized by those energy improvements, the results of any audits, the use of any utility programs and public benefit funds and the use of performance tracking for energy improvements (such as the Department of Energy: Energy Star program or LEED for Existing Buildings).

(h) BEST PRACTICES.—

(1) PUBLICATION OF STATE REPORTS.—The Secretary shall publish the reports from the State educational agencies.

(2) DEVELOPMENT OF GUIDELINES.—The Secretary shall use the results of the reports to develop, in consultation with the Secretary of Energy, guidelines and best practices for activities carried out under this section.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section

$2,000,000,000 for each of fiscal years 2009 through 2014.

SEC. 5. COMPETITIVE GRANTS TO STATES TO DEVELOP GUIDELINES FOR ENERGY IMPROVEMENTS.

(a) AUTHORITY.—From amounts made available for grants under this section, the Secretary of Education shall, on a competitive basis, make grants to States to develop guidelines and standards for energy improvements and new facility construction within the State.

(b) PRIORITY.—In making grants under this section, the Secretary shall give priority to the following:

(1) A State that has local educational agencies that have renovation, repair, and improvement funding needs and are—

(A) high-need local educational agencies, as defined in section 2102 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6602); or

(B) local educational agencies designated with a metrocentric locale code of 41, 42, or 43 as determined by the National Center for Education Statistics (NCES), in conjunction with the Bureau of the Census, using the NCES system for classifying local educational agencies.

(2) A State that does not have established guidelines and standards for energy improvements, and new facility construction.

(c) APPLICATIONS.—To be eligible to receive a grant under this section, an applicant must submit to the Secretary an application that includes each of the following:

(1) An assessment of the need for State guidelines and standards for energy improvements and new facility construction.

(2) An assessment of the expected benefits of guidelines and standards for energy improvements and new facility construction.

(3) A cost estimate of the proposed development of guidelines and standards for energy improvements and new facility construction.

(4) A plan for utilization of guidelines and standards for energy improvements and new facility construction.

(5) A plan for utilization of businesses located in, or resources common to, the geographical area.

(6) Any other information and assurances that the Secretary may reasonably require.

(d) USE OF FUNDS.—

(1) IN GENERAL.—The recipient of a grant under this section shall use the grant amounts only

to develop the guidelines and standards contemplated by this section, subject to the other provisions of this subsection.

(2) CONTENT OF GUIDELINES AND STANDARDS.—The guidelines and standards shall—

(A) be based on current regional standards set by the Department of Energy; and

(B) give priority to the utilization of businesses located in, or resources common to, the geographical area.

(3) FEES.—The recipient may use grant amounts for fees related to securing information resources, obtaining training, and obtaining certifications, to the extent doing so is relevant to developing guidelines and standards for renovations, modernizations, and new construction (such as obtaining third party certification for the institution of best practices related to ongoing operations and maintenance for existing buildings).

(e) REPORTING.—Each recipient of grant funds under this section shall, not later than December 30 of the year for which the funds were awarded, submit to the Secretary a report that describes the progress made in developing the guidelines and standards, and includes any completed guidelines and standards.

(f) BEST PRACTICES.—

(1) PUBLICATION OF REPORTS.—The Secretary shall publish the reports from the State educational agencies.

(2) DEVELOPMENT OF NATIONWIDE REGIONAL GUIDELINES.—The Secretary shall use the results of the reports to develop, in consultation with the Secretary of Energy, best practices to further the goal of developing nationwide and regional guidelines and standards for improvements, modernizations, renovations, and new construction.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2009 through 2014.

SEC. 6. GOVERNMENT ACCOUNTABILITY OFFICE STUDY.

(a) IN GENERAL.—The Comptroller General of the United States shall carry out a study on—

(1) the costs of repair, renovation, and construction for public elementary schools and secondary schools in the United States;

(2) the expenditures of Federal, State, local, and private funds for such costs; and

(3) the potential of Federal funding to address the repair, renovation, and construction needs of

public elementary schools and secondary schools in the United States with energy improvements.

(b) ESTIMATES AND MEASURES.—In carrying out the study, the Comptroller General shall—

(1) estimate the costs needed to repair, renovate, and construct all schools described in subsection (a)(1) to a ''good overall condition'';

(2) measure the expenditures described in subsection (a)(2) for the period beginning with fiscal year 2001 and ending with the most recent fiscal year for which data are available; and

(3) estimate the potential costs, and the potential cost savings, of including in needed repairs, renovations, and construction, energy improvements, as described in subsection (a)(3).

(c) ANALYSIS.—With respect to subsection (b)(2), the Comptroller General shall examine the history of such expenditures, including examining—

(1) types of schools assisted, and the types of repair, renovation, and construction activities conducted, with those expenditures;

(2) how the expenditures were allocated among improvements to land, buildings, and equipment;

(3) how Federal funds for such activities have been distributed; and

(4) how Federal funds have been used to support energy improvements in public elementary schools and secondary schools.

(d) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

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