

112TH CONGRESS
1ST SESSION

S. _____

To provide assistance for the modernization, renovation, and repair of elementary school and secondary school buildings in public school districts and community colleges across the United States in order to support the achievement of improved educational outcomes in those schools, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. BROWN of Ohio introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To provide assistance for the modernization, renovation, and repair of elementary school and secondary school buildings in public school districts and community colleges across the United States in order to support the achievement of improved educational outcomes in those schools, 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 **SEC.**

Sec. 1. Short title; Table of Contents.

TITLE I—ELEMENTARY AND SECONDARY SCHOOLS

Sec. 101. Purpose.

Sec. 102. Authorization of appropriations; Appropriation of Funds.

2

- Sec. 103. Allocation of funds.
- Sec. 104. State use of funds.
- Sec. 105. State and local applications.
- Sec. 106. Use of funds.
- Sec. 107. Additional provisions.
- Sec. 108. Reports.

TITLE II—COMMUNITY COLLEGE MODERNIZATION

- Sec. 201. Federal assistance for community college modernization.

TITLE III—GENERAL PROVISIONS

- Sec. 301. Definitions.
- Sec. 302. Buy American.
- Sec. 303. Compliance with Davis-Bacon Act.
- Sec. 304. Reports.

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

- 2 (a) SHORT TITLE.—This Act may be cited as the
3 “Fix America’s Schools Today Act of 2011”.

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

- Sec. 1. Short title; Table of Contents.

TITLE I—ELEMENTARY AND SECONDARY SCHOOLS

- Sec. 101. Purpose.
- Sec. 102. Authorization of appropriations.
- Sec. 103. Allocation of funds.
- Sec. 104. State use of funds.
- Sec. 105. State and local applications.
- Sec. 106. Use of funds.
- Sec. 107. Additional provisions.

TITLE II—COMMUNITY COLLEGE MODERNIZATION

- Sec. 201. Federal assistance for community college modernization.

TITLE III—GENERAL PROVISIONS

- Sec. 301. Definitions.
- Sec. 302. Buy American.
- Sec. 303. Compliance with Davis-Bacon Act.
- Sec. 304. Reports.

1 **TITLE I—ELEMENTARY AND**
2 **SECONDARY SCHOOLS**

3 **SEC. 101. PURPOSE.**

4 The purpose of this title is to provide assistance for
5 the modernization, renovation, and repair of elementary
6 school and secondary school buildings for schools that are
7 served by local educational agencies across the United
8 States, in order to support the achievement of improved
9 educational outcomes in such schools.

10 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS; APPRO-**
11 **PRIATION OF FUNDS.**

12 There are authorized to be appropriated, and there
13 are appropriated, \$25,000,000,000 to carry out this title,
14 which shall be available for obligation by the Secretary
15 until September 30, 2012.

16 **SEC. 103. ALLOCATION OF FUNDS.**

17 (a) RESERVATIONS.—From the amount made avail-
18 able to carry out this title, the Secretary shall reserve—

19 (1) one-half of 1 percent for the Secretary of
20 the Interior to carry out modernization, renovation,
21 and repair activities described in section 106 in
22 schools operated or funded by the Bureau of Indian
23 Education;

1 (2) one-half of 1 percent to make grants to the
2 outlying areas for modernization, renovation, and re-
3 pair activities described in section 106; and

4 (3) such funds as the Secretary determines are
5 needed to conduct a survey, through the National
6 Center for Education Statistics, of the school con-
7 struction, modernization, renovation, and repair
8 needs of the public schools of the United States.

9 (b) STATE ALLOCATION.—From the amount made
10 available to carry out this title, and not reserved under
11 subsection (a), the Secretary shall allocate funds among
12 the States in proportion to their respective allocations
13 under part A of title I of the Elementary and Secondary
14 Education Act of 1965 (20 U.S.C. 6311 et seq.) for fiscal
15 year 2011, except that—

16 (1) the Secretary shall allocate 40 percent of
17 such funds to the 100 local educational agencies
18 with the largest numbers of children ages 5 to 17
19 living in poverty, as determined using the most re-
20 cent data available from the Department of Com-
21 merce that are satisfactory to the Secretary, in pro-
22 portion to such local educational agencies' respective
23 allocations under part A of title I of the Elementary
24 and Secondary Education Act of 1965 (20 U.S.C.
25 6311 et seq.) for fiscal year 2011; and

1 (2) the allocation to any State shall be reduced
2 by the aggregate amount of the allocations under
3 paragraph (1) to local educational agencies in such
4 State.

5 (c) REMAINING ALLOCATION.—

6 (1) IN GENERAL.—If a State does not apply for
7 its allocation under subsection (b), applies for less
8 than the full allocation for which it is eligible, or
9 does not use the allocation in a timely manner, the
10 Secretary may—

11 (A) reallocate all or a portion of the alloca-
12 tion to the other States in accordance with sub-
13 section (b); or

14 (B) use all or a portion of the allocation to
15 make direct allocations to local educational
16 agencies within the State based on their respec-
17 tive allocations under part A of title I of the El-
18 ementary and Secondary Education Act of 1965
19 (20 U.S.C. 6311 et seq.) for fiscal year 2011 or
20 such other method as the Secretary may deter-
21 mine.

22 (2) REALLOCATION OF LOCAL EDUCATIONAL
23 AGENCY FUNDS.—If a local educational agency does
24 not apply for its allocation under subsection (b)(1),
25 applies for less than the full allocation for which it

1 is eligible, or does not use the allocation in a timely
2 manner, the Secretary may reallocate all or a por-
3 tion of such local educational agency's allocation to
4 the State in which such agency is located.

5 **SEC. 104. STATE USE OF FUNDS.**

6 (a) RESERVATION.—Each State that receives a grant
7 under this title may reserve not more than 1 percent of
8 the State's allocation under section 103(b) for the purpose
9 of administering the grant, except that no State may re-
10 serve more than \$750,000 for this purpose.

11 (b) FUNDS TO LOCAL EDUCATIONAL AGENCIES.—

12 (1) FORMULA SUBGRANTS.—From the grant
13 funds that are not reserved under subsection (a), a
14 State shall allocate not less than 50 percent to local
15 educational agencies, including charter schools that
16 are local educational agencies, that did not receive
17 funds under section 103(b)(1) from the Secretary, in
18 accordance with their respective allocations under
19 part A of title I of the Elementary and Secondary
20 Education Act of 1965 (20 U.S.C. 6311 et seq.) for
21 fiscal year 2011, except that no such local edu-
22 cational agency shall receive less than \$10,000.

23 (2) ADDITIONAL SUBGRANTS.—The State shall
24 use any funds remaining, after reserving funds
25 under subsection (a) and allocating funds under

1 paragraph (1), for subgrants to local educational
2 agencies that did not receive funds under section
3 103(b)(1), including charter schools that are local
4 educational agencies, to support modernization, ren-
5 ovation, and repair projects that the State deter-
6 mines, using objective criteria, are most needed in
7 the State, with priority given to projects in rural
8 local educational agencies.

9 (c) REMAINING FUNDS.—If a local educational agen-
10 cy does not apply for an allocation under subsection
11 (b)(1), applies for less than its full allocation, or fails to
12 use the allocation in a timely manner, the State may re-
13 allocate any unused portion to other local educational
14 agencies in accordance with subsection (b).

15 **SEC. 105. STATE AND LOCAL APPLICATIONS.**

16 (a) STATE APPLICATION.—A State that desires to re-
17 ceive a grant under this title shall submit an application
18 to the Secretary at such time, in such manner, and con-
19 taining such information and assurances as the Secretary
20 may require, which shall include—

21 (1) an identification of the State agency or enti-
22 ty that will administer the program;

23 (2) a description of the State’s process for de-
24 termining how the grant funds will be distributed
25 and administered, including—

1 (A) how the State will determine the cri-
2 teria and priorities in making subgrants under
3 section 104(b)(2);

4 (B) any additional criteria the State will
5 use in determining which projects the State will
6 fund under such section;

7 (C) a description of how the State will con-
8 sider—

9 (i) the needs of local educational
10 agencies for assistance under this title;

11 (ii) the impact of potential projects on
12 job creation in the State;

13 (iii) the fiscal capacity of local edu-
14 cational agencies applying for assistance;

15 (iv) the percentage of children in such
16 local educational agencies who are from
17 low-income families; and

18 (v) the potential for leveraging assist-
19 ance provided by the grant program
20 through matching or other financing mech-
21 anisms;

22 (D) a description of how the State will en-
23 sure that the local educational agencies receiv-
24 ing subgrants under this title meet the require-
25 ments of this title;

1 (E) a description of how the State will en-
2 sure that the State and the local educational
3 agencies in the State meet the deadlines estab-
4 lished in section 107;

5 (F) a description of how the State will give
6 priority to the use of green practices that are
7 certified, verified, or consistent with any appli-
8 cable provisions of—

9 (i) the LEED Green Building Rating
10 System;

11 (ii) Energy Star;

12 (iii) the CHPS Criteria;

13 (iv) Green Globes; or

14 (v) an equivalent program adopted by
15 the State or another jurisdiction with au-
16 thority over the local educational agency;
17 and

18 (G) a description of the steps that the
19 State will take to ensure that local educational
20 agencies receiving subgrants will adequately
21 maintain any facilities that are modernized,
22 renovated, or repaired with subgrant funds
23 under this title.

24 (b) LOCAL APPLICATION.—A local educational agen-
25 cy that is eligible to receive a grant under section

1 103(b)(1) and desires to receive such grant shall submit
2 an application to the Secretary at such time, in such man-
3 ner, and containing such information and assurances as
4 the Secretary may require, which shall include—

5 (1) a description of how the local educational
6 agency will meet the deadlines and requirements of
7 this title; and

8 (2) a description of the steps that the local edu-
9 cational agency will take to adequately maintain any
10 facilities that are modernized, renovated, or repaired
11 with funds under this title.

12 **SEC. 106. USE OF FUNDS.**

13 (a) IN GENERAL.—A local educational agency that
14 receives funds under this title shall use such funds only
15 for 1 or both of the following modernization, renovation,
16 and repair activities in facilities that are used for elemen-
17 tary or secondary education or for early learning pro-
18 grams:

19 (1) Direct payments for school modernization,
20 renovation, and repair.

21 (2) Payment of interest on bonds or payments
22 for other financing instruments that are newly
23 issued for the purpose of financing school mod-
24 ernization, renovation, and repair.

1 (b) SUPPLEMENT, NOT SUPPLANT.—Funds made
2 available under this title shall be used to supplement, and
3 not supplant, other Federal, State, and local funds that
4 would otherwise be expended to modernize, renovate, or
5 repair eligible school facilities.

6 (c) PROHIBITION.—Funds awarded to local edu-
7 cational agencies under this title shall not be used for—

8 (1) new construction;

9 (2) payment of routine maintenance costs; or

10 (3) modernization, renovation, and repair of
11 stadiums or other facilities primarily used for ath-
12 letic contests or exhibitions or other events for which
13 admission is charged to the general public.

14 **SEC. 107. ADDITIONAL PROVISIONS.**

15 (a) FUNDS AVAILABLE FOR OBLIGATION FOR TWO
16 YEARS.—Funds appropriated under section 102 shall be
17 available for obligation by local educational agencies re-
18 ceiving grants from the Secretary under section 103(b)(1),
19 by States reserving funds under section 104(a), and by
20 local educational agencies receiving subgrants under sec-
21 tion 104(b)(1) only during the period that ends 24 months
22 after the date of enactment of this Act.

23 (b) FUNDS AVAILABLE FOR OBLIGATION FOR THREE
24 YEARS.—Funds appropriated under section 102 shall be
25 available for obligation by local educational agencies re-

1 ceiving subgrants under section 104(b)(2) only during the
2 period that ends 36 months after the date of enactment
3 of this Act.

4 (c) LABOR STANDARDS.—Section 439 of the General
5 Education Provisions Act (20 U.S.C. 1232b) shall apply
6 to funds available under this title.

7 (d) NOT CONSIDERED LOCAL EDUCATIONAL AGEN-
8 CIES.—For purposes of section 103(b)(1), Hawaii, the
9 District of Columbia, and the Commonwealth of Puerto
10 Rico are not local educational agencies.

11 **SEC. 108. REPORTS.**

12 (a) DIRECT GRANTS TO LEAS.—Each local edu-
13 cational agency that receives a grant under section
14 103(b)(1) shall, not later than September 30, 2012, and
15 annually thereafter for each fiscal year in which the local
16 educational agency expends funds received under such sec-
17 tion, submit to the Secretary a report that includes—

18 (1) a description of the projects for which the
19 grant was, or will be, used; and

20 (2) the number of jobs created by the projects
21 funded under such section.

22 (b) SUBGRANTS TO LEAS THROUGH THE STATE.—
23 Each local educational agency that receives a subgrant
24 from a State under paragraph (1) or (2) of section 104(b)
25 shall, not later than September 30, 2012, and annually

1 thereafter for each fiscal year in which the local edu-
2 cational agency expends funds received under such section,
3 submit to the State a report that includes—

4 (1) a description of the projects for which the
5 subgrant was, or will be, used; and

6 (2) the number of jobs created by the projects
7 funded under such section.

8 (c) STATE REPORT TO THE SECRETARY.—Each
9 State that receives a report described under subsection (b)
10 shall submit a report to the Secretary containing the infor-
11 mation in each report that such State receives in accord-
12 ance with subsection (b).

13 **TITLE II—COMMUNITY COLLEGE** 14 **MODERNIZATION**

15 **SEC. 201. FEDERAL ASSISTANCE FOR COMMUNITY COL-** 16 **LEGE MODERNIZATION.**

17 (a) IN GENERAL.—

18 (1) GRANT PROGRAM.—From the amount made
19 available under subsection (g), the Secretary shall
20 award grants to States to modernize, renovate, or
21 repair existing facilities at community colleges.

22 (2) ALLOCATION.—

23 (A) RESERVATIONS.—From the amount
24 made available to carry out this title for a fiscal
25 year, the Secretary shall reserve—

1 (i) not more than 0.25 percent for
2 grants to institutions that are eligible to
3 receive a grant under section 316 of the
4 Higher Education Act of 1965 (20 U.S.C.
5 1059c) to provide for modernization, ren-
6 ovation, and repair activities described in
7 this title; and

8 (ii) not more than 0.25 percent for
9 grants to the outlying areas to provide for
10 modernization, renovation, and repair ac-
11 tivities described in this title.

12 (B) ALLOCATION.—

13 (i) IN GENERAL.—Except as provided
14 in clause (ii), from the funds made avail-
15 able to carry out this title for a fiscal year,
16 and not reserved under subparagraph (A),
17 the Secretary shall allocate to each State
18 that has an application approved by the
19 Secretary an amount that bears the same
20 relation to such funds as the total number
21 of students in such State who are enrolled
22 in institutions described in section
23 301(2)(A) plus the number of students
24 who are estimated to be enrolled in and
25 pursuing a degree or certificate that is not

1 a baccalaureate, master's, professional, or
2 other advanced degree at institutions de-
3 scribed in section 301(2)(B), based on the
4 proportion of degrees or certificates award-
5 ed by such institutions that are not bacca-
6 laureate, master's, professional, or other
7 advanced degrees, as reported to the Inte-
8 grated Postsecondary Data System bears
9 to the estimated total number of such stu-
10 dents in all States.

11 (ii) MINIMUM ALLOCATION.—No State
12 shall receive an allocation under clause (i)
13 for a fiscal year that is less than
14 \$2,500,000.

15 (C) REALLOCATION.—Amounts not allo-
16 cated under this section to a State because the
17 State either did not submit an application
18 under subsection (b), the State submitted an
19 application that the Secretary determined did
20 not meet the requirements of such subsection,
21 or the State cannot demonstrate to the Sec-
22 retary a sufficient demand for projects to war-
23 rant the full allocation of the funds, shall be
24 proportionately reallocated under this para-
25 graph to the other States that have a dem-

1 onstrated need for, and are receiving, alloca-
2 tions under this section.

3 (D) STATE ADMINISTRATION.—A State
4 that receives a grant under this section may use
5 not more than 1 percent of such grant for ad-
6 ministration costs, except that no State may
7 use more than \$750,000 for this purpose.

8 (3) SUPPLEMENT, NOT SUPPLANT.—Funds
9 made available under this section shall be used to
10 supplement, and not supplant, other Federal, State,
11 and local funds that would otherwise be expended to
12 modernize, renovate, or repair existing community
13 college facilities.

14 (b) APPLICATION.—A State that desires to receive a
15 grant under this section shall submit an application to the
16 Secretary at such time, in such manner, and containing
17 such information and assurances as the Secretary may re-
18 quire. Such application shall include a description of—

19 (1) how the funds provided under this section
20 will improve—

21 (A) instruction at community colleges in
22 the State, including how faculty and staff will
23 be consulted regarding uses of funds for
24 projects that will improve instruction at com-
25 munity colleges in the State; and

1 (B) the ability of such colleges to educate
2 and train students to meet the workforce needs
3 of employers in the State;

4 (2) the projected start date of each project; and

5 (3) the estimated number of persons who will
6 be employed through each project.

7 (c) PROHIBITED USES OF FUNDS.—

8 (1) IN GENERAL.—Funds awarded under this
9 section shall not be used for—

10 (A) payment of routine maintenance costs;

11 (B) construction, modernization, renova-
12 tion, and repair of stadiums or other facilities
13 primarily used for athletic contests or exhibi-
14 tions or other events for which admission is
15 charged to the general public; or

16 (C) construction, modernization, renova-
17 tion, and repair of facilities—

18 (i) used for sectarian instruction, reli-
19 gious worship, or a school or department
20 of divinity; or

21 (ii) in which a substantial portion of
22 the functions of the facilities are subsumed
23 in a religious mission.

24 (2) 4-YEAR INSTITUTIONS.—Funds awarded to
25 a 4-year public institution of higher education under

1 this section shall not be used for any facility, service,
2 or program of the institution that is not available to
3 students who are pursuing a degree or certificate
4 that is not a baccalaureate, master's, professional, or
5 other advanced degree.

6 (d) GREEN PROJECTS.—In providing assistance to
7 community college projects under this section, the State
8 shall consider the extent to which a community college's
9 project involves activities that are certified, verified, or
10 consistent with the applicable provisions of—

11 (1) the LEED Green Building Rating System;

12 (2) Energy Star;

13 (3) the CHPS Criteria, as applicable;

14 (4) Green Globes; or

15 (5) an equivalent program adopted by the State
16 or the State higher education agency that includes
17 a verifiable method to demonstrate compliance with
18 such program.

19 (e) APPLICATION OF GEPA.—Section 439 of the
20 General Education Provisions Act such Act (20 U.S.C.
21 1232b) shall apply to funds available under this title.

22 (f) REPORTS.—Each State that receives a grant
23 under this title, shall, not later than September 30, 2012,
24 and annually thereafter for each fiscal year in which the

1 State expends funds received under this title, submit to
2 the Secretary a report that includes—

3 (1) a description of the projects for which the
4 grant was, or will be, used;

5 (2) a description of the amount and nature of
6 the assistance provided to each community college
7 under this title; and

8 (3) the number of jobs created by the projects
9 funded under this title.

10 (g) AVAILABILITY OF FUNDS.—

11 (1) AUTHORIZATION OF APPROPRIATIONS; AP-
12 PROPRIATION OF FUNDS.—There are authorized to
13 be appropriated, and there are appropriated, to
14 carry out this section (in addition to any other
15 amounts appropriated to carry out this section and
16 out of any money in the Treasury not otherwise ap-
17 propriated), \$5,000,000,000 for fiscal year 2012.

18 (2) FUNDS AVAILABLE FOR OBLIGATION.—
19 Funds appropriated under this subsection shall be
20 available for obligation by community colleges only
21 during the period that ends 36 months after the
22 date of enactment of this Act.

1 **TITLE III—GENERAL**
2 **PROVISIONS**

3 **SEC. 301. DEFINITIONS.**

4 In this Act:

5 (1) ESEA TERMS.—Except as otherwise pro-
6 vided, the terms “elementary school”, “secondary
7 school”, “local educational agency”, “Secretary”,
8 and “State educational agency” have the meanings
9 given such terms in section 9101 of the Elementary
10 and Secondary Education Act of 1965 (20 U.S.C.
11 7801).

12 (2) COMMUNITY COLLEGE.—The term “commu-
13 nity college” means—

14 (A) a junior or community college, as that
15 term is defined in section 312(f) of the Higher
16 Education Act of 1965 (20 U.S.C. 1058(f)); or

17 (B) a 4-year public institution of higher
18 education (as defined in section 101 of the
19 Higher Education Act of 1965 (20 U.S.C.
20 1001)) that awards a significant number of de-
21 grees and certificates, as determined by the
22 Secretary, that are not—

23 (i) baccalaureate degrees (or an equiv-
24 alent); or

1 (ii) master's, professional, or other
2 advanced degrees.

3 (3) CHPS CRITERIA.—The term “CHPS Cri-
4 teria” means the green building rating program de-
5 veloped by the Collaborative for High Performance
6 Schools.

7 (4) ENERGY STAR.—The term “Energy Star”
8 means the Energy Star program of the Department
9 of Energy and the Environmental Protection Agen-
10 cy.

11 (5) GREEN GLOBES.—The term “Green
12 Globes” means the Green Building Initiative envi-
13 ronmental design and rating system referred to as
14 Green Globes.

15 (6) LEED GREEN BUILDING RATING SYS-
16 TEM.—The term “LEED Green Building Rating
17 System” means the United States Green Building
18 Council Leadership in Energy and Environmental
19 Design green building rating standard referred to as
20 the LEED Green Building Rating System.

21 (7) MODERNIZATION, RENOVATION, AND RE-
22 PAIR.—The term “modernization, renovation and re-
23 pair” means—

24 (A) comprehensive assessments of facilities
25 to identify—

1 (i) facility conditions or deficiencies
2 that could adversely affect student and
3 staff health, safety, performance, or pro-
4 ductivity or energy, water, or materials ef-
5 ficiency; and

6 (ii) needed facility improvements;

7 (B) repairing, replacing, or installing roofs
8 (which may be extensive, intensive, or semi-in-
9 tensive “green” roofs), electrical wiring, water
10 supply and plumbing systems, sewage systems,
11 storm water runoff systems, lighting systems
12 (or components of such systems); or building
13 envelope, windows, ceilings, flooring, or doors,
14 including security doors;

15 (C) repairing, replacing, or installing heat-
16 ing, ventilation, or air conditioning systems, or
17 components of those systems (including insula-
18 tion), including by conducting indoor air quality
19 assessments;

20 (D) repairing, replacing, or installing an
21 interior or exterior system that may include
22 paint or coatings, wall covering, drywall or plas-
23 ter, ceiling, baseboards, or floor covering;

24 (E) compliance with fire, health, seismic,
25 and safety codes, including professional installa-

1 tion of fire and life safety alarms, and mod-
2 ernizations, renovations, and repairs that en-
3 sure that facilities are prepared for such emer-
4 gencies as acts of terrorism, campus violence,
5 and natural disasters, such as improving build-
6 ing infrastructure to accommodate security
7 measures and installing or upgrading tech-
8 nology to ensure that a school or incident is
9 able to respond to such emergencies;

10 (F) making modifications necessary to
11 make educational facilities accessible in compli-
12 ance with the Americans with Disabilities Act
13 of 1990 (42 U.S.C. 12101 et seq.) and section
14 504 of the Rehabilitation Act of 1973 (29
15 U.S.C. 794), except that such modifications
16 shall not be the primary use of a grant or
17 subgrant;

18 (G) abatement, removal, or interim con-
19 trols of asbestos, polychlorinated biphenyls,
20 mold, mildew, or lead-based hazards, including
21 lead-based paint hazards;

22 (H) retrofitting necessary to increase en-
23 ergy efficiency, which may include insulation or
24 reducing heating and cooling costs through
25 thermal coating of school facility roofs;

1 (I) measures, such as selection and substi-
2 tution of products and materials, and imple-
3 mentation of improved maintenance and oper-
4 ational procedures, such as “green cleaning”
5 programs, to reduce or eliminate potential stu-
6 dent or staff exposure to—

7 (i) volatile organic compounds;
8 (ii) particles such as dust and pollens;

9 or

10 (iii) combustion gases;

11 (J) modernization, renovation, or repair
12 necessary to reduce the consumption of coal,
13 electricity, land, oil, or water;

14 (K) installation or upgrading of edu-
15 cational technology infrastructure;

16 (L) installation or upgrading of renewable
17 energy generation and heating systems, includ-
18 ing solar, photovoltaic, wind, biomass (including
19 wood pellet and woody biomass), waste-to-en-
20 ergy, solar-thermal, fuel cell, and geothermal
21 systems, and energy audits;

22 (M) modernization, renovation, or repair
23 activities related to energy efficiency and renew-
24 able energy, including—

1 (i) insulation of systems functioning
2 as heating, venting, or air conditioning;
3 and

4 (ii) improvements to building infra-
5 structures to accommodate bicycle and pe-
6 destrian access;

7 (N) ground improvements, storm water
8 management, landscaping and environmental
9 clean-up when necessary;

10 (O) other modernization, renovation, or re-
11 pair to—

12 (i) improve teachers' ability to teach
13 and students' ability to learn;

14 (ii) ensure the health and safety of
15 students and staff; or

16 (iii) improve classroom, laboratory,
17 and vocational facilities in order to en-
18 hance the quality of science, technology,
19 engineering, and mathematics instruction;
20 and

21 (P) required environmental remediation re-
22 lated to facilities modernization, renovation, or
23 repair activities described in subparagraphs (A)
24 through (M).

1 (8) OUTLYING AREA.—The term “outlying
2 area” means the U.S. Virgin Islands, Guam, Amer-
3 ican Samoa, the Commonwealth of the Northern
4 Mariana Islands, and the Republic of Palau.

5 (9) STATE.—The term “State” means each of
6 the 50 States of the United States, the Common-
7 wealth of Puerto Rico, and the District of Columbia.

8 **SEC. 302. BUY AMERICAN.**

9 Section 1605 of division A of the American Recovery
10 and Reinvestment Act of 2009 (Public Law 111–5) shall
11 apply to funds made available under this Act.

12 **SEC. 303. COMPLIANCE WITH DAVIS-BACON ACT.**

13 All laborers and mechanics employed by contractors
14 and subcontractors on projects funded directly by or as-
15 sisted in whole or in part pursuant to this Act shall be
16 paid wages at rates not less than those prevailing on
17 projects of a character similar in the locality as deter-
18 mined by the Secretary of Labor in accordance with sub-
19 chapter IV of chapter 31 of part A of title 40, United
20 States Code. With respect to the labor standards specified
21 in this section, the Secretary of Labor shall have the au-
22 thority and functions set forth in Reorganization Plan
23 Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and
24 section 3145 of title 40, United States Code.

1 **SEC. 304. REPORTS.**

2 (a) REPORT BY THE SECRETARY.—The Secretary
3 shall submit to the appropriations committees and the au-
4 thorizing committees (as defined in section 103 of the
5 Higher Education Act of 1965 (U.S.C. 1003)) of the
6 House of Representatives and the Senate an annual report
7 regarding the grants made under this Act, including the
8 information described in sections 108 and 201(f).

9 (b) GAO.—Not later than 2 years after the date of
10 enactment of this Act, the Comptroller General of the
11 United States shall submit to Congress a report evaluating
12 the programs carried out under this Act that includes an
13 assessment of the impact and benefits of each school im-
14 provement project funded under this Act.