

112TH CONGRESS
1ST SESSION

S. 1597

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

SEPTEMBER 21, 2011

Mr. BROWN of Ohio (for himself, Mr. DURBIN, Mr. MERKLEY, Mr. SANDERS, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. WHITEHOUSE, and Mr. AKAKA) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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

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

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 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.

3 **TITLE I—ELEMENTARY AND**
 4 **SECONDARY SCHOOLS**

5 **SEC. 101. PURPOSE.**

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

12 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS; APPRO-**
 13 **PRIATION OF FUNDS.**

14 There are authorized to be appropriated, and there
 15 are appropriated, \$25,000,000,000 to carry out this title,

1 which shall be available for obligation by the Secretary
2 until September 30, 2012.

3 **SEC. 103. ALLOCATION OF FUNDS.**

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

6 (1) one-half of 1 percent for the Secretary of
7 the Interior to carry out modernization, renovation,
8 and repair activities described in section 106 in
9 schools operated or funded by the Bureau of Indian
10 Education;

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

14 (3) such funds as the Secretary determines are
15 needed—

16 (A) to conduct a survey, through the Na-
17 tional Center for Education Statistics, of the
18 school construction, modernization, renovation,
19 and repair needs of the public schools of the
20 United States; and

21 (B) to encourage the States to coordinate
22 and share information about school facilities
23 standards and best practices.

24 (b) STATE ALLOCATION.—From the amount made
25 available to carry out this title, and not reserved under

1 subsection (a), the Secretary shall allocate funds among
2 the States in proportion to their respective allocations
3 under part A of title I of the Elementary and Secondary
4 Education Act of 1965 (20 U.S.C. 6311 et seq.) for fiscal
5 year 2011, except that—

6 (1) the Secretary shall allocate 40 percent of
7 such funds to the 100 local educational agencies
8 with the largest numbers of children ages 5 to 17
9 living in poverty, as determined using the most re-
10 cent data available from the Department of Com-
11 merce that are satisfactory to the Secretary, in pro-
12 portion to such local educational agencies' respective
13 allocations under part A of title I of the Elementary
14 and Secondary Education Act of 1965 (20 U.S.C.
15 6311 et seq.) for fiscal year 2011; and

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

20 (c) REMAINING ALLOCATION.—

21 (1) IN GENERAL.—If a State does not apply for
22 its allocation under subsection (b), applies for less
23 than the full allocation for which it is eligible, or
24 does not use the allocation in a timely manner, the
25 Secretary may—

1 (A) reallocate all or a portion of the alloca-
2 tion to the other States in accordance with sub-
3 section (b); or

4 (B) use all or a portion of the allocation to
5 make direct allocations to local educational
6 agencies within the State based on their respec-
7 tive allocations under part A of title I of the El-
8 elementary and Secondary Education Act of 1965
9 (20 U.S.C. 6311 et seq.) for fiscal year 2011 or
10 such other method as the Secretary may deter-
11 mine.

12 (2) REALLOCATION OF LOCAL EDUCATIONAL
13 AGENCY FUNDS.—If a local educational agency does
14 not apply for its allocation under subsection (b)(1),
15 applies for less than the full allocation for which it
16 is eligible, or does not use the allocation in a timely
17 manner, the Secretary may reallocate all or a por-
18 tion of such local educational agency’s allocation to
19 the State in which such agency is located.

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

21 (a) RESERVATION.—Each State that receives a grant
22 under this title may reserve not more than 1 percent of
23 the State’s allocation under section 103(b) for the purpose
24 of administering the grant.

25 (b) FUNDS TO LOCAL EDUCATIONAL AGENCIES.—

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

12 (2) ADDITIONAL SUBGRANTS.—The State shall
13 use any funds remaining, after reserving funds
14 under subsection (a) and allocating funds under
15 paragraph (1), for subgrants to local educational
16 agencies that did not receive funds under section
17 103(b)(1), including charter schools that are local
18 educational agencies, to support modernization, ren-
19 ovation, and repair projects that the State deter-
20 mines, using objective criteria, are most needed in
21 the State, with priority given to projects in rural
22 local educational agencies.

23 (c) REMAINING FUNDS.—If a local educational agen-
24 cy does not apply for an allocation under subsection
25 (b)(1), applies for less than its full allocation, or fails to

1 use the allocation in a timely manner, the State may re-
2 allocate any unused portion to other local educational
3 agencies in accordance with subsection (b).

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

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

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

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

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

18 (B) any additional criteria the State will
19 use in determining which projects the State will
20 fund under such section;

21 (C) a description of how the State will con-
22 sider—

23 (i) the needs of local educational
24 agencies for assistance under this title;

1 (ii) the impact of potential projects on
2 job creation in the State;

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

5 (iv) the percentage of children in such
6 local educational agencies who are from
7 low-income families; and

8 (v) the potential for leveraging assist-
9 ance provided by the grant program
10 through matching or other financing mech-
11 anisms;

12 (D) a description of how the State will en-
13 sure that the local educational agencies receiv-
14 ing subgrants under this title meet the require-
15 ments of this title;

16 (E) a description of how the State will en-
17 sure that the State and the local educational
18 agencies in the State meet the deadlines estab-
19 lished in section 107;

20 (F) a description of how the State will give
21 priority to the use of green practices that are
22 certified, verified, or consistent with any appli-
23 cable provisions of—

24 (i) the LEED Green Building Rating
25 System;

- 1 (ii) Energy Star;
- 2 (iii) the CHPS Criteria;
- 3 (iv) Green Globes; or
- 4 (v) an equivalent program adopted by
- 5 the State or another jurisdiction with au-
- 6 thority over the local educational agency;
- 7 and

8 (G) a description of the steps that the
9 State will take to ensure that local educational
10 agencies receiving subgrants will adequately
11 maintain any facilities that are modernized,
12 renovated, or repaired with subgrant funds
13 under this title.

14 (b) LOCAL APPLICATION.—A local educational agen-
15 cy that is eligible to receive a grant under section
16 103(b)(1) and desires to receive such grant shall submit
17 an application to the Secretary at such time, in such man-
18 ner, and containing such information and assurances as
19 the Secretary may require, which shall include—

20 (1) a description of how the local educational
21 agency will meet the deadlines and requirements of
22 this title; and

23 (2) a description of the steps that the local edu-
24 cational agency will take to adequately maintain any

1 facilities that are modernized, renovated, or repaired
2 with funds under this title.

3 **SEC. 106. USE OF FUNDS.**

4 (a) IN GENERAL.—A local educational agency that
5 receives funds under this title shall use such funds only
6 for one or both of the following modernization, renovation,
7 and repair activities in facilities that are used for elemen-
8 tary or secondary education or for early learning pro-
9 grams:

10 (1) Direct payments for school modernization,
11 renovation, and repair.

12 (2) Payment of interest on bonds or payments
13 for other financing instruments that are newly
14 issued for the purpose of financing school mod-
15 ernization, renovation, and repair.

16 (b) SUPPLEMENT, NOT SUPPLANT.—Funds made
17 available under this title shall be used to supplement, and
18 not supplant, other Federal, State, and local funds that
19 would otherwise be expended to modernize, renovate, or
20 repair eligible school facilities.

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

23 (1) new construction;

24 (2) routine janitorial costs; or

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

5 **SEC. 107. ADDITIONAL PROVISIONS.**

6 (a) FUNDS AVAILABLE FOR OBLIGATION FOR TWO
7 YEARS.—Funds appropriated under section 102 shall be
8 available for obligation by local educational agencies re-
9 ceiving grants from the Secretary under section 103(b)(1),
10 by States reserving funds under section 104(a), and by
11 local educational agencies receiving subgrants under sec-
12 tion 104(b)(1) only during the period that ends 24 months
13 after the date of enactment of this Act.

14 (b) FUNDS AVAILABLE FOR OBLIGATION FOR THREE
15 YEARS.—Funds appropriated under section 102 shall be
16 available for obligation by local educational agencies re-
17 ceiving subgrants under section 104(b)(2) only during the
18 period that ends 36 months after the date of enactment
19 of this Act.

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

23 (d) NOT CONSIDERED LOCAL EDUCATIONAL AGEN-
24 CIES.—For purposes of section 103(b)(1), Hawaii, the

1 District of Columbia, and the Commonwealth of Puerto
2 Rico are not local educational agencies.

3 **SEC. 108. REPORTS.**

4 (a) DIRECT GRANTS TO LEAS.—Each local edu-
5 cational agency that receives a grant under section
6 103(b)(1) shall, not later than September 30, 2012, and
7 annually thereafter for each fiscal year in which the local
8 educational agency expends funds received under such sec-
9 tion, submit to the Secretary a report that includes—

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

12 (2) the number of jobs created by the projects
13 funded under such section.

14 (b) SUBGRANTS TO LEAS THROUGH THE STATE.—
15 Each local educational agency that receives a subgrant
16 from a State under paragraph (1) or (2) of section 104(b)
17 shall, not later than September 30, 2012, and annually
18 thereafter for each fiscal year in which the local edu-
19 cational agency expends funds received under such section,
20 submit to the State a report that includes—

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

23 (2) the number of jobs created by the projects
24 funded under such section.

1 (c) STATE REPORT TO THE SECRETARY.—Each
 2 State that receives a report described under subsection (b)
 3 shall submit a report to the Secretary containing the infor-
 4 mation in each report that such State receives in accord-
 5 ance with subsection (b).

6 **TITLE II—COMMUNITY COLLEGE**
 7 **MODERNIZATION**

8 **SEC. 201. FEDERAL ASSISTANCE FOR COMMUNITY COL-**
 9 **LEGE MODERNIZATION.**

10 (a) IN GENERAL.—

11 (1) GRANT PROGRAM.—From the amount made
 12 available under subsection (g), the Secretary shall
 13 award grants to States to modernize, renovate, or
 14 repair existing facilities at community colleges.

15 (2) ALLOCATION.—

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

19 (i) not more than 0.25 percent for
 20 grants to institutions that are eligible to
 21 receive a grant under section 316 of the
 22 Higher Education Act of 1965 (20 U.S.C.
 23 1059c) to provide for modernization, ren-
 24 ovation, and repair activities described in
 25 this title; and

1 (ii) not more than 0.25 percent for
2 grants to the outlying areas to provide for
3 modernization, renovation, and repair ac-
4 tivities described in this title.

5 (B) ALLOCATION.—

6 (i) IN GENERAL.—Except as provided
7 in clause (ii), from the funds made avail-
8 able to carry out this title for a fiscal year,
9 and not reserved under subparagraph (A),
10 the Secretary shall allocate to each State
11 that has an application approved by the
12 Secretary an amount that bears the same
13 relation to such funds as the total number
14 of students in such State who are enrolled
15 in institutions described in section
16 301(2)(A) plus the number of students
17 who are estimated to be enrolled in and
18 pursuing a degree or certificate that is not
19 a baccalaureate, master's, professional, or
20 other advanced degree at institutions de-
21 scribed in section 301(2)(B), based on the
22 proportion of degrees or certificates award-
23 ed by such institutions that are not baccalaureate,
24 master's, professional, or other
25 advanced degrees, as reported to the Inte-

1 grated Postsecondary Data System bears
2 to the estimated total number of such stu-
3 dents in all States.

4 (ii) MINIMUM ALLOCATION.—No State
5 shall receive an allocation under clause (i)
6 for a fiscal year that is less than
7 \$2,500,000.

8 (C) REALLOCATION.—Amounts not allo-
9 cated under this section to a State because the
10 State either did not submit an application
11 under subsection (b), the State submitted an
12 application that the Secretary determined did
13 not meet the requirements of such subsection,
14 or the State cannot demonstrate to the Sec-
15 retary a sufficient demand for projects to war-
16 rant the full allocation of the funds, shall be
17 proportionately reallocated under this para-
18 graph to the other States that have a dem-
19 onstrated need for, and are receiving, alloca-
20 tions under this section.

21 (D) STATE ADMINISTRATION.—A State
22 that receives a grant under this section may use
23 not more than 1 percent of such grant for ad-
24 ministration costs.

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

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

12 (1) how the funds provided under this section
13 will improve—

14 (A) instruction at community colleges in
15 the State, including how faculty and staff will
16 be consulted regarding uses of funds for
17 projects that will improve instruction at com-
18 munity colleges in the State; and

19 (B) the ability of such colleges to educate
20 and train students to meet the workforce needs
21 of employers in the State;

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

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

25 (c) PROHIBITED USES OF FUNDS.—

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

3 (A) routine janitorial costs;

4 (B) construction, modernization, renova-
5 tion, and repair of stadiums or other facilities
6 primarily used for athletic contests or exhibi-
7 tions or other events for which admission is
8 charged to the general public; or

9 (C) construction, modernization, renova-
10 tion, and repair of facilities—

11 (i) used for sectarian instruction, reli-
12 gious worship, or a school or department
13 of divinity; or

14 (ii) in which a substantial portion of
15 the functions of the facilities are subsumed
16 in a religious mission.

17 (2) 4-YEAR INSTITUTIONS.—Funds awarded to
18 a 4-year public institution of higher education under
19 this section shall not be used for any facility, service,
20 or program of the institution that is not available to
21 students who are pursuing a degree or certificate
22 that is not a baccalaureate, master's, professional, or
23 other advanced degree.

24 (d) GREEN PROJECTS.—In providing assistance to
25 community college projects under this section, the State

1 shall consider the extent to which a community college's
2 project involves activities that are certified, verified, or
3 consistent with the applicable provisions of—

4 (1) the LEED Green Building Rating System;

5 (2) Energy Star;

6 (3) the CHPS Criteria, as applicable;

7 (4) Green Globes; or

8 (5) an equivalent program adopted by the State
9 or the State higher education agency that includes
10 a verifiable method to demonstrate compliance with
11 such program.

12 (e) APPLICATION OF GEPA.—Section 439 of the
13 General Education Provisions Act such Act (20 U.S.C.
14 1232b) shall apply to funds available under this title.

15 (f) REPORTS.—Each State that receives a grant
16 under this title, shall, not later than September 30, 2012,
17 and annually thereafter for each fiscal year in which the
18 State expends funds received under this title, submit to
19 the Secretary a report that includes—

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

22 (2) a description of the amount and nature of
23 the assistance provided to each community college
24 under this title; and

1 (3) the number of jobs created by the projects
2 funded under this title.

3 (g) AVAILABILITY OF FUNDS.—

4 (1) AUTHORIZATION OF APPROPRIATIONS; AP-
5 PROPRIATION OF FUNDS.—There are authorized to
6 be appropriated, and there are appropriated, to
7 carry out this section (in addition to any other
8 amounts appropriated to carry out this section and
9 out of any money in the Treasury not otherwise ap-
10 propriated), \$5,000,000,000 for fiscal year 2012.

11 (2) FUNDS AVAILABLE FOR OBLIGATION.—
12 Funds appropriated under this subsection shall be
13 available for obligation by community colleges only
14 during the period that ends 36 months after the
15 date of enactment of this Act.

16 **TITLE III—GENERAL**
17 **PROVISIONS**

18 **SEC. 301. DEFINITIONS.**

19 In this Act:

20 (1) ESEA TERMS.—Except as otherwise pro-
21 vided, the terms “elementary school”, “secondary
22 school”, “local educational agency”, “Secretary”,
23 and “State educational agency” have the meanings
24 given such terms in section 9101 of the Elementary

1 and Secondary Education Act of 1965 (20 U.S.C.
2 7801).

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

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

8 (B) a 4-year public institution of higher
9 education (as defined in section 101 of the
10 Higher Education Act of 1965 (20 U.S.C.
11 1001)) that awards a significant number of de-
12 grees and certificates, as determined by the
13 Secretary, that are not—

14 (i) baccalaureate degrees (or an equiv-
15 alent); or

16 (ii) master’s, professional, or other
17 advanced degrees.

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

22 (4) ENERGY STAR.—The term “Energy Star”
23 means the Energy Star program of the Department
24 of Energy and the Environmental Protection Agen-
25 cy.

1 (5) GREEN GLOBES.—The term “Green
2 Globes” means the Green Building Initiative envi-
3 ronmental design and rating system referred to as
4 Green Globes.

5 (6) LEED GREEN BUILDING RATING SYS-
6 TEM.—The term “LEED Green Building Rating
7 System” means the United States Green Building
8 Council Leadership in Energy and Environmental
9 Design green building rating standard referred to as
10 the LEED Green Building Rating System.

11 (7) MODERNIZATION, RENOVATION, AND RE-
12 PAIR.—The term “modernization, renovation and re-
13 pair” means—

14 (A) comprehensive assessments of facilities
15 to identify—

16 (i) facility conditions or deficiencies
17 that could adversely affect student and
18 staff health, safety, performance, or pro-
19 ductivity or energy, water, or materials ef-
20 ficiency; and

21 (ii) needed facility improvements;

22 (B) repairing, replacing, or installing roofs
23 (which may be extensive, intensive, or semi-in-
24 tensive “green” roofs), electrical wiring, water
25 supply and plumbing systems, sewage systems,

1 storm water runoff systems, lighting systems
2 (or components of such systems); or building
3 envelope, windows, ceilings, flooring, or doors,
4 including security doors;

5 (C) repairing, replacing, or installing heat-
6 ing, ventilation, or air conditioning systems, or
7 components of those systems (including insula-
8 tion), including by conducting indoor air quality
9 assessments;

10 (D) repairing, replacing, or installing an
11 interior or exterior system that may include
12 paint or coatings, wall covering, drywall or plas-
13 ter, ceiling, baseboards, or floor covering;

14 (E) compliance with fire, health, seismic,
15 and safety codes, including professional installa-
16 tion of fire and life safety alarms, and mod-
17 ernizations, renovations, and repairs that en-
18 sure that facilities are prepared for such emer-
19 gencies as acts of terrorism, campus violence,
20 and natural disasters, such as improving build-
21 ing infrastructure to accommodate security
22 measures and installing or upgrading tech-
23 nology to ensure that a school or incident is
24 able to respond to such emergencies;

1 (F) making modifications necessary to
2 make educational facilities accessible in compli-
3 ance with the Americans with Disabilities Act
4 of 1990 (42 U.S.C. 12101 et seq.) and section
5 504 of the Rehabilitation Act of 1973 (29
6 U.S.C. 794), except that such modifications
7 shall not be the primary use of a grant or
8 subgrant;

9 (G) abatement, removal, or interim con-
10 trols of asbestos, polychlorinated biphenyls,
11 mold, mildew, or lead-based hazards, including
12 lead-based paint hazards;

13 (H) retrofitting necessary to increase en-
14 ergy efficiency, which may include insulation or
15 reducing heating and cooling costs through
16 thermal coating of school facility roofs;

17 (I) measures, such as selection and substi-
18 tution of products and materials, and imple-
19 mentation of improved maintenance and oper-
20 ational procedures, such as “green cleaning”
21 programs, to reduce or eliminate potential stu-
22 dent or staff exposure to—

23 (i) volatile organic compounds;

24 (ii) particles such as dust and pollens;

25 or

1 (iii) combustion gases;

2 (J) modernization, renovation, or repair
3 necessary to reduce the consumption of coal,
4 electricity, land, oil, or water;

5 (K) installation or upgrading of edu-
6 cational technology infrastructure;

7 (L) installation or upgrading of renewable
8 energy generation and heating systems, includ-
9 ing solar, photovoltaic, wind, biomass (including
10 wood pellet and woody biomass), waste-to-en-
11 ergy, solar-thermal, fuel cell, and geothermal
12 systems, and energy audits;

13 (M) modernization, renovation, or repair
14 activities related to energy efficiency and renew-
15 able energy, including—

16 (i) insulation of systems functioning
17 as heating, venting, or air conditioning;
18 and

19 (ii) improvements to building infra-
20 structures to accommodate bicycle and pe-
21 destrian access;

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

1 (O) ground improvements, storm water
2 management, landscaping and environmental
3 clean-up when necessary;

4 (P) other modernization, renovation, or re-
5 pair to—

6 (i) improve teachers' ability to teach
7 and students' ability to learn;

8 (ii) ensure the health and safety of
9 students and staff; or

10 (iii) improve classroom, laboratory,
11 and vocational facilities in order to en-
12 hance the quality of science, technology,
13 engineering, and mathematics instruction;
14 and

15 (Q) measures designed to reduce or elimi-
16 nate human exposure to classroom noise and
17 environmental noise pollution.

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

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

1 **SEC. 302. BUY AMERICAN.**

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

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

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

18 **SEC. 304. REPORTS.**

19 (a) REPORT BY THE SECRETARY.—The Secretary
20 shall submit to the appropriations committees and the au-
21 thorizing committees (as defined in section 103 of the
22 Higher Education Act of 1965 (U.S.C. 1003)) of the
23 House of Representatives and the Senate an annual report
24 regarding the grants made under this Act, including the
25 information described in sections 108 and 201(f).

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

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