

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 4297  
OFFERED BY MR. GEORGE MILLER**

**Amendment #5**

Insert after subtitle F of title I the following new subtitle (and conform the table of contents accordingly):

1 **Subtitle G—Construction Worker**  
2 **Reemployment**

3 **SEC. 151. CONSTRUCTION WORKER REEMPLOYMENT.**

4 Insert after subtitle F of title I the following new sub-  
5 title:

6 **“Subtitle G—Construction Worker**  
7 **Reemployment**

8 **“SEC. 199B. PURPOSE.**

9 “The purpose of this title is to provide assistance for  
10 employment and reemployment opportunities in the con-  
11 struction industry through the modernization, renovation,  
12 and repair of elementary and secondary school buildings  
13 and community colleges across the United States in order  
14 to support the achievement of improved educational out-  
15 comes in those schools and community colleges.

1 **“SEC. 199C. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated  
3 \$30,000,000,000 to carry out this title, of which  $\frac{5}{6}$  shall  
4 be available to carry out section 199D and the remainder  
5 to carry out section 199E.

6 **“SEC. 199D. FEDERAL ASSISTANCE FOR CONSTRUCTION**  
7 **WORKER REEMPLOYMENT AND ELEMENTARY**  
8 **AND SECONDARY SCHOOL MODERNIZATION.**

9 “(a) ALLOCATION OF FUNDS.—

10 “(1) RESERVATIONS.—Of the amount made  
11 available to carry out this section, the Secretary of  
12 Education shall reserve—

13 “(A)  $\frac{1}{2}$  of 1 percent for the Secretary of  
14 the Interior to carry out modernization, renova-  
15 tion, and repair activities in schools operated or  
16 funded by the Bureau of Indian Education;

17 “(B)  $\frac{1}{2}$  of 1 percent to make grants to the  
18 outlying areas for modernization, renovation,  
19 and repair activities; and

20 “(C) such funds as the Secretary deter-  
21 mines are needed to conduct a survey, by the  
22 National Center for Education Statistics, of the  
23 school construction, modernization, renovation,  
24 and repair needs of the public schools of the  
25 United States.

1           “(2) STATE ALLOCATION.—After reserving  
2 funds under subsection (a), the Secretary shall allo-  
3 cate the remaining amount among the States in pro-  
4 portion to their respective allocations under part A  
5 of title I of the Elementary and Secondary Edu-  
6 cation Act of 1965 (in this section referred to as the  
7 ‘ESEA’) (20 U.S.C. 6311 et seq.) for fiscal year  
8 2011, except that—

9           “(A) the Secretary shall allocate 40 per-  
10 cent of such remaining amount to the 100 local  
11 educational agencies with the largest numbers  
12 of children aged 5–17 living in poverty, as de-  
13 termined using the most recent data available  
14 from the Department of Commerce that are  
15 satisfactory to the Secretary, in proportion to  
16 those agencies’ respective allocations under part  
17 A of title I of the ESEA for fiscal year 2011;  
18 and

19           “(B) the allocation to any State shall be  
20 reduced by the aggregate amount of the alloca-  
21 tions under paragraph (1) to local educational  
22 agencies in that State.

23           “(3) REMAINING ALLOCATION.—

24           “(A) STATES.—If a State does not apply  
25 for its allocation under subsection (b) (or ap-

1           plies for less than the full allocation for which  
2           it is eligible) or does not use that allocation in  
3           a timely manner, the Secretary may—

4                   “(i) reallocate all or a portion of that  
5                   allocation to the other States in accordance  
6                   with subsection (b); or

7                   “(ii) use all or a portion of that allo-  
8                   cation to make direct allocations to local  
9                   educational agencies within the State  
10                  based on their respective allocations under  
11                  part A of title I of the ESEA for fiscal  
12                  year 2011 or such other method as the  
13                  Secretary may determine.

14                 “(B) LOCAL EDUCATIONAL AGENCIES.—If  
15                 a local educational agency does not apply for its  
16                 allocation under subsection (b)(1), applies for  
17                 less than the full allocation for which it is eligi-  
18                 ble, or does not use that allocation in a timely  
19                 manner, the Secretary may reallocate all or a  
20                 portion of its allocation to the State in which  
21                 that agency is located.

22                 “(b) STATE USE OF FUNDS.—

23                   “(1) RESERVATION.—Each State that receives  
24                   a grant under this section may reserve not more  
25                   than one percent of the State’s allocation under sub-

1 section (a)(2) for the purpose of administering the  
2 grant, except that no State may reserve more than  
3 \$750,000 for this purpose.

4 “(2) FUNDS TO LOCAL EDUCATIONAL AGEN-  
5 CIES.—

6 “(A) FORMULA SUBGRANTS.—From the  
7 grant funds that are not reserved under sub-  
8 section (a), a State shall allocate at least 50  
9 percent to local educational agencies, including  
10 charter schools that are local educational agen-  
11 cies, that did not receive funds under subsection  
12 (a)(2) from the Secretary, in accordance with  
13 their respective allocations under part A of title  
14 I of the ESEA for fiscal year 2011, except that  
15 no such local educational agency shall receive  
16 less than \$10,000.

17 “(B) ADDITIONAL SUBGRANTS.—The  
18 State shall use any funds remaining, after re-  
19 serving funds under subsection (a) and allo-  
20 cating funds under paragraph (1), for sub-  
21 grants to local educational agencies that did not  
22 receive funds under subsection (a)(2), including  
23 charter schools that are local educational agen-  
24 cies, to support modernization, renovation, and  
25 repair projects that the State determines, using

1 objective criteria, are most needed in the State,  
2 with priority given to projects in rural local  
3 educational agencies.

4 “(3) REMAINING FUNDS.—If a local educational  
5 agency does not apply for an allocation under sub-  
6 section (c)(1), applies for less than its full allocation,  
7 or fails to use that allocation in a timely manner,  
8 the State may reallocate any unused portion to other  
9 local educational agencies in accordance with sub-  
10 section (a)(3).

11 “(c) STATE AND LOCAL APPLICATIONS.—

12 “(1) STATE APPLICATION.—A State that de-  
13 sires to receive a grant under this section shall sub-  
14 mit an application to the Secretary at such time, in  
15 such manner, and containing such information and  
16 assurances as the Secretary may require, which shall  
17 include—

18 “(A) an identification of the State agency  
19 or entity that will administer the program  
20 under this section; and

21 “(B) the State’s process for determining  
22 how the grant funds will be distributed and ad-  
23 ministered, including—

1           “(i) how the State will determine the  
2 criteria and priorities in making subgrants  
3 under subsection (b)(2);

4           “(ii) any additional criteria the State  
5 will use in determining which projects it  
6 will fund under that section;

7           “(iii) the employment and training  
8 needs of workers in the construction indus-  
9 try in the State;

10           “(iv) a description of how the State  
11 will consider—

12           “(I) the needs of local edu-  
13 cational agencies for assistance under  
14 this section;

15           “(II) the impact of potential  
16 projects on job creation in the State;

17           “(III) the fiscal capacity of local  
18 educational agencies applying for as-  
19 sistance;

20           “(IV) the percentage of children  
21 in those local educational agencies  
22 who are from low-income families; and

23           “(V) the potential for leveraging  
24 assistance provided by the program

1 under this section through matching  
2 or other financing mechanisms;

3 “(v) a description of how the State  
4 will ensure that the local educational agen-  
5 cies receiving subgrants meet the require-  
6 ments of this section;

7 “(vi) a description of how the State  
8 will ensure that the State and its local edu-  
9 cational agencies meet the deadlines estab-  
10 lished in subsection (f);

11 “(vii) a description of how the State  
12 will give priority to the use of green prac-  
13 tices that are certified, verified, or con-  
14 sistent with any applicable provisions of—

15 “(I) the LEED Green Building  
16 Rating System;

17 “(II) Energy Star;

18 “(III) the CHPS Criteria;

19 “(IV) Green Globes; or

20 “(V) an equivalent program  
21 adopted by the State or another juris-  
22 diction with authority over the local  
23 educational agency;

24 “(viii) a description of the steps that  
25 the State will take to ensure that local



1 educational agencies receiving subgrants  
2 under this section will adequately maintain  
3 any facilities that are modernized, ren-  
4 ovated, or repaired with such subgrant  
5 funds; and

6 “(ix) such additional information and  
7 assurances as the Secretary may require.

8 “(2) LOCAL APPLICATION.—A local educational  
9 agency that is eligible under subsection (a)(2)(A)  
10 that desires to receive a grant under this section  
11 shall submit an application to the Secretary at such  
12 time, in such manner, and containing such informa-  
13 tion and assurances as the Secretary may require,  
14 which shall include—

15 “(A) a description of how the local edu-  
16 cational agency will meet the deadlines and re-  
17 quirements of this section;

18 “(B) a description of the steps that the  
19 local educational agency will take to adequately  
20 maintain any facilities that are modernized,  
21 renovated, or repaired with funds under this  
22 section; and

23 “(C) such additional information and as-  
24 surances as the Secretary may require.

25 “(d) USE OF FUNDS.—

1           “(1) IN GENERAL.—Funds awarded to local  
2 educational agencies under this section shall be used  
3 only for either or both of the following moderniza-  
4 tion, renovation, or repair activities in facilities that  
5 are used for elementary or secondary education or  
6 for early learning programs:

7           “(A) Direct payments for school mod-  
8 ernization, renovation, or repair.

9           “(B) To pay interest on bonds or pay-  
10 ments for other financing instruments that are  
11 newly issued for the purpose of financing school  
12 modernization, renovation, or repair.

13           “(2) SUPPLEMENT, NOT SUPPLANT.—Funds  
14 made available under this section shall be used to  
15 supplement, and not supplant, other Federal, State,  
16 and local funds that would otherwise be expended to  
17 modernize, renovate, or repair eligible school facili-  
18 ties.

19           “(3) PROHIBITION.—Funds awarded to local  
20 educational agencies under this section may not be  
21 used for—

22           “(A) new construction;

23           “(B) payment of routine maintenance  
24 costs; or

1           “(C) modernization, renovation, or repair  
2           of stadiums or other facilities primarily used for  
3           athletic contests or exhibitions or other events  
4           for which admission is charged to the general  
5           public.

6           “(e) EQUITABLE FUNDING FOR MODERNIZATION,  
7 REPAIR, AND RENOVATION.—

8           “(1) IN GENERAL.—Section 9501 of the ESEA  
9           (20 U.S.C. 7881) shall apply to this section in the  
10          same manner as it applies to activities under that  
11          Act, except that—

12           “(A) such section 9501 shall not apply  
13           with respect to the title to any real property  
14           modernized, renovated, or repaired with assist-  
15           ance provided under this section;

16           “(B) educational services or other benefits  
17           funded under this section for private schools  
18           shall be provided only to private, nonprofit ele-  
19           mentary or secondary schools with a rate of  
20           child poverty of at least 40 percent and may in-  
21           clude only—

22           “(i) modifications of school facilities  
23           necessary to meet the standards applicable  
24           to public schools under the Americans with

1 Disabilities Act of 1990 (42 U.S.C. 12101  
2 et seq.);

3 “(ii) modifications of school facilities  
4 necessary to meet the standards applicable  
5 to public schools under section 504 of the  
6 Rehabilitation Act of 1973 (29 U.S.C.  
7 794); and

8 “(iii) asbestos or polychlorinated  
9 biphenyls abatement or removal from  
10 school facilities; and

11 “(C) expenditures for services provided  
12 using funds made available under this section  
13 shall be considered equal for purposes of section  
14 9501(a)(4) of the ESEA if the per-pupil ex-  
15 penditures for services described in paragraph  
16 (2) for students enrolled in private, nonprofit  
17 elementary and secondary schools that have  
18 child-poverty rates of at least 40 percent are  
19 consistent with the per-pupil expenditures  
20 under this section for children enrolled in the  
21 public schools of the local educational agency  
22 receiving funds under this section.

23 “(2) REMAINING FUNDS.—If the expenditure  
24 for services described in paragraph (1)(B) is less  
25 than the amount calculated under subsection (a)(3)

1       because of insufficient need for those services, the  
2       remainder shall be available to the local educational  
3       agency for modernization, renovation, or repair of its  
4       school facilities.

5           “(3) APPLICATION.—If any provision of this  
6       section, or the application thereof, to any person or  
7       circumstance is judicially determined to be invalid,  
8       the remainder of the section and the application to  
9       other persons or circumstances shall not be affected  
10      thereby.

11      “(f) ADDITIONAL PROVISIONS.—

12           “(1) 24-MONTH PERIOD OF AVAILABILITY.—  
13      Funds made available under this section shall be  
14      available for obligation by local educational agencies  
15      receiving grants from the Secretary under subsection  
16      (a)(2), by States reserving funds under subsection  
17      (b)(1), and by local educational agencies receiving  
18      subgrants under subsection (b)(2)(A) only during  
19      the period that ends 24 months after the date of en-  
20      actment of this Act.

21           “(2) 36-MONTH PERIOD OF AVAILABILITY.—  
22      Funds made available under section 2 shall be avail-  
23      able for obligation by local educational agencies re-  
24      ceiving subgrants under section 4(b)(2) only during

1 the period that ends 36 months after the date of en-  
2 actment of this Act.

3 “(3) APPLICABILITY OF GEPA.—Section 439 of  
4 the General Education Provisions Act (20 U.S.C.  
5 1232b) shall apply to funds available under this sec-  
6 tion.

7 “(4) LIMITATION.—For purposes of subsection  
8 (a)(2)(A), Hawaii, the District of Columbia, and the  
9 Commonwealth of Puerto Rico are not local edu-  
10 cational agencies.

11 **“SEC. 199E. FEDERAL ASSISTANCE FOR CONSTRUCTION**  
12 **WORKER REEMPLOYMENT AND COMMUNITY**  
13 **COLLEGE MODERNIZATION.**

14 “(a) IN GENERAL.—

15 “(1) GRANT PROGRAM.—From the amounts  
16 made available to carry out this section, the Sec-  
17 retary of Education shall award grants to States to  
18 provide employment and training opportunities to  
19 workers to modernize, renovate, or repair existing  
20 facilities at community colleges.

21 “(2) ALLOCATION.—

22 “(A) RESERVATIONS.—Of the amount  
23 made available to carry out this section, the  
24 Secretary shall reserve—

1           “(i) up to 0.25 percent for grants to  
2           institutions that are eligible under section  
3           316 of the Higher Education Act of 1965  
4           (20 U.S.C. 1059c) to provide for mod-  
5           ernization, renovation, and repair activities  
6           described in this section; and

7           “(ii) up to 0.25 percent for grants to  
8           the outlying areas to provide for mod-  
9           ernization, renovation, and repair activities  
10          described in this section.

11          “(B) ALLOCATION.—After reserving funds  
12          under subparagraph (A), the Secretary shall al-  
13          locate to each State that has an application ap-  
14          proved by the Secretary an amount that bears  
15          the same relation to any remaining funds as the  
16          total number of students in such State who are  
17          enrolled in institutions described in subpara-  
18          graph (A)(i) plus the number of students who  
19          are estimated to be enrolled in and pursuing a  
20          degree or certificate that is not a bachelor’s,  
21          master’s, professional, or other advanced degree  
22          in institutions described in subparagraph  
23          (A)(ii), based on the proportion of degrees or  
24          certificates awarded by such institutions that  
25          are not bachelor’s, master’s, professional, or

1 other advanced degrees, as reported to the Inte-  
2 grated Postsecondary Data System bears to the  
3 estimated total number of such students in all  
4 States, except that no State shall receive less  
5 than \$2,500,000.

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

19 “(D) STATE ADMINISTRATION.—A State  
20 that receives a grant under this section may use  
21 not more than one percent of that grant to ad-  
22 minister it, except that no State may use more  
23 than \$750,000 of its grant for this purpose.

24 “(3) SUPPLEMENT, NOT SUPPLANT.—Funds  
25 made available under this section shall be used to



1 supplement, and not supplant, other Federal, State,  
2 and local funds that would otherwise be expended to  
3 modernize, renovate, or repair existing community  
4 college facilities.

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

11 “(1) how the funds provided under this section  
12 will improve instruction at community colleges in the  
13 State and will improve the ability of those colleges  
14 to educate and train students to meet the workforce  
15 needs of employers in the State;

16 “(2) the projected start of each project and the  
17 estimated number of persons to be employed in the  
18 project; and

19 “(3) the cost of each project and the total  
20 amount of funds requested for each project and for  
21 all projects.

22 “(c) PROHIBITED USES OF FUNDS.—

23 “(1) IN GENERAL.—No funds awarded under  
24 this section may be used for—

1           “(A) payment of routine maintenance  
2 costs;

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

8           “(C) construction, modernization, renova-  
9 tion, or repair of facilities—

10           “(i) used for sectarian instruction, re-  
11 ligious worship, or a school or department  
12 of divinity; or

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

16           “(2) FOUR-YEAR INSTITUTIONS.—No funds  
17 awarded to a four-year public institution of higher  
18 education under this section may be used for any fa-  
19 cility, service, or program of the institution that is  
20 not available to students who are pursuing a degree  
21 or certificate that is not a bachelor’s, master’s, pro-  
22 fessional, or other advanced degree.

23           “(d) GREEN PROJECTS.—In providing assistance to  
24 community college projects under this section, the State  
25 shall consider the extent to which a community college’s

1 project involves activities that are certified, verified, or  
2 consistent with the applicable provisions of—

3 “(1) the LEED Green Building Rating System;

4 “(2) Energy Star;

5 “(3) the CHPS Criteria, as applicable;

6 “(4) Green Globes; or

7 “(5) an equivalent program adopted by the  
8 State or the State higher education agency that in-  
9 cludes a verifiable method to demonstrate compli-  
10 ance with such program.

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

14 “(f) REPORTS BY THE STATES.—Each State that re-  
15 ceives a grant under this section shall, not later than Sep-  
16 tember 30, 2012, and annually thereafter for each fiscal  
17 year in which the State expends funds received under this  
18 section, submit to the Secretary a report that includes—

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

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

24 “(3) the number of jobs created by the projects  
25 funded under this section.

1       “(g) REPORT BY THE SECRETARY.—The Secretary  
2 shall submit to the authorizing committees (as defined in  
3 section 103 of the Higher Education Act of 1965; 20  
4 U.S.C. 1003) an annual report on the grants made under  
5 this section, including the information described in sub-  
6 section (f).

7       “(h) DEFINITIONS.—

8           “(1) ESEA TERMS.—Except as otherwise pro-  
9 vided, in this section, the terms ‘local educational  
10 agency’, ‘Secretary’, and ‘State educational agency’  
11 have the meanings given those terms in section 9101  
12 of the Elementary and Secondary Education Act of  
13 1965 (20 U.S.C. 7801).

14           “(2) ADDITIONAL DEFINITIONS.—The following  
15 definitions apply to this section:

16           “(A) COMMUNITY COLLEGE.—The term  
17 ‘community college’ means—

18           “(i) a junior or community college, as  
19 that term is defined in section 312(f) of  
20 the Higher Education Act of 1965 (20  
21 U.S.C. 1058(f)); or

22           “(ii) an institution of higher education  
23 (as defined in section 101 of the Higher  
24 Education Act of 1965 (20 U.S.C. 1001))  
25 that awards a significant number of de-

1                   degrees and certificates, as determined by  
2                   the Secretary, that are not—

3                               “(I) bachelor’s degrees (or an  
4                               equivalent); or

5                               “(II) master’s, professional, or  
6                               other advanced degrees.

7                   “(B) CHPS CRITERIA.—The term ‘CHPS  
8                   Criteria’ means the green building rating pro-  
9                   gram developed by the Collaborative for High  
10                   Performance Schools.

11                   “(C) ENERGY STAR.—The term ‘Energy  
12                   Star’ means the Energy Star program of the  
13                   United States Department of Energy and the  
14                   United States Environmental Protection Agen-  
15                   cy.

16                   “(D) GREEN GLOBES.—The term ‘Green  
17                   Globes’ means the Green Building Initiative en-  
18                   vironmental design and rating system referred  
19                   to as Green Globes.

20                   “(E) LEED GREEN BUILDING RATING SYS-  
21                   TEM.—The term ‘LEED Green Building Rat-  
22                   ing System’ means the United States Green  
23                   Building Council Leadership in Energy and En-  
24                   vironmental Design green building rating stand-

1           ard referred to as the LEED Green Building  
2           Rating System.

3                   “(F) MODERNIZATION, RENOVATION, AND  
4           REPAIR.—The term ‘modernization, renovation,  
5           and repair’ means—

6                           “(i) comprehensive assessments of fa-  
7                           cilities, including indoor air-quality assess-  
8                           ments, to identify—

9                                   “(I) facility conditions or defi-  
10                                   ciencies that could adversely affect  
11                                   student and staff health, safety, per-  
12                                   formance, or productivity or energy,  
13                                   water, or materials efficiency; and

14   “(II) needed facility improve-  
15   ments;

16   “(ii) repairing, replacing, or installing  
17   roofs (which may be extensive, intensive, or  
18   semi-intensive ‘green’ roofs); electrical wir-  
19   ing; water supply and plumbing systems,  
20   sewage systems, storm water runoff sys-  
21   tems, lighting systems (or components of  
22   such systems); or building envelope, win-  
23   dows, ceilings, flooring, or doors, including  
24   security doors;

1           “(iii) repairing, replacing, or installing  
2 heating, ventilation, or air conditioning  
3 systems, or components of those systems  
4 (including insulation) to improve energy ef-  
5 ficiency;

6           “(iv) compliance with fire, health,  
7 seismic, and safety codes, including profes-  
8 sional installation of fire and life safety  
9 alarms, and modernizations, renovations,  
10 and repairs that ensure that facilities are  
11 prepared for such emergencies as acts of  
12 terrorism, campus violence, and natural  
13 disasters, such as improving building infra-  
14 structure to accommodate security meas-  
15 ures and installing or upgrading tech-  
16 nology to ensure that a school or incident  
17 is able to respond to such emergencies;

18           “(v) making modifications necessary  
19 to make educational facilities accessible in  
20 compliance with the Americans with Dis-  
21 abilities Act of 1990 (42 U.S.C. 12101 et  
22 seq.) and section 504 of the Rehabilitation  
23 Act of 1973 (29 U.S.C. 794), except that  
24 such modifications shall not be the primary  
25 use of a grant or subgrant;

1           “(vi) abatement, removal, or interim  
2 controls of asbestos, polychlorinated  
3 biphenyls, mold, mildew, or lead-based haz-  
4 ards, including lead-based paint hazards;

5           “(vii) retrofitting necessary to in-  
6 crease energy efficiency;

7           “(viii) measures, such as selection and  
8 substitution of products and materials, and  
9 implementation of improved maintenance  
10 and operational procedures, such as ‘green  
11 cleaning’ programs, to reduce or eliminate  
12 potential student or staff exposure to—

13                   “(I) volatile organic compounds;

14                   “(II) particles such as dust and  
15 pollens; or

16                   “(III) combustion gases;

17           “(ix) modernization, renovation, or re-  
18 pair necessary to reduce the consumption  
19 of coal, electricity, land, natural gas, oil, or  
20 water;

21           “(x) installation or upgrading of edu-  
22 cational technology infrastructure;

23           “(xi) installation or upgrading of re-  
24 newable energy generation and heating  
25 systems, including solar, photovoltaic,



1 wind, biomass (including wood pellet and  
2 woody biomass), waste-to-energy, solar-  
3 thermal, and geothermal systems, and en-  
4 ergy audits;

5 “(xii) modernization, renovation, or  
6 repair activities related to energy efficiency  
7 and renewable energy, and improvements  
8 to building infrastructures to accommodate  
9 bicycle and pedestrian access;

10 “(xiii) ground improvements, storm  
11 water management, landscaping, and envi-  
12 ronmental clean-up when necessary;

13 “(xiv) other modernization, renova-  
14 tion, or repair to—

15 “(I) improve teachers’ ability to  
16 teach and students’ ability to learn;

17 “(II) ensure the health and safe-  
18 ty of students and staff; or

19 “(III) improve classroom, labora-  
20 tory, and vocational facilities in order  
21 to enhance the quality of science,  
22 technology, engineering, and mathe-  
23 matics instruction; and

24 “(xv) required environmental remedi-  
25 ation related to facilities modernization,

1                   renovation, or repair activities described in  
2                   subparagraphs (A) through (N).

3                   “(G) OUTLYING AREA.—The term ‘out-  
4                   lying area’ means the U.S. Virgin Islands,  
5                   Guam, American Samoa, the Commonwealth of  
6                   the Northern Mariana Islands, and the Repub-  
7                   lic of Palau.

8                   “(H) STATE.—The term ‘State’ means  
9                   each of the 50 States of the United States, the  
10                  Commonwealth of Puerto Rico, and the District  
11                  of Columbia.”.

