

cational agencies that are the neediest, as determined by the State, and that have made a commitment to develop healthy, high-performance school buildings in accordance with the plan developed and approved under paragraph (3)(A).

### (3) Implementation

#### (A) Plans

A State educational agency shall award subgrants under this subsection only to local educational agencies that, in consultation with the State educational agency and State agencies with responsibilities relating to energy and health, have developed plans that the State educational agency determines to be feasible and appropriate in order to achieve the purposes for which the subgrants are made.

#### (B) Supplementing grant funds

The State educational agency shall encourage local educational agencies that receive subgrants under this subsection to supplement their subgrant funds with funds from other sources in order to implement their plans.

### (b) Administration

A State educational agency receiving a grant under this subpart shall use the grant funds made available under this subpart for one or more of the following:

- (1) To evaluate compliance by local educational agencies with the requirements of this subpart.
- (2) To distribute information and materials on healthy, high-performance school buildings for both new and existing facilities.
- (3) To organize and conduct programs for school board members, school district personnel, and others to disseminate information on healthy, high-performance school buildings.
- (4) To provide technical services and assistance in planning and designing healthy, high-performance school buildings.
- (5) To collect and monitor information pertaining to healthy, high-performance school building projects.

(Pub. L. 89-10, title V, §5582, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1863.)

### § 7277b. Local uses of funds

#### (a) In general

A local educational agency that receives a subgrant under section 7277a(a) of this title shall use the subgrant funds to plan and prepare for healthy, high-performance school building projects that—

- (1) reduce energy use to at least 30 percent below that of a school constructed in compliance with standards prescribed in chapter 8 of the 2000 International Energy Conservation Code, or a similar State code intended to achieve substantially equivalent results;
- (2) meet Federal and State health and safety codes; and
- (3) support healthful, energy efficient, and environmentally sound practices.

#### (b) Use of funds

A local educational agency that receives a subgrant under section 7277a(a) of this title shall use funds for one or more of the following:

(1) To develop a comprehensive energy audit of the energy consumption characteristics of a building and the need for additional energy conservation measures necessary to allow schools to meet the guidelines set out in subsection (a) of this section.

(2) To produce a comprehensive analysis of building strategies, designs, materials, and equipment that—

(A) are cost effective, produce greater energy efficiency, and enhance indoor air quality; and

(B) can be used when conducting school construction and renovation or purchasing materials and equipment.

(3) To obtain research and provide technical services and assistance in planning and designing healthy, high-performance school buildings, including developing a timeline for implementation of such plans.

(Pub. L. 89-10, title V, §5583, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1864.)

### § 7277c. Report to Congress

The Secretary shall conduct a biennial review of State actions implementing this subpart and carrying out the plans developed under this subpart through State and local funding, and shall submit a report to Congress on the results of such reviews.

(Pub. L. 89-10, title V, §5584, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1865.)

### § 7277d. Limitations

No funds received under this subpart may be used for any of the following:

- (1) Payment of maintenance of costs in connection with any projects constructed in whole or in part with Federal funds provided under this subpart.
- (2) Construction, renovation, or repair of school facilities.
- (3) Construction, renovation, repair, or acquisition of a stadium or other facility primarily used for athletic contests or exhibitions, or other events for which admission is charged to the general public.

(Pub. L. 89-10, title V, §5585, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1865.)

### § 7277e. Healthy, high-performance school building defined

In this subpart, the term “healthy, high-performance school building” means a school building in which the design, construction, operation, and maintenance—

- (1) use energy-efficient and affordable practices and materials;
- (2) are cost-effective;
- (3) enhance indoor air quality; and
- (4) protect and conserve water.

(Pub. L. 89-10, title V, §5586, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1865.)

SUBPART 19—GRANTS FOR CAPITAL EXPENSES OF PROVIDING EQUITABLE SERVICES FOR PRIVATE SCHOOL STUDENTS

**§ 7279. Grant program authorized**

The Secretary is authorized to award grants to State educational agencies, from allotments made under section 7279b of this title, to enable the State educational agencies to award subgrants to local educational agencies to pay for capital expenses in accordance with this subpart.

(Pub. L. 89-10, title V, §5591, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1866.)

**§ 7279a. Uses of funds**

A local educational agency that receives a subgrant under this subpart shall use the subgrant funds only to pay for capital expenses incurred in providing equitable services for private school students under section 6320 of this title.

(Pub. L. 89-10, title V, §5592, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1866.)

**§ 7279b. Allotments to States**

From the funds made available to carry out this subpart for a fiscal year, the Secretary shall allot to each State an amount that bears the same ratio to the funds made available as the number of private school students who received services under part A of subchapter I of this chapter in the State in the most recent year for which data, satisfactory to the Secretary, are available bears to the number of such students in all States in such year.

(Pub. L. 89-10, title V, §5593, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1866.)

**§ 7279c. Subgrants to local educational agencies**

**(a) Applications**

A local educational agency that desires to receive a subgrant under this subpart shall submit an application to the State educational agency involved at such time, in such manner, and containing such information as the State educational agency may require.

**(b) Distribution**

A State educational agency shall award subgrants to local educational agencies within the State based on the degree of need set forth in their respective applications submitted under subsection (a) of this section.

(Pub. L. 89-10, title V, §5594, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1866.)

**§ 7279d. Capital expenses defined**

In this subpart, the term “capital expenses” means—

- (1) expenditures for noninstructional goods and services, such as the purchase, lease, or renovation of real and personal property, including mobile educational units and leasing of neutral sites or spaces;
- (2) insurance and maintenance costs;
- (3) transportation; and
- (4) other comparable goods and services.

(Pub. L. 89-10, title V, §5595, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1866.)

**§ 7279e. Termination**

The authority provided by this subpart terminates effective October 1, 2003.

(Pub. L. 89-10, title V, §5596, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1866.)

SUBPART 20—ADDITIONAL ASSISTANCE FOR CERTAIN LOCAL EDUCATIONAL AGENCIES IMPACTED BY FEDERAL PROPERTY ACQUISITION

**§ 7281. Reservation**

The Secretary is authorized to provide additional assistance to meet special circumstances relating to the provision of education in local educational agencies eligible to receive assistance under section 7702 of this title.

(Pub. L. 89-10, title V, §5601, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1866.)

**§ 7281a. Eligibility**

A local educational agency is eligible to receive additional assistance under this subpart only if such agency—

- (1) received a payment under both section 7702 of this title and section 7703(b) of this title for fiscal year 1996 and is eligible to receive payments under those sections for the year of application;
- (2) provided a free public education to children described under subparagraph (A), (B), or (D) of section 7703(a)(1) of this title;
- (3) had a military installation located within the geographic boundaries of the local educational agency that was closed as a result of base closure or realignment and, at the time at which the agency is applying for a payment under this subpart, the agency does not have a military installation located within its geographic boundaries;
- (4) remains responsible for the free public education of children residing in housing located on Federal property within the boundaries of the closed military installation but whose parents are on active duty in the uniformed services and assigned to a military activity located within the boundaries of an adjoining local educational agency; and
- (5) demonstrates to the satisfaction of the Secretary that such agency’s per-pupil revenue derived from local sources for current expenditures is not less than that revenue for the preceding fiscal year.

(Pub. L. 89-10, title V, §5602, as added Pub. L. 107-110, title V, §501, Jan. 8, 2002, 115 Stat. 1866.)

**§ 7281b. Maximum amount**

**(a) Maximum amount**

The maximum amount that a local educational agency is eligible to receive under this subpart for any fiscal year, when combined with its payment under section 7702(b) of this title, shall not be more than 50 percent of the maximum amount determined under section 7702(b) of this title.

**(b) Insufficient funds**

If funds appropriated under section 7241 of this title are insufficient to pay the amount deter-