

ovation, and repairs that are consistent with a recognized green building rating system.

**(b) Prohibition**

A local educational agency may not use funds received under this chapter for—

- (1) payment of maintenance costs;
- (2) stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public;
- (3) purchase or upgrade of vehicles; or
- (4) improvement of stand-alone facilities whose purpose is not the education of children, including central office administration or operations or logistical support facilities.

**(c) Rule of construction**

Nothing in this section shall allow a local educational agency to engage in school modernization, renovation, or repair that is inconsistent with State law.

(Pub. L. 111–5, div. A, title XIV, §14003, Feb. 17, 2009, 123 Stat. 281; Pub. L. 111–8, div. F, title V, §523(c), Mar. 11, 2009, 123 Stat. 806.)

REFERENCES IN TEXT

The Elementary and Secondary Education Act of 1965, referred to in subsec. (a), is Pub. L. 89–10, Apr. 11, 1965, 79 Stat. 27, which is classified generally to chapter 70 (§6301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of this title and Tables.

The Individuals with Disabilities Education Act, referred to in subsec. (a), is title VI of Pub. L. 91–230, Apr. 13, 1970, 84 Stat. 175, which is classified generally to chapter 33 (§1400 et seq.) of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

The Adult Education and Family Literacy Act, referred to in subsec. (a), was title II of Pub. L. 105–220, Aug. 7, 1998, 112 Stat. 1059, which was classified principally to subchapter I (§9201 et seq.) of chapter 73 of this title, and was repealed by Pub. L. 113–128, title V, §§506, 511(a), July 22, 2014, 128 Stat. 1703, 1705, effective July 1, 2015. Pub. L. 113–128 also included a title II, entitled the “Adult Education and Family Literacy Act”, which is classified generally to subchapter II (§3271 et seq.) of chapter 32 of Title 29, Labor. Pursuant to section 3361(a) of Title 29, references to a provision of Pub. L. 105–220 are deemed to refer to the corresponding provision of Pub. L. 113–128, July 22, 2014, 128 Stat. 1425, effective July 1, 2015. For complete classification of title II of Pub. L. 105–220 to the Code, see Tables. For complete classification of title II of Pub. L. 113–128 to the Code, see Short Title note set out under section 3101 of Title 29 and Tables.

The Carl D. Perkins Career and Technical Education Act of 2006, referred to in subsec. (a), is Pub. L. 88–210, Dec. 18, 1963, 77 Stat. 403, as amended generally by Pub. L. 109–270, §1(b), Aug. 12, 2006, 120 Stat. 683, which is classified generally to chapter 44 (§2301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2301 of this title and Tables.

AMENDMENTS

2009—Subsec. (a). Pub. L. 111–8 substituted “the Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.)” for “the Adult and Family Literacy Act (20 U.S.C. 1400 et seq.)”.

**§ 10004. Uses of funds by institutions of higher education**

**(a) In general**

A public institution of higher education that receives funds under this chapter shall use the

funds for education and general expenditures, and in such a way as to mitigate the need to raise tuition and fees for in-State students, or for modernization, renovation, or repair of institution of higher education facilities that are primarily used for instruction, research, or student housing, including modernization, renovation, and repairs that are consistent with a recognized green building rating system.

**(b) Prohibition**

An institution of higher education may not use funds received under this chapter to increase its endowment.

**(c) Additional prohibition**

No funds awarded under this chapter may be used for—

- (1) the maintenance of systems, equipment, or facilities;
- (2) modernization, renovation, or repair of stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public; or
- (3) modernization, renovation, or repair of facilities—

(A) used for sectarian instruction or religious worship; or

(B) in which a substantial portion of the functions of the facilities are subsumed in a religious mission.

(Pub. L. 111–5, div. A, title XIV, §14004, Feb. 17, 2009, 123 Stat. 281.)

**§ 10005. State applications**

**(a) In general**

The Governor of a State desiring to receive an allocation under section 10001(d) of this title shall submit an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

**(b) Application**

In such application, the Governor shall—

- (1) include the assurances described in subsection (d);
- (2) provide baseline data that demonstrates the State’s current status in each of the areas described in such assurances; and
- (3) describe how the State intends to use its allocation, including whether the State will use such allocation to meet maintenance of effort requirements under the ESEA and IDEA and, in such cases, what amount will be used to meet such requirements.

**(c) Incentive grant application**

The Governor of a State seeking a grant under section 10006 of this title shall—

- (1) submit an application for consideration;
- (2) describe the status of the State’s progress in each of the areas described in subsection (d), and the strategies the State is employing to help ensure that students in the subgroups described in section 1111(b)(2)(C)(v)(II)<sup>1</sup> of the ESEA (20 U.S.C. 6311(b)(2)(C)(v)(II)) who have not met the State’s proficiency targets continue making progress toward meeting the

<sup>1</sup> See References in Text note below.