

Union Calendar No. 567

116TH CONGRESS
2D SESSION

H. R. 865

[Report No. 116–684, Part I]

To provide for the long-term improvement of public school facilities, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 2019

Mr. SCOTT of Virginia (for himself, Ms. ADAMS, Mr. AGUILAR, Ms. BARRAGÁN, Mrs. BEATTY, Mr. BLUMENAUER, Ms. BLUNT ROCHESTER, Ms. BONAMICI, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. BROWN of Maryland, Ms. BROWNLEY of California, Mrs. BUSTOS, Mr. CARBAJAL, Mr. CARSON of Indiana, Mr. CARTWRIGHT, Mr. CASE, Ms. CASTOR of Florida, Mr. CASTRO of Texas, Ms. JUDY CHU of California, Mr. CICILLINE, Mr. CISNEROS, Ms. CLARK of Massachusetts, Ms. CLARKE of New York, Mr. CLAY, Mr. CLEAVER, Mr. COHEN, Mr. COURTNEY, Mr. COSTA, Ms. CRAIG, Mr. CUMMINGS, Mrs. DAVIS of California, Mr. DEFazio, Mrs. DEMINGS, Mr. DESAULNIER, Mrs. DINGELL, Mr. ENGEL, Ms. ESHOO, Ms. ESCOBAR, Mr. ESPAILLAT, Mr. EVANS, Ms. FUDGE, Mr. GALLEGO, Mr. GARAMENDI, Mr. GARCÍA of Illinois, Mr. GOMEZ, Mr. GONZALEZ of Texas, Mr. GREEN of Texas, Mr. GRIJALVA, Ms. HAALAND, Mrs. HAYES, Mr. HARDER of California, Mr. HECK, Ms. HILL of California, Mr. HIMES, Mr. HORSFORD, Mr. HUFFMAN, Ms. JACKSON LEE, Ms. JAYAPAL, Mr. JEFFRIES, Mr. JOHNSON of Georgia, Ms. JOHNSON of Texas, Ms. KAPTUR, Mr. KEATING, Mr. KENNEDY, Mr. KHANNA, Mr. KILDEE, Mr. KILMER, Mr. KIND, Mr. KRISHNAMOORTHY, Ms. KUSTER of New Hampshire, Mr. LANGEVIN, Mrs. LAWRENCE, Mr. LAWSON of Florida, Ms. LEE of California, Mrs. LEE of Nevada, Mr. LEVIN of Michigan, Mr. TED LIEU of California, Mr. LOEBSACK, Ms. LOFGREN, Mr. LOWENTHAL, Mr. LUJÁN, Mr. LYNCH, Mrs. CAROLYN B. MALONEY of New York, Mr. SEAN PATRICK MALONEY of New York, Ms. MATSUI, Mrs. MCBATH, Ms. MCCOLLUM, Mr. MCEACHIN, Mr. MCGOVERN, Mr. MCNERNEY, Mr. MEEKS, Ms. MENG, Ms. MOORE, Mr. MORELLE, Mr. MOULTON, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEGUSE, Mr. NORCROSS, Ms. NORTON, Ms. OCASIO-CORTEZ, Mr. O'HALLERAN, Ms. OMAR, Mr. PALLONE, Mr. PANETTA, Mr. PASCRELL,

Mr. PAYNE, Mr. PERLMUTTER, Ms. PINGREE, Mr. POCAN, Ms. PRESSLEY, Mr. QUIGLEY, Mr. RASKIN, Miss RICE of New York, Mr. RICHMOND, Mr. ROSE of New York, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. RYAN, Mr. SABLAN, Ms. SÁNCHEZ, Mr. SAN NICOLAS, Mr. SARBANES, Ms. SCANLON, Mr. SCHIFF, Ms. SCHAKOWSKY, Mr. DAVID SCOTT of Georgia, Ms. SCHRIER, Ms. SHALALA, Mr. SERRANO, Ms. SEWELL of Alabama, Mr. SOTO, Ms. SPANBERGER, Mr. SWALWELL of California, Mr. TAKANO, Mr. THOMPSON of Mississippi, Ms. TLAIB, Mr. TONKO, Mrs. TORRES of California, Mrs. TRAHAN, Mr. TRONE, Ms. UNDERWOOD, Mr. VARGAS, Mr. VELA, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Mrs. WATSON COLEMAN, Mr. WELCH, Ms. WILD, Ms. WILSON of Florida, Mr. YARMUTH, and Ms. STEVENS) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

DECEMBER 21, 2020

Additional sponsors: Mr. ALLRED, Mr. VEASEY, Ms. BASS, Ms. MUCARSEL-POWELL, Mr. SMITH of Washington, Mr. CUELLAR, Ms. HOULAHAN, Ms. FRANKEL, Mr. PETERSON, Mr. SIRES, Mr. KIM, Mr. COX of California, Mr. LARSON of Connecticut, Mr. LEVIN of California, Ms. FINKENAUER, Mr. SHERMAN, Ms. TITUS, Mr. RUPPERSBERGER, Mr. BISHOP of Georgia, Mr. PHILLIPS, Mrs. AXNE, Mrs. KIRKPATRICK, Mr. MALINOWSKI, Mr. HIGGINS of New York, Mr. PAPPAS, Mr. ROUDA, Ms. PORTER, Mr. BRINDISI, Mr. DELGADO, Ms. SPEIER, Mr. CROW, Mr. LARSEN of Washington, Ms. DELBENE, Mr. CRIST, Ms. SLOTKIN, Mr. NEAL, Ms. SHERRILL, Mr. LAMB, Mrs. LURIA, Mr. PRICE of North Carolina, Mr. CONNOLLY, Ms. TORRES SMALL of New Mexico, Ms. WEXTON, Mr. CASTEN of Illinois, Ms. DEAN, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. CÁRDENAS, Mr. LEWIS, Mr. FOSTER, Ms. GABBARD, Mr. CORREA, Mr. HASTINGS, Mr. BUTTERFIELD, Mr. THOMPSON of California, Ms. KELLY of Illinois, Ms. GARCLA of Texas, Mr. RUIZ, Mr. BEYER, Mr. SUOZZI, Mr. VAN DREW, and Ms. PLASKETT

DECEMBER 21, 2020

Reported from the Committee on Education and Labor with amendments

DECEMBER 21, 2020

Committee on Ways and Means discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To provide for the long-term improvement of public school facilities, 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 “Rebuild America’s Schools Act of 2019”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
 7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

**TITLE I—GRANTS FOR THE LONG-TERM IMPROVEMENT OF
 PUBLIC SCHOOL FACILITIES**

Sec. 101. Purpose and reservation.

Sec. 102. Allocation to States.

Sec. 103. Need-based grants to qualified local educational agencies.

Sec. 104. Annual report on grant program.

Sec. 105. Authorization of Appropriations.

TITLE II—SCHOOL INFRASTRUCTURE BONDS

Sec. 201. Restoration of certain qualified tax credit bonds.

Sec. 202. School infrastructure bonds.

Sec. 203. Annual report on bond program.

TITLE III—GENERAL PROVISIONS

Sec. 301. Allowable uses of funds.

Sec. 302. Prohibited uses.

Sec. 303. Green Practices.

Sec. 304. Use of American iron, steel, and manufactured products.

Sec. 305. Comptroller general report.

Sec. 306. Study and report physical condition of public schools.

Sec. 307. Development of data standards.

Sec. 308. Information clearinghouse.

TITLE IV—IMPACT AID CONSTRUCTION

Sec. 401. Temporary increase in funding for impact aid construction.

8 **SEC. 2. DEFINITIONS.**

9 In this Act:

10 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
 11 **TEES.**—The term “appropriate congressional com-

1 mittees” means the Committee on Education and
2 Labor of the House of Representatives and the Com-
3 mittee on Health, Education, Labor and Pensions of
4 the Senate.

5 (2) BUREAU-FUNDED SCHOOL.—The term “Bu-
6 reau-funded school” has the meaning given that
7 term in section 1141 of the Education Amendments
8 of 1978 (25 U.S.C. 2021).

9 (3) COVERED FUNDS.—The term “covered
10 funds” means funds received—

11 (A) under title I of this Act;

12 (B) from a school infrastructure bond; or

13 (C) from a qualified zone academy bond

14 (as such term is defined in section 54E of the
15 Internal Revenue Code of 1986 (as restored by
16 section 201)).

17 (4) ESEA TERMS.—The terms “elementary
18 school”, “outlying area”, and “secondary school”
19 have the meanings given those terms in section 8101
20 of the Elementary and Secondary Education Act of
21 1965 (20 U.S.C. 7801).

22 (5) LOCAL EDUCATIONAL AGENCY.—The term
23 “local educational agency” has the meaning given
24 that term in section 8101 of the Elementary and
25 Secondary Education Act of 1965 (20 U.S.C. 7801)

1 except that such term does not include a Bureau-
2 funded school.

3 (6) PUBLIC SCHOOL FACILITIES.—The term
4 “public school facilities” means the facilities of a
5 public elementary school or a public secondary
6 school.

7 (7) QUALIFIED LOCAL EDUCATIONAL AGEN-
8 CY.—The term “qualified local educational agency”
9 means a local educational agency that receives funds
10 under part A of title I of the Elementary and Sec-
11 ondary Education Act of 1965 (20 U.S.C. 6311 et
12 seq.).

13 (8) SCHOOL INFRASTRUCTURE BOND.—The
14 term “school infrastructure bond” has the meaning
15 given such term in section 54BB of the Internal
16 Revenue Code of 1986 (as added by section 202).

17 (9) SECRETARY.—The term “Secretary” means
18 the Secretary of Education.

19 (10) STATE.—The term “State” means each of
20 the 50 States, the District of Columbia, and the
21 Commonwealth of Puerto Rico.

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

23 (a) *SHORT TITLE.*—This Act may be cited as the “Re-
24 *build America’s Schools Act of 2019*”.

1 (b) *TABLE OF CONTENTS.—The table of contents for*
 2 *this Act is as follows:*

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***TITLE I—GRANTS FOR THE LONG-TERM IMPROVEMENT OF PUBLIC
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Sec. 303. Requirements for hazard-resistance and energy and water conservation.

Sec. 304. Green Practices.

Sec. 305. Use of American iron, steel, and manufactured products.

Sec. 306. Comptroller general report.

Sec. 307. Study and report physical condition of public schools.

Sec. 308. Development of data standards.

Sec. 309. Information clearinghouse.

Sec. 310. Prohibition on use of funds for facilities of for-profit charter schools.

Sec. 311. Prohibition on use of funds for certain charter schools.

Sec. 312. Sense of congress on Opportunity Zones.

TITLE IV—IMPACT AID CONSTRUCTION

Sec. 401. Temporary increase in funding for impact aid construction.

***TITLE V—ASSISTANCE FOR REPAIR OF SCHOOL FOUNDATIONS
AFFECTED BY PYRRHOTITE***

Sec. 501. Allocations to States.

Sec. 502. Grants to local educational agencies.

Sec. 503. Definitions.

Sec. 504. Authorization of appropriations.

3 **SEC. 2. DEFINITIONS.**

4 *In this Act:*

5 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
 6 *TEES.—The term “appropriate congressional commit-*

1 *tees” means the Committee on Education and Labor*
2 *of the House of Representatives and the Committee on*
3 *Health, Education, Labor and Pensions of the Senate.*

4 (2) *BUREAU-FUNDED SCHOOL.—The term “Bu-*
5 *reau-funded school” has the meaning given that term*
6 *in section 1141 of the Education Amendments of 1978*
7 *(25 U.S.C. 2021).*

8 (3) *COVERED FUNDS.—The term “covered funds”*
9 *means funds received—*

10 (A) *under title I of this Act;*

11 (B) *from a school infrastructure bond; or*

12 (C) *from a qualified zone academy bond (as*
13 *such term is defined in section 54E of the Inter-*
14 *nal Revenue Code of 1986 (as restored by section*
15 *201)).*

16 (4) *ESEA TERMS.—The terms “elementary*
17 *school”, “outlying area”, and “secondary school” have*
18 *the meanings given those terms in section 8101 of the*
19 *Elementary and Secondary Education Act of 1965*
20 *(20 U.S.C. 7801).*

21 (5) *LOCAL EDUCATIONAL AGENCY.—The term*
22 *“local educational agency” has the meaning given*
23 *that term in section 8101 of the Elementary and Sec-*
24 *ondary Education Act of 1965 (20 U.S.C. 7801) ex-*

1 *cept that such term does not include a Bureau-funded*
2 *school.*

3 (6) *PUBLIC SCHOOL FACILITIES.*—*The term*
4 *“public school facilities” means the facilities of a pub-*
5 *lic elementary school or a public secondary school.*

6 (7) *QUALIFIED LOCAL EDUCATIONAL AGENCY.*—
7 *The term “qualified local educational agency” means*
8 *a local educational agency that receives funds under*
9 *part A of title I of the Elementary and Secondary*
10 *Education Act of 1965 (20 U.S.C. 6311 et seq.).*

11 (8) *SCHOOL INFRASTRUCTURE BOND.*—*The term*
12 *“school infrastructure bond” has the meaning given*
13 *such term in section 54BB of the Internal Revenue*
14 *Code of 1986 (as added by section 202).*

15 (9) *SECRETARY.*—*The term “Secretary” means*
16 *the Secretary of Education.*

17 (10) *STATE.*—*The term “State” means each of*
18 *the 50 States, the District of Columbia, and the Com-*
19 *monwealth of Puerto Rico.*

20 (11) *ZERO ENERGY SCHOOL.*—*The term “zero*
21 *energy school” means a public elementary school or*
22 *public secondary school that—*

23 (A) *generates renewable energy on-site; and*

24 (B) *on an annual basis, exports an amount*

25 *of such renewable energy that equals or exceeds*

1 *the total amount of renewable energy that is de-*
 2 *livered to the school from outside sources.*

3 **TITLE I—GRANTS FOR THE**
 4 **LONG-TERM IMPROVEMENT**
 5 **OF PUBLIC SCHOOL FACILI-**
 6 **TIES**

7 **SEC. 101. PURPOSE AND RESERVATION.**

8 (a) **PURPOSE.**—Funds made available under this title
 9 shall be for the purpose of supporting long-term improve-
 10 ments to public school facilities in accordance with this
 11 Act.

12 (b) **RESERVATION FOR OUTLYING AREAS AND BU-**
 13 **REAU-FUNDED SCHOOLS.**—

14 (1) **IN GENERAL.**—For each of fiscal years
 15 2020 through 2029, the Secretary shall reserve,
 16 from the amount appropriated to carry out this
 17 title—

18 (A) one-half of 1 percent, to provide assist-
 19 ance to the outlying areas; and

20 (B) one-half of 1 percent, for payments to
 21 the Secretary of the Interior to provide assist-
 22 ance to Bureau-funded schools.

23 (2) **USE OF RESERVED FUNDS.**—

1 (A) ~~IN GENERAL.~~—Funds reserved under
2 paragraph (1) shall be used in accordance with
3 sections ~~301~~ through ~~304~~.

4 (B) ~~SPECIAL RULES FOR BUREAU-FUNDED~~
5 ~~SCHOOLS.~~—

6 (i) ~~APPLICABILITY.~~—Sections ~~301~~
7 through ~~304~~ shall apply to a Bureau-fund-
8 ed school that receives assistance under
9 paragraph (1)(B) in the same manner that
10 such sections apply to a qualified local edu-
11 cational agency that receives covered
12 funds. The facilities of a Bureau-funded
13 school shall be treated as public school fa-
14 cilities for purposes of the application of
15 such sections.

16 (ii) ~~TREATMENT OF TRIBALLY OPER-~~
17 ~~ATED SCHOOLS.~~—The Secretary of the In-
18 terior shall provide assistance to Bureau-
19 funded schools under paragraph (1)(B)
20 without regard to whether such schools are
21 operated by the Bureau of Indian Edu-
22 cation or by an Indian Tribe. In the case
23 of a Bureau-funded school that is a con-
24 tract or grant school (as that term is de-
25 fined in section ~~1141~~ of the Education

1 Amendments of 1978 (25 U.S.C. 2021))
2 operated by an Indian Tribe, the Secretary
3 of the Interior shall provide assistance
4 under such paragraph to the Indian Tribe
5 concerned.

6 **SEC. 102. ALLOCATION TO STATES.**

7 (a) ALLOCATION TO STATES.—

8 (1) STATE-BY-STATE ALLOCATION.—Of the
9 amount appropriated to carry out this title for each
10 fiscal year and not reserved under section 101(b),
11 each State that has a plan approved by the Sec-
12 retary under subsection (b) shall be allocated an
13 amount in proportion to the amount received by all
14 local educational agencies in the State under part A
15 of title I of the Elementary and Secondary Edu-
16 cation Act of 1965 (20 U.S.C. 6311 et seq.) for the
17 previous fiscal year relative to the total such amount
18 received by all local educational agencies in every
19 State that has a plan approved by the Secretary
20 under subsection (b).

21 (2) STATE RESERVATION.—A State may reserve
22 not more than 1 percent of its allocation under para-
23 graph (1) to carry out its responsibilities under this
24 Act, which shall include—

1 (A) providing technical assistance to local
2 educational agencies, including by—

3 (i) identifying which State agencies
4 have programs, resources, and expertise
5 relevant to the activities supported by the
6 allocation under this section; and

7 (ii) coordinating the provision of tech-
8 nical assistance across such agencies;

9 (B) in accordance with the guidance issued
10 by the Secretary under section 307, developing
11 an online, publicly searchable database that
12 contains an inventory of the infrastructure of
13 all public school facilities in the State (including
14 the facilities of Bureau-funded schools, as ap-
15 propriate), including, with respect to each such
16 facility, an identification of—

17 (i) the information described in
18 clauses (i) through (vi) of subparagraph
19 (F);

20 (ii) the age (including an identifica-
21 tion of the date of any retrofits or recent
22 renovations) of—

23 (I) the facility;

24 (II) its roof;

25 (III) its lighting system;

- 1 (IV) its windows;
- 2 (V) its ceilings;
- 3 (VI) its plumbing; and
- 4 (VII) its heating, ventilation, and
- 5 air conditioning system;
- 6 (iii) fire safety inspection results; and
- 7 (iv) the proximity of the facilities to
- 8 toxic sites or the vulnerability of the facili-
- 9 ties to natural disasters, including the ex-
- 10 tent to which facilities that are vulnerable
- 11 to seismic natural disasters are seismically
- 12 retrofitted;
- 13 (C) updating the database developed under
- 14 subparagraph (B) not less frequently than once
- 15 every 2 years;
- 16 (D) ensuring that the information in the
- 17 database developed under subparagraph (B)—
- 18 (i) is posted on a publicly accessible
- 19 State website; and
- 20 (ii) is regularly distributed to local
- 21 educational agencies and Tribal govern-
- 22 ments in the State;
- 23 (E) issuing and reviewing regulations to
- 24 ensure the health and safety of students and

1 staff during construction or renovation projects;
2 and

3 ~~(F)~~ issuing or reviewing regulations to en-
4 sure safe, healthy, and high-performing school
5 buildings, including regulations governing—

6 (i) indoor air quality and ventilation,
7 including exposure to carbon monoxide and
8 carbon dioxide;

9 (ii) mold, mildew, and moisture con-
10 trol;

11 (iii) the safety of drinking water at
12 the tap and water used for meal prepara-
13 tion, including regulations that—

14 ~~(I)~~ address the presence of lead
15 and other contaminants in such water;
16 and

17 ~~(II)~~ require the regular testing of
18 the potability of water at the tap;

19 ~~(iv)~~ energy and water efficiency;

20 ~~(v)~~ excessive classroom noise due to
21 activities allowable under section 301; and

22 ~~(vi)~~ the levels of maintenance work,
23 operational spending, and capital invest-
24 ment needed to maintain the quality of
25 public school facilities; and

1 (G) creating a plan to reduce or eliminate
2 exposure to toxins and chemicals, including
3 mercury, radon, PCBs, lead, vapor intrusions,
4 and asbestos.

5 (b) STATE PLAN.—

6 (1) IN GENERAL.—To be eligible to receive an
7 allocation under this section, a State shall submit to
8 the Secretary a plan that—

9 (A) describes how the State will use the al-
10 location to make long-term improvements to
11 public school facilities;

12 (B) explains how the State will carry out
13 each of its responsibilities under subsection
14 (a)(2);

15 (C) explains how the State will make the
16 determinations under subsections (b) and (c) of
17 section 103;

18 (D) identifies how long, and at what levels,
19 the State will maintain fiscal effort for the ac-
20 tivities supported by the allocation after the
21 State no longer receives the allocation; and

22 (E) includes such other information as the
23 Secretary may require.

24 (2) APPROVAL AND DISAPPROVAL.—The Sec-
25 retary shall have the authority to approve or dis-

1 approve a State plan submitted under paragraph
2 (1).

3 (c) CONDITIONS.—As a condition of receiving an allo-
4 cation under this section, a State shall agree to the fol-
5 lowing:

6 (1) MATCHING REQUIREMENT.—The State shall
7 contribute, from non-Federal sources, an amount
8 equal to 10 percent of the amount of the allocation
9 received under this section to carry out the activities
10 supported by the allocation.

11 (2) MAINTENANCE OF EFFORT.—The State
12 shall provide an assurance to the Secretary that the
13 combined fiscal effort per student or the aggregate
14 expenditures of the State with respect to the activi-
15 ties supported by the allocation under this section
16 for fiscal years beginning with the fiscal year for
17 which the allocation is received will be not less than
18 90 percent of the combined fiscal effort or aggregate
19 expenditures by the State for such purposes for the
20 year preceding the fiscal year for which the alloca-
21 tion is received.

22 (3) SUPPLEMENT NOT SUPPLANT.—The State
23 shall use an allocation under this section only to
24 supplement the level of Federal, State, and local
25 public funds that would, in absence of such alloca-

1 tion, be made available for the activities supported
2 by the allocation, and not to supplant such funds.

3 **SEC. 103. NEED-BASED GRANTS TO QUALIFIED LOCAL EDU-**
4 **CATIONAL AGENCIES.**

5 (a) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—

6 (1) IN GENERAL.—Subject to paragraph (2),
7 from the amounts allocated to a State under section
8 102(a) and contributed by the State under section
9 102(e)(1), the State shall award grants to qualified
10 local educational agencies, on a competitive basis, to
11 carry out the activities described in section 301(a).

12 (2) ALLOWANCE FOR DIGITAL LEARNING.—A
13 State may use up to 10 percent of the amount de-
14 scribed in paragraph (1) to make grants to qualified
15 local educational agencies carry out activities to im-
16 prove digital learning in accordance with section
17 301(b).

18 (b) ELIGIBILITY.—

19 (1) IN GENERAL.—To be eligible to receive a
20 grant under this section a qualified local educational
21 agency—

22 (A) shall be among the local educational
23 agencies in the State with the highest numbers
24 or percentages of students counted under sec-

1 tion 1124(e) of the Elementary and Secondary
2 Education Act of 1965 (20 U.S.C. 6333(e));

3 (B) shall agree to prioritize the improve-
4 ment of the facilities of public schools that
5 serve the highest percentages of students who
6 are eligible for a free or reduced price lunch
7 under the Richard B. Russell National School
8 Lunch Act (42 U.S.C. 1751 et seq.) (which, in
9 the case of a high school, may be calculated
10 using comparable data from the schools that
11 feed into the high school); as compared to other
12 public schools in the jurisdiction of the agency;
13 and

14 (C) may be among the local educational
15 agencies in the State—

16 (i) with the greatest need to improve
17 public school facilities; as determined by
18 the State, which may include consideration
19 of threats posed by the proximity of the fa-
20 cilities to toxic sites or the vulnerability of
21 the facilities to natural disasters; and

22 (ii) with the most limited capacity to
23 raise funds for the long-term improvement
24 of public school facilities; as determined by
25 an assessment of—

1 (I) the current and historic abil-
2 ity of the agency to raise funds for
3 construction, renovation, moderniza-
4 tion, and major repair projects for
5 schools;

6 (II) whether the agency has been
7 able to issue bonds or receive other
8 funds to support school construction
9 projects; and

10 (III) the bond rating of the agen-
11 cy.

12 (2) GEOGRAPHIC DISTRIBUTION.—The State
13 shall ensure that grants under this section are
14 awarded to qualified local educational agencies that
15 represent the geographic diversity of the State.

16 (e) PRIORITY OF GRANTS.—In awarding grants
17 under this section, the State—

18 (1) shall give priority to qualified local edu-
19 cational agencies that—

20 (A) demonstrate the greatest need for such
21 a grant, as determined by a comparison of the
22 factors described in subsection (b);

23 (B) will use the grant to improve the facili-
24 ties of—

1 (i) elementary schools or middle
2 schools that have an enrollment of stu-
3 dents who are eligible for a free or reduced
4 price lunch under the Richard B. Russell
5 National School Lunch Act (42 U.S.C.
6 1751 et seq.) that constitutes not less than
7 40 percent of the total student enrollment
8 at such schools; or

9 (ii) high schools that have an enroll-
10 ment of students who are eligible for a free
11 or reduced price lunch under such Act that
12 constitutes not less than 30 percent of the
13 total student enrollment at such schools
14 (which may be calculated using comparable
15 data from the schools that feed into the
16 high school); and

17 (C) operate public school facilities that
18 pose a severe health and safety threat to stu-
19 dents and staff, which may include a threat
20 posed by the proximity of the facilities to toxic
21 sites or the vulnerability of the facilities to nat-
22 ural disasters; and

23 (2) may give priority to qualified local edu-
24 cational agencies that—

1 (A) will use the grant to improve access to
2 high-speed broadband sufficient to support dig-
3 ital learning accordance with section 301(b);

4 (B) serve elementary schools or secondary
5 schools, including rural schools, that lack such
6 access; and

7 (C) meet one or more of the requirements
8 set forth in subparagraphs (A) through (C) of
9 paragraph (1).

10 (d) APPLICATION.—To be considered for a grant
11 under this section, a qualified local educational agency
12 shall submit an application to the State at such time, in
13 such manner, and containing such information as the
14 State may require. Such application shall include, at min-
15 imum—

16 (1) the information necessary for the State to
17 make the determinations under subsections (b) and
18 (c);

19 (2) a description of the projects that the agency
20 plans to carry out with the grant;

21 (3) an explanation of how such projects will re-
22 duce risks to the health and safety of staff and stu-
23 dents at schools served by the agency; and

24 (4) in the case of a local educational agency
25 that proposes to fund a repair, renovation, or con-

1 construction project for a public charter school, the extent to which—

2
3 (A) the public charter school lacks access
4 to funding for school repair, renovation, and
5 construction through the financing methods
6 available to other public schools or local educational agencies in the State; and

7
8 (B) the charter school operator owns or
9 has care and control of the facility that is to be
10 repaired, renovated, or constructed.

11 (e) FACILITIES MASTER PLAN.—

12 (1) PLAN REQUIRED.—Not later than 180 days
13 after receiving a grant under this section, a qualified
14 local educational agency shall submit to the State a
15 comprehensive 10-year facilities master plan.

16 (2) ELEMENTS.—The facilities master plan required under paragraph (1) shall include, with respect to all public school facilities of the qualified local educational agency, a description of—

20 (A) the extent to which public school facilities meet students' educational needs and support the agency's educational mission and vision;

21
22 (B) the physical condition of the public
23 school facilities;

1 (C) the current health, safety, and environ-
2 mental conditions of the public school facilities;
3 including—

4 (i) indoor air quality;

5 (ii) the presence of hazardous and
6 toxic substances and chemicals;

7 (iii) the safety of drinking water at
8 the tap and water used for meal prepara-
9 tion, including the level of lead and other
10 contaminants in such water;

11 (iv) energy and water efficiency;

12 (v) excessive classroom noise; and

13 (vi) other health, safety, and environ-
14 mental conditions that would impact the
15 health, safety, and learning ability of stu-
16 dents;

17 (D) how the local educational agency will
18 address any conditions identified under sub-
19 paragraph (C);

20 (E) the impact of current and future stu-
21 dent enrollment levels (as of the date of appli-
22 cation) on the design of current and future pub-
23 lic school facilities, as well as the financial im-
24 plications of such enrollment levels;

1 (F) the dollar amount and percentage of
2 funds the local educational agency will dedicate
3 to capital construction projects for public school
4 facilities, including—

5 (i) any funds in the budget of the
6 agency that will be dedicated to such
7 projects; and

8 (ii) any funds not in the budget of the
9 agency that will be dedicated to such
10 projects, including any funds available to
11 the agency as the result of a bond issue;
12 and

13 (G) the dollar amount and percentage of
14 funds the local educational agency will dedicate
15 to the maintenance and operation of public
16 school facilities, including—

17 (i) any funds in the budget of the
18 agency that will be dedicated to the main-
19 tenance and operation of such facilities;
20 and

21 (ii) any funds not in the budget of the
22 agency that will be dedicated to the main-
23 tenance and operation of such facilities.

24 (3) CONSULTATION.—In developing the facili-
25 ties master plan required under paragraph (1), the

1 qualified local educational agency shall consult with
2 teachers, principals and other school leaders, custo-
3 dial and maintenance staff, emergency first respond-
4 ers, school facilities directors, students and families,
5 community residents, and Indian Tribes.

6 (f) SUPPLEMENT NOT SUPPLANT.—A qualified local
7 educational agency shall use a grant received under this
8 section only to supplement the level of Federal, State, and
9 local public funds that would, in the absence of such grant,
10 be made available for the activities supported by the grant,
11 and not to supplant such funds.

12 **SEC. 104. ANNUAL REPORT ON GRANT PROGRAM.**

13 (a) IN GENERAL.—Not later than September 30 of
14 each fiscal year beginning after the date of the enactment
15 of this Act, the Secretary shall submit to the appropriate
16 congressional committees a report on the projects carried
17 out with funds made available under this title.

18 (b) ELEMENTS.—The report under subsection (a)
19 shall include, with respect to the fiscal year preceding the
20 year in which the report is submitted, the following:

21 (1) An identification of each local educational
22 agency that received a grant under this title.

23 (2) With respect to each such agency, a descrip-
24 tion of—

1 (A) the demographic composition of the
2 student population served by the agency,
3 disaggregated by—

4 (i) race;

5 (ii) the number and percentage of stu-
6 dents counted under section 1124(e) of the
7 Elementary and Secondary Education Act
8 of 1965 (20 U.S.C. 6333(e)); and

9 (iii) the number and percentage of
10 students who are eligible for a free or re-
11 duced price lunch under the Richard B.
12 Russell National School Lunch Act (42
13 U.S.C. 1751 et seq.);

14 (B) the population density of the geo-
15 graphic area served by the agency;

16 (C) the projects for which the agency used
17 the grant received under this title;

18 (D) the demonstrable or expected benefits
19 of the projects; and

20 (E) the estimated number of jobs created
21 by the projects.

22 (F) The total dollar amount of all grants re-
23 ceived by local educational agencies under this title.

1 (c) LEA INFORMATION COLLECTION.—A local edu-
2 cational agency that receives a grant under this title
3 shall—

4 (1) annually compile the information described
5 in subsection (b)(2);

6 (2) make the information available to the pub-
7 lic, including by posting the information on a pub-
8 licly accessible agency website; and

9 (3) submit the information to the State.

10 (d) STATE INFORMATION DISTRIBUTION.—A State
11 that receives information from a local educational agency
12 under subsection (c) shall—

13 (1) compile the information and report it annu-
14 ally to the Secretary at such time and in such man-
15 ner as the Secretary may require;

16 (2) make the information available to the pub-
17 lic, including by posting the information on a pub-
18 licly accessible State website; and

19 (3) regularly distribute the information to local
20 educational agencies and Tribal governments in the
21 State.

22 **SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated
24 \$7,000,000,000 for each of fiscal years 2020 through
25 2029 to carry out this title.

1 **TITLE I—GRANTS FOR THE**
2 **LONG-TERM IMPROVEMENT**
3 **OF PUBLIC SCHOOL FACILI-**
4 **TIES**

5 **SEC. 101. PURPOSE AND RESERVATION.**

6 (a) *PURPOSE.*—Funds made available under this title
7 shall be for the purpose of supporting long-term improve-
8 ments to public school facilities in accordance with this Act.

9 (b) *RESERVATION FOR OUTLYING AREAS AND BU-*
10 *REAU-FUNDED SCHOOLS.*—

11 (1) *IN GENERAL.*—For each of fiscal years 2020
12 through 2029, the Secretary shall reserve, from the
13 amount appropriated to carry out this title—

14 (A) one-half of 1 percent, to make alloca-
15 tions to the outlying areas in accordance with
16 paragraph (3); and

17 (B) one-half of 1 percent, for payments to
18 the Secretary of the Interior to provide assist-
19 ance to Bureau-funded schools.

20 (2) *USE OF RESERVED FUNDS.*—

21 (A) *IN GENERAL.*—Funds reserved under
22 paragraph (1) shall be used in accordance with
23 sections 301 through 305.

24 (B) *SPECIAL RULES FOR BUREAU-FUNDED*
25 *SCHOOLS.*—

1 (i) *APPLICABILITY.*—Sections 301
2 through 305 shall apply to a Bureau-funded
3 school that receives assistance under para-
4 graph (1)(B) in the same manner that such
5 sections apply to a qualified local edu-
6 cational agency that receives covered funds.
7 The facilities of a Bureau-funded school
8 shall be treated as public school facilities for
9 purposes of the application of such sections.

10 (ii) *TREATMENT OF TRIBALLY OPER-*
11 *ATED SCHOOLS.*—The Secretary of the Inte-
12 rior shall provide assistance to Bureau-
13 funded schools under paragraph (1)(B)
14 without regard to whether such schools are
15 operated by the Bureau of Indian Edu-
16 cation or by an Indian Tribe. In the case
17 of a Bureau-funded school that is a contract
18 or grant school (as that term is defined in
19 section 1141 of the Education Amendments
20 of 1978 (25 U.S.C. 2021)) operated by an
21 Indian Tribe, the Secretary of the Interior
22 shall provide assistance under such para-
23 graph to the Indian Tribe concerned.

24 (3) *ALLOCATION TO OUTLYING AREAS.*—From
25 the amount reserved under paragraph (1)(A) for a fis-

1 *cal year, the Secretary shall allocate to each outlying*
2 *area an amount in proportion to the amount received*
3 *by the outlying area under part A of title I of the El-*
4 *ementary and Secondary Education Act of 1965 (20*
5 *U.S.C. 6311 et seq.) for the previous fiscal year rel-*
6 *ative to the total such amount received by all outlying*
7 *areas for such previous fiscal year.*

8 **SEC. 102. ALLOCATION TO STATES.**

9 *(a) ALLOCATION TO STATES.—*

10 *(1) STATE-BY-STATE ALLOCATION.—Of the*
11 *amount appropriated to carry out this title for each*
12 *fiscal year and not reserved under section 101(b),*
13 *each State that has a plan approved by the Secretary*
14 *under subsection (b) shall be allocated an amount in*
15 *proportion to the amount received by all local edu-*
16 *cational agencies in the State under part A of title*
17 *I of the Elementary and Secondary Education Act of*
18 *1965 (20 U.S.C. 6311 et seq.) for the previous fiscal*
19 *year relative to the total such amount received by all*
20 *local educational agencies in every State that has a*
21 *plan approved by the Secretary under subsection (b).*

22 *(2) STATE RESERVATION.—A State may reserve*
23 *not more than 1 percent of its allocation under para-*
24 *graph (1) to carry out its responsibilities under this*
25 *Act, which—*

1 (A) shall include—

2 (i) providing technical assistance to
3 local educational agencies, including by—

4 (I) identifying which State agen-
5 cies have programs, resources, and ex-
6 pertise relevant to the activities sup-
7 ported by the allocation under this sec-
8 tion; and

9 (II) coordinating the provision of
10 technical assistance across such agen-
11 cies;

12 (ii) in accordance with the guidance
13 issued by the Secretary under section 308,
14 developing an online, publicly searchable
15 database that contains an inventory of the
16 infrastructure of all public school facilities
17 in the State (including the facilities of Bu-
18 reau-funded schools, as appropriate), in-
19 cluding, with respect to each such facility,
20 an identification of—

21 (I) the information described in
22 subclauses (I) through (VII) of clause
23 (vi);

1 (II) *the age (including an identi-*
2 *fication of the date of any retrofits or*
3 *recent renovations) of—*

4 *(aa) the facility;*

5 *(bb) its roof;*

6 *(cc) its lighting system;*

7 *(dd) its windows;*

8 *(ee) its ceilings;*

9 *(ff) its plumbing; and*

10 *(gg) its heating, ventilation,*

11 *and air conditioning system;*

12 *(III) fire safety inspection results;*

13 *(IV) the proximity of the facilities*
14 *to toxic sites or the vulnerability of the*
15 *facilities to natural disasters, includ-*
16 *ing the extent to which facilities that*
17 *are vulnerable to seismic natural disas-*
18 *ters are seismically retrofitted; and*

19 *(V) any previous inspections*
20 *showing the presence of toxic sub-*
21 *stances;*

22 *(iii) updating the database developed*
23 *under clause (ii) not less frequently than*
24 *once every 2 years;*

1 (iv) ensuring that the information in
2 the database developed under clause (ii)—

3 (I) is posted on a publicly acces-
4 sible State website; and

5 (II) is regularly distributed to
6 local educational agencies and Tribal
7 governments in the State;

8 (v) issuing and reviewing regulations
9 to ensure the health and safety of students
10 and staff during construction or renovation
11 projects; and

12 (vi) issuing or reviewing regulations to
13 ensure safe, healthy, and high-performing
14 school buildings, including regulations gov-
15 erning—

16 (I) indoor environmental quality
17 and ventilation, including exposure to
18 carbon monoxide, carbon dioxide, lead-
19 based paint, and other combustion by-
20 products such as oxides of nitrogen;

21 (II) mold, mildew, and moisture
22 control;

23 (III) the safety of drinking water
24 at the tap and water used for meal

1 *preparation, including regulations*
2 *that—*

3 *(aa) address the presence of*
4 *lead and other contaminants in*
5 *such water; and*

6 *(bb) require the regular test-*
7 *ing of the potability of water at*
8 *the tap;*

9 *(IV) energy and water efficiency;*

10 *(V) excessive classroom noise due*
11 *to activities allowable under section*
12 *301;*

13 *(VI) the levels of maintenance*
14 *work, operational spending, and cap-*
15 *ital investment needed to maintain the*
16 *quality of public school facilities; and*

17 *(VII) the construction or renova-*
18 *tion of such facilities, including appli-*
19 *cable building codes; and*

20 *(vii) creating a plan to reduce or*
21 *eliminate exposure to toxic substances, in-*
22 *cluding mercury, radon, PCBs, lead, vapor*
23 *intrusions, and asbestos; and*

1 (B) may include the development of a plan
2 to increase the number of zero energy schools in
3 the State.

4 (b) STATE PLAN.—

5 (1) IN GENERAL.—To be eligible to receive an al-
6 location under this section, a State shall submit to the
7 Secretary a plan that—

8 (A) describes how the State will use the allo-
9 cation to make long-term improvements to public
10 school facilities;

11 (B) explains how the State will carry out
12 each of its responsibilities under subsection
13 (a)(2);

14 (C) explains how the State will make the
15 determinations under subsections (b) and (c) of
16 section 103;

17 (D) identifies how long, and at what levels,
18 the State will maintain fiscal effort for the ac-
19 tivities supported by the allocation after the
20 State no longer receives the allocation; and

21 (E) includes such other information as the
22 Secretary may require.

23 (2) APPROVAL AND DISAPPROVAL.—The Sec-
24 retary shall have the authority to approve or dis-
25 approve a State plan submitted under paragraph (1).

1 (c) *CONDITIONS.—As a condition of receiving an allo-*
2 *cation under this section, a State shall agree to the fol-*
3 *lowing:*

4 (1) *MATCHING REQUIREMENT.—The State shall*
5 *contribute, from non-Federal sources, an amount*
6 *equal to 10 percent of the amount of the allocation re-*
7 *ceived under this section to carry out the activities*
8 *supported by the allocation.*

9 (2) *MAINTENANCE OF EFFORT.—The State shall*
10 *provide an assurance to the Secretary that the com-*
11 *bined fiscal effort or the aggregate expenditures of the*
12 *State with respect to the activities supported by the*
13 *allocation under this section for fiscal years beginning*
14 *with the fiscal year for which the allocation is re-*
15 *ceived will be not less than 90 percent of the 5 year*
16 *average for total capital outlay of the combined fiscal*
17 *effort or aggregate expenditures by the State for the*
18 *purposes for which the allocation is received.*

19 (3) *SUPPLEMENT NOT SUPPLANT.—The State*
20 *shall use an allocation under this section only to sup-*
21 *plement the level of Federal, State, and local public*
22 *funds that would, in absence of such allocation, be*
23 *made available for the activities supported by the al-*
24 *location, and not to supplant such funds.*

1 **SEC. 103. NEED-BASED GRANTS TO QUALIFIED LOCAL EDU-**
2 **CATIONAL AGENCIES.**

3 (a) *GRANTS TO LOCAL EDUCATIONAL AGENCIES.—*

4 (1) *IN GENERAL.—Subject to paragraph (2),*
5 *from the amounts allocated to a State under section*
6 *102(a) and contributed by the State under section*
7 *102(c)(1), the State shall award grants to qualified*
8 *local educational agencies, on a competitive basis, to*
9 *carry out the activities described in section 301(a).*

10 (2) *ALLOWANCE FOR DIGITAL LEARNING.—A*
11 *State may use up to 10 percent of the amount de-*
12 *scribed in paragraph (1) to make grants to qualified*
13 *local educational agencies carry out activities to im-*
14 *prove digital learning in accordance with section*
15 *301(b).*

16 (b) *ELIGIBILITY.—*

17 (1) *IN GENERAL.—To be eligible to receive a*
18 *grant under this section a qualified local educational*
19 *agency—*

20 (A) *shall be among the local educational*
21 *agencies in the State with the highest numbers or*
22 *percentages of students counted under section*
23 *1124(c) of the Elementary and Secondary Edu-*
24 *cation Act of 1965 (20 U.S.C. 6333(c));*

25 (B) *shall agree to prioritize the improve-*
26 *ment of the facilities of public schools that serve*

1 *the highest percentages of students who are eligi-*
2 *ble for a free or reduced price lunch under the*
3 *Richard B. Russell National School Lunch Act*
4 *(42 U.S.C. 1751 et seq.) (which, in the case of*
5 *a high school, may be calculated using com-*
6 *parable data from the schools that feed into the*
7 *high school), as compared to other public schools*
8 *in the jurisdiction of the agency; and*

9 *(C) may be among the local educational*
10 *agencies in the State—*

11 *(i) with the greatest need to improve*
12 *public school facilities, as determined by the*
13 *State, which may include consideration of*
14 *threats posed by the proximity of the facili-*
15 *ties to toxic sites or brownfield sites or the*
16 *vulnerability of the facilities to natural dis-*
17 *asters; and*

18 *(ii) with the most limited capacity to*
19 *raise funds for the long-term improvement*
20 *of public school facilities, as determined by*
21 *an assessment of—*

22 *(I) the current and historic abil-*
23 *ity of the agency to raise funds for con-*
24 *struction, renovation, modernization,*
25 *and major repair projects for schools;*

1 (II) *whether the agency has been*
2 *able to issue bonds or receive other*
3 *funds to support school construction*
4 *projects; and*
5 (III) *the bond rating of the agen-*
6 *cy.*

7 (2) *GEOGRAPHIC DISTRIBUTION.—The State*
8 *shall ensure that grants under this section are award-*
9 *ed to qualified local educational agencies that rep-*
10 *resent the geographic diversity of the State.*

11 (3) *STATEWIDE THRESHOLDS.—The State shall*
12 *establish reasonable thresholds for determining wheth-*
13 *er a local educational agency is among agencies in*
14 *the State with the highest numbers or percentages of*
15 *students counted under section 1124(c) of the Elemen-*
16 *tary and Secondary Education Act of 1965 (20*
17 *U.S.C. 6333(c)) as required under paragraph (1)(A).*

18 (c) *PRIORITY OF GRANTS.—In awarding grants under*
19 *this section, the State—*

20 (1) *shall give priority to qualified local edu-*
21 *cational agencies that—*

22 (A) *demonstrate the greatest need for such a*
23 *grant, as determined by a comparison of the fac-*
24 *tors described in subsection (b)(1) and other in-*

1 *dicators of need in the public school facilities of*
2 *such local educational agencies, including—*

3 *(i) the median age of facilities;*

4 *(ii) the extent to which student enroll-*
5 *ment exceeds physical and instructional ca-*
6 *capacity;*

7 *(iii) the condition of major building*
8 *systems such as heating, ventilation, air*
9 *conditioning, electrical, water, and sewer*
10 *systems;*

11 *(iv) the condition of roofs, windows,*
12 *and doors; and*

13 *(v) other critical health and safety con-*
14 *ditions; and*

15 *(B) will use the grant to improve the facili-*
16 *ties of—*

17 *(i) elementary schools or middle schools*
18 *that have an enrollment of students who are*
19 *eligible for a free or reduced price lunch*
20 *under the Richard B. Russell National*
21 *School Lunch Act (42 U.S.C. 1751 et seq.)*
22 *that constitutes not less than 40 percent of*
23 *the total student enrollment at such schools;*
24 *or*

1 (ii) high schools that have an enroll-
2 ment of students who are eligible for a free
3 or reduced price lunch under such Act that
4 constitutes not less than 30 percent of the
5 total student enrollment at such schools
6 (which may be calculated using comparable
7 data from the schools that feed into the high
8 school); and

9 (C) operate public school facilities that pose
10 a severe health and safety threat to students and
11 staff, which may include a threat posed by the
12 proximity of the facilities to toxic sites or the
13 vulnerability of the facilities to natural disasters;
14 and

15 (2) may give priority to qualified local edu-
16 cational agencies that—

17 (A) will use the grant to improve access to
18 high-speed broadband sufficient to support dig-
19 ital learning accordance with section 301(b);

20 (B) serve elementary schools or secondary
21 schools, including rural schools, that lack such
22 access; and

23 (C) meet one or more of the requirements set
24 forth in subparagraphs (A) through (C) of para-
25 graph (1).

1 (d) *APPLICATION.*—*To be considered for a grant under*
2 *this section, a qualified local educational agency shall sub-*
3 *mit an application to the State at such time, in such man-*
4 *ner, and containing such information as the State may re-*
5 *quire. Such application shall include, at minimum—*

6 (1) *the information necessary for the State to*
7 *make the determinations under subsections (b) and*
8 *(c);*

9 (2) *a description of the projects that the agency*
10 *plans to carry out with the grant;*

11 (3) *an explanation of how such projects will re-*
12 *duce risks to the health and safety of staff and stu-*
13 *dents at schools served by the agency; and*

14 (4) *in the case of a local educational agency that*
15 *proposes to fund a repair, renovation, or construction*
16 *project for a public charter school, the extent to*
17 *which—*

18 (A) *the public charter school lacks access to*
19 *funding for school repair, renovation, and con-*
20 *struction through the financing methods avail-*
21 *able to other public schools or local educational*
22 *agencies in the State; and*

23 (B) *the charter school operator owns or has*
24 *care and control of the facility that is to be re-*
25 *paired, renovated, or constructed.*

1 (e) *FACILITIES MASTER PLAN.*—

2 (1) *PLAN REQUIRED.*—Not later than 180 days
3 after receiving a grant under this section, a qualified
4 local educational agency shall submit to the State a
5 comprehensive 10-year facilities master plan.

6 (2) *ELEMENTS.*—The facilities master plan re-
7 quired under paragraph (1) shall include, with re-
8 spect to all public school facilities of the qualified
9 local educational agency, a description of—

10 (A) the extent to which public school facili-
11 ties meet students' educational needs and sup-
12 port the agency's educational mission and vi-
13 sion;

14 (B) the physical condition of the public
15 school facilities;

16 (C) the current health, safety, and environ-
17 mental conditions of the public school facilities,
18 including—

19 (i) indoor air quality;

20 (ii) the presence of toxic substances;

21 (iii) the safety of drinking water at the
22 tap and water used for meal preparation,
23 including the level of lead and other con-
24 taminants in such water;

25 (iv) energy and water efficiency;

1 (v) *excessive classroom noise; and*

2 (vi) *other health, safety, and environ-*
3 *mental conditions that would impact the*
4 *health, safety, and learning ability of stu-*
5 *dents;*

6 (D) *how the local educational agency will*
7 *address any conditions identified under subpara-*
8 *graph (C);*

9 (E) *the impact of current and future stu-*
10 *dent enrollment levels (as of the date of applica-*
11 *tion) on the design of current and future public*
12 *school facilities, as well as the financial implica-*
13 *tions of such enrollment levels;*

14 (F) *the dollar amount and percentage of*
15 *funds the local educational agency will dedicate*
16 *to capital construction projects for public school*
17 *facilities, including—*

18 (i) *any funds in the budget of the agen-*
19 *cy that will be dedicated to such projects;*
20 *and*

21 (ii) *any funds not in the budget of the*
22 *agency that will be dedicated to such*
23 *projects, including any funds available to*
24 *the agency as the result of a bond issue; and*

1 (G) *the dollar amount and percentage of*
2 *funds the local educational agency will dedicate*
3 *to the maintenance and operation of public*
4 *school facilities, including—*

5 (i) *any funds in the budget of the agen-*
6 *cy that will be dedicated to the maintenance*
7 *and operation of such facilities; and*

8 (ii) *any funds not in the budget of the*
9 *agency that will be dedicated to the mainte-*
10 *nance and operation of such facilities.*

11 (3) *CONSULTATION.—In developing the facilities*
12 *master plan required under paragraph (1)—*

13 (A) *a qualified local educational agency*
14 *shall consult with teachers, principals and other*
15 *school leaders, custodial and maintenance staff,*
16 *emergency first responders, school facilities direc-*
17 *tors, students and families, community residents,*
18 *and Indian Tribes; and*

19 (B) *in addition to the consultation required*
20 *under subparagraph (A), a Bureau-funded school*
21 *shall consult with the Bureau of Indian Edu-*
22 *cation.*

23 (f) *SUPPLEMENT NOT SUPPLANT.—A qualified local*
24 *educational agency shall use a grant received under this*
25 *section only to supplement the level of Federal, State, and*

1 *local public funds that would, in the absence of such grant,*
2 *be made available for the activities supported by the grant,*
3 *and not to supplant such funds.*

4 **SEC. 104. ANNUAL REPORT ON GRANT PROGRAM.**

5 (a) *IN GENERAL.*—*Not later than September 30 of*
6 *each fiscal year beginning after the date of the enactment*
7 *of this Act, the Secretary shall submit to the appropriate*
8 *congressional committees a report on the projects carried*
9 *out with funds made available under this title.*

10 (b) *ELEMENTS.*—*The report under subsection (a) shall*
11 *include, with respect to the fiscal year preceding the year*
12 *in which the report is submitted, the following:*

13 (1) *An identification of each local educational*
14 *agency that received a grant under this title.*

15 (2) *With respect to each such agency, a descrip-*
16 *tion of—*

17 (A) *the demographic composition of the stu-*
18 *dent population served by the agency,*
19 *disaggregated by—*

20 (i) *race;*

21 (ii) *the number and percentage of stu-*
22 *dents counted under section 1124(c) of the*
23 *Elementary and Secondary Education Act*
24 *of 1965 (20 U.S.C. 6333(c)); and*

1 (iii) the number and percentage of stu-
2 dents who are eligible for a free or reduced
3 price lunch under the Richard B. Russell
4 National School Lunch Act (42 U.S.C. 1751
5 et seq.);

6 (B) the population density of the geographic
7 area served by the agency;

8 (C) the projects for which the agency used
9 the grant received under this title, described
10 using measurements of school facility quality
11 from the most recent available version of the
12 Common Education Data Standards published
13 by the National Center for Education Statistics;

14 (D) the demonstrable or expected benefits of
15 the projects; and

16 (E) the estimated number of jobs created by
17 the projects.

18 (3) The total dollar amount of all grants received
19 by local educational agencies under this title.

20 (c) *LEA INFORMATION COLLECTION*.—A local edu-
21 cational agency that receives a grant under this title shall—

22 (1) annually compile the information described
23 in subsection (b)(2);

1 (2) *make the information available to the public,*
 2 *including by posting the information on a publicly*
 3 *accessible agency website; and*

4 (3) *submit the information to the State.*

5 (d) *STATE INFORMATION DISTRIBUTION.—A State*
 6 *that receives information from a local educational agency*
 7 *under subsection (c) shall—*

8 (1) *compile the information and report it annu-*
 9 *ally to the Secretary at such time and in such man-*
 10 *ner as the Secretary may require;*

11 (2) *make the information available to the public,*
 12 *including by posting the information on a publicly*
 13 *accessible State website; and*

14 (3) *regularly distribute the information to local*
 15 *educational agencies and Tribal governments in the*
 16 *State.*

17 **SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

18 *There are authorized to be appropriated*
 19 *\$7,000,000,000 for each of fiscal years 2020 through 2029*
 20 *to carry out this title.*

21 **TITLE II—SCHOOL**
 22 **INFRASTRUCTURE BONDS**

23 **SEC. 201. RESTORATION OF CERTAIN QUALIFIED TAX**
 24 **CREDIT BONDS.**

25 (a) **ALLOWANCE OF CREDIT.—**

1 (1) IN GENERAL.—Section 54A of the Internal
2 Revenue Code of 1986, as in effect before repeal by
3 Public Law 115–97, is restored as if such repeal had
4 not taken effect.

5 (2) CREDIT LIMITED TO CERTAIN BONDS.—Sec-
6 tion 54A(d)(1) of such Code, as restored by para-
7 graph (1), is amended by striking subparagraphs
8 (A), (B), and (C).

9 (b) CREDIT ALLOWED TO ISSUER.—

10 (1) IN GENERAL.—Section 6431 of the Internal
11 Revenue Code of 1986, as in effect before repeal by
12 Public Law 115–97, is restored as if such repeal had
13 not taken effect.

14 (2) SCHOOL INFRASTRUCTURE BONDS.—Sec-
15 tion 6431(f)(3) of such Code, as restored by para-
16 graph (1), is amended by inserting “any school in-
17 frastructure bond (as defined in section 54BB) or”
18 before “any qualified tax credit bond”.

19 (c) QUALIFIED ZONE ACADEMY BONDS.—

20 (1) IN GENERAL.—Section 54E of the Internal
21 Revenue Code of 1986, as in effect before repeal by
22 Public Law 115–97, is restored as if such repeal had
23 not taken effect.

24 (2) REMOVAL OF PRIVATE BUSINESS CON-
25 TRIBUTION REQUIREMENT.—Section 54E of the In-

1 ternal Revenue Code of 1986, as restored by para-
2 graph (1), is amended—

3 (A) in subsection (a)(3), by inserting
4 “and” at the end of subparagraph (A), by strik-
5 ing subparagraph (B), and by redesignating
6 subparagraph (C) as subparagraph (B);

7 (B) by striking subsection (b); and

8 (C) in subsection (c)(1)—

9 (i) by striking “and \$400,000,000”
10 and inserting “\$400,000,000”; and

11 (ii) by striking “and, except as pro-
12 vided” and all that follows through the pe-
13 riod at the end and inserting “, and
14 \$1,400,000,000 for 2020 and each year
15 thereafter.”.

16 (3) CONSTRUCTION OF A PUBLIC SCHOOL FA-
17 CILITY.—Section 54E(d)(3)(A) of the Internal Rev-
18 enue Code of 1986, as restored by paragraph (1), is
19 amended by striking “rehabilitating or repairing”
20 and inserting “constructing, rehabilitating, retro-
21 fitting, or repairing”.

22 (d) EFFECTIVE DATE.—The amendments made by
23 this section shall apply to obligations issued after Decem-
24 ber 31, 2019.

1 **SEC. 202. SCHOOL INFRASTRUCTURE BONDS.**

2 (a) IN GENERAL.—The Internal Revenue Code of
3 1986 is amended by inserting after subpart I (as restored
4 by section 201) of part IV of subchapter A of chapter 1
5 the following new subpart:

6 **“Subpart J—School Infrastructure Bonds**

“Sec. 54BB. School infrastructure bonds.

7 **“SEC. 54BB. SCHOOL INFRASTRUCTURE BONDS.**

8 “(a) IN GENERAL.—If a taxpayer holds a school in-
9 frastructure bond on one or more interest payment dates
10 of the bond during any taxable year, there shall be allowed
11 as a credit against the tax imposed by this chapter for
12 the taxable year an amount equal to the sum of the credits
13 determined under subsection (b) with respect to such
14 dates.

15 “(b) AMOUNT OF CREDIT.—The amount of the credit
16 determined under this subsection with respect to any in-
17 terest payment date for a school infrastructure bond is
18 100 percent of the amount of interest payable by the
19 issuer with respect to such date.

20 “(c) LIMITATION BASED ON AMOUNT OF TAX.—

21 “(1) IN GENERAL.—The credit allowed under
22 subsection (a) for any taxable year shall not exceed
23 the excess of—

1 “(A) the sum of the regular tax liability
2 (as defined in section 26(b)) plus the tax im-
3 posed by section 55, over

4 “(B) the sum of the credits allowable
5 under this part (other than subpart C and this
6 subpart).

7 “(2) CARRYOVER OF UNUSED CREDIT.—If the
8 credit allowable under subsection (a) exceeds the
9 limitation imposed by paragraph (1) for such taxable
10 year, such excess shall be carried to the succeeding
11 taxable year and added to the credit allowable under
12 subsection (a) for such taxable year (determined be-
13 fore the application of paragraph (1) for such suc-
14 ceeding taxable year).

15 “(d) SCHOOL INFRASTRUCTURE BOND.—

16 “(1) IN GENERAL.—For purposes of this sec-
17 tion, the term ‘school infrastructure bond’ means
18 any bond issued as part of an issue if—

19 “(A) 100 percent of the available project
20 proceeds of such issue are to be used for the
21 purposes described in section 301 of the Re-
22 build America’s Schools Act of 2019,

23 “(B) the interest on such obligation would
24 (but for this section) be excludable from gross
25 income under section 103,

1 “(C) the issue meets the requirements of
2 paragraph (3), and

3 “(D) the issuer designates such bond for
4 purposes of this section.

5 “(2) APPLICABLE RULES.—For purposes of ap-
6 plying paragraph (1)—

7 “(A) for purposes of section 149(b), a
8 school infrastructure bond shall not be treated
9 as federally guaranteed by reason of the credit
10 allowed under section 6431(a),

11 “(B) for purposes of section 148, the yield
12 on a school infrastructure bond shall be deter-
13 mined without regard to the credit allowed
14 under subsection (a), and

15 “(C) a bond shall not be treated as a
16 school infrastructure bond if the issue price has
17 more than a de minimis amount (determined
18 under rules similar to the rules of section
19 1273(a)(3)) of premium over the stated prin-
20 cipal amount of the bond.

21 “(3) 6-YEAR EXPENDITURE PERIOD.—

22 “(A) IN GENERAL.—An issue shall be
23 treated as meeting the requirements of this
24 paragraph if, as of the date of issuance, the
25 issuer reasonably expects 100 percent of the

1 available project proceeds to be spent for pur-
2 poses described in section 301 of the Rebuild
3 America’s Schools Act of 2019 within the 6-
4 year period beginning on such date of issuance.

5 “(B) FAILURE TO SPEND REQUIRED
6 AMOUNT OF BOND PROCEEDS WITHIN 6
7 YEARS.—To the extent that less than 100 per-
8 cent of the available project proceeds of the
9 issue are expended at the close of the period de-
10 scribed in subparagraph (A) with respect to
11 such issue, the issuer shall redeem all of the
12 nonqualified bonds within 90 days after the end
13 of such period. For purposes of this paragraph,
14 the amount of the nonqualified bonds required
15 to be redeemed shall be determined in the same
16 manner as under section 142.

17 “(e) LIMITATION ON AMOUNT OF BONDS DES-
18 IGNATED.—The maximum aggregate face amount of
19 bonds issued during any calendar year which may be des-
20 ignated under subsection (d) by any issuer shall not exceed
21 the limitation amount allocated under subsection (g) for
22 such calendar year to such issuer.

23 “(f) NATIONAL LIMITATION ON AMOUNT OF BONDS
24 DESIGNATED.—The national qualified school infrastruc-
25 ture bond limitation for each calendar year is—

1 “(1) \$10,000,000,000 for 2020,

2 “(2) \$10,000,000,000 for 2021, and

3 “(3) \$10,000,000,000 for 2022.

4 “(g) ALLOCATION OF LIMITATION.—

5 “(1) ALLOCATIONS.—

6 “(A) STATES.—After application of sub-
7 paragraph (B) and paragraph (3)(A), the limi-
8 tation applicable under subsection (f) for any
9 calendar year shall be allocated by the Sec-
10 retary among the States in proportion to the re-
11 spective amounts received by all local edu-
12 cational agencies in each State under part A of
13 title I of the Elementary and Secondary Edu-
14 cation Act of 1965 (20 U.S.C. 6311 et seq.) for
15 the previous fiscal year relative to the total such
16 amount received by all local educational agen-
17 cies in for the most recent fiscal year ending
18 before such calendar year.

19 “(B) CERTAIN POSSESSIONS.—One-half of
20 1 percent of the amount of the limitation appli-
21 cable under subsection (f) for any calendar year
22 shall be allocated by the Secretary to posses-
23 sions of the United States other than Puerto
24 Rico for such calendar year shall be one-half of
25 1 percent.

1 “(2) ALLOCATIONS TO SCHOOLS.—The limita-
2 tion amount allocated to a State or possession under
3 paragraph (1) shall be allocated by the State edu-
4 cational agency (or such other agency as is author-
5 ized under State law to make such allocation) to
6 issuers within such State or possession in accord-
7 ance with the priorities described in section 103(c)
8 the of the Rebuild America’s Schools Act of 2019
9 and the eligibility requirements described in section
10 103(b) of such Act, except that paragraph (1)(C) of
11 such section shall not apply to the determination of
12 eligibility for such allocation.

13 “(3) ALLOCATIONS FOR INDIAN SCHOOLS.—

14 “(A) IN GENERAL.—One-half of 1 percent
15 of the amount of the limitation applicable under
16 subsection (f) for any calendar year shall be al-
17 located by the Secretary to the Secretary of the
18 Interior for schools funded by the Bureau of In-
19 dian Affairs for such calendar year.

20 “(B) ALLOCATION TO SCHOOLS.—The lim-
21 itation amount allocated to the Secretary of the
22 Interior under paragraph (1) shall be allocated
23 by such Secretary to issuers or schools funded
24 as described in paragraph (2). In the case of
25 amounts allocated under the preceding sen-

1 tence, Indian tribal governments (as defined in
2 section 7701(a)(40)) shall be treated as quali-
3 fied issuers for purposes of this subchapter.

4 “(4) DIGITAL LEARNING.—Up to 10 percent of
5 the limitation amount allocated under paragraph (1)
6 or (3)(A) may be allocated by the State to issuers
7 within such State to carry out activities to improve
8 digital learning in accordance with section 301(b) of
9 the Rebuild America’s Schools Act of 2019.

10 “(h) INTEREST PAYMENT DATE.—For purposes of
11 this section, the term ‘interest payment date’ means any
12 date on which the holder of record of the school infrastruc-
13 ture bond is entitled to a payment of interest under such
14 bond.

15 “(i) SPECIAL RULES.—

16 “(1) INTEREST ON SCHOOL INFRASTRUCTURE
17 BONDS INCLUDIBLE IN GROSS INCOME FOR FED-
18 ERAL INCOME TAX PURPOSES.—For purposes of this
19 title, interest on any school infrastructure bond shall
20 be includible in gross income.

21 “(2) APPLICATION OF CERTAIN RULES.—Rules
22 similar to the rules of subsections (f), (g), (h), and
23 (i) of section 54A shall apply for purposes of the
24 credit allowed under subsection (a).”.

1 (b) TRANSITIONAL COORDINATION WITH STATE
2 LAW.—Except as otherwise provided by a State after the
3 date of the enactment of this Act, the interest on any
4 school infrastructure bond (as defined in section 54BB of
5 the Internal Revenue Code of 1986, as added by this sec-
6 tion) and the amount of any credit determined under such
7 section with respect to such bond shall be treated for pur-
8 poses of the income tax laws of such State as being exempt
9 from Federal income tax.

10 (c) APPLICATION OF CERTAIN LABOR STANDARDS
11 TO PROJECTS FINANCED WITH CERTAIN TAX-FAVORED
12 BONDS.—

13 (1) IN GENERAL.—Subchapter IV of chapter 31
14 of the title 40, United States Code, shall apply to
15 projects financed with the proceeds of—

16 (A) any school infrastructure bond (as de-
17 fined in section 54BB of the Internal Revenue
18 Code of 1986); and

19 (B) any qualified zone academy bond (as
20 defined in section 54E of the Internal Revenue
21 Code of 1986) issued after the date of the en-
22 actment of the American Recovery and Rein-
23 vestment Tax Act of 2009.

24 (2) CONFORMING AMENDMENT.—Section 1601
25 of the American Recovery and Reinvestment Tax

1 Act of 2009 is amended by striking paragraph (3)
2 and redesignating paragraphs (4) and (5) as para-
3 graphs (3) and (4), respectively.

4 (d) CLERICAL AMENDMENTS.—The table of subparts
5 for part IV of subchapter A of chapter 1 of such Code
6 is amended by adding at the end the following:

“SUBPART J—SCHOOL INFRASTRUCTURE BONDS”.

7 (e) EFFECTIVE DATE.—The amendments made by
8 this section shall apply to obligations issued after Decem-
9 ber 31, 2019.

10 **SEC. 203. ANNUAL REPORT ON BOND PROGRAM.**

11 (a) IN GENERAL.—Not later than September 30 of
12 each fiscal year beginning after the date of the enactment
13 of this Act, the Secretary of the Treasury shall submit
14 to the appropriate congressional committees a report on
15 the school infrastructure bond program.

16 (b) ELEMENTS.—The report under paragraph (1)
17 shall include, with respect to the fiscal year preceding the
18 year in which the report is submitted, the following:

19 (1) An identification of—

20 (A) each local educational agency that re-
21 ceived funds from a school infrastructure bond;
22 and

23 (B) each local educational agency that was
24 eligible to receive such funds—

25 (i) but did not receive such funds; or

1 (ii) received less than the maximum
2 amount of funds for which the agency was
3 eligible.

4 (2) With respect to each local educational agen-
5 cy described in paragraph (1)—

6 (A) an assessment of the capacity of the
7 agency to raise funds for the long-term im-
8 provement of public school facilities, as deter-
9 mined by an assessment of—

10 (i) the current and historic ability of
11 the agency to raise funds for construction,
12 renovation, modernization, and major re-
13 pair projects for schools, including the abil-
14 ity of the agency to raise funds through
15 imposition of property taxes;

16 (ii) whether the agency has been able
17 to issue bonds to fund construction
18 projects, including—

19 (I) qualified zone academy bonds
20 under section 54E of the Internal
21 Revenue Code of 1986; and

22 (II) school infrastructure bonds
23 under section 54BB of the Internal
24 Revenue Code of 1986; and

25 (iii) the bond rating of the agency;

1 (B) the demographic composition of the
2 student population served by the agency,
3 disaggregated by—

4 (i) race;

5 (ii) the number and percentage of stu-
6 dents counted under section 1124(c) of the
7 Elementary and Secondary Education Act
8 of 1965 (20 U.S.C. 6333(c)); and

9 (iii) the number and percentage of
10 students who are eligible for a free or re-
11 duced price lunch under the Richard B.
12 Russell National School Lunch Act (42
13 U.S.C. 1751 et seq.);

14 (C) the population density of the geo-
15 graphic area served by the agency;

16 (D) a description of the projects carried
17 out with funds received from school infrastruc-
18 ture bonds;

19 (E) a description of the demonstrable or
20 expected benefits of the projects; and

21 (F) the estimated number of jobs created
22 by the projects.

23 (3) The total dollar amount of all funds re-
24 ceived by local educational agencies from school in-
25 frastructure bonds.

1 (4) Any other factors that the Secretary of the
2 Treasury determines to be appropriate.

3 (c) INFORMATION COLLECTION.—A State or local
4 educational agency that receives funds from a school infra-
5 structure bond shall—

6 (1) annually compile the information necessary
7 for the Secretary of the Treasury to determine the
8 elements described in subsection (b); and

9 (2) report the information to the Secretary of
10 the Treasury at such time and in such manner as
11 the Secretary of the Treasury may require.

12 **TITLE III—GENERAL** 13 **PROVISIONS**

14 **SEC. 301. ALLOWABLE USES OF FUNDS.**

15 (a) IN GENERAL.—Except as provided in section 302,
16 a local educational agency that receives covered funds may
17 use such funds to—

18 (1) develop the facilities master plan required
19 under section 103(e);

20 (2) construct, modernize, renovate, or retrofit
21 public school facilities, which may include seismic
22 retrofitting for schools vulnerable to seismic natural
23 disasters;

24 (3) carry out major repairs of public school fa-
25 cilities;

- 1 (4) install furniture or fixtures with at least a
2 10-year life in public school facilities;
- 3 (5) construct new public school facilities;
- 4 (6) acquire and prepare sites on which new
5 public school facilities will be constructed;
- 6 (7) extend the life of basic systems and compo-
7 nents of public school facilities;
- 8 (8) reduce current or anticipated overcrowding
9 in public school facilities;
- 10 (9) ensure the building envelopes of public
11 school facilities protect occupants and interiors from
12 the elements and are structurally sound and secure;
- 13 (10) improve energy and water efficiency to
14 lower the costs of energy and water consumption in
15 public school facilities;
- 16 (11) improve indoor air quality in public school
17 facilities;
- 18 (12) reduce or eliminate the presence of—
 - 19 (A) toxins and chemicals, including mer-
20 cury, radon, PCBs, lead, and asbestos;
 - 21 (B) mold and mildew; or
 - 22 (C) rodents and pests;
- 23 (13) ensure the safety of drinking water at the
24 tap and water used for meal preparation in public
25 school facilities, which may include testing of the po-

1 tability of water at the tap for the presence of lead
2 and other contaminants;

3 (14) bring public school facilities into compli-
4 ance with applicable fire, health, and safety codes;

5 (15) make public school facilities accessible to
6 people with disabilities through compliance with the
7 Americans with Disabilities Act of 1990 (42 U.S.C.
8 12101 et seq.) and section 504 of the Rehabilitation
9 Act of 1973 (29 U.S.C. 794);

10 (16) provide instructional program space im-
11 provements for programs relating to early learning
12 (including early learning programs operated by part-
13 ners of the agency), special education, science, tech-
14 nology, career and technical education, physical edu-
15 cation, the arts, and literacy (including library pro-
16 grams);

17 (17) increase the use of public school facilities
18 for the purpose of community-based partnerships
19 that provide students with academic, health, and so-
20 cial services;

21 (18) ensure the health of students and staff
22 during the construction or modernization of public
23 school facilities; or

24 (19) reduce or eliminate excessive classroom
25 noise due to activities allowable under this section.

1 (b) ALLOWANCE FOR DIGITAL LEARNING.—A local
 2 educational agency may use funds received under section
 3 103(a)(2) or proceeds from a school infrastructure bond
 4 limitation allocated under section 54BB(g) of the Internal
 5 Revenue Code of 1986 (as added by section 202) to lever-
 6 age existing public programs or public-private partner-
 7 ships to expand access to high-speed broadband sufficient
 8 for digital learning.

9 **SEC. 302. PROHIBITED USES.**

10 A local educational agency that receives covered
 11 funds may not use such funds for—

12 (1) payment of routine and predictable mainte-
 13 nance costs and minor repairs;

14 (2) any facility that is primarily used for ath-
 15 letic contests or exhibitions or other events for which
 16 admission is charged to the general public;

17 (3) vehicles; or

18 (4) central offices, operation centers, or other
 19 facilities that are not primarily used to educate stu-
 20 dents.

21 **SEC. 303. GREEN PRACTICES.**

22 (a) IN GENERAL.—In a given fiscal year, a local edu-
 23 cational agency that uses covered funds for a new con-
 24 struction project or renovation project shall use not less
 25 than the applicable percentage (as described in subsection

1 (b)) of the funds used for such project for construction
2 or renovation that is certified, verified, or consistent with
3 the applicable provisions of—

4 (1) the United States Green Building Council
5 Leadership in Energy and Environmental Design
6 green building rating standard (commonly known as
7 the “LEED Green Building Rating System”);

8 (2) the Living Building Challenge developed by
9 the International Living Future Institute;

10 (3) a green building rating program developed
11 by the Collaborative for High-Performance Schools
12 (commonly known as “CHPS”) that is CHPS-
13 verified; or

14 (4) a program that—

15 (A) has standards that are equivalent to or
16 more stringent than the standards of a program
17 described in paragraphs (1) through (3);

18 (B) is adopted by the State or another ju-
19 risdiction with authority over the agency; and

20 (C) includes a verifiable method to dem-
21 onstrate compliance with such program.

22 (b) APPLICABLE PERCENTAGE.—The applicable per-
23 centage described in this subsection is—

24 (1) for fiscal year 2020, 60 percent;

25 (2) for fiscal year 2021, 70 percent;

1 ~~(3)~~ for fiscal year 2022, 80 percent;
2 ~~(4)~~ for fiscal year 2023, 90 percent; and
3 ~~(5)~~ for each of fiscal years 2024 through 2029,
4 100 percent.

5 **SEC. 304. USE OF AMERICAN IRON, STEEL, AND MANUFAC-**
6 **TURED PRODUCTS.**

7 ~~(a)~~ **IN GENERAL.**—A local educational agency that
8 receives covered funds shall ensure that any iron, steel,
9 and manufactured products used in projects carried out
10 with such funds are produced in the United States.

11 ~~(b)~~ **WAIVER AUTHORITY.**—

12 ~~(1)~~ **IN GENERAL.**—The Secretary may waive
13 the requirement of subsection ~~(a)~~ if the Secretary
14 determines that—

15 ~~(A)~~ applying subsection ~~(a)~~ would be in-
16 consistent with the public interest;

17 ~~(B)~~ iron, steel, and manufactured products
18 produced in the United States are not produced
19 in a sufficient and reasonably available amount
20 or are not of a satisfactory quality; or

21 ~~(C)~~ using iron, steel, and manufactured
22 products produced in the United States will in-
23 crease the cost of the overall project by more
24 than 25 percent.

1 (2) PUBLICATION.—Before issuing a waiver
2 under paragraph (1), the Secretary shall publish in
3 the Federal Register a detailed written explanation
4 of the waiver determination.

5 (e) CONSISTENCY WITH INTERNATIONAL AGREE-
6 MENTS.—This section shall be applied in a manner con-
7 sistent with the obligations of the United States under
8 international agreements.

9 (d) DEFINITIONS.—In this section:

10 (1) PRODUCED IN THE UNITED STATES.—The
11 term “produced in the United States” means the fol-
12 lowing:

13 (A) When used with respect to a manufac-
14 tured product, the product was manufactured in
15 the United States and the cost of the compo-
16 nents of such product that were mined, pro-
17 duced, or manufactured in the United States
18 exceeds 60 percent of the total cost of all com-
19 ponents of the product.

20 (B) When used with respect to iron or
21 steel products, or an individual component of a
22 manufactured product, all manufacturing proc-
23 esses for such iron or steel products or compo-
24 nents, from the initial melting stage through
25 the application of coatings, occurred in the

1 United States, except that the term does not in-
2 clude—

3 (i) steel or iron material or products
4 manufactured abroad from semi-finished
5 steel or iron from the United States; and

6 (ii) steel or iron material or products
7 manufactured in the United States from
8 semi-finished steel or iron of foreign origin.

9 (2) **MANUFACTURED PRODUCT.**—The term
10 “manufactured product” means any construction
11 material or end product (as such terms are defined
12 in part 25.003 of the Federal Acquisition Regula-
13 tion) that is not an iron or steel product, includ-
14 ing—

15 (A) electrical components; and

16 (B) non-ferrous building materials, includ-
17 ing, aluminum and polyvinylchloride (PVC),
18 glass, fiber optics, plastic, wood, masonry, rub-
19 ber, manufactured stone, any other non-ferrous
20 metals, and any unmanufactured construction
21 material.

22 **SEC. 305. COMPTROLLER GENERAL REPORT.**

23 (a) **IN GENERAL.**—Not later than 2 years after the
24 date of the enactment of this Act, the Comptroller General
25 of the United States shall submit to the appropriate con-

1 gressional committees a report on the projects carried out
2 with covered funds:

3 (b) ELEMENTS.—The report under subsection (a)
4 shall include an assessment of—

5 (1) the types of projects carried out with cov-
6 ered funds;

7 (2) the geographic distribution of the projects;

8 (3) an assessment of the impact of the projects
9 on the health and safety of school staff and stu-
10 dents; and

11 (4) how the Secretary or States could make
12 covered funds more accessible—

13 (A) to schools with the highest numbers
14 and percentages of students counted under sec-
15 tion 1124(e) of the Elementary and Secondary
16 Education Act of 1965 (20 U.S.C. 6333(e));
17 and

18 (B) to schools with fiscal challenges in
19 raising capital for school infrastructure
20 projects:

21 (c) UPDATES.—The Comptroller General shall up-
22 date and resubmit the report to the appropriate congres-
23 sional committees—

24 (1) on a date that is between 5 and 6 years
25 after the date of the enactment of this Act; and

1 (2) on a date that is between 10 and 11 years
2 after such date of enactment.

3 **SEC. 306. STUDY AND REPORT PHYSICAL CONDITION OF**
4 **PUBLIC SCHOOLS.**

5 (a) **STUDY AND REPORT.**—Not less frequently than
6 once in each 5-year period beginning after the date of the
7 enactment of this Act, the Secretary, acting through the
8 Director of the Institute of Education Sciences, shall—

9 (1) carry out a comprehensive study of the
10 physical conditions of all public schools in the
11 United States; and

12 (2) submit a report to the appropriate congress-
13 sional committees that includes that results of the
14 study.

15 (b) **ELEMENTS.**—Each study and report under sub-
16 section (a) shall include an assessment of—

17 (1) the effect of school facility conditions on
18 student and staff health and safety;

19 (2) the effect of school facility conditions on
20 student academic outcomes;

21 (3) the condition of school facilities, set forth
22 separately by geographic region;

23 (4) the condition of school facilities for eco-
24 nomically disadvantaged students as well as students
25 from major racial and ethnic subgroups;

1 (5) the accessibility of school facilities for stu-
2 dents and staff with disabilities; and

3 (6) an explanation of any differences observed
4 with respect to the factors described in paragraphs
5 (1) through (5) between local educational agencies
6 that received covered funds and agencies that did
7 not receive such funds.

8 **SEC. 307. DEVELOPMENT OF DATA STANDARDS.**

9 (a) DATA STANDARDS.—Not later than 120 days
10 after the date of the enactment of this Act, the Secretary,
11 in consultation with the officials described in subsection
12 (b), shall—

13 (1) identify the data that States should collect
14 and include in the databases developed under section
15 102(a)(2)(B);

16 (2) develop standards for the measurement of
17 such data; and

18 (3) issue guidance to States concerning the col-
19 lection and measurement of such data.

20 (b) OFFICIALS.—The officials described in this sub-
21 section are—

22 (1) the Administrator of the Environmental
23 Protection Agency;

24 (2) the Secretary of Energy;

1 (3) the Director of the Centers for Disease
2 Control and Prevention; and

3 (4) the Director of the National Institute for
4 Occupational Safety and Health.

5 **SEC. 308. INFORMATION CLEARINGHOUSE.**

6 (a) **IN GENERAL.**—Not later than 120 days after the
7 date of the enactment of this Act, the Secretary shall es-
8 tablish a clearinghouse to disseminate information on Fed-
9 eral programs and financing mechanisms that may be
10 used to assist schools in initiating, developing, and financ-
11 ing—

12 (1) energy efficiency projects;

13 (2) distributed generation projects; and

14 (3) energy retrofitting projects.

15 (b) **ELEMENTS.**—In carrying out subsection (a), the
16 Secretary shall—

17 (1) consult with the officials described in sec-
18 tion 307(b) to develop a list of Federal programs
19 and financing mechanisms to be included in the
20 clearinghouse; and

21 (2) coordinate with such officials to develop a
22 collaborative education and outreach effort to
23 streamline communications and promote the Federal
24 programs and financing mechanisms included in the
25 clearinghouse, which may include the development

1 and maintenance of a single online resource that in-
2 cludes contact information for relevant technical as-
3 sistance that may be used by States, local edu-
4 cational agencies, and schools to effectively access
5 and use such Federal programs and financing mech-
6 anisms.

7 **TITLE IV—IMPACT AID** 8 **CONSTRUCTION**

9 **SEC. 401. TEMPORARY INCREASE IN FUNDING FOR IMPACT** 10 **AID CONSTRUCTION.**

11 Section 7014(d) of the Elementary and Secondary
12 Education Act of 1965 (20 U.S.C. 7714(d)) is amended
13 to read as follows:

14 “(d) CONSTRUCTION.—For the purpose of carrying
15 out section 7007, there are authorized to be appro-
16 priated—

17 “(1) \$18,756,765 for fiscal year 2020;

18 “(2) \$50,406,000 for each of fiscal years 2021
19 and 2022; and

20 “(3) \$52,756,765 for fiscal year 2023.”

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

3 **SEC. 301. ALLOWABLE USES OF FUNDS.**

4 (a) *IN GENERAL.*—*Except as provided in section 302,*
5 *a local educational agency that receives covered funds may*
6 *use such funds to—*

7 (1) *develop the facilities master plan required*
8 *under section 103(e);*

9 (2) *construct, modernize, renovate, or retrofit*
10 *public school facilities, which may include seismic*
11 *retrofitting for schools vulnerable to seismic natural*
12 *disasters;*

13 (3) *carry out major repairs of public school fa-*
14 *cilities;*

15 (4) *install furniture or fixtures with at least a*
16 *10-year life in public school facilities;*

17 (5) *construct new public school facilities;*

18 (6) *acquire and prepare sites on which new pub-*
19 *lic school facilities will be constructed;*

20 (7) *extend the life of basic systems and compo-*
21 *nents of public school facilities;*

22 (8) *ensure current or anticipated enrollment does*
23 *not exceed the physical and instructional capacity of*
24 *public school facilities;*

1 (9) ensure the building envelopes and interiors of
2 public school facilities protect occupants from natural
3 elements and human threats, and are structurally
4 sound and secure;

5 (10) compose building design plans that
6 strengthen the safety and security on school premises
7 by utilizing design elements, principles, and tech-
8 nology that—

9 (A) guarantee layers of security throughout
10 the school premises; and

11 (B) uphold the aesthetics of the school prem-
12 ises as a learning and teaching environment;

13 (11) improve energy and water efficiency to
14 lower the costs of energy and water consumption in
15 public school facilities;

16 (12) improve indoor air quality in public school
17 facilities;

18 (13) reduce or eliminate the presence of—

19 (A) toxic substances, including mercury,
20 radon, PCBs, lead, and asbestos;

21 (B) mold and mildew; or

22 (C) rodents and pests;

23 (14) ensure the safety of drinking water at the
24 tap and water used for meal preparation in public
25 school facilities, which may include testing of the po-

1 *tability of water at the tap for the presence of lead*
2 *and other contaminants;*

3 (15) *bring public school facilities into compli-*
4 *ance with applicable fire, health, and safety codes;*

5 (16) *make public school facilities accessible to*
6 *people with disabilities through compliance with the*
7 *Americans with Disabilities Act of 1990 (42 U.S.C.*
8 *12101 et seq.) and section 504 of the Rehabilitation*
9 *Act of 1973 (29 U.S.C. 794);*

10 (17) *provide instructional program space im-*
11 *provements for programs relating to early learning*
12 *(including early learning programs operated by part-*
13 *ners of the agency), special education, science, tech-*
14 *nology, career and technical education, physical edu-*
15 *cation, music, the arts, and literacy (including li-*
16 *brary programs);*

17 (18) *increase the use of public school facilities for*
18 *the purpose of community-based partnerships that*
19 *provide students with academic, health, and social*
20 *services;*

21 (19) *ensure the health of students and staff dur-*
22 *ing the construction or modernization of public school*
23 *facilities; or*

24 (20) *reduce or eliminate excessive classroom*
25 *noise due to activities allowable under this section.*

1 (b) *ALLOWANCE FOR DIGITAL LEARNING.*—A local
2 educational agency may use funds received under section
3 103(a)(2) or proceeds from a school infrastructure bond lim-
4 itation allocated under section 54BB(g) of the Internal Rev-
5 enue Code of 1986 (as added by section 202) to leverage
6 existing public programs or public-private partnerships to
7 expand access to high-speed broadband sufficient for digital
8 learning.

9 **SEC. 302. PROHIBITED USES.**

10 A local educational agency that receives covered funds
11 may not use such funds for—

12 (1) payment of routine and predictable mainte-
13 nance costs and minor repairs;

14 (2) any facility that is primarily used for ath-
15 letic contests or exhibitions or other events for which
16 admission is charged to the general public;

17 (3) vehicles; or

18 (4) central offices, operation centers, or other fa-
19 cilities that are not primarily used to educate stu-
20 dents.

21 **SEC. 303. REQUIREMENTS FOR HAZARD-RESISTANCE AND**
22 **ENERGY AND WATER CONSERVATION.**

23 A local educational agency that receives covered funds
24 shall ensure that any new construction, modernization, or

1 renovation project carried out with such funds meets or ex-
2 ceeds the requirements of the following:

3 (1) Requirements for such projects set forth in
4 the most recent published edition of a nationally rec-
5 ognized, consensus-based model building code.

6 (2) Requirements for such projects set forth in
7 the most recent published edition of a nationally rec-
8 ognized, consensus-based model energy conservation
9 code.

10 (3) Performance criteria under the WaterSense
11 program, established under section 324B of the of the
12 Energy Policy and Conservation Act (42 U.S.C.
13 6294b), applicable to such projects within a nation-
14 ally recognized, consensus-based model code.

15 **SEC. 304. GREEN PRACTICES.**

16 (a) *IN GENERAL.*—In a given fiscal year, a local edu-
17 cational agency that uses covered funds for a new construc-
18 tion project or renovation project shall use not less than
19 the applicable percentage (as described in subsection (b))
20 of the funds used for such project for construction or renova-
21 tion that is certified, verified, or consistent with the appli-
22 cable provisions of—

23 (1) the United States Green Building Council
24 Leadership in Energy and Environmental Design

1 *green building rating standard (commonly known as*
2 *the “LEED Green Building Rating System”);*

3 *(2) the Living Building Challenge developed by*
4 *the International Living Future Institute;*

5 *(3) a green building rating program developed*
6 *by the Collaborative for High-Performance Schools*
7 *(commonly known as “CHPS”) that is CHPS-*
8 *verified;*

9 *(4) the International Green Construction Code;*

10 *or*

11 *(5) a program that—*

12 *(A) has standards that are equivalent to or*
13 *more stringent than the standards of a program*
14 *described in paragraphs (1) through (3);*

15 *(B) is adopted by the State or another juris-*
16 *diction with authority over the agency; and*

17 *(C) includes a verifiable method to dem-*
18 *onstrate compliance with such program.*

19 *(b) APPLICABLE PERCENTAGE.—The applicable per-*
20 *centage described in this subsection is—*

21 *(1) for fiscal year 2020, 60 percent;*

22 *(2) for fiscal year 2021, 70 percent;*

23 *(3) for fiscal year 2022; 80 percent;*

24 *(4) for fiscal year 2023, 90 percent; and*

1 (5) *for each of fiscal years 2024 through 2029,*
2 *100 percent.*

3 **SEC. 305. USE OF AMERICAN IRON, STEEL, AND MANUFAC-**
4 **TURED PRODUCTS.**

5 (a) *IN GENERAL.*—*A local educational agency that re-*
6 *ceives covered funds shall ensure that any iron, steel, and*
7 *manufactured products used in projects carried out with*
8 *such funds are produced in the United States.*

9 (b) *WAIVER AUTHORITY.*—

10 (1) *IN GENERAL.*—*The Secretary may waive the*
11 *requirement of subsection (a) if the Secretary deter-*
12 *mines that—*

13 (A) *applying subsection (a) would be incon-*
14 *sistent with the public interest;*

15 (B) *iron, steel, and manufactured products*
16 *produced in the United States are not produced*
17 *in a sufficient and reasonably available amount*
18 *or are not of a satisfactory quality; or*

19 (C) *using iron, steel, and manufactured*
20 *products produced in the United States will in-*
21 *crease the cost of the overall project by more than*
22 *25 percent.*

23 (2) *PUBLICATION.*—*Before issuing a waiver*
24 *under paragraph (1), the Secretary shall publish in*

1 *the Federal Register a detailed written explanation of*
2 *the waiver determination.*

3 (c) *CONSISTENCY WITH INTERNATIONAL AGREE-*
4 *MENTS.—This section shall be applied in a manner con-*
5 *sistent with the obligations of the United States under inter-*
6 *national agreements.*

7 (d) *DEFINITIONS.—In this section:*

8 (1) *PRODUCED IN THE UNITED STATES.—The*
9 *term “produced in the United States” means the fol-*
10 *lowing:*

11 (A) *When used with respect to a manufac-*
12 *tured product, the product was manufactured in*
13 *the United States and the cost of the components*
14 *of such product that were mined, produced, or*
15 *manufactured in the United States exceeds 60*
16 *percent of the total cost of all components of the*
17 *product.*

18 (B) *When used with respect to iron or steel*
19 *products, or an individual component of a man-*
20 *ufactured product, all manufacturing processes*
21 *for such iron or steel products or components,*
22 *from the initial melting stage through the appli-*
23 *cation of coatings, occurred in the United States,*
24 *except that the term does not include—*

1 (i) *steel or iron material or products*
2 *manufactured abroad from semi-finished*
3 *steel or iron from the United States; and*

4 (ii) *steel or iron material or products*
5 *manufactured in the United States from*
6 *semi-finished steel or iron of foreign origin.*

7 (2) *MANUFACTURED PRODUCT.*—*The term “man-*
8 *ufactured product” means any construction material*
9 *or end product (as such terms are defined in part*
10 *25.003 of the Federal Acquisition Regulation) that is*
11 *not an iron or steel product, including—*

12 (A) *electrical components; and*

13 (B) *non-ferrous building materials, includ-*
14 *ing, aluminum and polyvinylchloride (PVC),*
15 *glass, fiber optics, plastic, wood, masonry, rub-*
16 *ber, manufactured stone, any other non-ferrous*
17 *metals, and any unmanufactured construction*
18 *material.*

19 **SEC. 306. COMPTROLLER GENERAL REPORT.**

20 (a) *IN GENERAL.*—*Not later than 2 years after the*
21 *date of the enactment of this Act, the Comptroller General*
22 *of the United States shall submit to the appropriate con-*
23 *gressional committees a report on the projects carried out*
24 *with covered funds.*

1 (b) *ELEMENTS.*—*The report under subsection (a) shall*
2 *include an assessment of—*

3 (1) *State activities, including—*

4 (A) *the types of public school facilities data*
5 *collected by each State, if any;*

6 (B) *technical assistance with respect to pub-*
7 *lic school facilities provided by each State, if*
8 *any;*

9 (C) *future plans of each State with respect*
10 *to public school facilities;*

11 (D) *criteria used by each State to determine*
12 *high-need students and facilities for purposes of*
13 *the projects carried out with covered funds; and*

14 (E) *whether the State issued new regula-*
15 *tions to ensure the health and safety of students*
16 *and staff during construction or renovation*
17 *projects or to ensure safe, healthy, and high-per-*
18 *forming school buildings;*

19 (2) *the types of projects carried out with covered*
20 *funds, including—*

21 (A) *the square footage of the improvements*
22 *made with covered funds;*

23 (B) *the total cost of each such project; and*

24 (C) *the cost described in subparagraph (B),*
25 *disaggregated by, with respect to such project, the*

1 *cost of planning, design, construction, site pur-*
2 *chase, and improvements;*

3 *(3) the geographic distribution of the projects;*

4 *(4) the demographic composition of the student*
5 *population served by the projects, disaggregated by—*

6 *(A) race;*

7 *(B) the number and percentage of students*
8 *counted under section 1124(c) of the Elementary*
9 *and Secondary Education Act of 1965 (20 USC*
10 *6333(c)); and*

11 *(C) the number and percentage of students*
12 *who are eligible for a free or reduced price lunch*
13 *under the Richard B. Russell National School*
14 *Lunch Act (42 USC 1751 et seq.);*

15 *(5) an assessment of the impact of the projects on*
16 *the health and safety of school staff and students; and*

17 *(6) how the Secretary or States could make cov-*
18 *ered funds more accessible—*

19 *(A) to schools with the highest numbers and*
20 *percentages of students counted under section*
21 *1124(c) of the Elementary and Secondary Edu-*
22 *cation Act of 1965 (20 U.S.C. 6333(c)); and*

23 *(B) to schools with fiscal challenges in rais-*
24 *ing capital for school infrastructure projects.*

1 (c) *UPDATES.*—*The Comptroller General shall update*
2 *and resubmit the report to the appropriate congressional*
3 *committees—*

4 (1) *on a date that is between 5 and 6 years after*
5 *the date of the enactment of this Act; and*

6 (2) *on a date that is between 10 and 11 years*
7 *after such date of enactment.*

8 **SEC. 307. STUDY AND REPORT PHYSICAL CONDITION OF**
9 **PUBLIC SCHOOLS.**

10 (a) *STUDY AND REPORT.*—*Not less frequently than*
11 *once in each 5-year period beginning after the date of the*
12 *enactment of this Act, the Secretary, acting through the Di-*
13 *rector of the Institute of Education Sciences, shall—*

14 (1) *carry out a comprehensive study of the phys-*
15 *ical conditions of all public schools in the 50 States,*
16 *the District of Columbia, the Commonwealth of Puer-*
17 *to Rico, the United States Virgin Islands, Guam,*
18 *American Samoa, and the Commonwealth of the*
19 *Northern Mariana Islands; and*

20 (2) *submit a report to the appropriate congres-*
21 *sional committees that includes the results of the*
22 *study.*

23 (b) *ELEMENTS.*—*Each study and report under sub-*
24 *section (a) shall include—*

25 (1) *an assessment of—*

1 (A) the effect of school facility conditions on
2 student and staff health and safety;

3 (B) the effect of school facility conditions on
4 student academic outcomes;

5 (C) the condition of school facilities, set
6 forth separately by geographic region;

7 (D) the condition of school facilities for eco-
8 nomically disadvantaged students as well as stu-
9 dents from major racial and ethnic subgroups;

10 (E) the accessibility of school facilities for
11 students and staff with disabilities;

12 (F) the prevalence of school facilities at
13 which student enrollment exceeds the physical
14 and instructional capacity of the facility and the
15 effect of such excess enrollment on instructional
16 quality and delivery of school wraparound serv-
17 ices;

18 (G) the condition of school facilities affected
19 by natural disasters;

20 (H) the effect that projects carried out with
21 covered funds have on the communities in which
22 such projects are conducted, including the vital-
23 ity, jobs, population, and economy of such com-
24 munities; and

- 1 (I) the ability of building envelopes and in-
2 teriors of public school facilities to protect occu-
3 pants from natural elements and human threats;
4 (2) an explanation of any differences observed
5 with respect to the factors described in subparagraphs
6 (A) through (H) of paragraph (1); and
7 (3) a cost estimate for bringing school facilities
8 to a state of good repair, as determined by the Sec-
9 retary.

10 **SEC. 308. DEVELOPMENT OF DATA STANDARDS.**

11 (a) *DATA STANDARDS.*—Not later than 120 days after
12 the date of the enactment of this Act, the Secretary, in con-
13 sultation with the officials described in subsection (b),
14 shall—

15 (1) identify the data that States should collect
16 and include in the databases developed under section
17 102(a)(2)(A)(ii);

18 (2) develop standards for the measurement of
19 such data; and

20 (3) issue guidance to States concerning the col-
21 lection and measurement of such data.

22 (b) *OFFICIALS.*—The officials described in this sub-
23 section are—

24 (1) the Administrator of the Environmental Pro-
25 tection Agency;

1 (2) *the Secretary of Energy;*

2 (3) *the Director of the Centers for Disease Con-*
3 *trol and Prevention; and*

4 (4) *the Director of the National Institute for Oc-*
5 *cupational Safety and Health.*

6 **SEC. 309. INFORMATION CLEARINGHOUSE.**

7 (a) *IN GENERAL.*—*Not later than 120 days after the*
8 *date of the enactment of this Act, the Secretary shall estab-*
9 *lish a clearinghouse to disseminate information on Federal*
10 *programs and financing mechanisms that may be used to*
11 *assist schools in initiating, developing, and financing—*

12 (1) *energy efficiency projects;*

13 (2) *distributed generation projects; and*

14 (3) *energy retrofitting projects.*

15 (b) *ELEMENTS.*—*In carrying out subsection (a), the*
16 *Secretary shall—*

17 (1) *consult with the officials described in section*
18 *308(b) to develop a list of Federal programs and fi-*
19 *nancing mechanisms to be included in the clearing-*
20 *house; and*

21 (2) *coordinate with such officials to develop a*
22 *collaborative education and outreach effort to stream-*
23 *line communications and promote the Federal pro-*
24 *grams and financing mechanisms included in the*
25 *clearinghouse, which may include the development*

1 (2) *As of December 2018, 8,763 low-income com-*
 2 *munities had been designated as Opportunity Zones,*
 3 *representing all 50 States, the District of Columbia,*
 4 *Pue1io Rico, the U.S. Virgin Islands, and American*
 5 *Samoa.*

6 (3) *Schools are integral parts of communities,*
 7 *and a key part of communities’ economic and work*
 8 *force development efforts could be modernizing school*
 9 *facilities.*

10 (b) *SENSE OF CONGRESS.—It is the sense of the Con-*
 11 *gress that opportunity zones, when combined with public*
 12 *infrastructure investment, can provide an innovative ap-*
 13 *proach to capital financing that has the potential to un-*
 14 *leash creativity and help local communities rebuild schools,*
 15 *rebuild economics, and get people back to work.*

16 **TITLE IV—IMPACT AID**
 17 **CONSTRUCTION**

18 **SEC. 401. TEMPORARY INCREASE IN FUNDING FOR IMPACT**
 19 **AID CONSTRUCTION.**

20 *Section 7014(d) of the Elementary and Secondary*
 21 *Education Act of 1965 (20 U.S.C. 7714(d)) is amended to*
 22 *read as follows:*

23 “(d) *CONSTRUCTION.—For the purpose of carrying out*
 24 *section 7007, there are authorized to be appropriated*
 25 *\$100,000,000 for each of fiscal years 2020 through 2024.”.*

1 **TITLE V—ASSISTANCE FOR RE-**
2 **PAIR OF SCHOOL FOUNDA-**
3 **TIONS AFFECTED BY**
4 **PYRRHOTITE**

5 **SEC. 501. ALLOCATIONS TO STATES.**

6 (a) *IN GENERAL.*—Beginning not later than 180 days
7 after the date of the enactment of this Act, the Secretary
8 shall carry out a program under which the Secretary makes
9 allocations to States to pay the Federal share of the costs
10 of making grants to local educational agencies under section
11 502.

12 (b) *WEBSITE.*—Not later than 180 days after the date
13 of enactment of this Act, the Secretary shall publish, on a
14 publicly accessible website of the Department of Education,
15 instructions describing how a State may receive an alloca-
16 tion under this section.

17 **SEC. 502. GRANTS TO LOCAL EDUCATIONAL AGENCIES.**

18 (a) *IN GENERAL.*—From the amounts allocated to a
19 State under section 501(a) and contributed by the State
20 under subsection (e)(2), the State shall award grants to
21 local educational agencies—

22 (1) to pay the future costs of repairing concrete
23 school foundations damaged by the presence of
24 pyrrhotite; or

1 (2) *to reimburse such agencies for costs incurred*
2 *by the agencies in making such repairs in the five-*
3 *year period preceding the date of enactment of this*
4 *Act.*

5 ***(b) LOCAL EDUCATIONAL AGENCY ELIGIBILITY.—***

6 (1) ***ELIGIBILITY FOR GRANTS FOR FUTURE RE-***
7 ***PAIRS.—To be eligible to receive a grant under sub-***
8 ***section (a)(1), a local educational agency shall—***

9 (A) *with respect to each school for which the*
10 *agency seeks to use grant funds, demonstrate to*
11 *the State that—*

12 (i) *the school is a pyrrhotite-affected*
13 *school; and*

14 (ii) *any laboratory tests, core tests, and*
15 *visual inspections of the school's foundation*
16 *used to determine that the school is a*
17 *pyrrhotite-affected school were conducted—*

18 (I) *by a professional engineer li-*
19 *censed in the State in which the school*
20 *is located; and*

21 (II) *in accordance with applicable*
22 *State standards or standards approved*
23 *by any independent, non-profit, or pri-*
24 *vate entity authorized by the State to*
25 *oversee construction, testing, or finan-*

1 *cial relief efforts for damaged building*
2 *foundations; and*

3 *(B) provide an assurance that—*

4 *(i) the local educational agency will*
5 *use the grant only for the allowable uses de-*
6 *scribed in subsection (f)(1); and*

7 *(ii) all work funded with the grant will*
8 *be conducted by a qualified contractor or*
9 *architect licensed in the State.*

10 *(2) ELIGIBILITY FOR REIMBURSEMENT GRANTS.—*

11 *To be eligible to receive a grant under subsection*
12 *(a)(2), a local educational agency shall demonstrate*
13 *that it met the requirements of paragraph (1) at the*
14 *time it carried out the project for which the agency*
15 *seeks reimbursement.*

16 *(c) APPLICATION.—*

17 *(1) IN GENERAL.—A local educational agency*
18 *that seeks a grant under this section shall submit to*
19 *the State an application at such time, in such man-*
20 *ner, and containing such information as the State*
21 *may require, which upon approval by the State under*
22 *subsection (d)(1)(A), the State shall submit to the Sec-*
23 *retary for approval under subsection (d)(1)(B).*

24 *(2) CONTENTS.—At minimum, each application*
25 *shall include—*

1 (A) information and documentation suffi-
2 cient to enable the State to determine if the local
3 educational agency meets the eligibility criteria
4 under subsection (b);

5 (B) in the case of an agency seeking a grant
6 under subsection (a)(1), an estimate of the costs
7 of carrying out the activities described in sub-
8 section (f);

9 (C) in the case of an agency seeking a grant
10 under subsection (a)(2)—

11 (i) an itemized explanation of—

12 (I) the costs incurred by the agen-
13 cy in carrying out any activities de-
14 scribed subsection (f);

15 (II) any amounts contributed
16 from other Federal, State, local, or pri-
17 vate sources for such activities; and

18 (ii) the amount for which the local
19 educational agency seeks reimbursement;
20 and

21 (D) the percentage of any costs described in
22 subparagraph (B) or (C) that are covered by an
23 insurance policy.

24 (d) APPROVAL AND DISBURSEMENT.—

25 (1) APPROVAL.—

1 (A) *STATE.*—*The State shall approve the*
2 *application of each local educational agency for*
3 *submission to the Secretary that—*

4 (i) *submits a complete and correct ap-*
5 *plication under subsection (c); and*

6 (ii) *meets the criteria for eligibility*
7 *under subsection (b).*

8 (B) *SECRETARY.*—*Not later than 60 days*
9 *after receiving an application of a local edu-*
10 *cational agency submitted by a State under sub-*
11 *section (c)(1), the Secretary shall—*

12 (i) *approve such application, in a case*
13 *in which the Secretary determines that such*
14 *application meets the requirements of sub-*
15 *paragraph (A); or*

16 (ii) *deny such application, in the case*
17 *of an application that does not meet such*
18 *requirements.*

19 (2) *DISBURSEMENT.*—

20 (A) *ALLOCATION.*—*The Secretary shall dis-*
21 *burse an allocation to a State not later than 60*
22 *days after the date on which the Secretary ap-*
23 *proves an application under paragraph (1)(B).*

24 (B) *GRANT.*—*The State shall disburse grant*
25 *funds to a local educational agency not later*

1 *than 60 days after the date on which the State*
2 *receives an allocation under subparagraph (A).*

3 *(e) FEDERAL AND STATE SHARE.—*

4 *(1) FEDERAL SHARE.—The Federal share of each*
5 *grant under this section shall be an amount that is*
6 *not more than 50 percent of the total cost of the*
7 *project for which the grant is awarded.*

8 *(2) STATE SHARE.—*

9 *(A) IN GENERAL.—Subject to subparagraph*
10 *(B), the State share of each grant under this sec-*
11 *tion shall be an amount that is not less than 40*
12 *percent of the total cost of the project for which*
13 *the grant is awarded, which the State shall con-*
14 *tribute from non-Federal sources.*

15 *(B) SPECIAL RULE FOR REIMBURSEMENT*
16 *GRANTS.—In the case of a reimbursement grant*
17 *made to a local educational agency under sub-*
18 *section (a)(2) a State shall be treated as meeting*
19 *the requirement of subparagraph (A) if the State*
20 *demonstrates that it contributed, from non-Fed-*
21 *eral sources, not less than 40 percent of the total*
22 *cost of the project for which the reimbursement*
23 *grant is awarded.*

24 *(f) USES OF FUNDS.—*

1 (1) *ALLOWABLE USES OF FUNDS.*—A local edu-
2 cational agency that receives a grant under this sec-
3 tion shall use such grant only for costs associated
4 with—

5 (A) *the repair or replacement of the concrete*
6 *foundation or other affected areas of a*
7 *pyrrhotite-affected school in the jurisdiction of*
8 *such agency to the extent necessary—*

9 (i) *to restore the structural integrity of*
10 *the school to the safety and health standards*
11 *established by the professional licensed engi-*
12 *neer or architect associated with the project;*
13 *and*

14 (ii) *to restore the school to the condi-*
15 *tion it was in before the school's foundation*
16 *was damaged due to the presence of*
17 *pyrrhotite; and*

18 (B) *engineering reports, architectural de-*
19 *sign, core tests, and other activities directly re-*
20 *lated to the repair or replacement project.*

21 (2) *PROHIBITED USES OF FUNDS.*—A local edu-
22 cational agency that receives a grant under this sec-
23 tion may not use the grant for any costs associated
24 with—

1 (A) work done to outbuildings, sheds, or
2 barns, swimming pools (whether in-ground or
3 above-ground), playgrounds or ballfields, or any
4 ponds or water features;

5 (B) the purchase of items not directly asso-
6 ciated with the repair or replacement of the
7 school building or its systems, including items
8 such as desks, chairs, electronics, sports equip-
9 ment, or other school supplies; or

10 (C) any other activities not described in
11 paragraph (1).

12 (g) *LIMITATION.*—A local educational agency may not,
13 for the same project, receive a grant under both—

14 (1) this section; and

15 (2) title I.

16 **SEC. 503. DEFINITIONS.**

17 In this title:

18 (1) *PYRRHOTITE-AFFECTED SCHOOL.*—The term
19 “pyrrhotite-affected school” means an elementary
20 school or a secondary school that meets the following
21 criteria:

22 (A) The school has a concrete foundation.

23 (B) Pyrrhotite is present in the school’s con-
24 crete foundation, as demonstrated by a

1 *petrographic or other type of laboratory core*
2 *analysis or core inspection.*

3 *(C) A visual inspection of the school’s con-*
4 *crete foundation indicates that the presence of*
5 *pyrrhotite is causing the foundation to deterio-*
6 *rate at an unsafe rate.*

7 *(D) A qualified engineer determined that*
8 *the deterioration of the school’s foundation, due*
9 *to the presence of pyrrhotite—*

10 *(i) caused the school to become struc-*
11 *turally unsound; or*

12 *(ii) will result in the school becoming*
13 *structurally unsound within the next five*
14 *years.*

15 *(2) QUALIFIED CONTRACTOR.—The term “quali-*
16 *fied contractor” means a contractor who is qualified*
17 *under State law, or approved by any State agency or*
18 *other State-sanctioned independent or nonprofit enti-*
19 *ty, to repair or replace residential or commercial*
20 *building foundations that are deteriorating due to the*
21 *presence of pyrrhotite.*

22 **SEC. 504. AUTHORIZATION OF APPROPRIATIONS.**

23 *There are authorized to be appropriated to carry out*
24 *this title such sums as may be necessary for fiscal year 2020*
25 *and each fiscal year thereafter.*

Union Calendar No. 567

116TH CONGRESS
2^D SESSION

H. R. 865

[Report No. 116-684, Part I]

A BILL

To provide for the long-term improvement of public school facilities, and for other purposes.

DECEMBER 21, 2020

Reported from the Committee on Education and Labor
with amendments

DECEMBER 21, 2020

Committee on Ways and Means discharged; committed to
the Committee of the Whole House on the State of the
Union and ordered to be printed