

117TH CONGRESS  
1ST SESSION

# S. 2259

To require the Secretary of Education to establish a Climate Change Resilience Program, and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

JUNE 24, 2021

Mr. MARKEY introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

---

## A BILL

To require the Secretary of Education to establish a Climate Change Resilience Program, 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.**

4       This Act may be cited as the “Resilient Schools Act  
5 of 2021”.

6       **SEC. 2. FINDINGS.**

7       Congress makes the following findings:

8               (1) The climate crisis is a current and future  
9       danger, and will affect students’ learning opportuni-  
10      ties if schools are not resilient to climate disasters.

1           (2) In order to create a conducive learning envi-  
2           ronment, schools will need to be resilient to current  
3           and future climate disasters.

4           (3) Students who live in communities that are  
5           most at risk to climate disasters are at higher risk  
6           of losing school days to those disasters.

7           (4) Students need climate-disaster safe build-  
8           ings to ensure that they are able to keep learning in  
9           the face of climate disasters.

10          (5) School resiliency provides an opportunity to  
11          create broader climate resiliency in the surrounding  
12          community.

13          (6) Public schools, more so than any other  
14          widely dispersed institution in the United States, lie  
15          within frontline communities, low-income commu-  
16          nities, and communities of color.

17 **SEC. 3. DEFINITIONS.**

18          In this Act:

19           (1) **CLIMATE JUSTICE.**—The term “climate jus-  
20           tice” means the fair treatment and meaningful in-  
21           volvement of all people, regardless of race, color, cul-  
22           ture, national origin, or income, with respect to the  
23           development, implementation, and enforcement of  
24           policies and projects to ensure that each person en-

1 joys the same degree of protection from the adverse  
2 effects of climate change.

3 (2) COMMUNITY RESILIENCY CENTER.—The  
4 term “community resiliency center” means a center  
5 that provides community resources and improves dis-  
6 aster preparedness, response, or recovery in the com-  
7 munity and—

8 (A) may conduct, or provide space for, tar-  
9 geted activities such as helping reach commu-  
10 nity members not well-served by existing re-  
11 sources or preparedness programs, and serving  
12 as a shelter or communications center in emer-  
13 gencies, distributing food, energy and other  
14 basic needs during or after a disaster, and ena-  
15 bling faster recovery through connecting com-  
16 munity members with services; and

17 (B) may distribute food, energy, or other  
18 basic needs on an ongoing basis.

19 (3) ENVIRONMENTAL JUSTICE.—The term “en-  
20 vironmental justice” means the fair treatment and  
21 meaningful involvement of all people, regardless of  
22 race, color, culture, national origin, or income, with  
23 respect to the development, implementation, and en-  
24 forcement of environmental laws, regulations, and  
25 policies to ensure that each person enjoys—

1 (A) the same degree of protection from en-  
2 vironmental and health hazards; and

3 (B) equal access to any Federal agency ac-  
4 tion on justice issues related to the environment  
5 in order to have a healthy environment in which  
6 to live, learn, work, and recreate.

7 (4) ENVIRONMENTAL JUSTICE COMMUNITY.—  
8 The term “environmental justice community” means  
9 a community with significant representation of com-  
10 munities of color, low-income communities, or Tribal  
11 and indigenous communities that experiences, or is  
12 at risk of experiencing, higher or more adverse  
13 human health or environmental effects as compared  
14 to other communities.

15 (5) LOCAL EDUCATIONAL AGENCY; STATE EDU-  
16 CATIONAL AGENCY.—The terms “local educational  
17 agency” and “State educational agency” have the  
18 meanings given those terms in section 8101 of the  
19 Elementary and Secondary Education Act of 1965  
20 (20 U.S.C. 7801).

21 (6) NONPROFIT ORGANIZATION.—The term  
22 “nonprofit organization” means an organization de-  
23 scribed in section 501(c)(3) of the Internal Revenue  
24 Code of 1986 and exempt from taxation under  
25 501(a) of that Code.

1           (7) SECRETARY.—The term “Secretary” means  
2           the Secretary of Education.

3 **SEC. 4. CLIMATE CHANGE RESILIENCY PROGRAM.**

4           The Secretary shall establish a Climate Change Resil-  
5           iency Program to—

6           (1) increase the resiliency of the United States  
7           public school system during—

8                   (A) climate change-related events and nat-  
9                   ural disasters, including extreme weather  
10                   events, droughts, hurricanes, coastal and inland  
11                   flooding, sea level rise, increased storm surge,  
12                   wildfires, mudslides, extreme temperatures, tor-  
13                   nadoes, earthquakes, and volcanos; and

14                   (B) public health crises;

15           (2) increase the ability of the United States  
16           public school system to advance climate justice and  
17           environmental justice by serving as community resil-  
18           iency centers;

19           (3) build partnerships among local businesses,  
20           labor unions, apprenticeship programs, nonprofit or-  
21           ganizations, and educators to facilitate applied  
22           STEM and social science learning opportunities re-  
23           lated to climate resiliency for students and create  
24           local jobs; and

1           (4) prioritize public educational institutions as  
2           centers of innovation and pathways to green collar  
3           jobs through investments in vocational and technical  
4           education in public schools that connect to labor or-  
5           ganization apprenticeships and other high-road jobs.

6 **SEC. 5. GRANT PROGRAM.**

7           (a) IN GENERAL.—As part of the Climate Change  
8           Resiliency Program established under section 4, the Sec-  
9           retary shall establish a program to make grants to State  
10          educational agencies, in partnership with local educational  
11          agencies and local nonprofit organizations, for the develop-  
12          ment and implementation of Statewide, regional, or local  
13          climate resiliency plans or climate resiliency projects for  
14          kindergarten through grade 12 public schools, with the  
15          aim of enabling public schools to serve as community resil-  
16          iency centers.

17          (b) CLIMATE RESILIENCY PLANS AND PROJECTS.—  
18          Each climate resiliency plan or climate resiliency project  
19          under subsection (a) shall include 1 or more of the fol-  
20          lowing depending on the needs of the schools and sur-  
21          rounding communities to be served:

22                 (1) Improvements to school buildings and  
23                 grounds, including projects such as—

24                         (A) securing and insulating the school en-  
25                         velope, ensuring that the school building can

1 maintain a habitable temperature, and avoid  
2 catastrophic damage during climate disasters  
3 and power outages;

4 (B) improving air conditioning, monitoring,  
5 and purifying via installation of high-efficiency  
6 heat pumps that provide both cooling and heat-  
7 ing, air purifiers, air filtration systems, and air  
8 quality monitoring systems integrated with en-  
9 ergy systems and energy efficiency consider-  
10 ations in preparation for future natural hazards  
11 and public health crises such as wildfire, smog,  
12 extreme heat events, and pandemics;

13 (C) providing integrated solutions that  
14 combine any measures related to efficiency,  
15 temperature control, air quality, toxic substance  
16 remediation, energy storage, and renewable en-  
17 ergy;

18 (D) installing on-site distributed genera-  
19 tion that combines energy efficient devices, en-  
20 ergy storage, and renewable energy to allow the  
21 school to access essential energy during power  
22 outages and optimize use of on-site and off-site  
23 energy sources for emissions reductions;

24 (E) upgrading school kitchen facilities to  
25 support the preparation of scratch-cooked stu-

1 dent meals that use whole ingredients and are  
2 rich in fruits, vegetables, legumes, and whole  
3 grains;

4 (F) projects that generate and maintain  
5 publicly accessibly integrated sustainability data  
6 and building management platforms;

7 (G) improving walkability and accessibility  
8 on school grounds and in school buildings; and

9 (H) acquiring relevant disaster response  
10 equipment and carrying out disaster response  
11 training.

12 (2) Green infrastructure projects and projects  
13 to increase food supply resiliency, such as—

14 (A) wetlands, drainage ponds, and any  
15 other green infrastructure to protect schools  
16 from projected severe effects with respect to ex-  
17 treme weather, natural disasters, or climate  
18 change-related events, including sea-level rise,  
19 flooding, and increased risk of wildfire;

20 (B) green rooftops, walls, and indoor  
21 plantings, particularly those that can provide  
22 temperature management and air quality im-  
23 provements;



1 (C) tree plantings and green playgrounds  
2 that, at appropriate times, can act as a green  
3 space for the community;

4 (D) community gardens that may be used  
5 by the school to provide healthy food for stu-  
6 dents or by the community to provide healthy  
7 food for community residents;

8 (E) procurement of local, organic, and  
9 sustainably-produced food, including a focus on  
10 healthy, plant-based options; and

11 (F) large scale food composting operations,  
12 and other projects to reduce single-use plastic  
13 and promote zero-waste options.

14 (3) Projects to enable remote learning in the  
15 event that a school building is unusable due to a  
16 natural disaster, climate- or climate-change related  
17 event, severe weather, or infectious disease out-  
18 breaks.

19 (4) Projects for climate resiliency education, in-  
20 cluding STEM and social science education and ca-  
21 reer preparation, such as projects that combine up-  
22 grades to school buildings and grounds with career  
23 and technical education opportunities.

24 (5) Any other type of plan or project carried  
25 out by the State educational agency that the Sec-

1       retary determines will increase the resiliency of a  
2       school or school infrastructure provided, operated, or  
3       owned by the State educational agency with respect  
4       to the events described in section 4(1).

5       (c) PRIORITY.—The Secretary shall develop metrics  
6       to evaluate grant applications and give priority to applica-  
7       tions for climate resiliency plans or climate resiliency  
8       projects that focus on improving schools in neighborhoods  
9       that experience low air quality, lack green space and  
10      healthy food, bear higher cumulative pollution burdens, or  
11      are at high risk of experiencing the adverse effects of cli-  
12      mate change.

13      (d) COMPONENTS.—The Secretary, directly or  
14      through partnerships with States and nonprofit organiza-  
15      tion, shall provide technical assistance to support grantees  
16      in developing and implementing climate resiliency plans or  
17      climate resiliency projects that—

18           (1) provide hands-on education and applied  
19           STEM and social science learning opportunities to  
20           students;

21           (2) demonstrate a commitment to provide job  
22           training, apprenticeship programs, and contracting  
23           opportunities to residents and small businesses  
24           owned by residents of the community that the school  
25           serves;

1           (3) identify and further community priority ac-  
2           tions and conduct robust community engagement;

3           (4) utilize climate change data for a proactive  
4           solutions;

5           (5) employ nature-based solutions that focus on  
6           protection, restoration, or management of ecological  
7           systems to safeguard public health, provide clean air  
8           and water, increase natural hazard resilience, and  
9           sequester carbon;

10          (6) increase equitable outcomes for and support  
11          strong partnerships with environmental justice com-  
12          munities and climate vulnerable populations;

13          (7) achieve broad and multiple community ben-  
14          efits; and

15          (8) monitor project success and maintaining the  
16          project into the future.

17          (e) EXISTING INITIATIVES.—The Secretary may en-  
18          courage and give priority to climate resiliency plans or cli-  
19          mate resiliency projects that integrate with and inform ex-  
20          isting sustainability initiatives, such as the Department of  
21          Education Green Ribbon Schools program.

22          (f) ENVIRONMENTAL HEALTH.—The Secretary may  
23          develop and encourage metrics to support consistent re-  
24          porting of environmental health best practices and other  
25          outcomes.

1 (g) COORDINATION WITH ENVIRONMENTAL PROTEC-  
2 TION AGENCY.—The Secretary shall coordinate with the  
3 Administrator of the Environmental Protection Agency to  
4 provide technical guidance or assistance to State edu-  
5 cational agencies in designing and carrying out climate re-  
6 siliency plans or climate resiliency projects funded by the  
7 grant program as they relate to healthy schools.

8 (h) COORDINATION WITH DEPARTMENT OF EN-  
9 ERGY.—The Secretary shall coordinate with the Secretary  
10 of Energy to develop metrics to evaluate grant applica-  
11 tions and provide technical assistance to State and local  
12 educational agencies in designing and carrying out climate  
13 resiliency plans or climate resiliency projects.

14 (i) ENVIRONMENTAL JUSTICE COMMUNITIES.—The  
15 Secretary shall ensure that not less than 50 percent of  
16 funds awarded under this section are used for projects lo-  
17 cated in environmental justice communities.

18 (j) WAGE RATE REQUIREMENTS.—

19 (1) IN GENERAL.—Notwithstanding any other  
20 provision of law, all laborers and mechanics em-  
21 ployed by contractors and subcontractors on projects  
22 funded directly by a grant under this section shall  
23 be paid wages at rates not less than those prevailing  
24 on projects of a similar character in the locality, as  
25 determined by the Secretary of Labor in accordance

1 with subchapter IV of chapter 31 of title 40, United  
2 States Code (commonly referred to as the “Davis-  
3 Bacon Act”).

4 (2) AUTHORITY.—With respect to the labor  
5 standards specified in paragraph (1), the Secretary  
6 of Labor shall have the authority and functions set  
7 forth in Reorganization Plan Numbered 14 of 1950  
8 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of  
9 title 40, United States Code.

10 (k) USE OF AMERICAN IRON, STEEL, AND MANUFAC-  
11 TURED PRODUCTS.—

12 (1) DEFINITIONS.—In this subsection:

13 (A) MANUFACTURED PRODUCT.—The term  
14 “manufactured product” means any construc-  
15 tion material or end product (as those terms  
16 are defined in part 25.003 of the Federal Ac-  
17 quisition Regulation) that is not an iron or steel  
18 product, including—

19 (i) electrical components; and

20 (ii) non-ferrous building materials, in-  
21 cluding aluminum, polyvinylchloride, glass,  
22 fiber optics, plastic, wood, masonry, rub-  
23 ber, manufactured stone, any other non-  
24 ferrous metals, and any unmanufactured  
25 construction material.

1 (B) PRODUCED IN THE UNITED STATES.—

2 The term “produced in the United States”  
3 means the following:

4 (i) When used with respect to a man-  
5 ufactured product, the product was manu-  
6 factured in the United States and the cost  
7 of the components of that product that  
8 were mined, produced, or manufactured in  
9 the United States exceeds 60 percent of  
10 the total cost of all components of the  
11 product.

12 (ii) When used with respect to iron or  
13 steel products, or an individual component  
14 of a manufactured product, all manufac-  
15 turing processes for those iron or steel  
16 products or components, from the initial  
17 melting stage through the application of  
18 coatings, occurred in the United States, ex-  
19 cept that the term does not include—

20 (I) steel or iron material or prod-  
21 ucts manufactured abroad from semi-  
22 finished steel or iron from the United  
23 States; or

24 (II) steel or iron material or  
25 products manufactured in the United

1                   States from semi-finished steel or iron  
2                   of foreign origin.

3                   (2) REQUIREMENTS.—A State that receives  
4 funds under this section shall ensure that any iron,  
5 steel, and manufactured products used in a project  
6 carried out with those funds are produced in the  
7 United States.

8                   (3) WAIVER AUTHORITY.—

9                   (A) IN GENERAL.—The Secretary may  
10 waive the requirement under paragraph (2) if  
11 the Secretary determines that—

12                   (i) applying the requirement would be  
13 inconsistent with the public interest;

14                   (ii) iron, steel, and manufactured  
15 products produced in the United States are  
16 not produced in a sufficient and reasonably  
17 available quantity or are not of a satisfac-  
18 tory quality; or

19                   (iii) using iron, steel, and manufac-  
20 tured products produced in the United  
21 States will increase the cost of the applica-  
22 ble overall project by more than 25 per-  
23 cent.

24                   (B) PUBLICATION.—Before issuing a waiv-  
25 er under subparagraph (A), the Secretary shall

1           publish in the Federal Register a detailed writ-  
2           ten explanation of the waiver determination.

3           (4)   CONSISTENCY   WITH   INTERNATIONAL  
4           AGREEMENTS.—This subsection shall be applied in a  
5           manner consistent with the obligations of the United  
6           States under international agreements.

7   **SEC. 6. REPORT.**

8           Not later than 2 years after the date of enactment  
9           of this Act, and annually thereafter, the Secretary shall  
10          submit to Congress a report that evaluates the effective-  
11          ness of the activities carried out under this Act.

12   **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

13          (a) IN GENERAL.—There is authorized to be appro-  
14          priated to the Department of Education to carry out this  
15          Act \$4,000,000,000 for each of fiscal years 2022 through  
16          2032.

17          (b) LIMITATION.—Not more than 5 percent of the  
18          funds appropriated to carry out this Act shall be used for  
19          projects described in section 5(b)(3).

○