

118TH CONGRESS  
2D SESSION

# S. 5363

To amend the Toxic Substances Control Act to authorize grants for toxic substances remediation in schools, to reauthorize healthy high-performance schools, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 20, 2024

Mr. MARKEY (for himself, Ms. SMITH, Mr. VAN HOLLEN, Mr. SANDERS, Mr. BLUMENTHAL, Ms. WARREN, and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Toxic Substances Control Act to authorize grants for toxic substances remediation in schools, to reauthorize healthy high-performance schools, 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 “Get Toxic Substances  
5 Out of Schools Act of 2024”.

1 **SEC. 2. GRANTS FOR TOXIC SUBSTANCES REMEDIATION IN**  
2 **SCHOOLS.**

3 (a) IN GENERAL.—Section 28 of the Toxic Sub-  
4 stances Control Act (15 U.S.C. 2627) is amended—

5 (1) in the section heading, by inserting “**AND**  
6 **TRIBAL**” after “**STATE**”;

7 (2) in subsection (a)—

8 (A) by striking the subsection heading and  
9 inserting “GRANTS FOR STATE AND TRIBAL  
10 PROGRAMS.—”;

11 (B) in the first sentence—

12 (i) by inserting “and Indian Tribes”  
13 after “grants to States”; and

14 (ii) by inserting “during the 24-month  
15 period beginning on the date on which the  
16 grant is made” after “elimination”; and

17 (C) in the second sentence, by inserting  
18 “or Tribal” after “State”;

19 (3) in subsection (b)(1)—

20 (A) by striking “subsection (a)” each place  
21 it appears and inserting “subsection (b) or  
22 (d)”; and

23 (B) in subparagraph (B), by inserting “or  
24 Indian Tribe” after “State”;

25 (4) by redesignating subsections (a) and (b) as  
26 subsections (b) and (c), respectively;

1           (5) by inserting before subsection (b) (as so re-  
2           designated) the following:

3           “(a) DEFINITION OF INDIAN TRIBE.—In this section,  
4           the term ‘Indian Tribe’ means the governing body of any  
5           Indian or Alaska Native tribe, band, nation, pueblo, vil-  
6           lage, community, component band, or component reserva-  
7           tion individually identified (including parenthetically) on  
8           the list published by the Secretary of the Interior under  
9           section 104 of the Federally Recognized Indian Tribe List  
10          Act of 1994 (25 U.S.C. 5131).”; and

11           (6) by adding at the end the following:

12          “(d) GRANTS FOR TOXIC SUBSTANCES REMEDI-  
13          ATION IN SCHOOLS.—

14           “(1) DEFINITIONS.—In this subsection:

15           “(A) EARLY CHILDHOOD EDUCATION PRO-  
16           GRAM.—The term ‘early childhood education  
17           program’ has the meaning given the term in  
18           section 103 of the Higher Education Act of  
19           1965 (20 U.S.C. 1003).

20           “(B) ELIGIBLE CHILD CARE PROVIDER.—  
21           The term ‘eligible child care provider’ means a  
22           center-based child care provider described in  
23           section 658P(6)(A) of the Child Care and De-  
24           velopment Block Grant Act of 1990 (42 U.S.C.  
25           9858n(6)(A)).

1           “(C) ELIGIBLE FACILITY.—The term ‘eli-  
2           gible facility’ means—

3                   “(i) a public school facility operated  
4                   by a local educational agency or a Federal  
5                   agency;

6                   “(ii) a facility operated by an early  
7                   childhood education program;

8                   “(iii) a center-based child care facility  
9                   operated by an eligible child care provider;  
10                  and

11                  “(iv) if applicable, an educational fa-  
12                  cility where juveniles are incarcerated or  
13                  live as wards of the State.

14           “(D) ENVIRONMENTAL CONCERN.—The  
15           term ‘environmental concern’ means environ-  
16           mental problems, contaminants, hazardous sub-  
17           stances, and pollutant emissions, as described  
18           in section 504(a)(3)(A).

19           “(E) LOCAL EDUCATIONAL AGENCY; STATE  
20           EDUCATIONAL AGENCY.—The terms ‘local edu-  
21           cational agency’ and ‘State educational agency’  
22           have the meanings given those terms in section  
23           8101 of the Elementary and Secondary Edu-  
24           cation Act of 1965 (20 U.S.C. 7801).

25           “(2) AUTHORIZATION OF GRANTS.—

1           “(A) IN GENERAL.—Without regard to the  
2           ability or likelihood of the Administrator to take  
3           action under any other provision of this Act as  
4           described in subsection (b), the Administrator,  
5           in consultation with the Secretary of Education  
6           and the Secretary of Health and Human Serv-  
7           ices and in partnership with the Secretary of  
8           Labor with respect to the enforcement of appli-  
9           cable labor standards, may provide grants in  
10          accordance with this subsection to States and  
11          Indian Tribes for the purposes of identifying,  
12          preventing, and eliminating risks associated  
13          with the presence of an environmental concern  
14          in eligible facilities.

15          “(B) USE OF GRANTS.—A State or an In-  
16          dian Tribe that receives a grant under this sub-  
17          section shall use the grant funds directly, or  
18          provide the grant funds to a local educational  
19          agency, an early childhood education program,  
20          or an eligible child care provider, for use in—

21                  “(i) performing inspections, testing,  
22                  assessments, and monitoring for environ-  
23                  mental concerns in eligible facilities, in-  
24                  cluding—

1                   “(I) toxic substances within  
2                   building facilities, such as lead, asbes-  
3                   tos, and polychlorinated biphenyls;  
4                   and

5                   “(II) toxic substances stored or  
6                   used in the facilities for maintenance,  
7                   cleaning, or instruction;

8                   “(ii) carrying out remediation meas-  
9                   ures in the eligible facilities, including con-  
10                  struction, alteration, and repair of eligible  
11                  facilities, for the purpose of the removal  
12                  and disposal of environmental concerns  
13                  and toxic substances described in clause (i)  
14                  or making facility improvements for heat-  
15                  ing, ventilation, and air conditioning sys-  
16                  tems; and

17                  “(iii) training and technical assistance  
18                  for State or local government staff, includ-  
19                  ing school employees, who are involved in  
20                  school maintenance or operations or edu-  
21                  cational facilities capital outlay projects, on  
22                  the best practices for improving environ-  
23                  mental quality, including minimizing  
24                  health risks posed by polychlorinated  
25                  biphenyls, asbestos, lead in paint, molds,

1 the use and storage of chemicals, pes-  
2 ticides, and disinfectants, and other haz-  
3 ards.

4 “(C) STATE AND TRIBAL CAPACITY  
5 GRANTS.—The Administrator may provide fi-  
6 nancial assistance to a State or an Indian Tribe  
7 that is eligible to receive assistance under sub-  
8 paragraph (A) for the purpose of—

9 “(i) including public participation and  
10 stakeholder engagement in carrying out ac-  
11 tivities using a grant received under that  
12 subparagraph; or

13 “(ii) supporting collaborations be-  
14 tween a State educational agency, local  
15 educational agencies, early childhood edu-  
16 cation programs, eligible child care pro-  
17 viders, and other agencies with expertise in  
18 environmental health to improve the envi-  
19 ronmental quality in education settings, in-  
20 cluding minimizing health risks posed by  
21 polychlorinated biphenyls, asbestos, lead in  
22 paint, molds, the use and storage of chemi-  
23 cals, pesticides, and disinfectants, and  
24 other hazards.

1           “(D) REGULATIONS AND GUIDANCE.—The  
2 Administrator, in consultation with the Sec-  
3 retary of Education, the Secretary of Health  
4 and Human Services, and the heads of other  
5 appropriate Federal departments and agencies,  
6 shall issue such regulations and guidance as are  
7 necessary for the implementation of this sub-  
8 section and the allocation of grants and other  
9 financial assistance under this subsection.

10           “(E) ADMINISTRATIVE RESERVATION.—

11           “(i) IN GENERAL.—Subject to clause  
12 (ii), the Administrator may reserve not  
13 more than 4 percent of the amount made  
14 available for grants under this subsection  
15 for each fiscal year to provide administra-  
16 tive support for the grants and technical  
17 assistance to States and Indian Tribes.

18           “(ii) HIGHER PERCENTAGE.—If the  
19 amount made available to provide grants  
20 under this subsection for a fiscal year is  
21 less than \$500,000,000, the Administrator  
22 may reserve more than 4 percent of that  
23 amount to provide administrative support  
24 for grants and technical assistance to



1 States and Indian Tribes, as determined  
2 necessary by the Administrator.

3 “(F) DISTRIBUTION OF GRANT  
4 AMOUNTS.—

5 “(i) GEOGRAPHICAL DISTRIBUTION.—  
6 To the extent practicable, the Adminis-  
7 trator shall ensure that amounts are dis-  
8 tributed under this subsection to geo-  
9 graphically diverse locations.

10 “(ii) TARGET FACILITIES.—

11 “(I) HIGH-POVERTY SCHOOLS.—  
12 The Administrator shall take meas-  
13 ures to ensure that not less than 40  
14 percent of the amounts distributed  
15 under this subsection are used to ben-  
16 efit local educational agencies with the  
17 highest numbers or percentages of  
18 students counted under section  
19 1124(e) of the Elementary and Sec-  
20 ondary Education Act of 1965 (20  
21 U.S.C. 6333(e)).

22 “(II) PRIORITY EARLY CHILD-  
23 HOOD SETTINGS.—The Administrator  
24 shall take measures to ensure that not  
25 less than 10 percent of the amounts

1 distributed under this subsection are  
2 used to benefit early childhood edu-  
3 cation programs and eligible child  
4 care providers that—

5 “(aa) serve a high propor-  
6 tion of dual language learners,  
7 children with disabilities, children  
8 in foster care, children from low-  
9 income families, infants, or tod-  
10 dlers; or

11 “(bb) provide child care  
12 services during nontraditional or  
13 extended hours.

14 “(iii) TRIBAL SET-ASIDE.—Of the  
15 amount made available to provide grants  
16 under this subsection for a fiscal year, the  
17 Administrator shall reserve not less than 5  
18 percent for purposes of awarding grants  
19 under this subsection, in consultation with  
20 the Director of the Bureau of Indian Edu-  
21 cation, to Indian Tribes for use at Tribally  
22 operated schools.

23 “(3) STATE PLANS.—As part of an application  
24 to receive a grant under this subsection, a State

1 shall include a description of the means by which the  
2 State plans—

3 “(A) to ensure coordinated programmatic  
4 and funding efforts across relevant State-level  
5 agencies, including State educational agencies  
6 and other agencies with expertise in environ-  
7 ment, health, and energy;

8 “(B) to use the grant funds for the reme-  
9 diation of any toxic substance in—

10 “(i) eligible facilities; and

11 “(ii) if applicable, educational facili-  
12 ties where juveniles are incarcerated or live  
13 as wards of the State;

14 “(C) to ensure the health and safety of  
15 students and staff during the renovation or  
16 modernization of eligible facilities; and

17 “(D) to give priority to using the grant  
18 funds to improve—

19 “(i) eligible facilities of local edu-  
20 cational agencies with—

21 “(I) the highest numbers or per-  
22 centages of students counted under  
23 section 1124(c) of the Elementary and  
24 Secondary Education Act of 1965 (20  
25 U.S.C. 6333(c)) in each State; or

1 “(II) if applicable, majority In-  
2 digenous students;

3 “(ii) eligible facilities of early child-  
4 hood education programs and eligible child  
5 care providers described in paragraph  
6 (2)(F)(ii)(II); and

7 “(iii) eligible facilities that are in  
8 areas—

9 “(I) adjacent to brownfield sites  
10 (as defined in section 101 of the Com-  
11 prehensive Environmental Response,  
12 Compensation, and Liability Act of  
13 1980 (42 U.S.C. 9601)); or

14 “(II) in which there is a dem-  
15 onstrated presence of toxic sub-  
16 stances.

17 “(4) PROJECT LABOR AGREEMENTS.—The re-  
18 cipient of assistance from a grant provided to a  
19 State under this subsection for a project assisted in  
20 whole or in part with the grant with a total cost of  
21 not less than \$25,000,000 shall consent to a project  
22 labor agreement.

23 “(5) WAGE RATE REQUIREMENTS.—

24 “(A) IN GENERAL.—Notwithstanding any  
25 other provision of law, all laborers and mechan-

1           ics employed by contractors and subcontractors  
2           in the performance of construction, alteration,  
3           repair, or maintenance work financed in whole  
4           or in part by a grant provided to a State under  
5           this subsection shall be paid wages at rates not  
6           less than those prevailing on similar construc-  
7           tion in the locality, as determined by the Sec-  
8           retary of Labor in accordance with subchapter  
9           IV of chapter 31 of title 40, United States Code  
10          (commonly referred to as the ‘Davis-Bacon  
11          Act’).

12                 “(B) AUTHORITY.—With respect to the  
13           labor standards specified in subparagraph (A),  
14           the Secretary of Labor shall have the authority  
15           and functions set forth in Reorganization Plan  
16           Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C.  
17           App.) and section 3145 of title 40, United  
18           States Code.

19                 “(6) OCCUPATIONAL HEALTH AND SAFETY.—  
20           Any work performed using a grant provided to a  
21           State under this subsection shall be governed by a  
22           written job-specific abatement plan—

23                         “(A) containing provisions relating to—

24                                 “(i) environmental compliance;

25                                 “(ii) a health and safety plan; and

1           “(iii) health and safety training re-  
2           quirements; and

3           “(B) that is stamped by a certified indus-  
4           trial hygienist or similar accredited occupational  
5           health and safety professional.

6           “(7) USE OF AMERICAN IRON, STEEL, AND  
7           MANUFACTURED PRODUCTS.—

8           “(A) DEFINITIONS.—In this paragraph:

9           “(i) MANUFACTURED PRODUCT.—The  
10           term ‘manufactured product’ means any  
11           construction material or end product (as  
12           those terms are defined in part 25.003 of  
13           the Federal Acquisition Regulation) that is  
14           not an iron or steel product, including—

15                   “(I) electrical components; and

16                   “(II) non-ferrous building mate-  
17                   rials, including aluminum,  
18                   polyvinylchloride, glass, fiber optics,  
19                   plastic, wood, masonry, rubber, manu-  
20                   factured stone, any other non-ferrous  
21                   metals, and any unmanufactured con-  
22                   struction material.

23           “(ii) PRODUCED IN THE UNITED  
24           STATES.—The term ‘produced in the  
25           United States’ means the following:

1           “(I) When used with respect to a  
2           manufactured product, the product  
3           was manufactured in the United  
4           States and the cost of the components  
5           of that product that were mined, pro-  
6           duced, or manufactured in the United  
7           States exceeds 60 percent of the total  
8           cost of all components of the product.

9           “(II) When used with respect to  
10          iron or steel products, or an individual  
11          component of a manufactured prod-  
12          uct, all manufacturing processes for  
13          those iron or steel products or compo-  
14          nents, from the initial melting stage  
15          through the application of coatings,  
16          occurred in the United States, except  
17          that the term does not include—

18                 “(aa) steel or iron material  
19                 or products manufactured abroad  
20                 from semi-finished steel or iron  
21                 from the United States; or

22                 “(bb) steel or iron material  
23                 or products manufactured in the  
24                 United States from semi-finished  
25                 steel or iron of foreign origin.

1           “(B) REQUIREMENTS.—A State that re-  
2 ceives funds under this subsection shall ensure  
3 that any iron, steel, and manufactured products  
4 used in a project carried out with those funds  
5 by a State or local educational agency are pro-  
6 duced in the United States.

7           “(C) WAIVER AUTHORITY.—

8           “(i) IN GENERAL.—The Administrator  
9 may waive the requirement under subpara-  
10 graph (B) if the Administrator determines  
11 that—

12                   “(I) iron, steel, and manufac-  
13 tured products produced in the United  
14 States are not produced in a sufficient  
15 and reasonably available quantity or  
16 are not of a satisfactory quality; or

17                   “(II) using iron, steel, and manu-  
18 factured products produced in the  
19 United States will increase the cost of  
20 the applicable overall project by more  
21 than 25 percent.

22           “(ii) PUBLICATION.—Before issuing a  
23 waiver under clause (i), the Administrator  
24 shall publish in the Federal Register a de-



1           tailed written explanation of the waiver de-  
2           termination.

3           “(D) CONSISTENCY WITH INTERNATIONAL  
4           AGREEMENTS.—This paragraph shall be applied  
5           in a manner consistent with the obligations of  
6           the United States under international agree-  
7           ments.

8           “(8) WORKFORCE DEVELOPMENT.—

9           “(A) DEFINITIONS.—In this paragraph:

10           “(i) APPRENTICESHIP UTILIZATION  
11           REQUIREMENT.—The term ‘apprenticeship  
12           utilization requirement’ means the use of  
13           federally registered apprentices in accord-  
14           ance with the following:

15           “(I) In the case of a project ad-  
16           vertised for bid during the period be-  
17           ginning on October 1, 2024, and end-  
18           ing on September 30, 2025, all speci-  
19           fications shall require that not less  
20           than 10 percent of the labor hours be  
21           performed by federally registered ap-  
22           prentices.

23           “(II) In the case of a project ad-  
24           vertised for bid during the period be-  
25           ginning on October 1, 2025, and end-

1 ing on September 30, 2026, all speci-  
2 fications shall require that not less  
3 than 12 percent of the labor hours be  
4 performed by federally registered ap-  
5 prentices.

6 “(III) In the case of a project ad-  
7 vertised for bid on or after October 1,  
8 2026, all specifications shall require  
9 that not less than 15 percent of the  
10 labor hours be performed by federally  
11 registered apprentices.

12 “(ii) CONTRACTOR.—The term ‘con-  
13 tractor’ means a general contractor or  
14 other lead or prime contractor on a con-  
15 struction project carried out using a grant  
16 under this subsection.

17 “(iii) LABOR HOURS.—

18 “(I) IN GENERAL.—The term  
19 ‘labor hours’ means the total number  
20 of hours devoted to the performance  
21 of construction activities (as defined  
22 in sector 23 of the North American  
23 Industry Classification System) with  
24 respect to a construction project car-  
25 ried out using a grant under this sub-

1 section by employees of the contractor  
2 and subcontractors.

3 “(II) EXCLUSIONS.—The term  
4 ‘labor hours’ excludes hours worked  
5 by a foreman, superintendent, owner,  
6 or other person who is—

7 “(aa) an employee employed  
8 in a bona fide executive capacity  
9 (as defined in section 541.100 of  
10 title 29, Code of Federal Regula-  
11 tions (as in effect on the date of  
12 enactment of this subsection));

13 “(bb) an employee employed  
14 in a bona fide administrative ca-  
15 pacity (as defined in section  
16 541.200 of that title) (as in ef-  
17 fect on the date of enactment of  
18 this subsection); or

19 “(cc) an employee employed  
20 in a bona fide professional capac-  
21 ity (as defined in section 541.300  
22 of that title) (as in effect on the  
23 date of enactment of this sub-  
24 section).

1                   “(iv) SUBCONTRACTOR.—The term  
2                   ‘subcontractor’ means any person or com-  
3                   pany, at any tier, that performs some or  
4                   all of the obligations of the contractor.

5                   “(B) REQUIREMENT.—Each contractor  
6                   and subcontractor engaged in the performance  
7                   of construction, alteration, or repair work on a  
8                   project funded in whole or in part by a grant  
9                   under this subsection shall, to the maximum ex-  
10                  tent practicable, collectively meet or exceed the  
11                  apprenticeship utilization requirement applica-  
12                  ble to the project, subject to the condition that  
13                  the apprenticeship utilization requirement shall  
14                  comply with the apprentice to journeyworker ra-  
15                  tios established by the Secretary of Labor or  
16                  the applicable State apprenticeship agency.

17                  “(C) PARTICIPATION.—Each contractor  
18                  and subcontractor who employs 4 or more  
19                  workers to perform construction activities (as  
20                  defined in sector 23 of the North American In-  
21                  dustry Classification System) on a project fund-  
22                  ed in whole or in part by a grant under this  
23                  subsection shall, to the maximum extent prac-  
24                  ticable, employ 1 or more federally registered  
25                  apprentices for the purpose of meeting the ap-

1           prenticeship utilization requirement applicable  
2           to that project.

3           “(D) REPORTING.—

4                   “(i) INFORMATION RELATING TO FED-  
5                   ERALLY REGISTERED APPRENTICES.—

6                           “(I) IN GENERAL.—During the  
7                           period in which a project carried out  
8                           using a grant under this subsection is  
9                           ongoing, the contractor shall include  
10                           with each payment application to the  
11                           State a report containing a descrip-  
12                           tion of—

13                                   “(aa) the name and appren-  
14                                   tice registration or identification  
15                                   number of each federally reg-  
16                                   istered apprentice employed on  
17                                   the project;

18                                   “(bb) the number of feder-  
19                                   ally registered apprentices and  
20                                   labor hours worked by those ap-  
21                                   prentices on the project, cat-  
22                                   egorized by trade or craft; and

23                                   “(cc) the number of journey  
24                                   level workers and labor hours  
25                                   worked by those journey level

1 workers on the project, cat-  
2 egorized by trade or craft.

3 “(II) SUBMISSION TO SECRETARY  
4 OF LABOR AND ADMINISTRATOR.—  
5 Each report described in subclause (I)  
6 shall be submitted to the Secretary of  
7 Labor and the Administrator at such  
8 time and in such manner as the Sec-  
9 retary of Labor or the Administrator  
10 may prescribe by guidance.

11 “(ii) MAINTENANCE OF REPORTS AND  
12 RECORDS.—A State that receives a grant  
13 under this subsection and each contractor  
14 and subcontractor carrying out a project  
15 using the grant shall maintain all reports  
16 and personnel records relating to the re-  
17 quirements of this paragraph for a period  
18 of at least 3 years after final completion of  
19 the work for the project.

20 “(iii) SUBMISSION TO ADMINIS-  
21 TRATOR.—

22 “(I) IN GENERAL.—A State that  
23 receives a grant under this subsection  
24 and each contractor and subcontractor  
25 carrying out a project using the grant

1 shall immediately submit, on request  
2 of the Administrator, any information,  
3 report, or record described in clauses  
4 (i) and (ii).

5 “(II) ENFORCEMENT.—If the  
6 Administrator determines that a  
7 State, contractor, or subcontractor  
8 has failed to submit any information,  
9 report, or record under subclause (I),  
10 the State shall repay to the Adminis-  
11 trator the amount of the applicable  
12 grant under this subsection.

13 “(E) PREEMPTION.—Nothing in this para-  
14 graph preempts any applicable State or local  
15 law or policy that provides for additional skilled  
16 and trained workforce requirements on con-  
17 struction projects.

18 “(9) FEDERAL SHARE.—

19 “(A) IN GENERAL.—Subject to subpara-  
20 graph (B), the Federal share of the cost of ac-  
21 tivities funded by a grant under this subsection  
22 shall be not more than 75 percent of the total  
23 project costs during the period for which the  
24 grant is made.

1           “(B) WAIVER.—The Administrator may  
2           increase the Federal share under subparagraph  
3           (A) to not more than 100 percent if the recipi-  
4           ent of the grant funds demonstrates that the  
5           recipient is unable to pay, or would experience  
6           significant financial hardship if required to pay,  
7           the non-Federal share.

8           “(10) ELIGIBILITY FOR PERFORMANCE PART-  
9           NERSHIP GRANTS.—Funds awarded under this sub-  
10          section may be included in a performance partner-  
11          ship grant in lieu of a grant under this subsection,  
12          as the Administrator determines to be appropriate.

13          “(11) GRANTEE DATA COLLECTION AND RE-  
14          PORTING.—A State or an Indian Tribe that receives  
15          a grant under this subsection shall submit to the  
16          Administrator an annual report describing—

17                 “(A) the amount of the grant funds that  
18                 were used for the activities described in clauses  
19                 (i) through (iii) of paragraph (2)(B) during the  
20                 previous year;

21                 “(B) the amount of the grant funds that  
22                 were used for projects at high-poverty schools;  
23                 and

24                 “(C) any inspections, testing, and moni-  
25                 toring performed, and remediation measures



1 carried out, during the previous year using the  
2 grant, including the number of schools and the  
3 number of students that were directly served.

4 “(12) REPORTS.—

5 “(A) IN GENERAL.—Not later than 2 years  
6 after the date of enactment of this subsection,  
7 and every 2 years thereafter, the Administrator  
8 shall—

9 “(i) prepare a report, based on data  
10 submitted to the Administrator under  
11 paragraph (11), describing the results of  
12 the grant program under this subsection,  
13 including a description of—

14 “(I) the States and Indian Tribes  
15 that were awarded a grant under this  
16 subsection; and

17 “(II) the activities for which the  
18 States and Indian Tribes described in  
19 subclause (I) used the grant;

20 “(ii) submit the report to—

21 “(I) the Committee on Environ-  
22 ment and Public Works of the Senate;

23 “(II) the Committee on Health,  
24 Education, Labor, and Pensions of  
25 the Senate;

1                   “(III) the Committee on Energy  
2                   and Commerce of the House of Rep-  
3                   resentatives; and

4                   “(IV) the Committee on Edu-  
5                   cation and the Workforce of the  
6                   House of Representatives; and

7                   “(iii) make the report publicly avail-  
8                   able on the website of the Environmental  
9                   Protection Agency in each major language  
10                  spoken in each school district that has ben-  
11                  efitted from grant funding under this sub-  
12                  section.

13                  “(B) PERIOD COVERED.—A report pre-  
14                  pared under subparagraph (A) shall cover—

15                  “(i) in the case of the initial report,  
16                  the period beginning on the date of enact-  
17                  ment of this subsection and ending on the  
18                  date of submission of the report; and

19                  “(ii) in the case of each report there-  
20                  after, the 2-year period preceding the date  
21                  of submission of the report.

22                  “(13) SAVINGS CLAUSE.—The ability of an In-  
23                  dian Tribe to receive a grant under this subsection  
24                  does not limit or affect the authority of the Adminis-  
25                  trator under this title to establish other opportuni-

1 ties for Indian Tribes to apply for and receive pro-  
 2 gram authorization or funding.

3 “(14) AUTHORIZATION OF APPROPRIATIONS.—  
 4 There is authorized to be appropriated to carry out  
 5 this subsection \$5,200,000,000 for each of fiscal  
 6 years 2025 through 2035.”.

7 (b) CLERICAL AMENDMENT.—The table of contents  
 8 for the Toxic Substances Control Act (Public Law 94–  
 9 469; 90 Stat. 2003) is amended by striking the item relat-  
 10 ing to section 28 and inserting the following:

“Sec. 28. State and Tribal programs.”.

11 **SEC. 3. REAUTHORIZATION OF HEALTHY HIGH-PERFORM-**  
 12 **ANCE SCHOOLS.**

13 (a) GRANTS FOR HEALTHY SCHOOL ENVIRON-  
 14 MENTS.—Section 501 of the Toxic Substances Control Act  
 15 (15 U.S.C. 2695) is amended to read as follows:

16 **“SEC. 501. GRANTS FOR HEALTHY SCHOOL ENVIRONMENTS.**

17 “(a) DEFINITIONS.—In this section:

18 “(1) EARLY CHILDHOOD EDUCATION PRO-  
 19 GRAM.—The term ‘early childhood education pro-  
 20 gram’ has the meaning given the term in section 103  
 21 of the Higher Education Act of 1965 (20 U.S.C.  
 22 1003).

23 “(2) ELIGIBLE CHILD CARE PROVIDER.—The  
 24 term ‘eligible child care provider’ means a center-  
 25 based child care provider described in section

1 658P(6)(A) of the Child Care and Development  
2 Block Grant Act of 1990 (42 U.S.C. 9858n(6)(A)).

3 “(3) ELIGIBLE FACILITY.—The term ‘eligible  
4 facility’ means—

5 “(A) a public school facility operated by a  
6 local educational agency or a Tribal educational  
7 agency;

8 “(B) a facility operated by an early child-  
9 hood education program; and

10 “(C) a center-based child care facility oper-  
11 ated by an eligible child care provider.

12 “(4) ENVIRONMENTAL CONCERN.—The term  
13 ‘environmental concern’ means environmental prob-  
14 lems, contaminants, hazardous substances, and pol-  
15 lutant emissions, as described in section  
16 504(a)(3)(A).

17 “(5) INDIAN TRIBE.—The term ‘Indian Tribe’  
18 has the meaning given the term in section 28(a).

19 “(6) LOCAL EDUCATIONAL AGENCY.—The term  
20 ‘local educational agency’ has the meaning given the  
21 term in section 8101 of the Elementary and Sec-  
22 ondary Education Act of 1965 (20 U.S.C. 7801).

23 “(b) AUTHORIZATION OF GRANTS.—The Adminis-  
24 trator, in consultation with the Secretary of Education

1 and the Secretary of Health and Human Services, may  
2 provide grants to States and Indian Tribes for use in—

3 “(1) providing training and technical assistance  
4 to State or local government staff who are involved  
5 in school maintenance or operations or educational  
6 facilities capital outlay projects, local educational  
7 agencies, early childhood education programs, and  
8 eligible child care providers in addressing environ-  
9 mental concerns in eligible facilities; and

10 “(2) the development of State and Tribal pro-  
11 grams to support the remediation of environmental  
12 concerns in eligible facilities that include—

13 “(A) standards for the planning, design,  
14 construction, management, and renovation of  
15 the eligible facilities;

16 “(B) the identification of—

17 “(i) ongoing environmental problems,  
18 including environmental concerns, in the  
19 eligible facilities; and

20 “(ii) recommended solutions to ad-  
21 dress those problems, including assessment  
22 of information on the exposure of children,  
23 students, and educators to environmental  
24 hazards in eligible facilities; and

1           “(C) the development of State-level or  
2           Tribal interagency memoranda of under-  
3           standing for the implementation of programs  
4           described in this paragraph.

5           “(c) SAVINGS CLAUSE.—The ability of an Indian  
6           Tribe to receive a grant under this section does not limit  
7           or affect the authority of the Administrator under this  
8           title to establish other opportunities for Indian Tribes to  
9           apply for and receive program authorization or funding.”.

10          (b) PUBLIC OUTREACH.—Section 503 of the Toxic  
11          Substances Control Act (15 U.S.C. 2695b) is amended—

12                 (1) in subsection (a), by striking “, until the ex-  
13                 piration of authority described in section 501(b)”;  
14                 and

15                 (2) by adding at the end the following:

16           “(c) OUTREACH TO STATES AND INDIAN TRIBES.—

17                 “(1) DEFINITIONS.—In this section, the terms  
18                 ‘eligible facility’, ‘environmental concern’, and ‘In-  
19                 dian Tribe’ have the meanings given those terms in  
20                 section 501(a).

21                 “(2) OUTREACH.—The Administrator shall—

22                         “(A) carry out periodic outreach to States  
23                         and Indian Tribes to make available informa-  
24                         tion relating to—

1                   “(i) the exposure of children and stu-  
2                   dents to environmental hazards in eligible  
3                   facilities;

4                   “(ii) regulations and guidelines appli-  
5                   cable to identifying, remediating, and mon-  
6                   itoring environmental hazards in eligible  
7                   facilities; and

8                   “(iii) other materials that may assist  
9                   States and Indian Tribes in addressing en-  
10                  vironmental concerns, including high-haz-  
11                  ard chemical products stored or used by el-  
12                  igible facilities for maintenance or instruc-  
13                  tion; and

14                  “(B) facilitate the biannual convening at  
15                  the regional or national level of school and early  
16                  childhood education program stakeholders, in-  
17                  cluding parents, child health experts, educators,  
18                  researchers, nonprofit organizations, child care  
19                  providers, States, and Indian Tribes that re-  
20                  ceive grants under sections 28(d) and 501 to  
21                  meet with employees of the Environmental Pro-  
22                  tection Agency, the Department of Education,  
23                  the Department of Health and Human Services,  
24                  and other Federal agencies to discuss topics re-  
25                  lating to—

1 “(i) the environmental health of chil-  
2 dren and students at eligible facilities; and

3 “(ii) the prevention, identification, re-  
4 mediation, and monitoring of contaminants  
5 in indoor air and other environmental  
6 health risks and threats relating to build-  
7 ings and grounds of eligible facilities.”.

8 (c) ENVIRONMENTAL HEALTH PROGRAM.—Section  
9 504 of the Toxic Substances Control Act (15 U.S.C.  
10 2695c) is amended—

11 (1) in subsection (a)—

12 (A) in the matter preceding paragraph (1),  
13 by inserting “and not less frequently than once  
14 every 10 years thereafter,” after “section,”;

15 (B) in paragraph (3)(A)—

16 (i) by redesignating clauses (v)  
17 through (vii) as clauses (vii) through (ix),  
18 respectively; and

19 (ii) by inserting after clause (iv) the  
20 following:

21 “(v) polychlorinated biphenyls;

22 “(vi) perfluoroalkyl and  
23 polyfluoroalkyl substances;”;

24 (C) in paragraph (6), by striking “and” at  
25 the end;



1 (D) in paragraph (7), by striking the pe-  
2 riod at the end and inserting a semicolon; and

3 (E) by adding at the end the following:

4 “(8) provides technical assistance on best prac-  
5 tices for the removal, remediation, and disposal of  
6 lead, mold, asbestos, polychlorinated biphenyls, and  
7 other hazardous substances; and

8 “(9) to the extent practicable, through surveys  
9 and opportunities for self-reporting, collects and  
10 makes publicly available an online inventory of  
11 schools affected by and onsite locations of lead, as-  
12 bestos, polychlorinated biphenyls, and other haz-  
13 ardous substances”; and

14 (2) by striking subsection (b) and inserting the  
15 following:

16 “(b) PUBLIC AVAILABILITY OF INFORMATION.—To  
17 the maximum extent practicable, based on data submitted  
18 to the Administrator under section 28(d)(11) and any ad-  
19 ditional data reported under section 503(a), the Adminis-  
20 trator shall make publicly available—

21 “(1) information relating to the exposure of  
22 children and students to environmental hazards in  
23 educational facilities; and

24 “(2) an inventory of educational facilities in  
25 which hazardous substances have been found, par-

1 particularly hazardous substances with the highest prev-  
2 alence and harm, such as lead, asbestos, and poly-  
3 chlorinated biphenyls.”.

4 (d) AUTHORIZATION OF APPROPRIATIONS.—Section  
5 505 of the Toxic Substances Control Act (15 U.S.C.  
6 2695d) is amended by striking “There are authorized”  
7 and all that follows through “2013” and inserting “There  
8 is authorized to be appropriated to carry out this title  
9 \$10,000,000 for each of fiscal years 2025 through 2035”.

10 **SEC. 4. GRANTS FOR INDOOR AIR AND ENVIRONMENTAL**  
11 **HEALTH IN EDUCATIONAL SETTINGS.**

12 (a) DEFINITIONS.—In this section:

13 (1) ELIGIBLE FACILITY.—The term “eligible fa-  
14 cility” has the meaning given the term in section  
15 501(a) of the Toxic Substances Control Act (15  
16 U.S.C. 2695(a)).

17 (2) INDIAN TRIBE.—The term “Indian Tribe”  
18 means any federally recognized Indian Tribe.

19 (3) INDOOR AIR QUALITY.—The term “indoor  
20 air quality” means the chemical, biological, and  
21 physical characteristics of air in an eligible facility  
22 that impact the health and comfort of individuals,  
23 including sensitive and susceptible individuals, in the  
24 eligible facility.

1           (4) POOR INDOOR AIR QUALITY.—The term  
2           “poor indoor air quality” means the characteristics  
3           of air in an eligible facility that adversely impact the  
4           health and comfort of individuals, including sensitive  
5           and susceptible individuals, in the eligible facility, in-  
6           cluding the following characteristics:

7                   (A) Physical or environmental conditions,  
8                   such as temperatures and relative humidity,  
9                   that are uncomfortable to occupants.

10                   (B) Air pollutant concentrations exceeding  
11                   action levels or mitigation recommendation lev-  
12                   els, including for radon, issued by the Adminis-  
13                   trator of the Environmental Protection Agency.

14                   (C) Characteristics resulting from the fail-  
15                   ure to comply with standards or guidance  
16                   issued by the Assistant Secretary of Labor for  
17                   Occupational Safety and Health or the Amer-  
18                   ican Society of Heating, Refrigerating and Air-  
19                   Conditioning Engineers.

20                   (D) The presence of radon, PM<sub>2.5</sub>, PM<sub>10</sub>,  
21                   asbestos, mold, biological contaminants, chem-  
22                   ical contaminants, environmental tobacco  
23                   smoke, secondhand smoke or aerosols, lead, car-  
24                   bon monoxide, or other air pollutants, that ex-

1           ceed local, State, or Federal guidance or re-  
2           quirements, as applicable.

3           (b) AUTHORIZATION OF GRANTS.—The Adminis-  
4           trator of the Environmental Protection Agency, acting  
5           through the Assistant Administrator for Air and Radi-  
6           ation (referred to in this section as the “Administrator”),  
7           in consultation with relevant stakeholders, shall establish  
8           a program under which the Administrator shall provide  
9           grants in accordance with this section to States, territories  
10          of the United States, Indian Tribes, and other Federal  
11          agencies that manage schools, for the purposes of improv-  
12          ing indoor air quality and minimizing exposure to environ-  
13          mental hazards in eligible facilities that have poor indoor  
14          air quality.

15          (c) ELIGIBILITY.—A State, territory, Indian Tribe, or  
16          Federal agency described in subsection (b) shall be eligible  
17          for a grant under this section if the State, territory, In-  
18          dian Tribe, or Federal agency submits to the Adminis-  
19          trator an application that, as determined by the Adminis-  
20          trator—

21               (1) demonstrates sufficient State, territorial,  
22               Tribal, or Federal authority, capacity, capability to  
23               implement a comprehensive indoor air quality and  
24               environmental quality management plan that in-  
25               cludes, at a minimum—

1 (A) the provision of technical assistance to  
2 eligible facilities in the development and imple-  
3 mentation of indoor air quality and environ-  
4 mental quality plans that address impacts on  
5 indoor environments from climate change;

6 (B) assessment of eligible facilities,  
7 through on-site monitoring, site visits, or other  
8 means, of indoor air quality and environmental  
9 quality for the purpose of prioritizing assistance  
10 and services provided by the State, territory,  
11 Indian Tribe, or Federal agency, which may in-  
12 clude collaborating with the State educational  
13 agency, local educational agencies (as those  
14 terms are defined in section 8101 of the Ele-  
15 mentary and Secondary Education Act of 1965  
16 (20 U.S.C. 7801)), early childhood education  
17 programs, eligible child care providers (as those  
18 terms are defined in section 501(a) of the Toxic  
19 Substances Control Act (15 U.S.C. 2695(a))),  
20 and other agencies with expertise in environ-  
21 mental health and carrying out such assess-  
22 ments; and

23 (C) the provision of information, assist-  
24 ance, and services to school districts and eligi-  
25 ble facilities for identifying and securing finan-

1           cial aid or other sources of funding necessary to  
2           mitigate identified risks associated with poor in-  
3           door air quality or other hazards;

4           (2) demonstrates community and labor engage-  
5           ment in the development of the State or Tribal plan  
6           described in paragraph (1), including—

7                   (A) consultation with—

8                           (i) other State, Tribal, and local agen-  
9                           cies;

10                           (ii) educators and school leaders;

11                           (iii) child care providers;

12                           (iv) community stakeholders; and

13                           (v) labor unions and other worker or-  
14                           ganizations; and

15                   (B) conducting public hearings; and

16           (3) meets such additional requirements as the  
17           Administrator, in consultation with the Secretary of  
18           Education, the Secretary of Health and Human  
19           Services, and the heads of other appropriate Federal  
20           departments and agencies, may establish.

21           (d) USE OF GRANT FUNDS.—A State, territory, In-  
22           dian Tribe, or Federal agency described in subsection (b)  
23           that receives a grant under this section shall use the grant  
24           to implement a State, territorial, Tribal, or agency com-  
25           prehensive indoor air quality and environmental quality

1 management plan described in subsection (c)(1), includ-  
2 ing—

3 (1) the provision of statewide, territory-wide,  
4 Tribal, or agency assistance to eligible facilities in  
5 the development or implementation of indoor air  
6 quality and environmental quality plans that ad-  
7 dress—

8 (A) causes of poor indoor air quality;

9 (B) mitigation measures to improve indoor  
10 air quality; and

11 (C) impacts of a warmer climate on indoor  
12 air quality;

13 (2) the provision of information, assistance, and  
14 services to eligible facilities, including local edu-  
15 cational agencies (as defined in section 8101 of the  
16 Elementary and Secondary Education Act of 1965  
17 (20 U.S.C. 7801)), early childhood education pro-  
18 grams, and eligible child care providers (as those  
19 terms are defined in section 501(a) of the Toxic  
20 Substances Control Act (15 U.S.C. 2695(a))), for  
21 identifying and securing financial aid or other  
22 sources of funding necessary to identify and mitigate  
23 risks associated with poor indoor air quality;

24 (3) conducting assessment and monitoring of  
25 indoor air quality and other environmental condi-

1 tions, in accordance with Environmental Protection  
2 Agency guidance, such as the Indoor Air Quality  
3 Tools for Schools Action Kit, as appropriate, at eli-  
4 gible facilities, including installing air quality mon-  
5 itors to measure common indoor air pollutants and  
6 indicators of respiratory harms, such as radon,  
7 PM<sub>2.5</sub>, and carbon dioxide concentrations, in class-  
8 rooms and other shared spaces, such as cafeterias  
9 and gymnasiums;

10 (4) ensuring current, regularly updated data  
11 from the indoor air quality monitors described in  
12 paragraph (3) are made available to employees of el-  
13 igible facilities, students, parents, educators, child  
14 care providers, and the general public in real time  
15 on a publicly available website that includes quality-  
16 controlled archived records of past measurements;

17 (5) ensuring data described in paragraph (4)  
18 are available during the school day, any before or  
19 after school programming, and any other events at  
20 the eligible facility;

21 (6) the provision of training and technical as-  
22 sistance to State or local government staff who are  
23 involved in school maintenance or operations or edu-  
24 cational facilities capital outlay projects, on the hir-  
25 ing of the staff and annually thereafter, on the



1 maintenance and servicing of heating, ventilation,  
2 and air quality monitoring equipment;

3 (7) developing programs and high-quality pro-  
4 fessional development opportunities for educators to  
5 support student learning on air quality monitor re-  
6 sults;

7 (8) providing for existing facility and facility  
8 system maintenance and upgrades to address poor  
9 indoor air quality, including making available port-  
10 able filtration, dehumidifiers, and air cleaners to  
11 supplement existing heating, ventilation, and air  
12 conditioning systems to improve indoor air quality at  
13 eligible facilities;

14 (9) the provision of guidance on improving in-  
15 door air quality, including guidance on remediating  
16 mold and using less toxic cleaning supplies;

17 (10) ensuring that ventilation verification as-  
18 sessments and ventilation verification reports are  
19 available to students, parents, educators, child care  
20 providers, and the general public in real-time on a  
21 publicly accessible website;

22 (11) ensuring that when concentrations of in-  
23 door air pollutants, as measured under paragraph  
24 (3), increase, and the classroom or other occupied

1 space has an adjustable mechanical ventilation sys-  
2 tem, the ventilation rate is adjusted; and

3 (12) ensuring that when concentrations of in-  
4 door air pollutants, as measured under paragraph  
5 (3), increase, and the classroom or other occupied  
6 space lacks an adjustable mechanical ventilation sys-  
7 tem, temporary measures, such as opening windows  
8 or doors or the use of portable filtration devices,  
9 may be used when appropriate to attempt to improve  
10 indoor air quality.

11 (e) SAVINGS CLAUSE.—Nothing in this section (in-  
12 cluding any regulation issued pursuant to this section)  
13 prohibits individual educators, State or local government  
14 staff who are involved in school maintenance or operations  
15 or educational facilities capital outlay projects, or groups  
16 of those educators or staff, from—

17 (1) using portable filtration and air cleaners; or

18 (2) acting on real-time data in a classroom or  
19 area to improve ventilation or filtration, such as by  
20 opening any available window or door, using 1 or  
21 more air cleaners, or alerting appropriate employees  
22 of eligible facilities.

23 (f) CAPACITY ASSISTANCE.—

24 (1) IN GENERAL.—The Administrator may pro-  
25 vide to a State, a territory, an Indian Tribe, or a

1 Federal agency described in subsection (b) that is  
2 determined under subsection (c)(1) to be ineligible  
3 for a grant under this section financial assistance to  
4 carry out actions necessary to develop a comprehen-  
5 sive indoor air quality and environmental quality  
6 management plan that meets the minimum eligibility  
7 requirements described in subsection (c)(2).

8 (2) PUBLIC PARTICIPATION.—A State, a terri-  
9 tory, an Indian Tribe, or a Federal agency that re-  
10 ceives financial assistance under paragraph (1) shall  
11 provide opportunities for public participation and  
12 stakeholder engagement in carrying out the actions  
13 described in that paragraph.

14 (g) REGULATIONS AND GUIDANCE.—The Adminis-  
15 trator, in consultation with the Secretary of Education,  
16 the Secretary of Health and Human Services, and the  
17 heads of other appropriate Federal departments and agen-  
18 cies, shall issue such regulations and guidance as are nec-  
19 essary for the implementation of this section.

20 (h) AUTHORIZATION OF APPROPRIATIONS.—There is  
21 authorized to be appropriated to carry out this section  
22 \$100,000,000 for each of fiscal years 2025 through 2035.

○