

117TH CONGRESS
1ST SESSION

H. R. 604

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2021

Mr. SCOTT of Virginia (for himself, Mr. NORCROSS, Ms. ADAMS, Mr. AGUILAR, Mr. AUCHINCLOSS, Mrs. AXNE, Ms. BARRAGÁN, Ms. BASS, Mrs. BEATTY, Mr. BEYER, Mr. BISHOP of Georgia, Mr. BLUMENAUER, Ms. BLUNT ROCHESTER, Ms. BONAMICI, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. BROWN, Ms. BROWNLEY, Mr. BUTTERFIELD, Mr. CARBAJAL, Mr. CÁRDENAS, Mr. CARSON, Mr. CASTEN, Ms. CASTOR of Florida, Mr. CASTRO of Texas, Ms. CHU, Mr. CICILLINE, Ms. CLARK of Massachusetts, Ms. CLARKE of New York, Mr. CLEAVER, Mr. CONNOLLY, Mr. COURTNEY, Ms. CRAIG, Mr. CROW, Mr. CUELLAR, Mr. DANNY K. DAVIS of Illinois, Ms. DEAN, Mr. DEFazio, Ms. DEGETTE, Mr. DELGADO, Mrs. DEMINGS, Mr. DESAULNIER, Mr. MICHAEL F. DOYLE of Pennsylvania, Ms. ESCOBAR, Ms. ESHOO, Mr. ESPAILLAT, Mr. EVANS, Mr. FOSTER, Ms. LOIS FRANKEL of Florida, Mr. GALLEGO, Mr. GARAMENDI, Ms. GARCIA of Texas, Mr. GARCÍA of Illinois, Mr. GOMEZ, Mr. GRIJALVA, Mr. HASTINGS, Mrs. HAYES, Mr. HORSFORD, Ms. HOULAHAN, Mr. HUFFMAN, Ms. JACKSON LEE, Ms. JACOBS of California, Mr. JOHNSON of Georgia, Mr. JONES, Ms. KAPTUR, Ms. KELLY of Illinois, Mr. KHANNA, Mr. KILDEE, Mr. KILMER, Mr. KIM of New Jersey, Mrs. KIRKPATRICK, Mr. KRISHNAMOORTHY, Ms. KUSTER, Mr. LAMB, Mr. LANGEVIN, Mrs. LAWRENCE, Mr. LAWSON of Florida, Ms. LEE of California, Mrs. LEE of Nevada, Mr. LEVIN of Michigan, Mr. LEVIN of California, Mr. LIEU, Ms. LOFGREN, Mr. SEAN PATRICK MALONEY of New York, Mrs. MCBATH, Mr. MCEACHIN, Mr. MCGOVERN, Mr. MCNERNEY, Ms. MENG, Ms. MOORE of Wisconsin, Mr. MORELLE, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEGUSE, Ms. NORTON, Mr. O'HALLERAN, Ms. OMAR, Mr. PANETTA, Mr. PASCRELL, Mr. PAYNE, Ms. PINGREE, Mr. POCAN, Ms. PORTER, Ms. PRESSLEY, Mr. PRICE of North Carolina, Mr. RASKIN, Miss RICE of New York, Ms. ROSS, Ms. ROYBAL-ALLARD, Mr. RUPPERSBERGER, Mr. RYAN, Mr. SABLAN, Ms. SÁNCHEZ, Mr. SAN NICOLAS, Mr. SARBANES, Ms. SCANLON, Ms. SCHAKOWSKY, Ms. SCHRIER, Mr. DAVID SCOTT of Georgia, Ms. SEWELL, Mr. SHERMAN, Mr. SIRES, Mr. SMITH of Washington, Mr. SOTO, Ms. SPANBERGER, Ms. STEVENS, Mr. SUOZZI, Mr. SWALWELL, Mr. TAKANO, Mr. THOMPSON of

Mississippi, Mr. THOMPSON of California, Ms. TITUS, Ms. TLAIB, Mr. TONKO, Mrs. TRAHAN, Mr. TRONE, Mr. VARGAS, Mr. VEASEY, Mr. VELA, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Mr. WELCH, Ms. WEXTON, Ms. WILD, Ms. WILLIAMS of Georgia, Ms. WILSON of Florida, and Mrs. LURIA) 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

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 “Reopen and Rebuild America’s Schools Act of 2021”.

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—USES OF FUNDS

- Sec. 301. Allowable uses of funds.
- Sec. 302. Prohibited uses.
- 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.

TITLE IV—REPORTS AND OTHER MATTERS

- Sec. 401. Comptroller General report.
- Sec. 402. Study and report on physical condition of public schools.
- Sec. 403. Development of data standards.
- Sec. 404. Information clearinghouse.
- Sec. 405. Sense of Congress on Opportunity Zones.

TITLE V—IMPACT AID CONSTRUCTION

- Sec. 501. Temporary increase in funding for impact aid construction.

TITLE VI—ASSISTANCE FOR REPAIR OF SCHOOL FOUNDATIONS AFFECTED BY PYRRHOTITE

- Sec. 601. Allocations to States.
- Sec. 602. Grants to local educational agencies.
- Sec. 603. Definitions.
- Sec. 604. Authorization of appropriations.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) APPROPRIATE CONGRESSIONAL COMMIT-
4 TEES.—The term “appropriate congressional com-
5 mittees” means the Committee on Education and
6 Labor of the House of Representatives and the Com-
7 mittee on Health, Education, Labor, and Pensions
8 of the Senate.

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

13 (3) COVERED FUNDS.—The term “covered
14 funds” means funds received—

1 (A) under title I of this Act;

2 (B) from a school infrastructure bond; or

3 (C) from a qualified zone academy bond

4 (as such term is defined in section 54E of the
5 Internal Revenue Code of 1986 (as restored by
6 section 201)).

7 (4) ESEA TERMS.—The terms “elementary
8 school”, “outlying area”, and “secondary school”
9 have the meanings given those terms in section 8101
10 of the Elementary and Secondary Education Act of
11 1965 (20 U.S.C. 7801).

12 (5) LOCAL EDUCATIONAL AGENCY.—The term
13 “local educational agency” has the meaning given
14 that term in section 8101 of the Elementary and
15 Secondary Education Act of 1965 (20 U.S.C. 7801)
16 except that such term does not include a Bureau-
17 funded school.

18 (6) PUBLIC SCHOOL FACILITIES.—The term
19 “public school facilities” means the facilities of a
20 public elementary school or a public secondary
21 school.

22 (7) QUALIFIED LOCAL EDUCATIONAL AGEN-
23 CY.—The term “qualified local educational agency”
24 means a local educational agency that receives funds
25 under part A of title I of the Elementary and Sec-

1 ondary Education Act of 1965 (20 U.S.C. 6311 et
2 seq.).

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

7 (9) SECRETARY.—The term “Secretary” means
8 the Secretary of Education.

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

12 (11) ZERO ENERGY SCHOOL.—The term “zero
13 energy school” means a public elementary school or
14 public secondary school that—

15 (A) generates renewable energy on-site;

16 and

17 (B) on an annual basis, exports an amount
18 of such renewable energy that equals or exceeds
19 the total amount of renewable energy that is
20 delivered to the school from outside sources.

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
9 Act.

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

12 (1) IN GENERAL.—For each of fiscal years
13 2022 through 2026, the Secretary shall reserve,
14 from the amount appropriated to carry out this
15 title—

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

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

22 (2) USE OF RESERVED FUNDS.—

23 (A) IN GENERAL.—Funds reserved under
24 paragraph (1) shall be used in accordance with
25 title III.

1 (B) SPECIAL RULES FOR BUREAU-FUNDED
2 SCHOOLS.—

3 (i) APPLICABILITY.—The provisions
4 of title III shall apply to a Bureau-funded
5 school that receives assistance under para-
6 graph (1)(B) in the same manner that
7 such provisions apply to a qualified local
8 educational agency that receives covered
9 funds. The facilities of a Bureau-funded
10 school shall be treated as public school fa-
11 cilities for purposes of the application of
12 such provisions.

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

1 under such paragraph to the Indian Tribe
2 concerned.

3 (3) ALLOCATION TO OUTLYING AREAS.—From
4 the amount reserved under paragraph (1)(A) for a
5 fiscal year, the Secretary shall allocate to each out-
6 lying area an amount in proportion to the amount
7 received by the outlying area under part A of title
8 I of the Elementary and Secondary Education Act
9 of 1965 (20 U.S.C. 6311 et seq.) for the previous
10 fiscal year relative to the total such amount received
11 by all outlying areas for such previous fiscal year.

12 **SEC. 102. ALLOCATION TO STATES.**

13 (a) ALLOCATION TO STATES.—

14 (1) STATE-BY-STATE ALLOCATION.—

15 (A) FISCAL YEAR 2022.—Of the amount
16 appropriated to carry out this title for fiscal
17 year 2022 and not reserved under section
18 101(b), not later than 30 days after such funds
19 are appropriated, each State that provides an
20 assurance to the Secretary that the State will
21 comply with the requirements of section 103(c)
22 shall be allocated an amount in proportion to
23 the amount received by all local educational
24 agencies in the State under part A of title I of
25 the Elementary and Secondary Education Act

1 of 1965 (20 U.S.C. 6311 et seq.) for the pre-
2 vious fiscal year relative to the total amount re-
3 ceived under such part for such fiscal year by
4 all local educational agencies in every State that
5 provides such an assurance to the Secretary.

6 (B) OTHER FISCAL YEARS.—Of the
7 amount appropriated to carry out this title for
8 each fiscal year other than fiscal year 2022 and
9 not reserved under section 101(b), each State
10 that has a plan approved by the Secretary
11 under subsection (b) shall be allocated an
12 amount in proportion to the amount received by
13 all local educational agencies in the State under
14 part A of title I of the Elementary and Sec-
15 ondary Education Act of 1965 (20 U.S.C. 6311
16 et seq.) for the previous fiscal year relative to
17 the total amount received under such part for
18 such fiscal year by all local educational agencies
19 in every State that has a plan approved by the
20 Secretary 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—

25 (A) shall include—

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

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

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

11 (ii) in accordance with the guidance
12 issued by the Secretary under section 403,
13 developing an online, publicly searchable
14 database that contains an inventory of the
15 infrastructure of all public school facilities
16 in the State (including the facilities of Bu-
17 reau-funded schools, as appropriate), in-
18 cluding, with respect to each such facility,
19 an identification of—

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

23 (II) the age (including an identi-
24 fication of the date of any retrofits or
25 recent renovations) of—

- 1 (aa) the facility;
- 2 (bb) its roof;
- 3 (cc) its lighting system;
- 4 (dd) its windows;
- 5 (ee) its ceilings;
- 6 (ff) its plumbing; and
- 7 (gg) its heating, ventilation,
- 8 and air conditioning system;
- 9 (III) fire safety inspection re-
- 10 sults;
- 11 (IV) the proximity of the facili-
- 12 ties to toxic sites or the vulnerability
- 13 of the facilities to natural disasters,
- 14 including the extent to which facilities
- 15 that are vulnerable to seismic natural
- 16 disasters are seismically retrofitted;
- 17 (V) any previous inspections
- 18 showing the presence of toxic sub-
- 19 stances; and
- 20 (VI) any improvements that are
- 21 needed to support indoor and outdoor
- 22 social distancing, personal hygiene,
- 23 and building hygiene (including with
- 24 respect to heating, ventilation, and air
- 25 conditioning usage) in school facilities,

1 consistent with guidance issued by the
2 Centers for Disease Control and Pre-
3 vention;

4 (iii) updating the database developed
5 under clause (ii) not less frequently than
6 once every 2 years;

7 (iv) ensuring that the information in
8 the database developed under clause (ii)—

9 (I) is posted on a publicly acces-
10 sible State website; and

11 (II) is regularly distributed to
12 local educational agencies and Tribal
13 governments in the State;

14 (v) issuing and reviewing regulations
15 to ensure the health and safety of students
16 and staff during construction or renovation
17 projects;

18 (vi) issuing or reviewing regulations to
19 ensure safe, healthy, and high-performing
20 school buildings, including regulations gov-
21 erning—

22 (I) indoor environmental quality
23 and ventilation, including exposure to
24 carbon monoxide, carbon dioxide,
25 lead-based paint, and other combus-

1 tion by-products such as oxides of ni-
2 trogen;

3 (II) mold, mildew, and moisture
4 control;

5 (III) the safety of drinking water
6 at the tap and water used for meal
7 preparation, including regulations
8 that—

9 (aa) address the presence of
10 lead and other contaminants in
11 such water; and

12 (bb) require the regular test-
13 ing of the potability of water at
14 the tap;

15 (IV) energy and water efficiency;

16 (V) excessive classroom noise due
17 to activities allowable under section
18 301;

19 (VI) the levels of maintenance
20 work, operational spending, and cap-
21 ital investment needed to maintain the
22 quality of public school facilities; and

23 (VII) the construction or renova-
24 tion of such facilities, including appli-
25 cable building codes; and

1 (vii) creating a plan to reduce or
2 eliminate exposure to toxic substances, in-
3 cluding mercury, radon, PCBs, lead, vapor
4 intrusions, and asbestos; and

5 (B) may include the development of a plan
6 to increase the number of zero energy schools
7 in the State.

8 (b) STATE PLAN.—

9 (1) IN GENERAL.—Except as provided in para-
10 graph (2), to be eligible to receive an allocation
11 under this section, a State shall submit to the Sec-
12 retary a plan that—

13 (A) describes how the State will use the al-
14 location to make long-term improvements to
15 public school facilities;

16 (B) explains how the State will carry out
17 each of its responsibilities under subsection
18 (a)(2);

19 (C) explains how the State will make the
20 determinations under subsections (b) through
21 (d) of section 103;

22 (D) identifies how long, and at what levels,
23 the State will maintain fiscal effort for the ac-
24 tivities supported by the allocation after the
25 State no longer receives the allocation; and

1 (E) includes such other information as the
2 Secretary may require.

3 (2) EXPEDITED PROCESS FOR FISCAL YEAR
4 2022.—

5 (A) ASSURANCE TO SECRETARY.—To be
6 eligible to receive an allocation for fiscal year
7 2022 under section 101(a)(1)(A), a State shall
8 provide to the Secretary an assurance that the
9 State will comply with the requirements of sec-
10 tion 103(c).

11 (B) SUBMITTAL OF STATE PLAN.—A State
12 shall not be required to submit a State plan
13 under paragraph (1) before receiving an alloca-
14 tion for fiscal year 2022 under section
15 101(a)(1)(A). A State that receives an alloca-
16 tion under such section for such fiscal year
17 shall submit to the Secretary the State plan de-
18 scribed in paragraph (1) not later than 90 days
19 after the date on which such allocation is re-
20 ceived.

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

5 (A) IN GENERAL.—The State shall con-
6 tribute, from non-Federal sources, an amount
7 equal to 10 percent of the amount of the alloca-
8 tion received under this section to carry out the
9 activities supported by the allocation.

10 (B) DEADLINE.—The State shall provide
11 any contribution required under subparagraph
12 (A) not later than September 30, 2030.

13 (C) CERTAIN FISCAL YEARS.—With re-
14 spect to a fiscal year for which more than
15 \$7,000,000,000 are appropriated to carry out
16 this title, subparagraph (A) shall be applied as
17 if “, from non-Federal sources,” were struck.

18 (D) COMMITMENT TO PROPORTIONAL
19 STATE INVESTMENT IN SCHOOL FACILITIES.—

20 (i) IN GENERAL.—The State shall
21 provide an assurance to the Secretary that
22 for each fiscal year that the State receives
23 an allocation under this section, the State’s
24 share of school facilities capital outlay will
25 be not less than 90 percent of the average

1 of the State’s share of school facilities cap-
2 ital outlay for the 5 years preceding the
3 fiscal year for which the allocation is re-
4 ceived.

5 (ii) STATE’S SHARE OF SCHOOL FA-
6 CILITIES CAPITAL OUTLAY.—In this sub-
7 paragraph, the term “State’s share of
8 school facilities capital outlay” means—

9 (I) the total State expenditures
10 on school facilities capital outlay
11 projects; divided by

12 (II) the total school facilities cap-
13 ital expenditures in the State on
14 school facilities capital outlay projects.

15 (iii) TOTAL STATE EXPENDITURES.—
16 In this subparagraph, the term “total
17 State expenditures” means the State’s
18 total expenditures (from funds other than
19 an allocation under this section) on school
20 facilities capital outlay projects, includ-
21 ing—

22 (I) any direct expenditures by the
23 State for the purpose of school facili-
24 ties capital outlay projects; and

1 (II) funds provided by the State
2 to local educational agencies for the
3 purpose of school facilities capital out-
4 lay projects.

5 (iv) TOTAL SCHOOL FACILITIES CAP-
6 ITAL EXPENDITURES IN THE STATE.—In
7 this subparagraph, the term “total school
8 facilities capital expenditures in the State”,
9 means the sum of—

10 (I) the total State expenditures
11 calculated under clause (iii); plus

12 (II) all additional expenditures
13 (from funds other than an allocation
14 under this section) on school facilities
15 capital outlay projects by local edu-
16 cational agencies in the State that
17 were not included in the calculation of
18 total State expenditures under clause
19 (iii).

20 (2) SUPPLEMENT NOT SUPPLANT.—The State
21 shall use an allocation under this section only to
22 supplement the level of Federal, State, and local
23 public funds that would, in absence of such alloca-
24 tion, be made available for the activities supported
25 by the allocation, 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
22 or percentages of students counted under sec-
23 tion 1124(c) of the Elementary and Secondary
24 Education 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

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

10 (C) shall be among the local educational
11 agencies in the State with the most limited ca-
12 pacity to raise funds for the long-term improve-
13 ment of public school facilities, as determined
14 by an assessment of—

15 (i) the current and historic ability of
16 the agency to raise funds for construction,
17 renovation, modernization, and major re-
18 pair projects for schools;

19 (ii) whether the agency has been able
20 to issue bonds or receive other funds to
21 support school construction projects; and

22 (iii) the bond rating of the agency.

23 (2) EQUITABLE DISTRIBUTION.—

24 (A) NUMBERS AND PERCENTAGES OF CER-
25 TAIN STUDENTS.—In making the determination

1 under paragraph (1)(A), the State shall ensure
2 that grants under this section are equitably dis-
3 tributed among—

4 (i) qualified local educational agencies
5 in the State with the highest numbers of
6 students counted under section 1124(c) of
7 the Elementary and Secondary Education
8 Act of 1965 (20 U.S.C. 6333(c)); and

9 (ii) qualified local educational agencies
10 in the State with the highest percentages
11 of students counted under such section.

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

17 (3) STATEWIDE THRESHOLDS.—The State shall
18 establish reasonable thresholds for determining
19 whether a local educational agency is among agen-
20 cies in the State with the highest numbers or per-
21 centages of students counted under section 1124(c)
22 of the Elementary and Secondary Education Act of
23 1965 (20 U.S.C. 6333(c)) as required under para-
24 graph (1)(A).

1 (c) PRIORITY OF GRANTS FOR FISCAL YEAR 2022.—

2 In awarding grants under this section for fiscal year
3 2022—

4 (1) the State shall first award grants to quali-
5 fied local educational agencies that meet the require-
6 ments of subsection (d)(1) that will use the grant to
7 improve the facilities of schools described in sub-
8 section (d)(1)(B) to support indoor and outdoor so-
9 cial distancing, personal hygiene, and building hy-
10 giene (including with respect to heating, ventilation,
11 and air conditioning usage) in school facilities, con-
12 sistent with guidance issued by the Centers for Dis-
13 ease Control and Prevention; and

14 (2) from any funds remaining after making
15 grants to qualified local educational agencies that
16 meet the requirements of paragraph (1), the State
17 may award grants to other qualified local agencies in
18 accordance with the priorities established under sub-
19 section (d).

20 (d) PRIORITY OF GRANTS FOR OTHER FISCAL
21 YEARS.—Except as provided in subsection (c), in award-
22 ing grants under this section, the State shall give priority
23 to qualified local educational agencies that—

24 (1)(A) demonstrate the greatest need for such
25 a grant, as determined by a comparison of the fac-

1 tors described in subsection (b)(1) and other indica-
2 tors of need in the public school facilities of such
3 local educational agencies, including—

4 (i) the median age of facilities;

5 (ii) the extent to which student enrollment
6 exceeds physical and instructional capacity;

7 (iii) the condition of major building sys-
8 tems such as heating, ventilation, air condi-
9 tioning, electrical, water, and sewer systems;

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

12 (v) other critical health and safety condi-
13 tions;

14 (B) will use the grant to improve the facilities
15 of—

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

23 (ii) high schools that have an enrollment of
24 students who are eligible for a free or reduced
25 price lunch under such Act that constitutes not

1 less than 30 percent of the total student enroll-
2 ment at such schools (which may be calculated
3 using comparable data from the schools that
4 feed into the high school); and

5 (C) operate public school facilities that pose a
6 severe health and safety threat to students and staff,
7 which may include consideration of threats posed by
8 the proximity of the facilities to toxic sites or
9 brownfield sites or the vulnerability of the facilities
10 to natural disasters; or

11 (2)(A) will use the grant to improve access to
12 high-speed broadband sufficient to support digital
13 learning in accordance with section 301(b);

14 (B) serve elementary schools or secondary
15 schools, including rural schools, that lack such ac-
16 cess; and

17 (C) meet one or more of the requirements set
18 forth in subparagraphs (A) through (C) of para-
19 graph (1).

20 (e) APPLICATION.—To be considered for a grant
21 under this section, a qualified local educational agency
22 shall submit an application to the State at such time, in
23 such manner, and containing such information as the
24 State may require. Such application shall include, at min-
25 imum—

1 (1) the information necessary for the State to
2 make the determinations under subsections (b)
3 through (d);

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

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

9 (4) in the case of a local educational agency
10 that proposes to fund a repair, renovation, or con-
11 struction project for a public charter school, the ex-
12 tent to which—

13 (A) the public charter school lacks access
14 to funding for school repair, renovation, and
15 construction through the financing methods
16 available to other public schools or local edu-
17 cational agencies in the State; and

18 (B) the charter school operator owns or
19 has care and control of the facility that is to be
20 repaired, renovated, or constructed.

21 (f) FACILITIES MASTER PLAN.—

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

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

5 (A) the extent to which public school facili-
6 ties meet students’ educational needs and sup-
7 port the agency’s educational mission and vi-
8 sion;

9 (B) the physical condition of the public
10 school facilities;

11 (C) the current health, safety, and environ-
12 mental conditions of the public school facilities,
13 including—

14 (i) indoor air quality;

15 (ii) the presence of toxic substances;

16 (iii) the safety of drinking water at
17 the tap and water used for meal prepara-
18 tion, including the level of lead and other
19 contaminants in such water;

20 (iv) energy and water efficiency;

21 (v) excessive classroom noise; and

22 (vi) other health, safety, and environ-
23 mental conditions that would impact the
24 health, safety, and learning ability of stu-
25 dents;

1 (D) how the local educational agency will
2 address any conditions identified under sub-
3 paragraph (C);

4 (E) the impact of current and future stu-
5 dent enrollment levels (as of the date of appli-
6 cation) on the design of current and future pub-
7 lic school facilities, as well as the financial im-
8 plications of such enrollment levels;

9 (F) the dollar amount and percentage of
10 funds the local educational agency will dedicate
11 to capital construction projects for public school
12 facilities, including—

13 (i) any funds in the budget of the
14 agency that will be dedicated to such
15 projects; and

16 (ii) any funds not in the budget of the
17 agency that will be dedicated to such
18 projects, including any funds available to
19 the agency as the result of a bond issue;
20 and

21 (G) the dollar amount and percentage of
22 funds the local educational agency will dedicate
23 to the maintenance and operation of public
24 school facilities, including—

1 (i) any funds in the budget of the
2 agency that will be dedicated to the main-
3 tenance and operation of such facilities;
4 and

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

8 (3) CONSULTATION.—In developing the facili-
9 ties master plan required under paragraph (1)—

10 (A) a qualified local educational agency
11 shall consult with teachers, principals and other
12 school leaders, custodial and maintenance staff,
13 emergency first responders, school facilities di-
14 rectors, students and families, community resi-
15 dents, and Indian Tribes; and

16 (B) in addition to the consultation required
17 under subparagraph (A), a Bureau-funded
18 school shall consult with the Bureau of Indian
19 Education.

20 (g) SUPPLEMENT NOT SUPPLANT.—A qualified local
21 educational agency shall use a grant received under this
22 section only to supplement the level of Federal, State, and
23 local public funds that would, in the absence of such grant,
24 be made available for the activities supported by the grant,
25 and not to supplant such funds.

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

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

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

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

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

14 (A) the demographic composition of the
15 student population served by the agency,
16 disaggregated by—

17 (i) race;

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

22 (iii) the number and percentage of
23 students who are eligible for a free or re-
24 duced price lunch under the Richard B.
25 Russell National School Lunch Act (42
26 U.S.C. 1751 et seq.);

1 (B) the population density of the geo-
2 graphic area served by the agency;

3 (C) the projects for which the agency used
4 the grant received under this title, described
5 using measurements of school facility quality
6 from the most recent available version of the
7 Common Education Data Standards published
8 by the National Center for Education Statistics;

9 (D) the demonstrable or expected benefits
10 of the projects; and

11 (E) the estimated number of jobs created
12 by the projects.

13 (3) The total dollar amount of all grants re-
14 ceived by local educational agencies under this title.

15 (c) LEA INFORMATION COLLECTION.—A local edu-
16 cational agency that receives a grant under this title
17 shall—

18 (1) annually compile the information described
19 in subsection (b)(2);

20 (2) make the information available to the pub-
21 lic, including by posting the information on a pub-
22 licly accessible agency website; and

23 (3) submit the information to the State.

1 (d) STATE INFORMATION DISTRIBUTION.—A State
 2 that receives information from a local educational agency
 3 under subsection (c) shall—

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

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

10 (3) regularly distribute the information to local
 11 educational agencies and Tribal governments in the
 12 State.

13 **SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

14 There are authorized to be appropriated
 15 \$20,000,000,000 for each of fiscal years 2022 through
 16 2026 to carry out this title. Amounts so appropriated are
 17 authorized to remain available through fiscal year 2031.

18 **TITLE II—SCHOOL**
 19 **INFRASTRUCTURE BONDS**

20 **SEC. 201. RESTORATION OF CERTAIN QUALIFIED TAX**
 21 **CREDIT BONDS.**

22 (a) ALLOWANCE OF CREDIT.—

23 (1) IN GENERAL.—Section 54A of the Internal
 24 Revenue Code of 1986, as in effect on the day before
 25 repeal by Public Law 115–97, is revived.

1 (2) CREDIT LIMITED TO CERTAIN BONDS.—

2 (A) IN GENERAL.—Section 54A(d)(1) of
3 such Code, as revived by paragraph (1), is
4 amended by striking “means—” and all that
5 follows through “which is part” and inserting
6 “means a qualified zone academy bond which is
7 part”.

8 (B) CONFORMING AMENDMENT.—Section
9 54A(c)(2)(C) of such Code, as revived by para-
10 graph (1), is amended by striking “means—”
11 and all that follows and inserting “a purpose
12 specified in section 54E(a)(1)”.

13 (3) CONFORMING AMENDMENTS.—

14 (A) The Internal Revenue Code of 1986 is
15 amended by inserting before section 54A (as re-
16 vived by paragraph (1)) the following:

17 **“Subpart I—Qualified Tax Credit Bonds**

“Sec. 54A. Credit to holder of qualified tax credit bonds.”

18 (B) Section 6401(b)(1) of such Code is
19 amended by striking “and G” and inserting “G,
20 and I”.

21 (C) The table of subparts for part IV of
22 subchapter A of chapter 1 of such Code is
23 amended by adding at the end the following:

“SUBPART I—QUALIFIED TAX CREDIT BONDS”.

24 (b) CREDIT ALLOWED TO ISSUER.—

1 (1) IN GENERAL.—Section 6431 of the Internal
2 Revenue Code of 1986, as in effect on the day before
3 repeal by Public Law 115–97, is revived.

4 (2) CONFORMING AMENDMENT.—Section
5 6211(b)(4) of such Code is amended by striking
6 “and 6428A” and inserting “6428A, and 6431”.

7 (c) QUALIFIED ZONE ACADEMY BONDS.—

8 (1) IN GENERAL.—Section 54E of the Internal
9 Revenue Code of 1986, as in effect on the day before
10 repeal by Public Law 115–97, is revived.

11 (2) EXTENSION OF LIMITATION.—Section
12 54(E)(c)(1) of such Code is amended—

13 (A) by striking “and \$400,000,000” and
14 inserting “\$400,000,000”, and

15 (B) by striking “and, except as provided”
16 and all that follows through the period at the
17 end and inserting “, and \$1,400,000,000 for
18 2022 and each calendar year thereafter.”.

19 (3) REMOVAL OF PRIVATE BUSINESS CON-
20 TRIBUTION REQUIREMENT.—Section 54E of the In-
21 ternal Revenue Code of 1986, as revived by para-
22 graph (1) and amended by paragraph (2), is amend-
23 ed—

24 (A) in subsection (a)(3), by inserting
25 “and” at the end of subparagraph (A), by strik-

1 ing subparagraph (B), and by redesignating
2 subparagraph (C) as subparagraph (B),
3 (B) by striking subsection (b), and
4 (C) by redesignating subsections (e) and
5 (d) as subsections (b) and (c), respectively.

6 (4) CONSTRUCTION OF A PUBLIC SCHOOL FA-
7 CILITY.—Section 54E(c)(3)(A) of the Internal Rev-
8 enue Code of 1986, as revived by paragraph (1) and
9 redesignated in paragraph (3)(C), is amended by
10 striking “rehabilitating or repairing” and inserting
11 “constructing, rehabilitating, retrofitting, or repair-
12 ing”.

13 (d) CONFORMING AMENDMENT RELATED TO APPLI-
14 CATION OF CERTAIN LABOR STANDARDS.—

15 (1) IN GENERAL.—Subchapter IV of chapter 31
16 of the title 40, United States Code, shall apply to
17 projects financed with the proceeds of any qualified
18 zone academy bond (as defined in section 54E of the
19 Internal Revenue Code of 1986) issued after the
20 date of the enactment of the American Recovery and
21 Reinvestment Tax Act of 2009.

22 (2) CONFORMING AMENDMENT.—Section 1601
23 of the American Recovery and Reinvestment Tax
24 Act of 2009 is amended by striking paragraph (3)

1 and redesignating paragraphs (4) and (5) as para-
2 graphs (3) and (4), respectively.

3 (e) EFFECTIVE DATE.—The amendments made by
4 this section shall apply to obligations issued after Decem-
5 ber 31, 2022.

6 **SEC. 202. SCHOOL INFRASTRUCTURE BONDS.**

7 (a) IN GENERAL.—The Internal Revenue Code of
8 1986 is amended by inserting after subpart I (as revived
9 by section 201) of part IV of subchapter A of chapter 1
10 the following new subpart:

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

“Sec. 54BB. School infrastructure bonds.

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

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

20 “(b) AMOUNT OF CREDIT.—The amount of the credit
21 determined under this subsection with respect to any in-
22 terest payment date for a school infrastructure bond is
23 100 percent of the amount of interest payable by the
24 issuer with respect to such date.

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

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

5 “(A) the sum of the regular tax liability of
6 the taxpayer (as defined in section 26(b)) plus
7 the tax imposed by section 55, over

8 “(B) the sum of the credits allowable
9 under this part (other than subpart C and this
10 subpart).

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

19 “(d) SCHOOL INFRASTRUCTURE BOND.—

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

23 “(A) 100 percent of the available project
24 proceeds of such issue are to be used for the

1 purposes described in section 301 of the Reopen
2 and Rebuild America’s Schools Act of 2021,

3 “(B) the interest on such obligation would
4 (but for this section) be excludable from gross
5 income under section 103,

6 “(C) the issue meets the requirements of
7 paragraph (3), and

8 “(D) the issuer designates such bond for
9 purposes of this section.

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

12 “(A) for purposes of section 149(b), a
13 school infrastructure bond shall not be treated
14 as federally guaranteed by reason of the credit
15 allowed under section 6431(a),

16 “(B) for purposes of section 148, the yield
17 on a school infrastructure bond shall be deter-
18 mined without regard to the credit allowed
19 under subsection (a), and

20 “(C) a bond shall not be treated as a
21 school infrastructure bond if the issue price has
22 more than a de minimis amount (determined
23 under rules similar to the rules of section
24 1273(a)(3)) of premium over the stated prin-
25 cipal amount of the bond.

1 “(3) 6-YEAR EXPENDITURE PERIOD.—

2 “(A) IN GENERAL.—An issue shall be
3 treated as meeting the requirements of this
4 paragraph if, as of the date of issuance, the
5 issuer reasonably expects 100 percent of the
6 available project proceeds to be spent for pur-
7 poses described in section 301 of the Reopen
8 and Rebuild America’s Schools Act of 2021
9 within the 6-year period beginning on such date
10 of issuance.

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

23 “(e) LIMITATION ON AMOUNT OF BONDS DES-
24 IGNATED.—The maximum aggregate face amount of
25 bonds issued during any calendar year which may be des-

1 ignated under subsection (d)(1)(D) by any issuer shall not
2 exceed the limitation amount allocated under subsection
3 (g) for such calendar year to such issuer.

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

7 “(1) \$10,000,000,000 for 2022,

8 “(2) \$10,000,000,000 for 2023, and

9 “(3) \$10,000,000,000 for 2024.

10 “(g) ALLOCATION OF LIMITATION.—

11 “(1) ALLOCATIONS.—

12 “(A) STATES.—After application of sub-
13 paragraph (B) and paragraph (3)(A), the limi-
14 tation applicable under subsection (f) for a cal-
15 endar year shall be allocated by the Secretary
16 among the States in proportion to the respec-
17 tive amounts received by all local educational
18 agencies in each State under part A of title I
19 of the Elementary and Secondary Education
20 Act of 1965 (20 U.S.C. 6311 et seq.) for the
21 previous fiscal year relative to the total such
22 amount received by all local educational agen-
23 cies for the most recent fiscal year ending be-
24 fore such calendar year.

1 “(B) CERTAIN POSSESSIONS.—One-half of
2 1 percent of the amount of the limitation appli-
3 cable under subsection (f) for a calendar year
4 shall be allocated by the Secretary to posses-
5 sions of the United States other than Puerto
6 Rico for such calendar year.

7 “(2) ALLOCATIONS TO SCHOOLS.—The limita-
8 tion amount allocated to a State or possession under
9 paragraph (1) shall be allocated by the State edu-
10 cational agency (or such other agency as is author-
11 ized under State law to make such allocation) to
12 issuers within such State or possession in accord-
13 ance with the priorities described in subsections (c)
14 and (d) of section 103 of the Reopen and Rebuild
15 America’s Schools Act of 2021 and the eligibility re-
16 quirements described in section 103(b) of such Act,
17 except that paragraph (1)(C) of such section shall
18 not apply to the determination of eligibility for such
19 allocation.

20 “(3) ALLOCATIONS FOR INDIAN SCHOOLS.—

21 “(A) IN GENERAL.—One-half of 1 percent
22 of the amount of the limitation applicable under
23 subsection (f) for any calendar year shall be al-
24 located by the Secretary to the Secretary of the

1 Interior for schools funded by the Bureau of In-
2 dian Affairs for such calendar year.

3 “(B) ALLOCATION TO SCHOOLS.—The lim-
4 itation amount allocated to the Secretary of the
5 Interior under paragraph (1) shall be allocated
6 by such Secretary to issuers or schools funded
7 as described in paragraph (2). In the case of
8 amounts allocated under the preceding sen-
9 tence, Indian tribal governments shall be treat-
10 ed as qualified issuers for purposes of this sub-
11 chapter.

12 “(4) DIGITAL LEARNING.—Up to 10 percent of
13 the limitation amount allocated under paragraph (1)
14 or (3)(A) may be allocated by the State to issuers
15 within such State (in the case of an amount allo-
16 cated under paragraph (1)) or by the Secretary of
17 the Interior to issuers or schools funded by the Bu-
18 reau of Indian Affairs (in the case of an amount al-
19 located under paragraph (3)(A)) to carry out activi-
20 ties to improve digital learning in accordance with
21 section 301(b) of the Reopen and Rebuild America’s
22 Schools Act of 2021.

23 “(h) INTEREST PAYMENT DATE.—For purposes of
24 this section, the term ‘interest payment date’ means any
25 date on which the holder of record of the school infrastruc-

1 ture bond is entitled to a payment of interest under such
2 bond.

3 “(i) SPECIAL RULES.—

4 “(1) INTEREST ON SCHOOL INFRASTRUCTURE
5 BONDS INCLUDIBLE IN GROSS INCOME FOR FED-
6 ERAL INCOME TAX PURPOSES.—For purposes of this
7 title, interest on any school infrastructure bond shall
8 be includible in gross income.

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

13 (b) CREDIT ALLOWED TO ISSUER.—Section
14 6431(f)(3)(A) of such Code, as revived by section
15 201(b)(1), is amended by striking “means any qualified
16 tax credit bond” and all that follows through the end of
17 subparagraph (A) and inserting “means any bond if—

18 “(A) such bond is—

19 “(i) a qualified tax credit bond which
20 is a qualified zone academy bond (as de-
21 fined in section 54E) determined without
22 regard to any allocation relating to the na-
23 tional zone academy bond limitation for
24 years after 2010 or any carryforward of
25 any such allocation, or

1 “(ii) any school infrastructure bond
2 (as defined in section 54BB), and”.

3 (c) APPLICATION OF CERTAIN LABOR STANDARDS.—
4 Subchapter IV of chapter 31 of the title 40, United States
5 Code, shall apply to projects financed with the proceeds
6 of any qualified zone academy bond (as defined in section
7 54E of the Internal Revenue Code of 1986) issued after
8 the date of the enactment of this Act.

9 (d) CONFORMING AMENDMENTS.—

10 (1) Section 6401(b)(1) of the Internal Revenue
11 Code of 1986, as amended by section 201(a), is
12 amended by striking “and I” and inserting “I, and
13 J”.

14 (2) The table of subparts for part IV of sub-
15 chapter A of chapter 1 of such Code, as amended by
16 section 201(a), is amended by adding at the end the
17 following:

 “SUBPART J—SCHOOL INFRASTRUCTURE BONDS”.

18 (e) EFFECTIVE DATE.—The amendments made by
19 this section shall apply to obligations issued after Decem-
20 ber 31, 2022.

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

22 (a) IN GENERAL.—Not later than September 30 of
23 each fiscal year beginning after the date of the enactment
24 of this Act, the Secretary of the Treasury shall submit

1 to the appropriate congressional committees a report on
2 the amendments made by sections 201 and 202.

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

6 (1) An identification of—

7 (A) each local educational agency (if any)
8 that received an allocation under section
9 54E(b)(2) or 54BB(g) of the Internal Revenue
10 Code of 1986, and

11 (B) each local educational agency (if any)
12 that was eligible to receive such funds but did
13 not receive such funds.

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

16 (A) an assessment of the capacity of the
17 agency to raise funds for the long-term im-
18 provement of public school facilities, as deter-
19 mined by an assessment of—

20 (i) the current and historic ability of
21 the agency to raise funds for construction,
22 renovation, modernization, and major re-
23 pair projects for schools, including the abil-
24 ity of the agency to raise funds through
25 imposition of property taxes,

1 (ii) whether the agency has been able
2 to issue bonds to fund construction
3 projects, including—

4 (I) qualified zone academy bonds
5 under section 54E of the Internal
6 Revenue Code of 1986, and

7 (II) school infrastructure bonds
8 under section 54BB of the Internal
9 Revenue Code of 1986, and

10 (iii) the bond rating of the agency,

11 (B) the demographic composition of the
12 student population served by the agency,
13 disaggregated by—

14 (i) race,

15 (ii) the number and percentage of stu-
16 dents counted under section 1124(c) of the
17 Elementary and Secondary Education Act
18 of 1965 (20 U.S.C. 6333(c)), and

19 (iii) the number and percentage of
20 students who are eligible for a free or re-
21 duced price lunch under the Richard B.
22 Russell National School Lunch Act (42
23 U.S.C. 1751 et seq.),

24 (C) the population density of the geo-
25 graphic area served by the agency,

1 (D) a description of the projects carried
2 out with funds received from school infrastruc-
3 ture bonds,

4 (E) a description of the demonstrable or
5 expected benefits of the projects, and

6 (F) the estimated number of jobs created
7 by the projects.

8 (3) The total dollar amount of all funds re-
9 ceived by local educational agencies from school in-
10 frastructure bonds.

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

13 (c) INFORMATION COLLECTION.—A State or local
14 educational agency that receives an allocation under sec-
15 tion 54E(b)(2) or 54BB(g) of the Internal Revenue Code
16 of 1986 shall—

17 (1) annually compile the information necessary
18 for the Secretary of the Treasury to determine the
19 elements described in subsection (b), and

20 (2) report the information to the Secretary of
21 the Treasury at such time and in such manner as
22 the Secretary of the Treasury may require.

23 (d) SECRETARY OF THE TREASURY.—For purposes
24 of this section, the term “Secretary of the Treasury” in-
25 cludes the Secretary’s delegate.

1 **TITLE III—USES OF FUNDS**

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

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

6 (1) develop the facilities master plan required
7 under section 103(f);

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

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

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

16 (5) construct new public school facilities;

17 (6) acquire and prepare sites on which new
18 public school facilities will be constructed;

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

21 (8) ensure current or anticipated enrollment
22 does not exceed the physical and instructional capac-
23 ity of public school facilities;

24 (9) ensure the building envelopes and interiors
25 of public school facilities protect occupants from nat-

1 ural elements and human threats, and are struc-
2 turally sound and secure;

3 (10) compose building design plans that
4 strengthen the safety and security on school prem-
5 ises by utilizing design elements, principles, and
6 technology that—

7 (A) guarantee layers of security through-
8 out the school premises; and

9 (B) uphold the aesthetics of the school
10 premises as a learning and teaching environ-
11 ment;

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

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

17 (13) reduce or eliminate the presence of—

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

20 (B) mold and mildew; or

21 (C) rodents and pests;

22 (14) ensure the safety of drinking water at the
23 tap and water used for meal preparation in public
24 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
18 for the purpose of community-based partnerships
19 that provide students with academic, health, and so-
20 cial services;

21 (19) ensure the health of students and staff
22 during the construction or modernization of public
23 school 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 covered funds to leverage ex-
3 isting public programs or public-private partnerships to
4 expand access to high-speed broadband sufficient for dig-
5 ital learning.

6 **SEC. 302. PROHIBITED USES.**

7 (a) IN GENERAL.—A local educational agency that
8 receives covered funds may not use such funds for—

9 (1) payment of routine and predictable mainte-
10 nance costs and minor repairs;

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

14 (3) vehicles; or

15 (4) central offices, operation centers, or other
16 facilities that are not primarily used to educate stu-
17 dents.

18 (b) ADDITIONAL PROHIBITIONS RELATING TO CHAR-
19 TER SCHOOLS.—No covered funds may be used—

20 (1) for the facilities of a public charter school
21 that is operated by a for-profit entity; or

22 (2) for the facilities of a public charter school
23 if—

24 (A) the school leases the facilities from an
25 individual or private sector entity; and

1 (B) such individual, or an individual with
2 a direct or indirect financial interest in such en-
3 tity, has a management or governance role in
4 such school.

5 **SEC. 303. REQUIREMENTS FOR HAZARD-RESISTANCE AND**
6 **ENERGY AND WATER CONSERVATION.**

7 A local educational agency that receives covered
8 funds shall ensure that any new construction, moderniza-
9 tion, or renovation project carried out with such funds
10 meets or exceeds the requirements of the following:

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

14 (2) Requirements for such projects set forth in
15 the most recent published edition of a nationally rec-
16 ognized, consensus-based model energy conservation
17 code.

18 (3) Performance criteria under the WaterSense
19 program, established under section 324B of the En-
20 ergy Policy and Conservation Act (42 U.S.C.
21 6294b), applicable to such projects within a nation-
22 ally recognized, consensus-based model code.

23 (4) Indoor environmental air quality require-
24 ments applicable to such projects as set forth in the

1 most recent published edition of a nationally recog-
2 nized, consensus-based standard.

3 **SEC. 304. GREEN PRACTICES.**

4 (a) IN GENERAL.—In a given fiscal year, a local edu-
5 cational agency that uses covered funds for a new con-
6 struction project or renovation project shall use not less
7 than the applicable percentage (as described in subsection
8 (b)) of the funds used for such project for construction
9 or renovation that is certified, verified, or consistent with
10 the applicable provisions of—

11 (1) the United States Green Building Council
12 Leadership in Energy and Environmental Design
13 green building rating standard (commonly known as
14 the “LEED Green Building Rating System”);

15 (2) the Living Building Challenge developed by
16 the International Living Future Institute;

17 (3) a green building rating program developed
18 by the Collaborative for High-Performance Schools
19 (commonly known as “CHPS”) that is CHPS-
20 verified; or

21 (4) a program that—

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

1 (B) is adopted by the State or another ju-
2 rsdiction with authority over the agency; and

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

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

7 (1) for fiscal year 2022, 60 percent;

8 (2) for fiscal year 2023, 70 percent;

9 (3) for fiscal year 2024; 80 percent;

10 (4) for fiscal year 2025, 90 percent; and

11 (5) for each of fiscal years 2026 through 2031,
12 100 percent.

13 **SEC. 305. USE OF AMERICAN IRON, STEEL, AND MANUFAC-**
14 **TURED PRODUCTS.**

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

19 (b) **WAIVER AUTHORITY.**—

20 (1) **IN GENERAL.**—The Secretary may waive
21 the requirement of subsection (a) if the Secretary
22 determines that—

23 (A) applying subsection (a) would be in-
24 consistent with the public interest;

1 (B) iron, steel, and manufactured products
2 produced in the United States are not produced
3 in a sufficient and reasonably available amount
4 or are not of a satisfactory quality; or

5 (C) using iron, steel, and manufactured
6 products produced in the United States will in-
7 crease the cost of the overall project by more
8 than 25 percent.

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

13 (c) CONSISTENCY WITH INTERNATIONAL AGREE-
14 MENTS.—This section shall be applied in a manner con-
15 sistent with the obligations of the United States under
16 international agreements.

17 (d) DEFINITIONS.—In this section:

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

21 (A) When used with respect to a manufac-
22 tured product, the product was manufactured in
23 the United States and the cost of the compo-
24 nents of such product that were mined, pro-
25 duced, or manufactured in the United States

1 exceeds 60 percent of the total cost of all com-
2 ponents of the product.

3 (B) When used with respect to iron or
4 steel products, or an individual component of a
5 manufactured product, all manufacturing proc-
6 esses for such iron or steel products or compo-
7 nents, from the initial melting stage through
8 the application of coatings, occurred in the
9 United States, except that the term does not in-
10 clude—

11 (i) steel or iron material or products
12 manufactured abroad from semi-finished
13 steel or iron from the United States; and

14 (ii) steel or iron material or products
15 manufactured in the United States from
16 semi-finished steel or iron of foreign origin.

17 (2) MANUFACTURED PRODUCT.—The term
18 “manufactured product” means any construction
19 material or end product (as such terms are defined
20 in part 25.003 of the Federal Acquisition Regula-
21 tion) that is not an iron or steel product, includ-
22 ing—

23 (A) electrical components; and

24 (B) non-ferrous building materials, includ-
25 ing, aluminum and polyvinylchloride (PVC),

1 glass, fiber optics, plastic, wood, masonry, rub-
2 ber, manufactured stone, any other non-ferrous
3 metals, and any unmanufactured construction
4 material.

5 **TITLE IV—REPORTS AND OTHER** 6 **MATTERS**

7 **SEC. 401. COMPTROLLER GENERAL REPORT.**

8 (a) IN GENERAL.—Not later than 2 years after the
9 date of the enactment of this Act, the Comptroller General
10 of the United States shall submit to the appropriate con-
11 gressional committees a report on the projects carried out
12 with covered funds.

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

15 (1) State activities, including—

16 (A) the types of public school facilities
17 data collected by each State, if any;

18 (B) technical assistance with respect to
19 public school facilities provided by each State, if
20 any;

21 (C) future plans of each State with respect
22 to public school facilities;

23 (D) criteria used by each State to deter-
24 mine high-need students and facilities for pur-

1 poses of the projects carried out with covered
2 funds; and

3 (E) whether the State issued new regula-
4 tions to ensure the health and safety of stu-
5 dents and staff during construction or renova-
6 tion projects or to ensure safe, healthy, and
7 high-performing school buildings;

8 (2) the types of projects carried out with cov-
9 ered funds, including—

10 (A) the square footage of the improve-
11 ments made with covered funds;

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

13 (C) the cost described in subparagraph
14 (B), disaggregated by, with respect to such
15 project, the cost of planning, design, construc-
16 tion, site purchase, and improvements;

17 (3) the geographic distribution of the projects;

18 (4) the demographic composition of the student
19 population served by the projects, disaggregated
20 by—

21 (A) race;

22 (B) the number and percentage of students
23 counted under section 1124(c) of the Elemen-
24 tary and Secondary Education Act of 1965 (20
25 U.S.C. 6333(c)); and

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

5 (5) an assessment of the impact of the projects
6 on the health and safety of school staff and stu-
7 dents; and

8 (6) how the Secretary or States could make
9 covered funds more accessible—

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

15 (B) to schools with fiscal challenges in
16 raising capital for school infrastructure
17 projects.

18 (c) UPDATES.—The Comptroller General shall up-
19 date and resubmit the report to the appropriate congres-
20 sional committees—

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

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

1 **SEC. 402. STUDY AND REPORT ON PHYSICAL CONDITION OF**
2 **PUBLIC SCHOOLS.**

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

7 (1) carry out a comprehensive study of the
8 physical conditions of all public schools in each State
9 and outlying area; and

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

13 (b) ELEMENTS.—Each study and report under sub-
14 section (a) shall include—

15 (1) an assessment of—

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

18 (B) the effect of school facility conditions
19 on student academic outcomes;

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

22 (D) the condition of school facilities for
23 economically disadvantaged students as well as
24 students from major racial and ethnic sub-
25 groups;

1 (E) the accessibility of school facilities for
2 students and staff with disabilities;

3 (F) the prevalence of school facilities at
4 which student enrollment exceeds the physical
5 and instructional capacity of the facility and the
6 effect of such excess enrollment on instructional
7 quality and delivery of school wraparound serv-
8 ices;

9 (G) the condition of school facilities af-
10 fected by natural disasters;

11 (H) the effect that projects carried out
12 with covered funds have on the communities in
13 which such projects are conducted, including
14 the vitality, jobs, population, and economy of
15 such communities; and

16 (I) the ability of building envelopes and in-
17 teriors of public school facilities to protect occu-
18 pants from natural elements and human
19 threats;

20 (2) an explanation of any differences observed
21 with respect to the factors described in subpara-
22 graphs (A) through (I) of paragraph (1); and

23 (3) a cost estimate for bringing school facilities
24 to a state of good repair, as determined by the Sec-
25 retary.

1 **SEC. 403. DEVELOPMENT OF DATA STANDARDS.**

2 (a) DATA STANDARDS.—Not later than 120 days
3 after the date of the enactment of this Act, the Secretary,
4 in consultation with the officials described in subsection
5 (b), shall—

6 (1) identify the data that States should collect
7 and include in the databases developed under section
8 102(a)(2)(A)(ii);

9 (2) develop standards for the measurement of
10 such data; and

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

13 (b) OFFICIALS.—The officials described in this sub-
14 section are—

15 (1) the Administrator of the Environmental
16 Protection Agency;

17 (2) the Secretary of Energy;

18 (3) the Director of the Centers for Disease
19 Control and Prevention; and

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

22 **SEC. 404. INFORMATION CLEARINGHOUSE.**

23 (a) IN GENERAL.—Not later than 120 days after the
24 date of the enactment of this Act, the Secretary shall es-
25 tablish a clearinghouse to disseminate information on Fed-
26 eral programs and financing mechanisms that may be

1 used to assist schools in initiating, developing, and financ-
2 ing—

3 (1) energy efficiency projects;

4 (2) distributed generation projects; and

5 (3) energy retrofitting projects.

6 (b) ELEMENTS.—In carrying out subsection (a), the
7 Secretary shall—

8 (1) consult with the officials described in sec-
9 tion 403(b) to develop a list of Federal programs
10 and financing mechanisms to be included in the
11 clearinghouse; and

12 (2) coordinate with such officials to develop a
13 collaborative education and outreach effort to
14 streamline communications and promote the Federal
15 programs and financing mechanisms included in the
16 clearinghouse, which may include the development
17 and maintenance of a single online resource that in-
18 cludes contact information for relevant technical as-
19 sistance that may be used by States, outlying areas,
20 local educational agencies, and Bureau-funded
21 schools to effectively access and use such Federal
22 programs and financing mechanisms.

23 **SEC. 405. SENSE OF CONGRESS ON OPPORTUNITY ZONES.**

24 (a) FINDINGS.—The Congress finds as follows:

1 (1) Opportunity Zones were championed by
2 prominent leaders of both parties as an innovative
3 way to tackle longstanding challenges.

4 (2) As of December 2018, 8,763 low-income
5 communities had been designated as Opportunity
6 Zones, representing all 50 States, the District of Co-
7 lumbia, Puerto Rico, the United States Virgin Is-
8 lands, and American Samoa.

9 (3) Schools are integral parts of communities,
10 and a key part of communities' economic and work-
11 force development efforts could be modernizing
12 school facilities.

13 (b) SENSE OF CONGRESS.—It is the sense of the
14 Congress that opportunity zones, when combined with
15 public infrastructure investment, can provide an innova-
16 tive approach to capital financing that has the potential
17 to unleash creativity and help local communities rebuild
18 schools, rebuild economies, and get people back to work.

19 **TITLE V—IMPACT AID**
20 **CONSTRUCTION**

21 **SEC. 501. TEMPORARY INCREASE IN FUNDING FOR IMPACT**
22 **AID CONSTRUCTION.**

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

1 “(d) CONSTRUCTION.—For the purpose of carrying
2 out section 7007, there are authorized to be appropriated
3 \$100,000,000 for each of fiscal years 2022 through
4 2026.”.

5 **TITLE W—ASSISTANCE FOR RE-**
6 **PAIR OF SCHOOL FOUNDA-**
7 **TIONS AFFECTED BY**
8 **PYRRHOTITE**

9 **SEC. 601. ALLOCATIONS TO STATES.**

10 (a) IN GENERAL.—Beginning not later than 180
11 days after the date of the enactment of this Act, the Sec-
12 retary shall carry out a program under which the Sec-
13 retary makes allocations to States to pay the Federal
14 share of the costs of making grants to local educational
15 agencies under section 602.

16 (b) WEBSITE.—Not later than 180 days after the
17 date of enactment of this Act, the Secretary shall publish,
18 on a publicly accessible website of the Department of Edu-
19 cation, instructions describing how a State may receive an
20 allocation under this section.

21 **SEC. 602. GRANTS TO LOCAL EDUCATIONAL AGENCIES.**

22 (a) IN GENERAL.—From the amounts allocated to a
23 State under section 601(a) and contributed by the State
24 under subsection (e)(2), the State shall award grants to
25 local educational agencies—

1 (1) to pay the future costs of repairing concrete
2 school foundations damaged by the presence of
3 pyrrhotite; or

4 (2) to reimburse such agencies for costs in-
5 curred by the agencies in making such repairs in the
6 five-year period preceding the date of enactment of
7 this Act.

8 (b) LOCAL EDUCATIONAL AGENCY ELIGIBILITY.—

9 (1) ELIGIBILITY FOR GRANTS FOR FUTURE RE-
10 PAIRS.—To be eligible to receive a grant under sub-
11 section (a)(1), a local educational agency shall—

12 (A) with respect to each school for which
13 the agency seeks to use grant funds, dem-
14 onstrate to the State that—

15 (i) the school is a pyrrhotite-affected
16 school; and

17 (ii) any laboratory tests, core tests,
18 and visual inspections of the school's foun-
19 dation used to determine that the school is
20 a pyrrhotite-affected school were con-
21 ducted—

22 (I) by a professional engineer li-
23 censed in the State in which the
24 school is located; and

1 (II) in accordance with applicable
2 State standards or standards ap-
3 proved by any independent, nonprofit,
4 or private entity authorized by the
5 State to oversee construction, testing,
6 or financial relief efforts for damaged
7 building foundations; and

8 (B) provide an assurance that—

9 (i) the local educational agency will
10 use the grant only for the allowable uses
11 described in subsection (f)(1); and

12 (ii) all work funded with the grant
13 will be conducted by a qualified contractor
14 or architect licensed in the State.

15 (2) ELIGIBILITY FOR REIMBURSEMENT
16 GRANTS.—To be eligible to receive a grant under
17 subsection (a)(2), a local educational agency shall
18 demonstrate that it met the requirements of para-
19 graph (1) at the time it carried out the project for
20 which the agency seeks reimbursement.

21 (c) APPLICATION.—

22 (1) IN GENERAL.—A local educational agency
23 that seeks a grant under this section shall submit to
24 the State an application at such time, in such man-
25 ner, and containing such information as the State

1 may require, which upon approval by the State
2 under subsection (d)(1)(A), the State shall submit to
3 the Secretary for approval under subsection
4 (d)(1)(B).

5 (2) CONTENTS.—At minimum, each application
6 shall include—

7 (A) information and documentation suffi-
8 cient to enable the State to determine if the
9 local educational agency meets the eligibility
10 criteria under subsection (b);

11 (B) in the case of an agency seeking a
12 grant under subsection (a)(1), an estimate of
13 the costs of carrying out the activities described
14 in subsection (f);

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

17 (i) an itemized explanation of—

18 (I) the costs incurred by the
19 agency in carrying out any activities
20 described subsection (f); and

21 (II) any amounts contributed
22 from other Federal, State, local, or
23 private sources for such activities; and

1 (ii) the amount for which the local
2 educational agency seeks reimbursement;
3 and

4 (D) the percentage of any costs described
5 in subparagraph (B) or (C) that are covered by
6 an insurance policy.

7 (d) APPROVAL AND DISBURSEMENT.—

8 (1) APPROVAL.—

9 (A) STATE.—The State shall approve the
10 application of each local educational agency for
11 submission to the Secretary that—

12 (i) submits a complete and correct ap-
13 plication under subsection (c); and

14 (ii) meets the criteria for eligibility
15 under subsection (b).

16 (B) SECRETARY.—Not later than 60 days
17 after receiving an application of a local edu-
18 cational agency submitted by a State under
19 subsection (c)(1), the Secretary shall—

20 (i) approve such application, in a case
21 in which the Secretary determines that
22 such application meets the requirements of
23 subparagraph (A); or

1 (ii) deny such application, in the case
2 of an application that does not meet such
3 requirements.

4 (2) DISBURSEMENT.—

5 (A) ALLOCATION.—The Secretary shall
6 disburse an allocation to a State not later than
7 60 days after the date on which the Secretary
8 approves an application under paragraph
9 (1)(B).

10 (B) GRANT.—The State shall disburse
11 grant funds to a local educational agency not
12 later than 60 days after the date on which the
13 State receives an allocation under subparagraph
14 (A).

15 (e) FEDERAL AND STATE SHARE.—

16 (1) FEDERAL SHARE.—The Federal share of
17 each grant under this section shall be an amount
18 that is not more than 50 percent of the total cost
19 of the project for which the grant is awarded.

20 (2) STATE SHARE.—

21 (A) IN GENERAL.—Subject to subpara-
22 graph (B), the State share of each grant under
23 this section shall be an amount that is not less
24 than 40 percent of the total cost of the project

1 for which the grant is awarded, which the State
2 shall contribute from non-Federal sources.

3 (B) SPECIAL RULE FOR REIMBURSEMENT
4 GRANTS.—In the case of a reimbursement grant
5 made to a local educational agency under sub-
6 section (a)(2), a State shall be treated as meet-
7 ing the requirement of subparagraph (A) if the
8 State demonstrates that it contributed, from
9 non-Federal sources, not less than 40 percent
10 of the total cost of the project for which the re-
11 imbursement grant is awarded.

12 (f) USES OF FUNDS.—

13 (1) ALLOWABLE USES OF FUNDS.—A local edu-
14 cational agency that receives a grant under this sec-
15 tion shall use such grant only for costs associated
16 with—

17 (A) the repair or replacement of the con-
18 crete foundation or other affected areas of a
19 pyrrhotite-affected school in the jurisdiction of
20 such agency to the extent necessary—

21 (i) to restore the structural integrity
22 of the school to the safety and health
23 standards established by the professional
24 licensed engineer or architect associated
25 with the project; and

1 (ii) to restore the school to the condi-
2 tion it was in before the school's founda-
3 tion was damaged due to the presence of
4 pyrrhotite; and

5 (B) engineering reports, architectural de-
6 sign, core tests, and other activities directly re-
7 lated to the repair or replacement project.

8 (2) PROHIBITED USES OF FUNDS.—A local edu-
9 cational agency that receives a grant under this sec-
10 tion may not use the grant for any costs associated
11 with—

12 (A) work done to outbuildings, sheds, or
13 barns, swimming pools (whether in-ground or
14 above-ground), playgrounds or ballfields, or any
15 ponds or water features;

16 (B) the purchase of items not directly as-
17 sociated with the repair or replacement of the
18 school building or its systems, including items
19 such as desks, chairs, electronics, sports equip-
20 ment, or other school supplies; or

21 (C) any other activities not described in
22 paragraph (1).

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

25 (1) this section; and

1 (2) title I.

2 **SEC. 603. DEFINITIONS.**

3 In this title:

4 (1) PYRRHOTITE-AFFECTED SCHOOL.—The
5 term “pyrrhotite-affected school” means an elemen-
6 tary school or a secondary school that meets the fol-
7 lowing criteria:

8 (A) The school has a concrete foundation.

9 (B) Pyrrhotite is present in the school’s
10 concrete foundation, as demonstrated by a
11 petrographic or other type of laboratory core
12 analysis or core inspection.

13 (C) A visual inspection of the school’s con-
14 crete foundation indicates that the presence of
15 pyrrhotite is causing the foundation to deterio-
16 rate at an unsafe rate.

17 (D) A qualified engineer determined that
18 the deterioration of the school’s foundation, due
19 to the presence of pyrrhotite—

20 (i) caused the school to become struc-
21 turally unsound; or

22 (ii) will result in the school becoming
23 structurally unsound within the next five
24 years.

1 (2) QUALIFIED CONTRACTOR.—The term
2 “qualified contractor” means a contractor who is
3 qualified under State law, or approved by any State
4 agency or other State-sanctioned independent or
5 nonprofit entity, to repair or replace residential or
6 commercial building foundations that are deterio-
7 rating due to the presence of pyrrhotite.

8 **SEC. 604. AUTHORIZATION OF APPROPRIATIONS.**

9 There are authorized to be appropriated to carry out
10 this title such sums as may be necessary for fiscal year
11 2022 and each fiscal year thereafter.

○