

H.R. 2 – The Moving Forward Act – Invest in America School Facilities and School Bus Sections

July 8, 2020

Passed by the U.S. House of Representatives, July 1, 2020

As of July 8, 2020, not taken up by the Senate

[Section K: Reopen and Rebuild America’s Schools Section – State Grants - Page 2](#)

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1 under the Fair Housing Act (42 U.S.C. 3601 et
2 seq.), disaggregated by protected class.

3 **DIVISION K—REOPEN AND RE-**
4 **BUILD AMERICA’S SCHOOLS**
5 **ACT OF 2020**

6 **SEC. 70000. SHORT TITLE; TABLE OF CONTENTS.**

7 (a) SHORT TITLE.—This division may be cited as the
8 “Reopen and Rebuild America’s Schools Act of 2020”.

9 (b) TABLE OF CONTENTS.—The table of contents for
10 this Act is as follows:

DIVISION K—REOPEN AND REBUILD AMERICA’S SCHOOLS ACT
OF 2020

Sec. 70000. Short title; table of contents.

Sec. 70001. Definitions.

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

Subtitle A—Reservation and Allocation of Funds

Sec. 70101. Purpose and reservation.

Sec. 70102. Allocation to States.

Subtitle B—Grants to Local Educational Agencies

Sec. 70111. Need-based grants to qualified local educational agencies.

Sec. 70112. Allowable uses of funds.

Sec. 70113. Prohibited uses.

Sec. 70114. Requirements for hazard-resistance, energy and water conserva-
tion, and air quality.

Sec. 70115. Green Practices.

Sec. 70116. Use of American iron, steel, and manufactured products.

Sec. 70117. Prohibition on use of funds for facilities of for-profit charter
schools.

Sec. 70118. Prohibition on use of funds for certain charter schools.

Subtitle C—Annual Report and Authorization of Appropriations

Sec. 70121. Annual report on grant program.

Sec. 70122. Authorization of appropriations.

TITLE II—OTHER REPORTS, DEVELOPMENT OF STANDARDS, AND
INFORMATION CLEARINGHOUSE

Sec. 70201. Comptroller general report.

1715

- Sec. 70202. Study and report physical condition of public schools.
- Sec. 70203. Development of data standards.
- Sec. 70204. Information clearinghouse.
- Sec. 70205. Sense of Congress on Opportunity Zones.

TITLE III—IMPACT AID CONSTRUCTION

- Sec. 70301. Temporary increase in funding for impact aid construction.

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

- Sec. 70401. Allocations to States.
- Sec. 70402. Grants to local educational agencies.
- Sec. 70403. Definitions.
- Sec. 70404. Authorization of appropriations.

1 **SEC. 70001. DEFINITIONS.**

2 In this division:

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 of
8 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 under title I of this di-
15 vision.

16 (4) ESEA TERMS.—The terms “elementary
17 school”, “outlying area”, and “secondary school”
18 have the meanings given those terms in section 8101

1 of the Elementary and Secondary Education Act of
2 1965 (20 U.S.C. 7801).

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

9 (6) PUBLIC SCHOOL FACILITIES.—The term
10 “public school facilities” means the facilities of a
11 public elementary school or a public secondary
12 school.

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

19 (8) SECRETARY.—The term “Secretary” means
20 the Secretary of Education.

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

1 (10) ZERO ENERGY SCHOOL.—The term “zero
2 energy school” means a public elementary school or
3 public secondary school that—

4 (A) generates renewable energy on-site;
5 and

6 (B) on an annual basis, exports an amount
7 of such renewable energy that equals or exceeds
8 the total amount of renewable energy that is
9 delivered to the school from outside sources.

10 **TITLE I—GRANTS FOR THE**
11 **LONG-TERM IMPROVEMENT**
12 **OF PUBLIC SCHOOL FACILI-**
13 **TIES**

14 **Subtitle A—Reservation and**
15 **Allocation of Funds**

16 **SEC. 70101. PURPOSE AND RESERVATION.**

17 (a) PURPOSE.—Funds made available under this title
18 shall be for the purpose of supporting long-term improve-
19 ments to public school facilities in accordance with this
20 division.

21 (b) RESERVATION FOR OUTLYING AREAS AND BU-
22 REAU-FUNDED SCHOOLS.—

23 (1) IN GENERAL.—For each of fiscal years
24 2020 through 2024, the Secretary shall reserve,

1 from the amount appropriated to carry out this
2 title—

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

6 (B) one-half of 1 percent, for payments to
7 the Secretary of the Interior to provide assist-
8 ance to Bureau-funded schools.

9 (2) USE OF RESERVED FUNDS.—

10 (A) IN GENERAL.—Funds reserved under
11 paragraph (1) shall be used in accordance with
12 sections 70112 through 70116.

13 (B) SPECIAL RULES FOR BUREAU-FUNDED
14 SCHOOLS.—

15 (i) APPLICABILITY.—Sections 70112
16 through 70116 shall apply to a Bureau-
17 funded school that receives assistance
18 under paragraph (1)(B) in the same man-
19 ner that such sections apply to a qualified
20 local educational agency that receives cov-
21 ered funds. The facilities of a Bureau-
22 funded school shall be treated as public
23 school facilities for purposes of the applica-
24 tion of such sections.

1 (ii) TREATMENT OF TRIBALLY OPER-
2 ATED SCHOOLS.—The Secretary of the In-
3 terior shall provide assistance to Bureau-
4 funded schools under paragraph (1)(B)
5 without regard to whether such schools are
6 operated by the Bureau of Indian Edu-
7 cation or by an Indian Tribe. In the case
8 of a Bureau-funded school that is a con-
9 tract or grant school (as that term is de-
10 fined in section 1141 of the Education
11 Amendments of 1978 (25 U.S.C. 2021))
12 operated by an Indian Tribe, the Secretary
13 of the Interior shall provide assistance
14 under such paragraph to the Indian Tribe
15 concerned.

16 (3) ALLOCATION TO OUTLYING AREAS.—From
17 the amount reserved under paragraph (1)(A) for a
18 fiscal year, the Secretary shall allocate to each out-
19 lying area an amount in proportion to the amount
20 received by the outlying area under part A of title
21 I of the Elementary and Secondary Education Act
22 of 1965 (20 U.S.C. 6311 et seq.) for the previous
23 fiscal year relative to the total such amount received
24 by all outlying areas for such previous fiscal year.

1 **SEC. 70102. ALLOCATION TO STATES.**

2 (a) ALLOCATION TO STATES.—

3 (1) STATE-BY-STATE ALLOCATION.—

4 (A) IN GENERAL.—Subject to subpara-
5 graph (B), of the amount appropriated to carry
6 out this title for each fiscal year and not re-
7 served under section 70101(b), each State that
8 has a plan approved by the Secretary under
9 subsection (b) shall be allocated an amount in
10 proportion to the amount received by all local
11 educational agencies in the State under part A
12 of title I of the Elementary and Secondary
13 Education Act of 1965 (20 U.S.C. 6311 et
14 seq.) for the previous fiscal year relative to the
15 total such amount received by all local edu-
16 cational agencies in every State that has a plan
17 approved by the Secretary under subsection (b).

18 (B) FISCAL YEAR 2020.—Of the amount
19 appropriated to carry out this title for fiscal
20 year 2020 and not reserved under section
21 70101(b), not later than 30 days after such
22 funds are appropriated, each State that pro-
23 vides an assurance to the Secretary that the
24 State will comply with the requirements of sec-
25 tion 70111(c)(2) shall be allocated an amount
26 in proportion to the amount received by all local

1 educational agencies in the State under part A
2 of title I of the Elementary and Secondary
3 Education Act of 1965 (20 U.S.C. 6311 et
4 seq.) for the previous fiscal year relative to the
5 total such amount received by all local edu-
6 cational agencies in every State that provides
7 such an assurance to the Secretary.

8 (2) STATE RESERVATION.—A State may reserve
9 not more than 1 percent of its allocation under para-
10 graph (1) to carry out its responsibilities under this
11 division, which—

12 (A) shall include—

13 (i) providing technical assistance to
14 local educational agencies, including by—

15 (I) identifying which State agen-
16 cies have programs, resources, and ex-
17 pertise relevant to the activities sup-
18 ported by the allocation under this
19 section; and

20 (II) coordinating the provision of
21 technical assistance across such agen-
22 cies;

23 (ii) in accordance with the guidance
24 issued by the Secretary under section
25 70203, developing an online, publicly

1 searchable database that contains an in-
2 ventory of the infrastructure of all public
3 school facilities in the State (including the
4 facilities of Bureau-funded schools, as ap-
5 propriate), including, with respect to each
6 such facility, an identification of—

7 (I) the information described in
8 subclauses (I) through (VII) of clause
9 (vi);

10 (II) the age (including an identi-
11 fication of the date of any retrofits or
12 recent renovations) of—

13 (aa) the facility;

14 (bb) its roof;

15 (cc) its lighting system;

16 (dd) its windows;

17 (ee) its ceilings;

18 (ff) its plumbing; and

19 (gg) its heating, ventilation,
20 and air conditioning system;

21 (III) fire safety inspection re-
22 sults;

23 (IV) the proximity of the facili-
24 ties to toxic sites or the vulnerability
25 of the facilities to natural disasters,

1 including the extent to which facilities
2 that are vulnerable to seismic natural
3 disasters are seismically retrofitted;

4 (V) any previous inspections
5 showing the presence of toxic sub-
6 stances; and

7 (VI) any improvements to sup-
8 port indoor and outdoor social
9 distancing, personal hygiene, and
10 building hygiene (including with re-
11 spect to HVAC usage and ventilation)
12 in schools, consistent with guidance
13 issued by the Centers for Disease
14 Control and Prevention;

15 (iii) updating the database developed
16 under clause (ii) not less frequently than
17 once every 2 years;

18 (iv) ensuring that the information in
19 the database developed under clause (ii)—

20 (I) is posted on a publicly acces-
21 sible State website; and

22 (II) is regularly distributed to
23 local educational agencies and Tribal
24 governments in the State;

1 (v) issuing and reviewing regulations
2 to ensure the health and safety of students
3 and staff during construction or renovation
4 projects; and

5 (vi) issuing or reviewing regulations to
6 ensure safe, healthy, and high-performing
7 school buildings, including regulations gov-
8 erning—

9 (I) indoor environmental quality
10 and ventilation, including exposure to
11 carbon monoxide, carbon dioxide,
12 lead-based paint, and other combus-
13 tion by-products such as oxides of ni-
14 trogen;

15 (II) mold, mildew, and moisture
16 control;

17 (III) the safety of drinking water
18 at the tap and water used for meal
19 preparation, including regulations
20 that—

21 (aa) address the presence of
22 lead and other contaminants in
23 such water; and

1725

1 (bb) require the regular test-
2 ing of the potability of water at
3 the tap;

4 (IV) energy and water efficiency;

5 (V) excessive classroom noise due
6 to activities allowable under section
7 70112;

8 (VI) the levels of maintenance
9 work, operational spending, and cap-
10 ital investment needed to maintain the
11 quality of public school facilities; and

12 (VII) the construction or renova-
13 tion of such facilities, including appli-
14 cable building codes; and

15 (vii) creating a plan to reduce or
16 eliminate exposure to toxic substances, in-
17 cluding mercury, radon, PCBs, lead, vapor
18 intrusions, and asbestos; and

19 (B) may include the development of a plan
20 to increase the number of zero energy schools
21 in the State.

22 (b) STATE PLAN.—

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

1 (A) describes how the State will use the al-
2 location to make long-term improvements to
3 public school facilities;

4 (B) explains how the State will carry out
5 each of its responsibilities under subsection
6 (a)(2);

7 (C) explains how the State will make the
8 determinations under subsections (b) and (c) of
9 section 70111;

10 (D) identifies how long, and at what levels,
11 the State will maintain fiscal effort for the ac-
12 tivities supported by the allocation after the
13 State no longer receives the allocation; and

14 (E) includes such other information as the
15 Secretary may require.

16 (2) APPROVAL AND DISAPPROVAL.—The Sec-
17 retary shall have the authority to approve or dis-
18 approve a State plan submitted under paragraph
19 (1).

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

23 (1) MATCHING REQUIREMENT.—

24 (A) IN GENERAL.—The State shall con-
25 tribute, from non-Federal sources, an amount

1 equal to 10 percent of the amount of the alloca-
2 tion received under this section to carry out the
3 activities supported by the allocation.

4 (B) DEADLINE.—The State shall provide
5 any contribution required under subparagraph
6 (A) not later than September 30, 2029.

7 (C) CERTAIN FISCAL YEARS.—With re-
8 spect to a fiscal year for which more than
9 \$7,000,000,000 are appropriated to carry out
10 this title, subparagraph (A) shall be applied as
11 if “, from non-Federal sources,” were struck.

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

23 (3) SUPPLEMENT NOT SUPPLANT.—The State
24 shall use an allocation under this section only to
25 supplement the level of Federal, State, and local

1 public funds that would, in absence of such alloca-
2 tion, be made available for the activities supported
3 by the allocation, and not to supplant such funds.

4 **Subtitle B—Grants to Local**
5 **Educational Agencies**

6 **SEC. 70111. NEED-BASED GRANTS TO QUALIFIED LOCAL**
7 **EDUCATIONAL AGENCIES.**

8 (a) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—

9 (1) IN GENERAL.—Subject to paragraph (2),
10 from the amounts allocated to a State under section
11 70102(a) and contributed by the State under section
12 70102(c)(1), the State shall award grants to quali-
13 fied local educational agencies, on a competitive
14 basis, to carry out the activities described in section
15 70112(a).

16 (2) ALLOWANCE FOR DIGITAL LEARNING.—A
17 State may use up to 10 percent of the amount de-
18 scribed in paragraph (1) to make grants to qualified
19 local educational agencies carry out activities to im-
20 prove digital learning in accordance with section
21 70112(b).

22 (b) ELIGIBILITY.—

23 (1) IN GENERAL.—To be eligible to receive a
24 grant under this section a qualified local educational
25 agency—

1 (A) shall be among the local educational
2 agencies in the State with the highest numbers
3 or percentages of students counted under sec-
4 tion 1124(c) of the Elementary and Secondary
5 Education Act of 1965 (20 U.S.C. 6333(c));

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

17 (C) may be among the local educational
18 agencies in the State—

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

1 (ii) with the most limited capacity to
2 raise funds for the long-term improvement
3 of public school facilities, as determined by
4 an assessment of—

5 (I) the current and historic abil-
6 ity of the agency to raise funds for
7 construction, renovation, moderniza-
8 tion, and major repair projects for
9 schools;

10 (II) whether the agency has been
11 able to issue bonds or receive other
12 funds to support school construction
13 projects; and

14 (III) the bond rating of the agen-
15 cy.

16 (2) GEOGRAPHIC DISTRIBUTION.—The State
17 shall ensure that grants under this section are
18 awarded to qualified local educational agencies that
19 represent the geographic diversity of the State.

20 (3) STATEWIDE THRESHOLDS.—The State shall
21 establish reasonable thresholds for determining
22 whether a local educational agency is among agen-
23 cies in the State with the highest numbers or per-
24 centages of students counted under section 1124(c)
25 of the Elementary and Secondary Education Act of

1 1965 (20 U.S.C. 6333(c)) as required under para-
2 graph (1)(A).

3 (c) PRIORITY OF GRANTS.—In awarding grants
4 under this section, the State—

5 (1) subject to paragraph (2), shall give priority
6 to qualified local educational agencies that—

7 (A) demonstrate the greatest need for such
8 a grant, as determined by a comparison of the
9 factors described in subsection (b)(1) and other
10 indicators of need in the public school facilities
11 of such local educational agencies, including—

12 (i) the median age of facilities;

13 (ii) the extent to which student enroll-
14 ment exceeds physical and instructional ca-
15 pacity;

16 (iii) the condition of major building
17 systems such as heating, ventilation, air
18 conditioning, electrical, water, and sewer
19 systems;

20 (iv) the condition of roofs, windows,
21 and doors; and

22 (v) other critical health and safety
23 conditions; and

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

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

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

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

23 (2) with respect to grants awarded for fiscal
24 year 2020, shall give priority to local educational
25 agencies described in paragraph (1) that will use the

1 grant to improve the facilities of schools described in
2 paragraph (1)(B) to support indoor and outdoor so-
3 cial distancing, personal hygiene, and building hy-
4 giene (including with respect to HVAC usage and
5 ventilation) in schools, consistent with guidance
6 issued by the Centers for Disease Control and Pre-
7 vention; and

8 (3) may give priority to qualified local edu-
9 cational agencies that—

10 (A) will use the grant to improve access to
11 high-speed broadband sufficient to support dig-
12 ital learning accordance with section 70112(b);

13 (B) serve elementary schools or secondary
14 schools, including rural schools, that lack such
15 access; and

16 (C) meet one or more of the requirements
17 set forth in subparagraphs (A) through (C) of
18 paragraph (1).

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

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

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 (e) 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 (f) 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. 70112. ALLOWABLE USES OF FUNDS.**

2 (a) IN GENERAL.—Except as provided in section
3 70113, a local educational agency that receives covered
4 funds may use such funds to—

5 (1) develop the facilities master plan required
6 under section 70111(e);

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

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

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

15 (5) construct new public school facilities;

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

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

20 (8) ensure current or anticipated enrollment
21 does not exceed the physical and instructional capaci-
22 ty of public school facilities;

23 (9) ensure the building envelopes and interiors
24 of public school facilities protect occupants from nat-
25 ural elements and human threats, and are struc-
26 turally sound and secure;

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

5 (A) guarantee layers of security through-
6 out the school premises; and

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

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

13 (12) improve indoor air quality in public school
14 facilities;

15 (13) reduce or eliminate the presence of—

16 (A) toxic substances, including mercury,
17 radon, PCBs, lead, and asbestos;

18 (B) mold and mildew; or

19 (C) rodents and pests;

20 (14) ensure the safety of drinking water at the
21 tap and water used for meal preparation in public
22 school facilities, which may include testing of the po-
23 tability of water at the tap for the presence of lead
24 and other contaminants;

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

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

8 (17) provide instructional program space im-
9 provements (including through the construction of
10 outdoor instructional space) for programs relating to
11 early learning (including early learning programs op-
12 erated by partners of the agency), special education,
13 science, technology, career and technical education,
14 physical education, music, the arts, and literacy (in-
15 cluding library programs);

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

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

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

1 (b) ALLOWANCE FOR DIGITAL LEARNING.—A local
2 educational agency may use funds received under section
3 70111(a)(2) to leverage existing public programs or pub-
4 lic-private partnerships to expand access to high-speed
5 broadband sufficient for digital learning.

6 **SEC. 70113. PROHIBITED USES.**

7 A local educational agency that receives covered
8 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 **SEC. 70114. REQUIREMENTS FOR HAZARD-RESISTANCE, EN-
19 ERGY AND WATER CONSERVATION, AND AIR
20 QUALITY.**

21 (a) REQUIREMENTS.—A local educational agency
22 that receives covered funds shall ensure that any new con-
23 struction, modernization, or renovation project carried out
24 with such funds meets or exceeds the requirements of the
25 following:

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

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

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

13 (4) Indoor environmental air quality require-
14 ments applicable to such projects as set forth in the
15 most recent published edition of the International
16 Green Construction Code.

17 (b) **ADDITIONAL USE OF FUNDS.**—A local edu-
18 cational agency that uses covered funds for a new con-
19 struction project or renovation project may use such funds
20 to assess vulnerabilities, risks, and hazards, to address
21 and mitigate such vulnerabilities, risks and hazards, to en-
22 hance resilience, and to provide for passive survivability.

23 **SEC. 70115. GREEN PRACTICES.**

24 (a) **IN GENERAL.**—In a given fiscal year, a local edu-
25 cational agency that uses covered funds for a new con-

1 construction project or renovation project shall use not less
2 than the applicable percentage (as described in subsection
3 (b)) of the funds used for such project for construction
4 or renovation that is certified, verified, or consistent with
5 the applicable provisions of—

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

10 (2) the Living Building Challenge developed by
11 the International Living Future Institute;

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

16 (4) a program that—

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

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

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

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

- 1 (1) for fiscal year 2020, 60 percent;
- 2 (2) for fiscal year 2021, 70 percent;
- 3 (3) for fiscal year 2022; 80 percent;
- 4 (4) for fiscal year 2023, 90 percent; and
- 5 (5) for fiscal year 2024, 100 percent.

6 **SEC. 70116. USE OF AMERICAN IRON, STEEL, AND MANU-**
7 **FACTURED PRODUCTS.**

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

12 (b) **WAIVER AUTHORITY.**—

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

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

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

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

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

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

9 (d) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

15 (A) electrical components; and

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

1 **SEC. 70117. PROHIBITION ON USE OF FUNDS FOR FACILI-**
2 **TIES OF FOR-PROFIT CHARTER SCHOOLS.**

3 No covered funds may be used for the facilities of
4 a public charter school that is operated by a for-profit en-
5 tity.

6 **SEC. 70118. PROHIBITION ON USE OF FUNDS FOR CERTAIN**
7 **CHARTER SCHOOLS.**

8 No covered funds may be used for the facilities of
9 a public charter school if—

10 (1) the school leases the facilities from an indi-
11 vidual or private sector entity; and

12 (2) such individual, or an individual with a di-
13 rect or indirect financial interest in such entity, has
14 a management or governance role in such school.

15 **Subtitle C—Annual Report and**
16 **Authorization of Appropriations**

17 **SEC. 70121. ANNUAL REPORT ON GRANT PROGRAM.**

18 (a) IN GENERAL.—Not later than September 30 of
19 each fiscal year beginning after the date of the enactment
20 of this division, the Secretary shall submit to the appro-
21 priate congressional committees a report on the projects
22 carried out with funds made available under this title.

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

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

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

5 (A) the demographic composition of the
6 student population served by the agency,
7 disaggregated by—

8 (i) race;

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

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

18 (B) the population density of the geo-
19 graphic area served by the agency;

20 (C) the projects for which the agency used
21 the grant received under this title, described
22 using measurements of school facility quality
23 from the most recent available version of the
24 Common Education Data Standards published
25 by the National Center for Education Statistics;

1 (D) the demonstrable or expected benefits
2 of the projects; and

3 (E) the estimated number of jobs created
4 by the projects.

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

7 (c) LEA INFORMATION COLLECTION.—A local edu-
8 cational agency that receives a grant under this title
9 shall—

10 (1) annually compile the information described
11 in subsection (b)(2);

12 (2) make the information available to the pub-
13 lic, including by posting the information on a pub-
14 licly accessible agency website; and

15 (3) submit the information to the State.

16 (d) STATE INFORMATION DISTRIBUTION.—A State
17 that receives information from a local educational agency
18 under subsection (c) shall—

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

22 (2) make the information available to the pub-
23 lic, including by posting the information on a pub-
24 licly accessible State website; and

1 (3) regularly distribute the information to local
2 educational agencies and Tribal governments in the
3 State.

4 **SEC. 70122. AUTHORIZATION OF APPROPRIATIONS.**

5 There are authorized to be appropriated
6 \$20,000,000,000 for each of fiscal years 2020 through
7 2024 to carry out this title. Amounts so appropriated are
8 authorized to remain available through fiscal year 2029.

9 **TITLE II—OTHER REPORTS, DE-**
10 **VELOPMENT OF STANDARDS,**
11 **AND INFORMATION CLEAR-**
12 **INGHOUSE**

13 **SEC. 70201. COMPTROLLER GENERAL REPORT.**

14 (a) IN GENERAL.—Not later than 2 years after the
15 date of the enactment of this division, the Comptroller
16 General of the United States shall submit to the appro-
17 priate congressional committees a report on the projects
18 carried out with covered funds.

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

21 (1) State activities, including—

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

1 (B) technical assistance with respect to
2 public school facilities provided by each State, if
3 any;

4 (C) future plans of each State with respect
5 to public school facilities;

6 (D) criteria used by each State to deter-
7 mine high-need students and facilities for pur-
8 poses of the projects carried out with covered
9 funds; and

10 (E) whether the State issued new regula-
11 tions to ensure the health and safety of stu-
12 dents and staff during construction or renova-
13 tion projects or to ensure safe, healthy, and
14 high-performing school buildings;

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

17 (A) the square footage of the improve-
18 ments made with covered funds;

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

20 (C) the cost described in subparagraph
21 (B), disaggregated by, with respect to such
22 project, the cost of planning, design, construc-
23 tion, site purchase, and improvements;

24 (3) the geographic distribution of the projects;

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

4 (A) race;

5 (B) the number and percentage of students
6 counted under section 1124(c) of the Elemen-
7 tary and Secondary Education Act of 1965 (20
8 U.S.C. 6333(c)); and

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

13 (5) an assessment of the impact of the projects
14 on the health and safety of school staff and stu-
15 dents; and

16 (6) how the Secretary or States could make
17 covered funds more accessible—

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

23 (B) to schools with fiscal challenges in
24 raising capital for school infrastructure
25 projects.

1 (c) UPDATES.—The Comptroller General shall up-
2 date and resubmit the report to the appropriate congres-
3 sional committees—

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

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

8 **SEC. 70202. STUDY AND REPORT PHYSICAL CONDITION OF**
9 **PUBLIC SCHOOLS.**

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

15 (1) carry out a comprehensive study of the
16 physical conditions of all public schools in the 50
17 States, the District of Columbia, the Commonwealth
18 of Puerto Rico, the United States Virgin Islands,
19 Guam, American Samoa, and the Commonwealth of
20 the Northern Mariana Islands; and

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

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

1 (1) an assessment of—

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

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

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

8 (D) the condition of school facilities for
9 economically disadvantaged students as well as
10 students from major racial and ethnic sub-
11 groups;

12 (E) the accessibility of school facilities for
13 students and staff with disabilities;

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

20 (G) the condition of school facilities af-
21 fected by natural disasters;

22 (H) the effect that projects carried out
23 with covered funds have on the communities in
24 which such projects are conducted, including

1 the vitality, jobs, population, and economy of
2 such communities; and

3 (I) the ability of building envelopes and in-
4 teriors of public school facilities to protect occu-
5 pants from natural elements and human
6 threats;

7 (2) an explanation of any differences observed
8 with respect to the factors described in subpara-
9 graphs (A) through (H) of paragraph (1); and

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

13 **SEC. 70203. DEVELOPMENT OF DATA STANDARDS.**

14 (a) DATA STANDARDS.—Not later than 120 days
15 after the date of the enactment of this division, the Sec-
16 retary, in consultation with the officials described in sub-
17 section (b), shall—

18 (1) identify the data that States should collect
19 and include in the databases developed under section
20 70102(a)(2)(A)(ii);

21 (2) develop standards for the measurement of
22 such data; and

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

1 (b) OFFICIALS.—The officials described in this sub-
2 section are—

3 (1) the Administrator of the Environmental
4 Protection Agency;

5 (2) the Secretary of Energy;

6 (3) the Director of the Centers for Disease
7 Control and Prevention; and

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

10 **SEC. 70204. INFORMATION CLEARINGHOUSE.**

11 (a) IN GENERAL.—Not later than 120 days after the
12 date of the enactment of this division, the Secretary shall
13 establish a clearinghouse to disseminate information on
14 Federal programs and financing mechanisms that may be
15 used to assist schools in initiating, developing, and financ-
16 ing—

17 (1) energy efficiency projects;

18 (2) distributed generation projects; and

19 (3) energy retrofitting projects.

20 (b) ELEMENTS.—In carrying out subsection (a), the
21 Secretary shall—

22 (1) consult with the officials described in sec-
23 tion 70203(b) to develop a list of Federal programs
24 and financing mechanisms to be included in the
25 clearinghouse; and

1 (2) coordinate with such officials to develop a
2 collaborative education and outreach effort to
3 streamline communications and promote the Federal
4 programs and financing mechanisms included in the
5 clearinghouse, which may include the development
6 and maintenance of a single online resource that in-
7 cludes contact information for relevant technical as-
8 sistance that may be used by States, outlying areas,
9 local educational agencies, and Bureau-funded
10 schools effectively access and use such Federal pro-
11 grams and financing mechanisms.

12 **SEC. 70205. SENSE OF CONGRESS ON OPPORTUNITY ZONES.**

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

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

17 (2) As of December 2018, 8,763 low-income
18 communities had been designated as Opportunity
19 Zones, representing all 50 States, the District of Co-
20 lumbia, Puerto Rico, the U.S. Virgin Islands, and
21 American Samoa.

22 (3) Schools are integral parts of communities,
23 and a key part of communities' economic and work
24 force development efforts could be modernizing
25 school facilities.

1 (b) SENSE OF CONGRESS.—It is the sense of the Con-
2 gress that opportunity zones, when combined with public
3 infrastructure investment, can provide an innovative ap-
4 proach to capital financing that has the potential to un-
5 leash creativity and help local communities rebuild schools,
6 rebuild economics, and get people back to work.

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

9 **SEC. 70301. TEMPORARY INCREASE IN FUNDING FOR IM-**
10 **PACT AID CONSTRUCTION.**

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

14 “(d) CONSTRUCTION.—For the purpose of carrying
15 out section 7007, there are authorized to be appropriated
16 \$100,000,000 for each of fiscal years 2020 through
17 2024.”

18 **TITLE IV—ASSISTANCE FOR RE-**
19 **PAIR OF SCHOOL FOUNDA-**
20 **TIONS AFFECTED BY**
21 **PYRRHOTITE**

22 **SEC. 70401. ALLOCATIONS TO STATES.**

23 (a) IN GENERAL.—Beginning not later than 180
24 days after the date of the enactment of this division, the
25 Secretary shall carry out a program under which the Sec-

1 retary makes allocations to States to pay the Federal
2 share of the costs of making grants to local educational
3 agencies under section 70402.

4 (b) WEBSITE.—Not later than 180 days after the
5 date of enactment of this division, the Secretary shall pub-
6 lish, on a publicly accessible website of the Department
7 of Education, instructions describing how a State may re-
8 ceive an allocation under this section.

9 **SEC. 70402. GRANTS TO LOCAL EDUCATIONAL AGENCIES.**

10 (a) IN GENERAL.—From the amounts allocated to a
11 State under section 70401(a) and contributed by the State
12 under subsection (e)(2), the State shall award grants to
13 local educational agencies—

14 (1) to pay the future costs of repairing concrete
15 school foundations damaged by the presence of
16 pyrrhotite; or

17 (2) to reimburse such agencies for costs in-
18 curred by the agencies in making such repairs in the
19 five-year period preceding the date of enactment of
20 this division.

21 (b) LOCAL EDUCATIONAL AGENCY ELIGIBILITY.—

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

1 (A) with respect to each school for which
2 the agency seeks to use grant funds, dem-
3 onstrate to the State that—

4 (i) the school is a pyrrhotite-affected
5 school; and

6 (ii) any laboratory tests, core tests,
7 and visual inspections of the school's foun-
8 dation used to determine that the school is
9 a pyrrhotite-affected school were con-
10 ducted—

11 (I) by a professional engineer li-
12 censed in the State in which the
13 school is located; and

14 (II) in accordance with applicable
15 State standards or standards ap-
16 proved by any independent, non-prof-
17 it, or private entity authorized by the
18 State to oversee construction, testing,
19 or financial relief efforts for damaged
20 building foundations; and

21 (B) provide an assurance that—

22 (i) the local educational agency will
23 use the grant only for the allowable uses
24 described in subsection (f)(1); and

1 (ii) all work funded with the grant
2 will be conducted by a qualified contractor
3 or architect licensed in the State.

4 (2) ELIGIBILITY FOR REIMBURSEMENT
5 GRANTS.—To be eligible to receive a grant under
6 subsection (a)(2), a local educational agency shall
7 demonstrate that it met the requirements of para-
8 graph (1) at the time it carried out the project for
9 which the agency seeks reimbursement.

10 (c) APPLICATION.—

11 (1) IN GENERAL.—A local educational agency
12 that seeks a grant under this section shall submit to
13 the State an application at such time, in such man-
14 ner, and containing such information as the State
15 may require, which upon approval by the State
16 under subsection (d)(1)(A), the State shall submit to
17 the Secretary for approval under subsection
18 (d)(1)(B).

19 (2) CONTENTS.—At minimum, each application
20 shall include—

21 (A) information and documentation suffi-
22 cient to enable the State to determine if the
23 local educational agency meets the eligibility
24 criteria under subsection (b);

1 (B) in the case of an agency seeking a
2 grant under subsection (a)(1), an estimate of
3 the costs of carrying out the activities described
4 in subsection (f);

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

7 (i) an itemized explanation of—

8 (I) the costs incurred by the
9 agency in carrying out any activities
10 described subsection (f);

11 (II) any amounts contributed
12 from other Federal, State, local, or
13 private sources for such activities; and

14 (ii) the amount for which the local
15 educational agency seeks reimbursement;
16 and

17 (D) the percentage of any costs described
18 in subparagraph (B) or (C) that are covered by
19 an insurance policy.

20 (d) APPROVAL AND DISBURSEMENT.—

21 (1) APPROVAL.—

22 (A) STATE.—The State shall approve the
23 application of each local educational agency for
24 submission to the Secretary that—

1 (i) submits a complete and correct ap-
2 plication under subsection (c); and

3 (ii) meets the criteria for eligibility
4 under subsection (b).

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

9 (i) approve such application, in a case
10 in which the Secretary determines that
11 such application meets the requirements of
12 subparagraph (A); or

13 (ii) deny such application, in the case
14 of an application that does not meet such
15 requirements.

16 (2) DISBURSEMENT.—

17 (A) ALLOCATION.—The Secretary shall
18 disburse an allocation to a State not later than
19 60 days after the date on which the Secretary
20 approves an application under paragraph
21 (1)(B).

22 (B) GRANT.—The State shall disburse
23 grant funds to a local educational agency not
24 later than 60 days after the date on which the

1 State receives an allocation under subparagraph
2 (A).

3 (e) FEDERAL AND STATE SHARE.—

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

8 (2) STATE SHARE.—

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

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

24 (f) USES OF FUNDS.—

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

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

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

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

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

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

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

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

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

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

14 (1) this section; and

15 (2) title I.

16 **SEC. 70403. DEFINITIONS.**

17 In this title:

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

22 (A) The school has a concrete foundation.

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

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

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

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

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

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

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

22 **SEC. 70404. AUTHORIZATION OF APPROPRIATIONS.**

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

1 proceeds of an issue described in subsection
2 (a)(15).”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall apply to bonds issued after the date of
5 the enactment of this Act.

6 **Subtitle B—School Infrastructure** 7 **Bonds**

8 **SEC. 90111. RESTORATION OF CERTAIN QUALIFIED TAX** 9 **CREDIT BONDS.**

10 (a) ALLOWANCE OF CREDIT.—

11 (1) IN GENERAL.—Section 54A, as in effect be-
12 fore repeal by Public Law 115–97, is restored as if
13 such repeal had not taken effect.

14 (2) CREDIT LIMITED TO CERTAIN BONDS.—Sec-
15 tion 54A(d)(1), as restored by paragraph (1), is
16 amended by striking subparagraphs (A), (B), and
17 (C).

18 (b) CREDIT ALLOWED TO ISSUER.—

19 (1) IN GENERAL.—Section 6431, as in effect
20 before repeal by Public Law 115–97, is restored as
21 if such repeal had not taken effect.

22 (2) SCHOOL INFRASTRUCTURE BONDS.—Sec-
23 tion 6431(f)(3), as restored by paragraph (1), is
24 amended by inserting “any school infrastructure

1 bond (as defined in section 54BB) or” before “any
2 qualified tax credit bond”.

3 (c) QUALIFIED ZONE ACADEMY BONDS.—

4 (1) IN GENERAL.—Section 54E, as in effect be-
5 fore repeal by Public Law 115–97, is restored as if
6 such repeal had not taken effect.

7 (2) REMOVAL OF PRIVATE BUSINESS CON-
8 TRIBUTION REQUIREMENT.—Section 54E, as re-
9 stored by paragraph (1), is amended—

10 (A) in subsection (a)(3), by inserting
11 “and” at the end of subparagraph (A), by strik-
12 ing subparagraph (B), and by redesignating
13 subparagraph (C) as subparagraph (B);

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

15 (C) in subsection (c)(1)—

16 (i) by striking “and \$400,000,000”
17 and inserting “\$400,000,000”; and

18 (ii) by striking “and, except as pro-
19 vided” and all that follows through the pe-
20 riod at the end and inserting “, and
21 \$1,400,000,000 for 2020 and each year
22 thereafter.”.

23 (3) CONSTRUCTION OF A PUBLIC SCHOOL FA-
24 CILITY.—Section 54E(d)(3)(A), as restored by para-
25 graph (1), is amended by striking “rehabilitating or

1 repairing” and inserting “constructing, rehabili-
2 tating, retrofitting, or repairing”.

3 (d) CONFORMING AMENDMENTS.—

4 (1) So much of subpart I of part IV of sub-
5 chapter A of chapter 1 as precedes section 54A, as
6 in effect before repeal by Public Law 115-97, is re-
7 stored as if such repeal had not taken effect.

8 (2) The table of sections for such subpart I, as
9 restored by paragraph (1), is amended by striking
10 the items relating to sections 54B, 54C, 54D, and
11 54F.

12 (e) EFFECTIVE DATE.—The amendments made by
13 this section shall apply to obligations issued after Decem-
14 ber 31, 2020.

15 **SEC. 90112. SCHOOL INFRASTRUCTURE BONDS.**

16 (a) IN GENERAL.—Part IV of subchapter A of chap-
17 ter 1 is amended by inserting after subpart I (as restored
18 by section 90111) the following new subpart:

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

 “Sec. 54BB. School infrastructure bonds.

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

21 “(a) IN GENERAL.—If a taxpayer holds a school in-
22 frastructure bond on one or more interest payment dates
23 of the bond during any taxable year, there shall be allowed
24 as a credit against the tax imposed by this chapter for

1 the taxable year an amount equal to the sum of the credits
2 determined under subsection (b) with respect to such
3 dates.

4 “(b) AMOUNT OF CREDIT.—The amount of the credit
5 determined under this subsection with respect to any in-
6 terest payment date for a school infrastructure bond is
7 100 percent of the amount of interest payable by the
8 issuer with respect to such date.

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

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

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

16 “(B) the sum of the credits allowable
17 under this part (other than subpart C and this
18 subpart).

19 “(2) CARRYOVER OF UNUSED CREDIT.—If the
20 credit allowable under subsection (a) exceeds the
21 limitation imposed by paragraph (1) for such taxable
22 year, such excess shall be carried to the succeeding
23 taxable year and added to the credit allowable under
24 subsection (a) for such taxable year (determined be-

1 fore the application of paragraph (1) for such suc-
2 ceeding taxable year).

3 “(d) SCHOOL INFRASTRUCTURE BOND.—

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

7 “(A) 100 percent of the available project
8 proceeds of such issue are to be used for the
9 purposes described in section 70112 of the
10 Moving Forward Act,

11 “(B) the interest on such obligation would
12 (but for this section) be excludable from gross
13 income under section 103,

14 “(C) the issue meets the requirements of
15 paragraph (3), and

16 “(D) the issuer designates such bond for
17 purposes of this section.

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

20 “(A) for purposes of section 149(b), a
21 school infrastructure bond shall not be treated
22 as federally guaranteed by reason of the credit
23 allowed under section 6431(a),

24 “(B) for purposes of section 148, the yield
25 on a school infrastructure bond shall be deter-

1 mined without regard to the credit allowed
2 under subsection (a), and

3 “(C) a bond shall not be treated as a
4 school infrastructure bond if the issue price has
5 more than a de minimis amount (determined
6 under rules similar to the rules of section
7 1273(a)(3)) of premium over the stated prin-
8 cipal amount of the bond.

9 “(3) 6-YEAR EXPENDITURE PERIOD.—

10 “(A) IN GENERAL.—An issue shall be
11 treated as meeting the requirements of this
12 paragraph if, as of the date of issuance, the
13 issuer reasonably expects 100 percent of the
14 available project proceeds to be spent for pur-
15 poses described in section 70112 of the Moving
16 Forward Act within the 6-year period beginning
17 on such date of issuance.

18 “(B) FAILURE TO SPEND REQUIRED
19 AMOUNT OF BOND PROCEEDS WITHIN 6
20 YEARS.—To the extent that less than 100 per-
21 cent of the available project proceeds of the
22 issue are expended at the close of the period de-
23 scribed in subparagraph (A) with respect to
24 such issue, the issuer shall redeem all of the
25 nonqualified bonds within 90 days after the end

1 of such period. For purposes of this paragraph,
2 the amount of the nonqualified bonds required
3 to be redeemed shall be determined in the same
4 manner as under section 142.

5 “(e) LIMITATION ON AMOUNT OF BONDS DES-
6 IGNATED.—The maximum aggregate face amount of
7 bonds issued during any calendar year which may be des-
8 ignated under subsection (d) by any issuer shall not exceed
9 the limitation amount allocated under subsection (g) for
10 such calendar year to such issuer.

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

14 “(1) \$10,000,000,000 for 2021,

15 “(2) \$10,000,000,000 for 2022, and

16 “(3) \$10,000,000,000 for 2023.

17 “(g) ALLOCATION OF LIMITATION.—

18 “(1) ALLOCATIONS.—

19 “(A) STATES.—After application of sub-
20 paragraph (B) and paragraph (3)(A), the limi-
21 tation applicable under subsection (f) for any
22 calendar year shall be allocated by the Sec-
23 retary among the States in proportion to the re-
24 spective amounts received by all local edu-
25 cational agencies in each State under part A of

1 title I of the Elementary and Secondary Edu-
2 cation Act of 1965 (20 U.S.C. 6311 et seq.) for
3 the previous fiscal year relative to the total such
4 amount received by all local educational agen-
5 cies in for the most recent fiscal year ending
6 before such calendar year.

7 “(B) CERTAIN POSSESSIONS.—One-half of
8 1 percent of the amount of the limitation appli-
9 cable under subsection (f) for any calendar year
10 shall be allocated by the Secretary to posses-
11 sions of the United States other than Puerto
12 Rico for such calendar year.

13 “(2) ALLOCATIONS TO SCHOOLS.—The limita-
14 tion amount allocated to a State or possession under
15 paragraph (1) shall be allocated by the State edu-
16 cational agency (or such other agency as is author-
17 ized under State law to make such allocation) to
18 issuers within such State or possession in accord-
19 ance with the priorities described in section
20 70111(c) of the Moving Forward Act and the eligi-
21 bility requirements described in section 70111(b) of
22 such Act, except that paragraph (1)(C) of such sec-
23 tion shall not apply to the determination of eligibility
24 for such allocation.

25 “(3) ALLOCATIONS FOR INDIAN SCHOOLS.—

1 “(A) IN GENERAL.—One-half of 1 percent
2 of the amount of the limitation applicable under
3 subsection (f) for any calendar year shall be al-
4 located by the Secretary to the Secretary of the
5 Interior for schools funded by the Bureau of In-
6 dian Affairs for such calendar year.

7 “(B) ALLOCATION TO SCHOOLS.—The lim-
8 itation amount allocated to the Secretary of the
9 Interior under paragraph (1) shall be allocated
10 by such Secretary to issuers or schools funded
11 as described in paragraph (2). In the case of
12 amounts allocated under the preceding sen-
13 tence, Indian tribal governments (as defined in
14 section 7701(a)(40)) shall be treated as quali-
15 fied issuers for purposes of this subchapter.

16 “(4) DIGITAL LEARNING.—Up to 10 percent of
17 the limitation amount allocated under paragraph (1)
18 or (3)(A) may be allocated by the State to issuers
19 within such State to carry out activities to improve
20 digital learning in accordance with section 70112(b)
21 of the Moving Forward Act.

22 “(h) INTEREST PAYMENT DATE.—For purposes of
23 this section, the term ‘interest payment date’ means any
24 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) TRANSITIONAL COORDINATION WITH STATE
14 LAW.—Except as otherwise provided by a State after the
15 date of the enactment of this Act, the interest on any
16 school infrastructure bond (as defined in section 54BB of
17 the Internal Revenue Code of 1986, as added by this sec-
18 tion) and the amount of any credit determined under such
19 section with respect to such bond shall be treated for pur-
20 poses of the income tax laws of such State as being exempt
21 from Federal income tax.

22 (c) APPLICATION OF CERTAIN LABOR STANDARDS
23 TO PROJECTS FINANCED WITH CERTAIN TAX-FAVORED
24 BONDS.—

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

4 (A) any school infrastructure bond (as de-
5 fined in section 54BB of the Internal Revenue
6 Code of 1986); and

7 (B) any qualified zone academy bond (as
8 defined in section 54E of the Internal Revenue
9 Code of 1986) issued after the date of the en-
10 actment of the American Recovery and Rein-
11 vestment Tax Act of 2009.

12 (2) CONFORMING AMENDMENT.—Section 1601
13 of the American Recovery and Reinvestment Tax
14 Act of 2009 is amended by striking paragraph (3)
15 and redesignating paragraphs (4) and (5) as para-
16 graphs (3) and (4), respectively.

17 (d) CLERICAL AMENDMENTS.—The table of subparts
18 for part IV of subchapter A of chapter 1 is amended by
19 adding at the end the following:

“SUBPART J—SCHOOL INFRASTRUCTURE BONDS”.

20 (e) EFFECTIVE DATE.—The amendments made by
21 this section shall apply to obligations issued after Decem-
22 ber 31, 2020.

23 **SEC. 90113. ANNUAL REPORT ON BOND PROGRAM.**

24 (a) IN GENERAL.—Not later than September 30 of
25 each fiscal year beginning after the date of the enactment

1 of this Act, the Secretary of the Treasury shall submit
2 to the appropriate congressional committees a report on
3 the school infrastructure bond program.

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

7 (1) An identification of—

8 (A) each local educational agency that re-
9 ceived funds from a school infrastructure bond;
10 and

11 (B) each local educational agency that was
12 eligible to receive such funds—

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

14 (ii) received less than the maximum
15 amount of funds for which the agency was
16 eligible.

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

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

23 (i) the current and historic ability of
24 the agency to raise funds for construction,
25 renovation, modernization, and major re-

1 pair projects for schools, including the abil-
2 ity of the agency to raise funds through
3 imposition of property taxes;

4 (ii) whether the agency has been able
5 to issue bonds to fund construction
6 projects, including—

7 (I) qualified zone academy bonds
8 under section 54E of the Internal
9 Revenue Code of 1986; and

10 (II) school infrastructure bonds
11 under section 54BB of the Internal
12 Revenue Code of 1986; and

13 (iii) the bond rating of the agency;

14 (B) 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.

1 Russell National School Lunch Act (42
2 U.S.C. 1751 et seq.);

3 (C) the population density of the geo-
4 graphic area served by the agency;

5 (D) a description of the projects carried
6 out with funds received from school infrastruc-
7 ture bonds;

8 (E) a description of the demonstrable or
9 expected benefits of the projects; and

10 (F) the estimated number of jobs created
11 by the projects.

12 (3) The total dollar amount of all funds re-
13 ceived by local educational agencies from school in-
14 frastructure bonds.

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

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

20 (1) annually compile the information necessary
21 for the Secretary of the Treasury to determine the
22 elements described in subsection (b); and

23 (2) report the information to the Secretary of
24 the Treasury at such time and in such manner as
25 the Secretary of the Treasury may require.

1 \$1,000,000,000 for each of fiscal years 2021 through
2 2025, to remain available until expended.

3 (b) MAINTENANCE OF FUNDING.—Each State receiv-
4 ing Federal funds pursuant to this subchapter shall pro-
5 vide reasonable assurances to the Secretary that it has es-
6 tablished policies and procedures designed to ensure that
7 Federal funds provided under this subchapter will be used
8 to supplement, and not to supplant, State and local funds.

9 (c) TRIBAL ALLOCATION.—Of the amounts made
10 available pursuant to subsection (a) for a fiscal year, the
11 Secretary shall work with Indian Tribes and use 2 percent
12 of such amounts to carry out a program or programs that
13 as close as possible reflect the goals, requirements, and
14 provisions of this subchapter, taking into account any fac-
15 tors that the Secretary determines to be appropriate.

16 **Subchapter B—Public Buildings**

17 **SEC. 33211. ENERGY EFFICIENT PUBLIC BUILDINGS.**

18 (a) GRANTS.—Section 125(a) of the Energy Policy
19 Act of 2005 (42 U.S.C. 15822(a)) is amended—

20 (1) in paragraph (1)—

21 (A) by inserting “Standard 90.1 of the
22 American Society of Heating, Refrigerating,
23 and Air-Conditioning Engineers,” after “the
24 International Energy Conservation Code,”; and

1 (B) by striking “; or” and inserting a
2 semicolon;

3 (2) in paragraph (2), by striking the period at
4 the end and inserting “; or”; and

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

6 “(3) through benchmarking programs to enable
7 use of building performance data to evaluate the
8 performance of energy efficiency investments over
9 time.”.

10 (b) ASSURANCE OF IMPROVEMENT.—Section 125 of
11 the Energy Policy Act of 2005 (42 U.S.C. 15822) is
12 amended by redesignating subsections (b) and (c) as sub-
13 sections (c) and (d), respectively, and inserting after sub-
14 section (a) the following:

15 “(b) ASSURANCE OF IMPROVEMENT.—

16 “(1) VERIFICATION.—A State agency receiving
17 a grant for activities described in paragraph (1) or
18 (2) of subsection (a) shall ensure, as a condition of
19 eligibility for assistance pursuant to such grant, that
20 a unit of local government receiving such assistance
21 obtain third-party verification of energy efficiency
22 improvements in each public building with respect to
23 which such assistance is used.

24 “(2) GUIDANCE.—The Secretary may provide
25 guidance to State agencies to comply with paragraph

1 (1). In developing such guidance, the Secretary shall
2 consider available third-party verification tools for
3 high-performing buildings and available third-party
4 verification tools for energy efficiency retrofits.”.

5 (c) ADMINISTRATION.—Section 125(c) of the Energy
6 Policy Act of 2005, as so redesignated, is amended—

7 (1) in the matter preceding paragraph (1), by
8 striking “State energy offices receiving grants” and
9 inserting “A State agency receiving a grant”;

10 (2) in paragraph (2), by striking the period at
11 the end and inserting “; and”; and

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

13 “(3) ensure that all laborers and mechanics em-
14 ployed by contractors and subcontractors in the per-
15 formance of construction, alteration, or repair work
16 financed in whole or in part with assistance received
17 pursuant to this section shall be paid wages at rates
18 not less than those prevailing on projects of a simi-
19 lar character in the locality, as determined by the
20 Secretary of Labor in accordance with subchapter
21 IV of chapter 31 of title 40, United States Code
22 (and with respect to such labor standards, the Sec-
23 retary of Labor shall have the authority and func-
24 tions set forth in Reorganization Plan Numbered 14

1 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section
2 3145 of title 40, United States Code).”.

3 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
4 125(d) of the Energy Policy Act of 2005, as so redesi-
5 gned, is amended by striking “\$30,000,000 for each of
6 fiscal years 2006 through 2010” and inserting
7 “\$100,000,000 for each of fiscal years 2021 through
8 2025”.

9 **Subchapter C—Schools**

10 **SEC. 33221. ENERGY RETROFITTING ASSISTANCE FOR** 11 **SCHOOLS.**

12 Section 392 of the Energy Policy and Conservation
13 Act (42 U.S.C. 6371a) is amended by adding at the end
14 the following:

15 “(e) COORDINATION OF ENERGY RETROFITTING AS-
16 SISTANCE FOR SCHOOLS.—

17 “(1) DEFINITION OF SCHOOL.—Notwith-
18 standing section 391(6), for the purposes of this
19 subsection, the term ‘school’ means—

20 “(A) an elementary school or secondary
21 school (as defined in section 9101 of the Ele-
22 mentary and Secondary Education Act of 1965
23 (20 U.S.C. 7801));

1 “(B) an institution of higher education (as
2 defined in section 102(a) of the Higher Edu-
3 cation Act of 1965 (20 U.S.C. 1002(a)));

4 “(C) a school of the defense dependents’
5 education system under the Defense Depend-
6 ents’ Education Act of 1978 (20 U.S.C. 921 et
7 seq.) or established under section 2164 of title
8 10, United States Code;

9 “(D) a school operated by the Bureau of
10 Indian Affairs;

11 “(E) a tribally controlled school (as de-
12 fined in section 5212 of the Tribally Controlled
13 Schools Act of 1988 (25 U.S.C. 2511)); and

14 “(F) a Tribal College or University (as de-
15 fined in section 316(b) of the Higher Education
16 Act of 1965 (20 U.S.C. 1059c(b))).

17 “(2) ESTABLISHMENT OF CLEARINGHOUSE.—
18 The Secretary, acting through the Office of Energy
19 Efficiency and Renewable Energy, shall establish a
20 clearinghouse to disseminate information regarding
21 available Federal programs and financing mecha-
22 nisms that may be used to help initiate, develop, and
23 finance energy efficiency, distributed generation, and
24 energy retrofitting projects for schools.

1 “(3) REQUIREMENTS.—In carrying out para-
2 graph (2), the Secretary shall—

3 “(A) consult with appropriate Federal
4 agencies to develop a list of Federal programs
5 and financing mechanisms that are, or may be,
6 used for the purposes described in paragraph
7 (2); and

8 “(B) coordinate with appropriate Federal
9 agencies to develop a collaborative education
10 and outreach effort to streamline communica-
11 tions and promote available Federal programs
12 and financing mechanisms described in sub-
13 paragraph (A), which may include the develop-
14 ment and maintenance of a single online re-
15 source that includes contact information for rel-
16 evant technical assistance in the Office of En-
17 ergy Efficiency and Renewable Energy that
18 States, local education agencies, and schools
19 may use to effectively access and use such Fed-
20 eral programs and financing mechanisms.”.

21 **SEC. 33222. GRANTS FOR ENERGY EFFICIENCY IMPROVE-**
22 **MENTS AND RENEWABLE ENERGY IMPROVE-**
23 **MENTS AT PUBLIC SCHOOL FACILITIES.**

24 (a) DEFINITIONS.—In this section:

1 (1) ELIGIBLE ENTITY.—The term “eligible enti-
2 ty” means a consortium of—

3 (A) one local educational agency; and

4 (B) one or more—

5 (i) schools;

6 (ii) nonprofit organizations;

7 (iii) for-profit organizations; or

8 (iv) community partners that have the
9 knowledge and capacity to partner and as-
10 sist with energy improvements.

11 (2) ENERGY IMPROVEMENTS.—The term “en-
12 ergy improvements” means—

13 (A) any improvement, repair, or renova-
14 tion, to a school that will result in a direct re-
15 duction in school energy costs including but not
16 limited to improvements to building envelope,
17 air conditioning, ventilation, heating system, do-
18 mestic hot water heating, compressed air sys-
19 tems, distribution systems, lighting, power sys-
20 tems and controls;

21 (B) any improvement, repair, renovation,
22 or installation that leads to an improvement in
23 teacher and student health including but not
24 limited to indoor air quality, daylighting, ven-
25 tilation, electrical lighting, and acoustics; and

1 (C) the installation of renewable energy
2 technologies (such as wind power, photovoltaics,
3 solar thermal systems, geothermal energy, hy-
4 drogen-fueled systems, biomass-based systems,
5 biofuels, anaerobic digesters, and hydropower)
6 involved in the improvement, repair, or renova-
7 tion to a school.

8 (b) AUTHORITY.—From amounts made available for
9 grants under this section, the Secretary of Energy shall
10 provide competitive grants to eligible entities to make en-
11 ergy improvements authorized by this section.

12 (c) PRIORITY.—In making grants under this sub-
13 section, the Secretary shall give priority to eligible entities
14 that have renovation, repair, and improvement funding
15 needs and are—

16 (1) a high-need local educational agency, as de-
17 fined in section 2102 of the Elementary and Sec-
18 ondary Education Act of 1965 (20 14 U.S.C. 6602);
19 or

20 (2) a local educational agency designated with
21 a metrocentric locale code of 41, 42, or 43 as deter-
22 mined by the National Center for Education Statis-
23 tics (NCES), in conjunction with the Bureau of the
24 Census, using the NCES system for classifying local
25 educational agencies.

1 (d) COMPETITIVE CRITERIA.—The competitive cri-
2 teria used by the Secretary shall include the following:

3 (1) The fiscal capacity of the eligible entity to
4 meet the needs for improvements of school facilities
5 without assistance under this section, including the
6 ability of the eligible entity to raise funds through
7 the use of local bonding capacity and otherwise.

8 (2) The likelihood that the local educational
9 agency or eligible entity will maintain, in good condi-
10 tion, any facility whose improvement is assisted.

11 (3) The potential energy efficiency and safety
12 benefits from the proposed energy improvements.

13 (e) APPLICATIONS.—To be eligible to receive a grant
14 under this section, an applicant must submit to the Sec-
15 retary an application that includes each of the following:

16 (1) A needs assessment of the current condition
17 of the school and facilities that are to receive the en-
18 ergy improvements.

19 (2) A draft work plan of what the applicant
20 hopes to achieve at the school and a description of
21 the energy improvements to be carried out.

22 (3) A description of the applicant's capacity to
23 provide services and comprehensive support to make
24 the energy improvements.

1 (4) An assessment of the applicant's expected
2 needs for operation and maintenance training funds,
3 and a plan for use of those funds, if any.

4 (5) An assessment of the expected energy effi-
5 ciency and safety benefits of the energy improve-
6 ments.

7 (6) A cost estimate of the proposed energy im-
8 provements.

9 (7) An identification of other resources that are
10 available to carry out the activities for which funds
11 are requested under this section, including the avail-
12 ability of utility programs and public benefit funds.

13 (f) USE OF GRANT AMOUNTS.—

14 (1) IN GENERAL.—The recipient of a grant
15 under this section shall use the grant amounts only
16 to make the energy improvements contemplated in
17 the application, subject to the other provisions of
18 this subsection.

19 (2) OPERATION AND MAINTENANCE TRAIN-
20 ING.—The recipient may use up to 5 percent for op-
21 eration and maintenance training for energy effi-
22 ciency and renewable energy improvements (such as
23 maintenance staff and teacher training, education,
24 and preventative maintenance training).

1 (3) AUDIT.—The recipient may use funds for a
2 third-party investigation and analysis for energy im-
3 provements (such as energy audits and existing
4 building commissioning).

5 (4) CONTINUING EDUCATION.—The recipient
6 may use up to 1 percent of the grant amounts to de-
7 velop a continuing education curriculum relating to
8 energy improvements.

9 (g) CONTRACTING REQUIREMENTS.—

10 (1) DAVIS-BACON.—Any laborer or mechanic
11 employed by any contractor or subcontractor in the
12 performance of work on any energy improvements
13 funded by a grant under this section shall be paid
14 wages at rates not less than those prevailing on
15 similar construction in the locality as determined by
16 the Secretary of Labor under subchapter IV of chap-
17 ter 31 of title 40, United States Code (commonly re-
18 ferred to as the Davis-Bacon Act).

19 (2) COMPETITION.—Each applicant that re-
20 ceives funds shall ensure that, if the applicant car-
21 ries out repair or renovation through a contract, any
22 such contract process—

23 (A) ensures the maximum number of quali-
24 fied bidders, including small, minority, and

1 women-owned businesses, through full and open
2 competition; and

3 (B) gives priority to businesses located in,
4 or resources common to, the State or the geo-
5 graphical area in which the project is carried
6 out.

7 (h) REPORTING.—Each recipient of a grant under
8 this section shall submit to the Secretary, at such time
9 as the Secretary may require, a report describing the use
10 of such funds for energy improvements, the estimated cost
11 savings realized by those energy improvements, the results
12 of any audit, the use of any utility programs and public
13 benefit funds and the use of performance tracking for en-
14 ergy improvements (such as the Department of Energy:
15 Energy Star program or LEED for Existing Buildings).

16 (i) BEST PRACTICES.—The Secretary shall develop
17 and publish guidelines and best practices for activities car-
18 ried out under this section.

19 (j) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to carry out this section
21 \$100,000,000 for each of fiscal years 2021 through 2025.

22 **CHAPTER 2—WEATHERIZATION**

23 **SEC. 33231. WEATHERIZATION ASSISTANCE PROGRAM.**

24 (a) REAUTHORIZATION OF WEATHERIZATION AS-
25 SISTANCE PROGRAM.—Section 422 of the Energy Con-

1 (2) CLEAN SCHOOL BUS.—Paragraph (3) of
2 section 741(a) of the Energy Policy Act of 2005 (42
3 U.S.C. 16091(a)) is amended to read as follows:

4 “(3) CLEAN SCHOOL BUS.—The term ‘clean
5 school bus’ means—

6 “(A) a school bus with a gross vehicle
7 weight of greater than 14,000 pounds that—

8 “(i) is powered by a heavy duty en-
9 gine; and

10 “(ii) is operated solely on an alter-
11 native fuel or ultra-low sulfur diesel fuel;

12 or

13 “(B) a vehicle designed to carry more than
14 10 passengers that—

15 “(i) complies with Federal motor vehi-
16 cle safety standards for school buses; and

17 “(ii) meets or exceeds Federal vehicle
18 emission standards for medium-duty pas-
19 senger vehicles for model year 2016.”.

20 (b) PROGRAM FOR RETROFIT OR REPLACEMENT OF
21 CERTAIN EXISTING SCHOOL BUSES WITH CLEAN
22 SCHOOL BUSES.—

23 (1) NATIONAL GRANT, REBATE, AND LOAN PRO-
24 GRAMS.—

1 (A) IN GENERAL.—Section 741(b)(1)(A) of
2 the Energy Policy Act of 2005 (42 U.S.C.
3 16091(b)(1)(A)) is amended by inserting after
4 “awarding grants” the following: “, rebates,
5 and low-cost revolving loans, as determined by
6 the Administrator, including through contracts
7 pursuant to subsection (d),”.

8 (B) CONFORMING CHANGES.—Section 741
9 of the Energy Policy Act of 2005 (42 U.S.C.
10 16091) is amended—

11 (i) in subsection (a)(4)(B), by striking
12 “grant funds” and inserting “award
13 funds”;

14 (ii) in subsection (b)(1)(B), by strik-
15 ing “awarding grants” each place it ap-
16 pears and inserting “making awards”;

17 (iii) in the heading of subsection
18 (b)(2), by striking “GRANT APPLICATIONS”
19 and inserting “AWARD APPLICATIONS”;

20 (iv) in subsection (b)(2)(A), by strik-
21 ing “grant applications” and inserting
22 “award applications”;

23 (v) in subsection (b)(3)(A), by strik-
24 ing “grant” and insert “award”;

25 (vi) and (b)(4)—

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1 (I) in the paragraph heading, by
2 striking “GRANTS” and inserting
3 “AWARDS”;

4 (II) by striking “award grants”
5 and inserting “make awards”;

6 (vii) in subsection (b)(7)—

7 (I) by striking “grant awards”
8 and inserting “awards”; and

9 (II) by striking “grant funding”
10 and inserting “funding”;

11 (viii) in subsection (b)(8)(A)(ii)—

12 (I) in subclauses (I) and (II), by
13 striking “grant applications” each
14 place it appears and inserting “award
15 applications”; and

16 (II) in subclause (III)—

17 (aa) by striking “grants
18 awarded” and inserting “awards
19 made”; and

20 (bb) by striking “grant re-
21 cipients” and inserting “award
22 recipients”; and

23 (ix) in subsection (c)(3)—

24 (I) in subparagraph (A)—

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1 (aa) by striking “grant re-
2 cipients” and inserting “award
3 recipients”; and

4 (bb) by striking “grants”
5 and inserting “awards”; and

6 (II) in subparagraph (C), by
7 striking “grant program” and insert-
8 ing “award program”.

9 (2) PRIORITY OF AWARD APPLICATIONS.—Sec-
10 tion 741(b)(2) of the Energy Policy Act of 2005 (42
11 U.S.C. 16091(b)(2)) is amended—

12 (A) in subparagraph (A)—

13 (i) by striking “1977” and inserting
14 “2007”; and

15 (ii) by inserting before the period at
16 the end “with clean school buses with low
17 or zero emissions”; and

18 (B) by amending subparagraph (B) to read
19 as follows:

20 “(B) RETROFITTING.—In the case of
21 award applications to retrofit school buses, the
22 Administrator shall give highest priority to ap-
23 plicants that propose to retrofit school buses
24 manufactured in or after model year 2010 to
25 become clean school buses.”.

1 (3) USE OF SCHOOL BUS FLEET.—Section
2 741(b)(3)(B) of the Energy Policy Act of 2005 (42
3 U.S.C. 16091(b)(3)(B)) is amended by inserting
4 “charged,” after “operated,”.

5 (4) REPLACEMENT AWARDS.—Paragraph (5) of
6 section 741(b) of the Energy Policy Act of 2005 (42
7 U.S.C. 16091(b)) is amended to read as follows:

8 “(5) REPLACEMENT AWARDS.—In the case of
9 awards to replace school buses—

10 “(A) the Administrator may make awards
11 for up to 60 percent of the replacement costs;
12 and

13 “(B) such replacement costs may include
14 the costs of acquiring the clean school buses
15 and charging and fueling infrastructure.”.

16 (5) ULTRA LOW-SULFUR DIESEL FUEL.—Sec-
17 tion 741(b) of the Energy Policy Act of 2005 (42
18 U.S.C. 16091(b)) is amended—

19 (A) by striking paragraph (6); and

20 (B) by redesignating paragraph (7) as
21 paragraph (6).

22 (6) SCRAPPAGE.—Section 741(b) of the Energy
23 Policy Act of 2005 (42 U.S.C. 16091(b)) is further
24 amended by inserting after paragraph (6), as reded-
25 signated, the following new paragraph:

1 “(7) SCRAPPAGE.—In the case of an award
2 under this section for the replacement of a school
3 bus or a retrofit including installation of a new en-
4 gine, the Administrator shall require the recipient of
5 the award to verify that the replaced bus, or the en-
6 gine of a retrofitted bus that was removed, was re-
7 turned to the supplier for remanufacturing to a
8 more stringent set of engine emissions standards or
9 for scrappage.”.

10 (c) EDUCATION.—Paragraph (1) of section 741(c) of
11 the Energy Policy Act of 2005 (42 U.S.C. 16091(c)) is
12 amended to read as follows:

13 “(1) IN GENERAL.—Not later than 90 days
14 after the date of enactment of the Clean Commute
15 for Kids Act of 2020, the Administrator shall de-
16 velop an education outreach program to promote and
17 explain the award program under subsection (b), as
18 amended by such Act.”.

19 (d) CONTRACT PROGRAMS; ADMINISTRATIVE
20 COSTS.—Section 741 of the Energy Policy Act of 2005
21 (42 U.S.C. 16091) is amended—

22 (1) by redesignating subsection (d) as sub-
23 section (f); and

24 (2) by inserting after subsection (c) the fol-
25 lowing new subsections:

1 “(d) CONTRACT PROGRAMS.—

2 “(1) AUTHORITY.—In addition to the use of
3 contracting authority otherwise available to the Ad-
4 ministrator, the Administrator may enter into con-
5 tracts with eligible contractors described in para-
6 graph (2) for awarding rebates and low-cost revolv-
7 ing loans pursuant to subsection (b)(1).

8 “(2) ELIGIBLE CONTRACTORS.—A contractor is
9 an eligible contractor described in this paragraph if
10 the contractor is a for-profit, not-for-profit, or non-
11 profit entity that has the capacity—

12 “(A) to sell clean school buses or equip-
13 ment to, or to arrange financing for, individuals
14 or entities that own a school bus or fleet of
15 school buses; or

16 “(B) to upgrade school buses or their
17 equipment with verified or Environmental Pro-
18 tection Agency-certified engines or technologies,
19 or to arrange financing for such upgrades.

20 “(e) ADMINISTRATIVE COSTS.—The Administrator
21 may not use, for the administrative costs of carrying out
22 this section, more than one percent of the amounts made
23 available to carry out this section for any fiscal year.”.

24 (d) AUTHORIZATION OF APPROPRIATIONS.—Sub-
25 section (f), as redesignated, of section 741 of the Energy

1 Policy Act of 2005 (42 U.S.C. 16091) is amended to read
2 as follows:

3 “(d) AUTHORIZATION OF APPROPRIATIONS.—

4 “(1) IN GENERAL.—There is authorized to be
5 appropriated to the Administrator to carry out this
6 section, to remain available until expended,
7 \$65,000,000 for each of fiscal years 2021 through
8 2025, of which not less than \$15,000,000 each such
9 fiscal year shall be used for grants under this section
10 to eligible recipients proposing to replace or retrofit
11 school buses to serve an underserved or disadvan-
12 taged community.

13 “(2) DEFINITION.—In this subsection, the term
14 ‘underserved or disadvantaged community’ means a
15 community located in a zip code within a census
16 tract that is identified as—

17 “(A) a low-income community;

18 “(B) an urban community of color; or

19 “(C) any other urban community that the
20 Administrator determines is disproportionately
21 vulnerable to, or bears a disproportionate bur-
22 den of, any combination of economic, social,
23 and environmental stressors.”.