

116TH CONGRESS  
2D SESSION

# S. 4782

To authorize the Secretary of Education to award grants to improve indoor air quality in elementary schools and secondary schools in response to the COVID–19 public health emergency using proven technologies.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 1, 2020

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

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## A BILL

To authorize the Secretary of Education to award grants to improve indoor air quality in elementary schools and secondary schools in response to the COVID–19 public health emergency using proven technologies.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Keeping Schools Safe  
5       Act”.

1 **SEC. 2. GRANT PROGRAM TO IMPROVE INDOOR AIR QUAL-**  
 2 **ITY IN ELEMENTARY SCHOOLS AND SEC-**  
 3 **ONDARY SCHOOLS.**

4 (a) DEFINITIONS.—In this section:

5 (1) ESEA DEFINITIONS.—The terms “edu-  
 6 cational service agency” and “local educational agen-  
 7 cy” have the meanings given the terms in section  
 8 8101 of the Elementary and Secondary Education  
 9 Act of 1965 (20 U.S.C. 7801).

10 (2) COVID–19 PUBLIC HEALTH EMERGENCY.—  
 11 The term “COVID–19 public health emergency”  
 12 means the public health emergency declared by the  
 13 Secretary of Health and Human Services under sec-  
 14 tion 319 of the Public Health Service Act (42  
 15 U.S.C. 247d) on January 31, 2020, with respect to  
 16 COVID–19, including any renewal of such declara-  
 17 tion.

18 (3) ELIGIBLE ENTITY.—The term “eligible enti-  
 19 ty” means—

20 (A) a local educational agency;

21 (B) an educational service agency; or

22 (C) the Bureau of Indian Education.

23 (4) HIGH-NEED SCHOOL.—The term “high-need  
 24 school” means a school that, based on the most re-  
 25 cent data available, meets one or both of the fol-  
 26 lowing:

1 (A) The school is in the highest quartile of  
2 schools in a ranking of all schools served by a  
3 local educational agency, ranked in descending  
4 order by percentage of students from low-in-  
5 come families enrolled in such schools, as deter-  
6 mined by the local educational agency based on  
7 one of the following measures of poverty:

8 (i) The percentage of students aged 5  
9 through 17 in poverty counted in the most  
10 recent census data approved by the Sec-  
11 retary.

12 (ii) The percentage of students eligible  
13 for a free or reduced price school lunch  
14 under the Richard B. Russell National  
15 School Lunch Act (42 U.S.C. 1751 et  
16 seq.).

17 (iii) The percentage of students in  
18 families receiving assistance under the  
19 State program funded under part A of title  
20 IV of the Social Security Act (42 U.S.C.  
21 601 et seq.).

22 (iv) The percentage of students eligi-  
23 ble to receive medical assistance under the  
24 Medicaid program (42 U.S.C. 1396 et  
25 seq.).

1 (v) A composite of 2 or more of the  
2 measures described in subclauses (I)  
3 through (IV).

4 (B) In the case of—

5 (i) an elementary school, the school  
6 serves students not less than 60 percent of  
7 whom are eligible for a free or reduced  
8 price school lunch under the Richard B.  
9 Russell National School Lunch Act; or

10 (ii) any other school that is not an el-  
11 ementary school, the other school serves  
12 students not less than 45 percent of whom  
13 are eligible for a free or reduced price  
14 school lunch under the Richard B. Russell  
15 National School Lunch Act.

16 (5) SECRETARY.—The term “Secretary” means  
17 the Secretary of Education.

18 (b) AUTHORIZATION OF GRANT PROGRAM.—

19 (1) IN GENERAL.—The Secretary shall award  
20 grants, on a competitive basis, to eligible entities to  
21 enable the entities to improve the indoor air quality  
22 in the schools served by such entities in response to  
23 the COVID–19 public health emergency.

24 (2) GRANT AMOUNTS.—Grants awarded under  
25 this section shall be not less than \$5,000 and not

1 more than \$20,000,000, except as provided in para-  
2 graph (3).

3 (3) RESERVATION.—The Secretary shall reserve  
4 5 percent of amounts appropriated to carry out this  
5 section to award a grant to the Bureau of Indian  
6 Education to improve the indoor air quality in the  
7 schools operated or funded by the Bureau of Indian  
8 Education.

9 (4) NOTICE FOR PROPOSALS AND AWARD OF  
10 GRANTS.—Not later than—

11 (A) 30 days after the date of enactment of  
12 this Act, the Secretary shall issue a notice for  
13 proposals for grants under this section; and

14 (B) 90 days after the date of enactment of  
15 this Act, the Secretary shall award all grants  
16 under this section.

17 (c) APPLICATIONS.—An eligible entity that desires to  
18 receive a grant under this section shall submit an applica-  
19 tion to the Secretary at such time, in such manner, and  
20 accompanied by such information as the Secretary may  
21 require. Such application shall include information about  
22 the age of the school buildings, and the air ventilation and  
23 filtration systems of such buildings, to be assisted with  
24 funds provided under this section.

1 (d) CONSIDERATIONS AND PRIORITY IN AWARDING  
2 GRANTS.—In awarding grants under this section, the Sec-  
3 retary shall—

4 (1) ensure geographic diversity by proportion-  
5 ally distributing such grants across rural, suburban,  
6 and urban areas;

7 (2) consider the age of school buildings pro-  
8 posed to be assisted with funds provided under this  
9 section; and

10 (3) give priority to—

11 (A) eligible entities that serve high-need  
12 schools;

13 (B) eligible entities that serve a health pro-  
14 fessional shortage area (as defined in section  
15 332 of the Public Health Service Act (42  
16 U.S.C. 254e)); and

17 (C) eligible entities that serve an area that  
18 has a poverty rate that is greater than 20 per-  
19 cent.

20 (e) TECHNICAL GUIDANCE.—

21 (1) IN GENERAL.—

22 (A) AVAILABILITY.—By not later than 21  
23 days after the date of enactment of this Act,  
24 the Secretary shall make available technical  
25 guidance for eligible entities regarding school

1 facilities improvements directly related to  
2 COVID-19 to address the safety and health of  
3 students and staff, including guidance on—

4 (i) indoor, outdoor, or combined air or  
5 air pressure ventilation, filtration systems,  
6 or air cleaners;

7 (ii) equipment, supplies, and technical  
8 services necessary to provide indoor envi-  
9 ronmental air quality in a manner that—

10 (I) optimizes safety and health  
11 for children and staff; and

12 (II) reduces viral transmission  
13 risks to the greatest extent prac-  
14 ticable;

15 (iii) making facility changes, repairs,  
16 or monitoring to address air filtration and  
17 ventilation; and

18 (iv) technologies that effectively mon-  
19 itor and evaluate air quality of a system.

20 (B) EVIDENCE.—A technology or repair  
21 for which guidance is provided under this sub-  
22 section shall be supported by evidence that the  
23 technology or repair can effectively improve or  
24 monitor indoor air quality.

1           (2) DEVELOPMENT OF GUIDANCE.—The Sec-  
2           retary shall develop the technical guidance described  
3           in paragraph (1) in consultation with—

4                   (A) the Director of the Centers for Disease  
5           Control and Prevention;

6                   (B) national organizations with expertise  
7           in public health and infectious disease, includ-  
8           ing with specific expertise in preventing and  
9           treating infectious disease in children;

10                   (C) nationally recognized not-for-profit or-  
11           ganizations or institutions of higher education  
12           with expertise in heating, ventilation, and air  
13           conditioning building systems and standards de-  
14           velopment;

15                   (D) national organizations with expertise  
16           in the education or school leadership of children  
17           and that represent the interests of educators  
18           and school leaders; and

19                   (E) other Federal agencies as appropriate.

20           (f) USE OF FUNDS.—An eligible entity that receives  
21           a grant under this section shall use the grant funds to  
22           improve or monitor the indoor air quality, ventilation, or  
23           circulation in the schools, including the hiring and training  
24           of appropriate staff, served by the eligible entity, in ac-  
25           cordance with the guidance issued under subsection (e).



1           (g) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated to carry out this section  
3 \$1,000,000,000.

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