

117TH CONGRESS  
1ST SESSION

# S. 945

To provide temporary impact aid construction grants to eligible local educational agencies, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MARCH 24, 2021

Ms. HIRONO (for herself, Mrs. GILLIBRAND, Ms. SMITH, Ms. KLOBUCHAR, Ms. BALDWIN, Mr. PADILLA, Mrs. FEINSTEIN, Mr. HEINRICH, Ms. DUCKWORTH, Mr. TESTER, and Mr. BLUMENTHAL) 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 provide temporary impact aid construction grants to eligible local educational agencies, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Impact Aid Infrastruc-  
5 ture Act”.

6 **SEC. 2. IMPACT AID CONSTRUCTION GRANTS AUTHORIZED.**

7 (a) **FUNDING AND SUNSET.**—

8 (1) **AUTHORIZATION OF APPROPRIATIONS.**—

9 There are authorized to be appropriated

1       \$1,000,000,000 for fiscal year 2022 to carry out  
2       this Act.

3           (2) SUPPLEMENTAL FUNDING.—The amount  
4       authorized under paragraph (1) shall be in addition  
5       to any amounts authorized to be appropriated or  
6       otherwise made available to carry out section 7007  
7       of the Elementary and Secondary Education Act of  
8       1965 (20 U.S.C. 7707).

9           (3) AVAILABILITY OF FUNDS.—Any amounts  
10       appropriated under paragraph (1) shall remain  
11       available until expended.

12           (4) SUNSET.—The authority to award grants  
13       under this Act shall expire at the end of the 3-year  
14       period beginning on the date on which funds are  
15       first made available to award a grant under this Act.

16           (b) RESERVATION FOR MANAGEMENT AND OVER-  
17       SIGHT.—From the funds appropriated under subsection  
18       (a)(1), the Secretary of Education may reserve not more  
19       than half of 1 percent for management and oversight of  
20       the activities carried out with those funds.

21           (c) FORMULA GRANTS.—

22           (1) IN GENERAL.—From 40 percent of the  
23       funds appropriated under subsection (a)(1) and not  
24       reserved under subsection (b), the Secretary of Edu-  
25       cation shall make payments in accordance with sec-

1       tion 7007(a) of the Elementary and Secondary Edu-  
2       cation Act of 1965 (20 U.S.C. 7707(a)).

3           (2) SPECIAL RULE.—The Secretary of Edu-  
4       cation when calculating the total number of weighted  
5       student units as described in paragraph (3)(A)(i)(II)  
6       of section 7007(a) of the Elementary and Secondary  
7       Education Act of 1965 (20 U.S.C. 7707(a)) shall in-  
8       clude the total number of weighted student units of  
9       children described in subparagraphs (B) and (D)(i)  
10      of section 7003(a)(1) of such Act for all local edu-  
11      cational agencies not meeting the requirements as  
12      described in section 7007(a)(2)(B) of such Act but  
13      that meet the requirements of section 572(a)(2) of  
14      the National Defense Authorization Act for Fiscal  
15      Year 2006 (20 U.S.C. 7703b).

16      (d) COMPETITIVE GRANTS.—From 60 percent of the  
17      funds appropriated under subsection (a)(1) and not re-  
18      served under subsection (b), the Secretary of Education—

19           (1) shall award emergency grants in accordance  
20      with section 7007(b) of the Elementary and Sec-  
21      ondary Education Act of 1965 (20 U.S.C. 7707(b)),  
22      except as otherwise provided in this Act; and

23           (2) may award modernization grants in accord-  
24      ance with section 7007(b) of the Elementary and

1 Secondary Education Act of 1965 (20 U.S.C.  
2 7707(b)), except as otherwise provided in this Act.

3 **SEC. 3. ELIGIBILITY.**

4 (a) **ELIGIBILITY FOR EMERGENCY GRANTS.**—

5 (1) **IN GENERAL.**—For purposes of receiving an  
6 emergency grant under section 2(d)(1), in addition  
7 to a local educational agency that meets the eligi-  
8 bility requirements for the award of such a grant  
9 under any of subparagraphs (A), (C), or (D) of sec-  
10 tion 7007(b)(3) of the Elementary and Secondary  
11 Education Act of 1965 (20 U.S.C. 7707(b)(3)), a  
12 local educational agency that meets the requirements  
13 described in paragraph (2) (without regard to  
14 whether the agency meets any of the requirements  
15 of such subparagraphs (A), (C), or (D)), shall be eli-  
16 gible for such a grant.

17 (2) **REQUIREMENTS.**—A local educational agen-  
18 cy meets the requirements of this paragraph, if such  
19 agency has—

20 (A) a total taxable assessed value of real  
21 property that may be taxed for school purposes  
22 of less than \$100,000,000; or

23 (B) an assessed value of real property per  
24 student that may be taxed for school purposes  
25 that is less than the average of the assessed

1 value of real property per student that may be  
2 taxed for school purposes in the State in which  
3 the local educational agency is located.

4 (b) ELIGIBILITY FOR MODERNIZATION GRANTS.—

5 (1) IN GENERAL.—For purposes of receiving a  
6 modernization grant under section 2(d)(2), in addi-  
7 tion to a local educational agency that meets the eli-  
8 gibility requirements for the award of such a grant  
9 under any of subparagraphs (B), (C), or (D) of sec-  
10 tion 7007(b)(3) of the Elementary and Secondary  
11 Education Act of 1965 (20 U.S.C. 7707(b)(3)), a  
12 local educational agency that meets the requirements  
13 described in paragraph (2) (without regard to  
14 whether the agency meets any of the requirements  
15 of such subparagraphs (B), (C), or (D)), shall be eli-  
16 gible for such a grant.

17 (2) REQUIREMENTS.—A local educational agen-  
18 cy meets the requirements of this paragraph, if such  
19 agency has—

20 (A) a total taxable assessed value of real  
21 property that may be taxed for school purposes  
22 of less than \$100,000,000; or

23 (B) an assessed value of real property per  
24 student that may be taxed for school purposes  
25 that is less than the average of the assessed

1 value of real property per student that may be  
2 taxed for school purposes in the State in which  
3 the local educational agency is located.

4 (c) LOCAL EDUCATIONAL AGENCY DEFINED.—In  
5 this section, the term “local educational agency” has the  
6 meaning given the term in section 7013 of the Elementary  
7 and Secondary Education Act of 1965 (20 U.S.C. 7713).

8 **SEC. 4. INAPPLICABILITY OF CERTAIN PROVISIONS.**

9 Clauses (i) and (vi) of section 7007(b)(5)(A) of the  
10 Elementary and Secondary Education Act of 1965 (20  
11 U.S.C. 7707(b)(5)(A)) shall not apply to grants made  
12 under section 2(d).

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