

117TH CONGRESS
1ST SESSION

S. 96

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

IN THE SENATE OF THE UNITED STATES

JANUARY 28, 2021

Mr. REED (for himself, Mr. BROWN, Mr. MERKLEY, Ms. CORTEZ MASTO, Mr. CARDIN, Ms. SMITH, Mr. BOOKER, Mr. VAN HOLLEN, Mr. MURPHY, Ms. HIRONO, Ms. ROSEN, Mrs. GILLIBRAND, Mr. WHITEHOUSE, Mrs. SHAHEEN, Ms. KLOBUCHAR, Mr. LUJÁN, Mr. CASEY, Mr. DURBIN, Ms. WARREN, Mr. BLUMENTHAL, Ms. HASSAN, Ms. DUCKWORTH, Mr. HEINRICH, Mr. LEAHY, Mr. COONS, and Ms. STABENOW) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

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

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Reopen and Rebuild America’s Schools Act of 2021”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

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

- Sec. 101. Purpose and reservation.
- Sec. 102. Allocation to States.
- Sec. 103. Need-based grants to qualified local educational agencies.
- Sec. 104. Annual report on grant program.
- Sec. 105. Authorization of appropriations.

TITLE II—SCHOOL INFRASTRUCTURE BONDS

- Sec. 201. Restoration of certain qualified tax credit bonds.
- Sec. 202. School infrastructure bonds.
- Sec. 203. Annual report on bond program.

TITLE III—USES OF FUNDS

- Sec. 301. Allowable uses of funds.
- Sec. 302. Prohibited uses.
- Sec. 303. Requirements for hazard-resistance and energy and water conservation.
- Sec. 304. Green Practices.
- Sec. 305. Use of American iron, steel, and manufactured products.

TITLE IV—REPORTS AND OTHER MATTERS

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

TITLE V—IMPACT AID CONSTRUCTION

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

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

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

1 SEC. 2. DEFINITIONS.

2 In this Act:

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

1 mittee on Health, Education, Labor, and Pensions
2 of the Senate.

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

7 (3) COVERED FUNDS.—The term “covered
8 funds” means funds received—

9 (A) under title I of this Act;

10 (B) from a school infrastructure bond; or

11 (C) from a qualified zone academy bond

12 (as such term is defined in section 54E of the
13 Internal Revenue Code of 1986 (as restored by
14 section 201)).

15 (4) ESEA TERMS.—The terms “elementary
16 school”, “outlying area”, and “secondary school”
17 have the meanings given those terms in section 8101
18 of the Elementary and Secondary Education Act of
19 1965 (20 U.S.C. 7801).

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

1 (6) PUBLIC SCHOOL FACILITIES.—The term
2 “public school facilities” means the facilities of a
3 public elementary school or a public secondary
4 school.

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

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

15 (9) SECRETARY.—The term “Secretary” means
16 the Secretary of Education.

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

20 (11) ZERO ENERGY SCHOOL.—The term “zero
21 energy school” means a public elementary school or
22 public secondary school that—

23 (A) generates renewable energy on-site;
24 and

1 (B) on an annual basis, exports an amount
 2 of such renewable energy that equals or exceeds
 3 the total amount of renewable energy that is
 4 delivered to the school from outside sources.

5 **TITLE I—GRANTS FOR THE**
 6 **LONG-TERM IMPROVEMENT**
 7 **OF PUBLIC SCHOOL FACILI-**
 8 **TIES**

9 **SEC. 101. PURPOSE AND RESERVATION.**

10 (a) PURPOSE.—Funds made available under this title
 11 shall be for the purpose of supporting long-term improve-
 12 ments to public school facilities in accordance with this
 13 Act.

14 (b) RESERVATION FOR OUTLYING AREAS AND BU-
 15 REAU-FUNDED SCHOOLS.—

16 (1) IN GENERAL.—For each of fiscal years
 17 2022 through 2026, the Secretary shall reserve,
 18 from the amount appropriated to carry out this
 19 title—

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

23 (B) one-half of 1 percent, for payments to
 24 the Secretary of the Interior to provide assist-
 25 ance to Bureau-funded schools.

1 (2) USE OF RESERVED FUNDS.—

2 (A) IN GENERAL.—Funds reserved under
3 paragraph (1) shall be used in accordance with
4 title III.

5 (B) SPECIAL RULES FOR BUREAU-FUNDED
6 SCHOOLS.—

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

17 (ii) TREATMENT OF TRIBALLY OPER-
18 ATED SCHOOLS.—The Secretary of the In-
19 terior shall provide assistance to Bureau-
20 funded schools under paragraph (1)(B)
21 without regard to whether such schools are
22 operated by the Bureau of Indian Edu-
23 cation or by an Indian Tribe. In the case
24 of a Bureau-funded school that is a con-
25 tract or grant school (as that term is de-

1 fined in section 1141 of the Education
2 Amendments of 1978 (25 U.S.C. 2021))
3 operated by an Indian Tribe, the Secretary
4 of the Interior shall provide assistance
5 under such paragraph to the Indian Tribe
6 concerned.

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

16 **SEC. 102. ALLOCATION TO STATES.**

17 (a) ALLOCATION TO STATES.—

18 (1) STATE-BY-STATE ALLOCATION.—

19 (A) FISCAL YEAR 2022.—Of the amount
20 appropriated to carry out this title for fiscal
21 year 2022 and not reserved under section
22 101(b), not later than 30 days after such funds
23 are appropriated, each State that provides an
24 assurance to the Secretary that the State will
25 comply with the requirements of subsection (c)

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

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

1 (2) STATE RESERVATION.—A State may reserve
2 not more than 1 percent of its allocation under para-
3 graph (1) to carry out its responsibilities under this
4 Act, which—

5 (A) shall include—

6 (i) providing technical assistance to
7 local educational agencies, including by—

8 (I) identifying which State agen-
9 cies have programs, resources, and ex-
10 pertise relevant to the activities sup-
11 ported by the allocation under this
12 section; and

13 (II) coordinating the provision of
14 technical assistance across such agen-
15 cies;

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

1 (I) the information described in
2 subclauses (I) through (VII) of clause
3 (vi);

4 (II) the age (including an identi-
5 fication of the date of any retrofits or
6 recent renovations) of—

7 (aa) the facility;
8 (bb) its roof;
9 (cc) its lighting system;
10 (dd) its windows;
11 (ee) its ceilings;
12 (ff) its plumbing; and
13 (gg) its heating, ventilation,
14 and air conditioning system;

15 (III) fire safety inspection re-
16 sults;

17 (IV) the proximity of the facili-
18 ties to toxic sites or the vulnerability
19 of the facilities to natural disasters,
20 including the extent to which facilities
21 that are vulnerable to seismic natural
22 disasters are seismically retrofitted;

23 (V) any previous inspections
24 showing the presence of toxic sub-
25 stances; and

1 (VI) any improvements that are
2 needed to support indoor and outdoor
3 social distancing, personal hygiene,
4 and building hygiene (including with
5 respect to heating, ventilation, and air
6 conditioning usage) in school facilities,
7 consistent with guidance issued by the
8 Centers for Disease Control and Pre-
9 vention;

10 (iii) updating the database developed
11 under clause (ii) not less frequently than
12 once every 2 years;

13 (iv) ensuring that the information in
14 the database developed under clause (ii)—

15 (I) is posted on a publicly acces-
16 sible State website; and

17 (II) is regularly distributed to
18 local educational agencies and Tribal
19 governments in the State;

20 (v) issuing and reviewing regulations
21 to ensure the health and safety of students
22 and staff during construction or renovation
23 projects;

24 (vi) issuing or reviewing regulations to
25 ensure safe, healthy, and high-performing

1 school buildings, including regulations gov-
2 erning—

3 (I) indoor environmental quality
4 and ventilation, including exposure to
5 carbon monoxide, carbon dioxide,
6 lead-based paint, and other combus-
7 tion by-products such as oxides of ni-
8 trogen;

9 (II) mold, mildew, and moisture
10 control;

11 (III) the safety of drinking water
12 at the tap and water used for meal
13 preparation, including regulations
14 that—

15 (aa) address the presence of
16 lead and other contaminants in
17 such water; and

18 (bb) require the regular test-
19 ing of the potability of water at
20 the tap;

21 (IV) energy and water efficiency;

22 (V) excessive classroom noise due
23 to activities allowable under section
24 301;

1 (VI) the levels of maintenance
 2 work, operational spending, and cap-
 3 ital investment needed to maintain the
 4 quality of public school facilities; and

5 (VII) the construction or renova-
 6 tion of such facilities, including appli-
 7 cable building codes; and

8 (vii) creating a plan to reduce or
 9 eliminate exposure to toxic substances, in-
 10 cluding mercury, radon, PCBs, lead, vapor
 11 intrusions, and asbestos; and

12 (B) may include the development of a plan
 13 to increase the number of zero energy schools
 14 in the State.

15 (b) STATE PLAN.—

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

20 (A) describes how the State will use the al-
 21 location to make long-term improvements to
 22 public school facilities;

23 (B) explains how the State will carry out
 24 each of its responsibilities under subsection
 25 (a)(2);

1 (C) explains how the State will make the
2 determinations under subsections (b) through
3 (d) of section 103;

4 (D) identifies how long, and at what levels,
5 the State will maintain fiscal effort for the ac-
6 tivities supported by the allocation after the
7 State no longer receives the allocation; and

8 (E) includes such other information as the
9 Secretary may require.

10 (2) EXPEDITED PROCESS FOR FISCAL YEAR
11 2022.—

12 (A) ASSURANCE TO SECRETARY.—To be
13 eligible to receive an allocation for fiscal year
14 2022 under section 101(a)(1)(A), a State shall
15 provide to the Secretary an assurance that the
16 State will comply with the requirements of sec-
17 tion 103(c).

18 (B) SUBMITTAL OF STATE PLAN.—A State
19 shall not be required to submit a State plan
20 under paragraph (1) before receiving an alloca-
21 tion for fiscal year 2022 under subsection
22 (a)(1)(A). A State that receives an allocation
23 under such section for such fiscal year shall
24 submit to the Secretary the State plan de-
25 scribed in paragraph (1) not later than 90 days

1 after the date on which such allocation is re-
2 ceived.

3 (3) APPROVAL AND DISAPPROVAL.—The Sec-
4 retary shall have the authority to approve or dis-
5 approve a State plan submitted under paragraph
6 (1).

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

10 (1) MATCHING REQUIREMENT.—

11 (A) IN GENERAL.—The State shall con-
12 tribute, from non-Federal sources, an amount
13 equal to 10 percent of the amount of the alloca-
14 tion received under this section to carry out the
15 activities supported by the allocation.

16 (B) DEADLINE.—The State shall provide
17 any contribution required under subparagraph
18 (A) not later than September 30, 2030.

19 (C) CERTAIN FISCAL YEARS.—With re-
20 spect to a fiscal year for which more than
21 \$7,000,000,000 are appropriated to carry out
22 this title, subparagraph (A) shall be applied as
23 if “, from non-Federal sources,” were struck.

24 (D) COMMITMENT TO PROPORTIONAL
25 STATE INVESTMENT IN SCHOOL FACILITIES.—

1 (i) IN GENERAL.—The State shall
 2 provide an assurance to the Secretary that
 3 for each fiscal year that the State receives
 4 an allocation under this section, the State’s
 5 share of school facilities capital outlay will
 6 be not less than 90 percent of the average
 7 of the State’s share of school facilities cap-
 8 ital outlay for the 5 years preceding the
 9 fiscal year for which the allocation is re-
 10 ceived.

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

15 (I) the total State expenditures
 16 on school facilities capital outlay
 17 projects; divided by

18 (II) the total school facilities cap-
 19 ital expenditures in the State on
 20 school facilities capital outlay projects.

21 (iii) TOTAL STATE EXPENDITURES.—
 22 In this subparagraph, the term “total
 23 State expenditures” means the State’s
 24 total expenditures (from funds other than
 25 an allocation under this section) on school

1 facilities capital outlay projects, includ-
2 ing—

3 (I) any direct expenditures by the
4 State for the purpose of school facili-
5 ties capital outlay projects; and

6 (II) funds provided by the State
7 to local educational agencies for the
8 purpose of school facilities capital out-
9 lay projects.

10 (iv) TOTAL SCHOOL FACILITIES CAP-
11 ITAL EXPENDITURES IN THE STATE.—In
12 this subparagraph, the term “total school
13 facilities capital expenditures in the State”,
14 means the sum of—

15 (I) the total State expenditures
16 calculated under clause (iii); plus

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

1 (2) SUPPLEMENT NOT SUPPLANT.—The State
 2 shall use an allocation under this section only to
 3 supplement the level of Federal, State, and local
 4 public funds that would, in absence of such alloca-
 5 tion, be made available for the activities supported
 6 by the allocation, and not to supplant such funds.

7 **SEC. 103. NEED-BASED GRANTS TO QUALIFIED LOCAL EDU-**
 8 **CATIONAL AGENCIES.**

9 (a) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—

10 (1) IN GENERAL.—Subject to paragraph (2),
 11 from the amounts allocated to a State under section
 12 102(a) and contributed by the State under section
 13 102(c)(1), the State shall award grants to qualified
 14 local educational agencies, on a competitive basis, to
 15 carry out the activities described in section 301(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
 21 301(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) shall be among the local educational
18 agencies in the State with the most limited ca-
19 pacity to raise funds for the long-term improve-
20 ment of public school facilities, as determined
21 by an assessment of—

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

1 (ii) whether the agency has been able
2 to issue bonds or receive other funds to
3 support school construction projects; and

4 (iii) the bond rating of the agency.

5 (2) EQUITABLE DISTRIBUTION.—

6 (A) NUMBERS AND PERCENTAGES OF CER-
7 TAIN STUDENTS.—In making the determination
8 under paragraph (1)(A), the State shall ensure
9 that grants under this section are equitably dis-
10 tributed among—

11 (i) qualified local educational agencies
12 in the State with the highest numbers of
13 students counted under section 1124(e) of
14 the Elementary and Secondary Education
15 Act of 1965 (20 U.S.C. 6333(e)); and

16 (ii) qualified local educational agencies
17 in the State with the highest percentages
18 of students counted under such section.

19 (B) GEOGRAPHIC DIVERSITY.—The State
20 shall ensure that grants under this section are
21 awarded to qualified local educational agencies
22 that represent the geographic diversity of the
23 State.

24 (3) STATEWIDE THRESHOLDS.—The State shall
25 establish reasonable thresholds for determining

1 whether a local educational agency is among agen-
2 cies in the State with the highest numbers or per-
3 centages of students counted under section 1124(c)
4 of the Elementary and Secondary Education Act of
5 1965 (20 U.S.C. 6333(c)) as required under para-
6 graph (1)(A).

7 (c) PRIORITY OF GRANTS FOR FISCAL YEAR 2022.—
8 In awarding grants under this section for fiscal year
9 2022—

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

20 (2) from any funds remaining after making
21 grants to qualified local educational agencies that
22 meet the requirements of paragraph (1), the State
23 may award grants to other qualified local edu-
24 cational agencies in accordance with the priorities
25 established under subsection (d).

1 (d) PRIORITY OF GRANTS FOR OTHER FISCAL
2 YEARS.—Except as provided in subsection (e), in award-
3 ing grants under this section, the State shall give priority
4 to qualified local educational agencies that—

5 (1)(A) demonstrate the greatest need for such
6 a grant, as determined by a comparison of the fac-
7 tors described in subsection (b)(1) and other indica-
8 tors of need in the public school facilities of such
9 local educational agencies, including—

10 (i) the median age of facilities;

11 (ii) the extent to which student enrollment
12 exceeds physical and instructional capacity;

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

16 (iv) the condition of roofs, windows, and
17 doors; and

18 (v) other critical health and safety condi-
19 tions;

20 (B) will use the grant to improve the facilities
21 of—

22 (i) elementary schools or middle schools
23 that have an enrollment of students who are eli-
24 gible for a free or reduced price lunch under the
25 Richard B. Russell National School Lunch Act

1 (42 U.S.C. 1751 et seq.) that constitutes not
2 less than 40 percent of the total student enroll-
3 ment at such schools; or

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

11 (C) operate public school facilities that pose a
12 severe health and safety threat to students and staff,
13 which may include consideration of threats posed by
14 the proximity of the facilities to toxic sites or
15 brownfield sites or the vulnerability of the facilities
16 to natural disasters; or

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

20 (B) serve elementary schools or secondary
21 schools, including rural schools, that lack such ac-
22 cess; and

23 (C) meet one or more of the requirements set
24 forth in subparagraphs (A) through (C) of para-
25 graph (1).

1 (e) APPLICATION.—To be considered for a grant
2 under this section, a qualified local educational agency
3 shall submit an application to the State at such time, in
4 such manner, and containing such information as the
5 State may require. Such application shall include, at min-
6 imum—

7 (1) the information necessary for the State to
8 make the determinations under subsections (b)
9 through (d);

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

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

15 (4) in the case of a local educational agency
16 that proposes to fund a repair, renovation, or con-
17 struction project for a public charter school, the ex-
18 tent to which—

19 (A) the public charter school lacks access
20 to funding for school repair, renovation, and
21 construction through the financing methods
22 available to other public schools or local edu-
23 cational agencies in the State; and

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

4 (f) FACILITIES MASTER PLAN.—

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

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

13 (A) the extent to which public school facili-
14 ties meet students' educational needs and sup-
15 port the agency's educational mission and vi-
16 sion;

17 (B) the physical condition of the public
18 school facilities;

19 (C) the current health, safety, and environ-
20 mental conditions of the public school facilities,
21 including—

22 (i) indoor air quality;

23 (ii) the presence of toxic substances;

24 (iii) the safety of drinking water at
25 the tap and water used for meal prepara-

1 tion, including the level of lead and other
2 contaminants in such water;

3 (iv) energy and water efficiency;

4 (v) excessive classroom noise; and

5 (vi) other health, safety, and environ-
6 mental conditions that would impact the
7 health, safety, and learning ability of stu-
8 dents;

9 (D) how the local educational agency will
10 address any conditions identified under sub-
11 paragraph (C);

12 (E) the impact of current and future stu-
13 dent enrollment levels (as of the date of appli-
14 cation) on the design of current and future pub-
15 lic school facilities, as well as the financial im-
16 plications of such enrollment levels;

17 (F) the dollar amount and percentage of
18 funds the local educational agency will dedicate
19 to capital construction projects for public school
20 facilities, including—

21 (i) any funds in the budget of the
22 agency that will be dedicated to such
23 projects; and

24 (ii) any funds not in the budget of the
25 agency that will be dedicated to such

1 projects, including any funds available to
2 the agency as the result of a bond issue;
3 and

4 (G) the dollar amount and percentage of
5 funds the local educational agency will dedicate
6 to the maintenance and operation of public
7 school facilities, including—

8 (i) any funds in the budget of the
9 agency that will be dedicated to the main-
10 tenance and operation of such facilities;
11 and

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

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

17 (A) a qualified local educational agency
18 shall consult with teachers, principals and other
19 school leaders, custodial and maintenance staff,
20 emergency first responders, school facilities di-
21 rectors, students and families, community resi-
22 dents, and Indian Tribes; and

23 (B) in addition to the consultation required
24 under subparagraph (A), a Bureau-funded

1 school shall consult with the Bureau of Indian
2 Education.

3 (g) SUPPLEMENT NOT SUPPLANT.—A qualified local
4 educational agency shall use a grant received under this
5 section only to supplement the level of Federal, State, and
6 local public funds that would, in the absence of such grant,
7 be made available for the activities supported by the grant,
8 and not to supplant such funds.

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

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

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

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

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

22 (A) the demographic composition of the
23 student population served by the agency,
24 disaggregated by—

25 (i) race;

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

5 (iii) the number and percentage of
6 students who are eligible for a free or re-
7 duced price lunch under the Richard B.
8 Russell National School Lunch Act (42
9 U.S.C. 1751 et seq.);

10 (B) the population density of the geo-
11 graphic area served by the agency;

12 (C) the projects for which the agency used
13 the grant received under this title, described
14 using measurements of school facility quality
15 from the most recent available version of the
16 Common Education Data Standards published
17 by the National Center for Education Statistics;

18 (D) the demonstrable or expected benefits
19 of the projects; and

20 (E) the estimated number of jobs created
21 by the projects.

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

1 (c) LEA INFORMATION COLLECTION.—A local edu-
2 cational agency that receives a grant under this title
3 shall—

4 (1) annually compile the information described
5 in subsection (b)(2);

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

9 (3) submit the information to the State.

10 (d) STATE INFORMATION DISTRIBUTION.—A State
11 that receives information from a local educational agency
12 under subsection (c) shall—

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

16 (2) make the information available to the pub-
17 lic, including by posting the information on a pub-
18 licly accessible State website; and

19 (3) regularly distribute the information to local
20 educational agencies and Tribal governments in the
21 State.

22 **SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated
24 \$20,000,000,000 for each of fiscal years 2022 through

1 2026 to carry out this title. Amounts so appropriated are
 2 authorized to remain available through fiscal year 2031.

3 **TITLE II—SCHOOL**
 4 **INFRASTRUCTURE BONDS**

5 **SEC. 201. RESTORATION OF CERTAIN QUALIFIED TAX**
 6 **CREDIT BONDS.**

7 (a) ALLOWANCE OF CREDIT.—

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

11 (2) CREDIT LIMITED TO CERTAIN BONDS.—

12 (A) IN GENERAL.—Section 54A(d)(1) of
 13 such Code, as revived by paragraph (1), is
 14 amended by striking “means—” and all that
 15 follows through “which is part” and inserting
 16 “means a qualified zone academy bond which is
 17 part”.

18 (B) CONFORMING AMENDMENT.—Section
 19 54A(c)(2)(C) of such Code, as revived by para-
 20 graph (1), is amended by striking “means—”
 21 and all that follows and inserting “a purpose
 22 specified in section 54E(a)(1)”.

23 (3) CONFORMING AMENDMENTS.—

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

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

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

5 (B) Section 6401(b)(1) of such Code is
 6 amended by striking “and G” and inserting “G,
 7 and I”.

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

“SUBPART I—QUALIFIED TAX CREDIT BONDS”.

11 (b) CREDIT ALLOWED TO ISSUER.—

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

15 (2) CONFORMING AMENDMENT.—Section
 16 6211(b)(4) of such Code is amended by striking
 17 “and 6428A” and inserting “6428A, and 6431”.

18 (c) QUALIFIED ZONE ACADEMY BONDS.—

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

22 (2) EXTENSION OF LIMITATION.—Section
 23 54(E)(c)(1) of such Code is amended—

1 (A) by striking “and \$400,000,000” and
2 inserting “\$400,000,000”, and

3 (B) by striking “and, except as provided”
4 and all that follows through the period at the
5 end and inserting “, and \$1,400,000,000 for
6 2022 and each calendar year thereafter.”.

7 (3) REMOVAL OF PRIVATE BUSINESS CON-
8 TRIBUTION REQUIREMENT.—Section 54E of the In-
9 ternal Revenue Code of 1986, as revived by para-
10 graph (1) and amended by paragraph (2), is amend-
11 ed—

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

16 (B) by striking subsection (b), and

17 (C) by redesignating subsections (e) and
18 (d) as subsections (b) and (c), respectively.

19 (4) CONSTRUCTION OF A PUBLIC SCHOOL FA-
20 CILITY.—Section 54E(c)(3)(A) of the Internal Rev-
21 enue Code of 1986, as revived by paragraph (1) and
22 redesignated in paragraph (3)(C), is amended by
23 striking “rehabilitating or repairing” and inserting
24 “constructing, rehabilitating, retrofitting, or repair-
25 ing”.

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

3 (1) IN GENERAL.—Subchapter IV of chapter 31
4 of the title 40, United States Code, shall apply to
5 projects financed with the proceeds of any qualified
6 zone academy bond (as defined in section 54E of the
7 Internal Revenue Code of 1986) issued after the
8 date of the enactment of the American Recovery and
9 Reinvestment Tax Act of 2009.

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

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

18 **SEC. 202. SCHOOL INFRASTRUCTURE BONDS.**

19 (a) IN GENERAL.—The Internal Revenue Code of
20 1986 is amended by inserting after subpart I (as revived
21 by section 201) of part IV of subchapter A of chapter 1
22 the following new subpart:

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

“Sec. 54BB. School infrastructure bonds.

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

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

9 “(b) AMOUNT OF CREDIT.—The amount of the credit
10 determined under this subsection with respect to any in-
11 terest payment date for a school infrastructure bond is
12 100 percent of the amount of interest payable by the
13 issuer with respect to such date.

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

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

18 “(A) the sum of the regular tax liability of
19 the taxpayer (as defined in section 26(b)) plus
20 the tax imposed by section 55, over

21 “(B) the sum of the credits allowable
22 under this part (other than subpart C and this
23 subpart).

24 “(2) CARRYOVER OF UNUSED CREDIT.—If the
25 credit allowable under subsection (a) exceeds the
26 limitation imposed by paragraph (1) for such taxable

1 year, such excess shall be carried to the succeeding
2 taxable year and added to the credit allowable under
3 subsection (a) for such taxable year (determined be-
4 fore the application of paragraph (1) for such suc-
5 ceeding taxable year).

6 “(d) SCHOOL INFRASTRUCTURE BOND.—

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

10 “(A) 100 percent of the available project
11 proceeds of such issue are to be used for the
12 purposes described in section 301 of the Reopen
13 and Rebuild America’s Schools Act of 2021,

14 “(B) the interest on such obligation would
15 (but for this section) be excludable from gross
16 income under section 103,

17 “(C) the issue meets the requirements of
18 paragraph (3), and

19 “(D) the issuer designates such bond for
20 purposes of this section.

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

23 “(A) for purposes of section 149(b), a
24 school infrastructure bond shall not be treated

1 as federally guaranteed by reason of the credit
2 allowed under section 6431(a),

3 “(B) for purposes of section 148, the yield
4 on a school infrastructure bond shall be deter-
5 mined without regard to the credit allowed
6 under subsection (a), and

7 “(C) a bond shall not be treated as a
8 school infrastructure bond if the issue price has
9 more than a de minimis amount (determined
10 under rules similar to the rules of section
11 1273(a)(3)) of premium over the stated prin-
12 cipal amount of the bond.

13 “(3) 6-YEAR EXPENDITURE PERIOD.—

14 “(A) IN GENERAL.—An issue shall be
15 treated as meeting the requirements of this
16 paragraph if, as of the date of issuance, the
17 issuer reasonably expects 100 percent of the
18 available project proceeds to be spent for pur-
19 poses described in section 301 of the Reopen
20 and Rebuild America’s Schools Act of 2021
21 within the 6-year period beginning on such date
22 of issuance.

23 “(B) FAILURE TO SPEND REQUIRED
24 AMOUNT OF BOND PROCEEDS WITHIN 6
25 YEARS.—To the extent that less than 100 per-

1 cent of the available project proceeds of the
 2 issue are expended at the close of the period de-
 3 scribed in subparagraph (A) with respect to
 4 such issue, the issuer shall redeem all of the
 5 nonqualified bonds within 90 days after the end
 6 of such period. For purposes of this paragraph,
 7 the amount of the nonqualified bonds required
 8 to be redeemed shall be determined in the same
 9 manner as under section 142.

10 “(e) LIMITATION ON AMOUNT OF BONDS DES-
 11 IGNATED.—The maximum aggregate face amount of
 12 bonds issued during any calendar year which may be des-
 13 ignated under subsection (d)(1)(D) by any issuer shall not
 14 exceed the limitation amount allocated under subsection
 15 (g) for such calendar year to such issuer.

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

19 “(1) \$10,000,000,000 for 2022,

20 “(2) \$10,000,000,000 for 2023, and

21 “(3) \$10,000,000,000 for 2024.

22 “(g) ALLOCATION OF LIMITATION.—

23 “(1) ALLOCATIONS.—

24 “(A) STATES.—After application of sub-
 25 paragraph (B) and paragraph (3)(A), the limi-

1 tation applicable under subsection (f) for a cal-
2 endar year shall be allocated by the Secretary
3 among the States in proportion to the respec-
4 tive amounts received by all local educational
5 agencies in each State under part A of title I
6 of the Elementary and Secondary Education
7 Act of 1965 (20 U.S.C. 6311 et seq.) for the
8 previous fiscal year relative to the total such
9 amount received by all local educational agen-
10 cies for the most recent fiscal year ending be-
11 fore such calendar year.

12 “(B) CERTAIN POSSESSIONS.—One-half of
13 1 percent of the amount of the limitation appli-
14 cable under subsection (f) for a calendar year
15 shall be allocated by the Secretary to posses-
16 sions of the United States other than Puerto
17 Rico for such calendar year.

18 “(2) ALLOCATIONS TO SCHOOLS.—The limita-
19 tion amount allocated to a State or possession under
20 paragraph (1) shall be allocated by the State edu-
21 cational agency (or such other agency as is author-
22 ized under State law to make such allocation) to
23 issuers within such State or possession in accord-
24 ance with the priorities described in subsections (c)
25 and (d) of section 103 the of the Reopen and Re-

1 build America’s Schools Act of 2021 and the eligi-
2 bility requirements described in section 103(b) of
3 such Act, except that paragraph (1)(C) of such sec-
4 tion shall not apply to the determination of eligibility
5 for such allocation.

6 “(3) ALLOCATIONS FOR INDIAN SCHOOLS.—

7 “(A) IN GENERAL.—One-half of 1 percent
8 of the amount of the limitation applicable under
9 subsection (f) for any calendar year shall be al-
10 located by the Secretary to the Secretary of the
11 Interior for schools funded by the Bureau of In-
12 dian Affairs for such calendar year.

13 “(B) ALLOCATION TO SCHOOLS.—The lim-
14 itation amount allocated to the Secretary of the
15 Interior under paragraph (1) shall be allocated
16 by such Secretary to issuers or schools funded
17 as described in paragraph (2). In the case of
18 amounts allocated under the preceding sen-
19 tence, Indian tribal governments shall be treat-
20 ed as qualified issuers for purposes of this sub-
21 chapter.

22 “(4) DIGITAL LEARNING.—Up to 10 percent of
23 the limitation amount allocated under paragraph (1)
24 or (3)(A) may be allocated by the State to issuers
25 within such State (in the case of an amount allo-

1 cated under paragraph (1)) or by the Secretary of
2 the Interior to issuers or schools funded by the Bu-
3 reau of Indian Affairs (in the case of an amount al-
4 located under paragraph (3)(A)) to carry out activi-
5 ties to improve digital learning in accordance with
6 section 301(b) of the Reopen and Rebuild America’s
7 Schools Act of 2021.

8 “(h) INTEREST PAYMENT DATE.—For purposes of
9 this section, the term ‘interest payment date’ means any
10 date on which the holder of record of the school infrastruc-
11 ture bond is entitled to a payment of interest under such
12 bond.

13 “(i) SPECIAL RULES.—

14 “(1) INTEREST ON SCHOOL INFRASTRUCTURE
15 BONDS INCLUDIBLE IN GROSS INCOME FOR FED-
16 ERAL INCOME TAX PURPOSES.—For purposes of this
17 title, interest on any school infrastructure bond shall
18 be includible in gross income.

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

23 (b) CREDIT ALLOWED TO ISSUER.—Section
24 6431(f)(3)(A) of such Code, as revived by section
25 201(b)(1), is amended by striking “means any qualified

1 tax credit bond” and all that follows through the end of
2 subparagraph (A) and inserting “means any bond if—

3 “(A) such bond is—

4 “(i) qualified tax credit bond which is
5 a qualified zone academy bond (as defined
6 in section 54E) determined without regard
7 to any allocation relating to the national
8 zone academy bond limitation for years
9 after 2010 or any carryforward of any
10 such allocation, or

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

13 (c) APPLICATION OF CERTAIN LABOR STANDARDS.—
14 Subchapter IV of chapter 31 of the title 40, United States
15 Code, shall apply to projects financed with the proceeds
16 of any qualified zone academy bond (as defined in section
17 54E of the Internal Revenue Code of 1986) issued after
18 the date of the enactment of this Act.

19 (d) CONFORMING AMENDMENTS.—

20 (1) Section 6401(b)(1) of the Internal Revenue
21 Code of 1986, as amended by section 201(a), is
22 amended by striking “and I” and inserting “I, and
23 J”.

24 (2) The table of subparts for part IV of sub-
25 chapter A of chapter 1 of such Code, as amended by

1 section 201(a), is amended by adding at the end the
2 following:

“SUBPART J—SCHOOL INFRASTRUCTURE BONDS”.

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

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

7 (a) IN GENERAL.—Not later than September 30 of
8 each fiscal year beginning after the date of the enactment
9 of this Act, the Secretary of the Treasury shall submit
10 to the appropriate congressional committees a report on
11 the amendments made by sections 201 and 202.

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

15 (1) An identification of—

16 (A) each local educational agency (if any)
17 that received an allocation under section
18 54E(b)(2) or 54BB(g) of the Internal Revenue
19 Code of 1986, and

20 (B) each local educational agency (if any)
21 that was eligible to receive such funds but did
22 not receive such funds.

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

1 (A) an assessment of the capacity of the
2 agency to raise funds for the long-term im-
3 provement of public school facilities, as deter-
4 mined by an assessment of—

5 (i) the current and historic ability of
6 the agency to raise funds for construction,
7 renovation, modernization, and major re-
8 pair projects for schools, including the abil-
9 ity of the agency to raise funds through
10 imposition of property taxes,

11 (ii) whether the agency has been able
12 to issue bonds to fund construction
13 projects, including—

14 (I) qualified zone academy bonds
15 under section 54E of the Internal
16 Revenue Code of 1986, and

17 (II) school infrastructure bonds
18 under section 54BB of the Internal
19 Revenue Code of 1986, and

20 (iii) the bond rating of the agency,

21 (B) the demographic composition of the
22 student population served by the agency,
23 disaggregated by—

24 (i) race,

1 (ii) the number and percentage of stu-
2 dents counted under section 1124(c) of the
3 Elementary and Secondary Education Act
4 of 1965 (20 U.S.C. 6333(c)), and

5 (iii) the number and percentage of
6 students who are eligible for a free or re-
7 duced price lunch under the Richard B.
8 Russell National School Lunch Act (42
9 U.S.C. 1751 et seq.),

10 (C) the population density of the geo-
11 graphic area served by the agency,

12 (D) a description of the projects carried
13 out with funds received from school infrastruc-
14 ture bonds,

15 (E) a description of the demonstrable or
16 expected benefits of the projects, and

17 (F) the estimated number of jobs created
18 by the projects.

19 (3) The total dollar amount of all funds re-
20 ceived by local educational agencies from school in-
21 frastructure bonds.

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

24 (c) INFORMATION COLLECTION.—A State or local
25 educational agency that receives an allocation under sec-

1 tion 54E(b)(2) or 54BB(g) of the Internal Revenue Code
2 of 1986 shall—

3 (1) annually compile the information necessary
4 for the Secretary of the Treasury to determine the
5 elements described in subsection (b), and

6 (2) report the information to the Secretary of
7 the Treasury at such time and in such manner as
8 the Secretary of the Treasury may require.

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

12 **TITLE III—USES OF FUNDS**

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

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

17 (1) develop the facilities master plan required
18 under section 103(f);

19 (2) construct, modernize, renovate, or retrofit
20 public school facilities, which may include seismic
21 retrofitting for schools vulnerable to seismic natural
22 disasters;

23 (3) carry out major repairs of public school fa-
24 cilities;

1 (4) install furniture or fixtures with at least a
2 10-year life in public school facilities;

3 (5) construct new public school facilities;

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

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

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

11 (9) ensure the building envelopes and interiors
12 of public school facilities protect occupants from nat-
13 ural elements and human threats, and are struc-
14 turally sound and secure;

15 (10) compose building design plans that
16 strengthen the safety and security on school prem-
17 ises by utilizing design elements, principles, and
18 technology that—

19 (A) guarantee layers of security through-
20 out the school premises; and

21 (B) uphold the aesthetics of the school
22 premises as a learning and teaching environ-
23 ment;

1 (11) improve energy and water efficiency to
2 lower the costs of energy and water consumption in
3 public school facilities;

4 (12) improve indoor air quality in public school
5 facilities;

6 (13) reduce or eliminate the presence of—

7 (A) toxic substances, including mercury,
8 radon, PCBs, lead, and asbestos;

9 (B) mold and mildew; or

10 (C) rodents and pests;

11 (14) ensure the safety of drinking water at the
12 tap and water used for meal preparation in public
13 school facilities, which may include testing of the po-
14 tability of water at the tap for the presence of lead
15 and other contaminants;

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

18 (16) make public school facilities accessible to
19 people with disabilities through compliance with the
20 Americans with Disabilities Act of 1990 (42 U.S.C.
21 12101 et seq.) and section 504 of the Rehabilitation
22 Act of 1973 (29 U.S.C. 794);

23 (17) provide instructional program space im-
24 provements for programs relating to early learning
25 (including early learning programs operated by part-

1 ners of the agency), special education, science, tech-
2 nology, career and technical education, physical edu-
3 cation, music, the arts, and literacy (including li-
4 brary programs);

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

9 (19) ensure the health of students and staff
10 during the construction or modernization of public
11 school facilities; or

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

14 (b) ALLOWANCE FOR DIGITAL LEARNING.—A local
15 educational agency may use covered funds to leverage ex-
16 isting public programs or public-private partnerships to
17 expand access to high-speed broadband sufficient for dig-
18 ital learning.

19 **SEC. 302. PROHIBITED USES.**

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

22 (1) payment of routine and predictable mainte-
23 nance costs and minor repairs;

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

4 (3) vehicles; or

5 (4) central offices, operation centers, or other
 6 facilities that are not primarily used to educate stu-
 7 dents.

8 (b) **ADDITIONAL PROHIBITIONS RELATING TO CHAR-**
 9 **TER SCHOOLS.**—No covered funds may be used—

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

12 (2) for the facilities of a public charter school
 13 if—

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

16 (B) such individual, or an individual with
 17 a direct or indirect financial interest in such en-
 18 tity, has a management or governance role in
 19 such school.

20 **SEC. 303. REQUIREMENTS FOR HAZARD-RESISTANCE AND**
 21 **ENERGY AND WATER CONSERVATION.**

22 A local educational agency that receives covered
 23 funds shall ensure that any new construction, moderniza-
 24 tion, or renovation project carried out with such funds
 25 meets or exceeds the requirements of the 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 model energy conservation
7 code.

8 (3) Performance criteria under the WaterSense
9 program, established under section 324B of the of
10 the Energy 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 a nationally recog-
16 nized, consensus-based standard.

17 **SEC. 304. GREEN PRACTICES.**

18 (a) IN GENERAL.—In a given fiscal year, a local edu-
19 cational agency that uses covered funds for a new con-
20 struction project or renovation project shall use not less
21 than the applicable percentage (as described in subsection
22 (b)) of the funds used for such project for construction
23 or renovation that is certified, verified, or consistent with
24 the applicable provisions of—

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

5 (2) the Living Building Challenge developed by
6 the International Living Future Institute;

7 (3) a green building rating program developed
8 by the Collaborative for High-Performance Schools
9 (commonly known as “CHPS”) that is CHPS-
10 verified; or

11 (4) a program that—

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

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

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

19 (b) APPLICABLE PERCENTAGE.—The applicable per-
20 centage described in this subsection is—

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

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

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

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

1 (5) for each of fiscal years 2026 through 2031,
2 100 percent.

3 **SEC. 305. USE OF AMERICAN IRON, STEEL, AND MANUFAC-**
4 **TURED PRODUCTS.**

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

9 (b) WAIVER AUTHORITY.—

10 (1) IN GENERAL.—The Secretary may waive
11 the requirement of subsection (a) if the Secretary
12 determines that—

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

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

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

23 (2) PUBLICATION.—Before issuing a waiver
24 under paragraph (1), the Secretary shall publish in

1 the Federal Register a detailed written explanation
2 of the waiver determination.

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

7 (d) DEFINITIONS.—In this section:

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

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

18 (B) When used with respect to iron or
19 steel products, or an individual component of a
20 manufactured product, all manufacturing proc-
21 esses for such iron or steel products or compo-
22 nents, from the initial melting stage through
23 the application of coatings, occurred in the
24 United States, except that the term does not in-
25 clude—

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

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

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

13 (A) electrical components; and

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

20 **TITLE IV—REPORTS AND OTHER** 21 **MATTERS**

22 **SEC. 401. COMPTROLLER GENERAL REPORT.**

23 (a) IN GENERAL.—Not later than 2 years after the
24 date of the enactment of this Act, the Comptroller General
25 of the United States shall submit to the appropriate con-

1 gressional committees a report on the projects carried out
2 with covered funds.

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

5 (1) State activities, including—

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

8 (B) technical assistance with respect to
9 public school facilities provided by each State, if
10 any;

11 (C) future plans of each State with respect
12 to public school facilities;

13 (D) criteria used by each State to deter-
14 mine high-need students and facilities for pur-
15 poses of the projects carried out with covered
16 funds; and

17 (E) whether the State issued new regula-
18 tions to ensure the health and safety of stu-
19 dents and staff during construction or renova-
20 tion projects or to ensure safe, healthy, and
21 high-performing school buildings;

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

24 (A) the square footage of the improve-
25 ments made with covered funds;

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

2 (C) the cost described in subparagraph

3 (B), disaggregated by, with respect to such

4 project, the cost of planning, design, construc-

5 tion, site purchase, and improvements;

6 (3) the geographic distribution of the projects;

7 (4) the demographic composition of the student

8 population served by the projects, disaggregated

9 by—

10 (A) race;

11 (B) the number and percentage of students

12 counted under section 1124(c) of the Elemen-

13 tary and Secondary Education Act of 1965 (20

14 U.S.C. 6333(c)); and

15 (C) the number and percentage of students

16 who are eligible for a free or reduced price

17 lunch under the Richard B. Russell National

18 School Lunch Act (42 U.S.C. 1751 et seq.);

19 (5) an assessment of the impact of the projects

20 on the health and safety of school staff and stu-

21 dents; and

22 (6) how the Secretary or States could make

23 covered funds more accessible—

24 (A) to schools with the highest numbers

25 and percentages of students counted under sec-

1 tion 1124(c) of the Elementary and Secondary
2 Education Act of 1965 (20 U.S.C. 6333(c));
3 and

4 (B) to schools with fiscal challenges in
5 raising capital for school infrastructure
6 projects.

7 (c) UPDATES.—The Comptroller General shall up-
8 date and resubmit the report to the appropriate congres-
9 sional committees—

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

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

14 **SEC. 402. STUDY AND REPORT ON PHYSICAL CONDITION OF**
15 **PUBLIC SCHOOLS.**

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

20 (1) carry out a comprehensive study of the
21 physical conditions of all public schools in each State
22 and outlying area; and

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

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

3 (1) an assessment of—

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

6 (B) the effect of school facility conditions
7 on student academic outcomes;

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

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

14 (E) the accessibility of school facilities for
15 students and staff with disabilities;

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

22 (G) the condition of school facilities af-
23 fected by natural disasters;

24 (H) the effect that projects carried out
25 with covered funds have on the communities in

1 which such projects are conducted, including
2 the vitality, jobs, population, and economy of
3 such communities; and

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

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

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

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

15 (a) DATA STANDARDS.—Not later than 120 days
16 after the date of the enactment of this Act, the Secretary,
17 in consultation with the officials described in subsection
18 (b), shall—

19 (1) identify the data that States should collect
20 and include in the databases developed under section
21 102(a)(2)(A)(ii);

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

24 (3) issue guidance to States concerning the col-
25 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. 404. INFORMATION CLEARINGHOUSE.**

11 (a) IN GENERAL.—Not later than 120 days after the
12 date of the enactment of this Act, the Secretary shall es-
13 tablish a clearinghouse to disseminate information on Fed-
14 eral 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 403(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 **TITLE V—IMPACT AID**
13 **CONSTRUCTION**

14 **SEC. 501. TEMPORARY INCREASE IN FUNDING FOR IMPACT**
15 **AID CONSTRUCTION.**

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

19 “(d) CONSTRUCTION.—For the purpose of carrying
20 out section 7007, there are authorized to be appropriated
21 \$100,000,000 for each of fiscal years 2022 through
22 2026.”.

1 **TITLE VI—ASSISTANCE FOR RE-**
2 **PAIR OF SCHOOL FOUNDA-**
3 **TIONS AFFECTED BY**
4 **PYRRHOTITE**

5 **SEC. 601. ALLOCATIONS TO STATES.**

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

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

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

18 (a) IN GENERAL.—From the amounts allocated to a
19 State under section 601(a) and contributed by the State
20 under subsection (e)(2), the State shall award grants to
21 local educational agencies—

22 (1) to pay the future costs of repairing concrete
23 school foundations damaged by the presence of
24 pyrrhotite; or

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

5 (b) LOCAL EDUCATIONAL AGENCY ELIGIBILITY.—

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

9 (A) with respect to each school for which
10 the agency seeks to use grant funds, dem-
11 onstrate to the State that—

12 (i) the school is a pyrrhotite-affected
13 school; and

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

19 (I) by a professional engineer li-
20 censed in the State in which the
21 school is located; and

22 (II) in accordance with applicable
23 State standards or standards ap-
24 proved by any independent, nonprofit,
25 or private entity authorized by the

1 State to oversee construction, testing,
 2 or financial relief efforts for damaged
 3 building foundations; and

4 (B) provide an assurance that—

5 (i) the local educational agency will
 6 use the grant only for the allowable uses
 7 described in subsection (f)(1); and

8 (ii) all work funded with the grant
 9 will be conducted by a qualified contractor
 10 or architect licensed in the State.

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

17 (c) APPLICATION.—

18 (1) IN GENERAL.—A local educational agency
 19 that seeks a grant under this section shall submit to
 20 the State an application at such time, in such man-
 21 ner, and containing such information as the State
 22 may require, which upon approval by the State
 23 under subsection (d)(1)(A), the State shall submit to
 24 the Secretary for approval under subsection
 25 (d)(1)(B).

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

3 (A) information and documentation suffi-
4 cient to enable the State to determine if the
5 local educational agency meets the eligibility
6 criteria under subsection (b);

7 (B) in the case of an agency seeking a
8 grant under subsection (a)(1), an estimate of
9 the costs of carrying out the activities described
10 in subsection (f);

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

13 (i) an itemized explanation of—

14 (I) the costs incurred by the
15 agency in carrying out any activities
16 described subsection (f); and

17 (II) any amounts contributed
18 from other Federal, State, local, or
19 private sources for such activities; and

20 (ii) the amount for which the local
21 educational agency seeks reimbursement;
22 and

23 (D) the percentage of any costs described
24 in subparagraph (B) or (C) that are covered by
25 an insurance policy.

1 (d) APPROVAL AND DISBURSEMENT.—

2 (1) APPROVAL.—

3 (A) STATE.—The State shall approve the
4 application of each local educational agency for
5 submission to the Secretary that—

6 (i) submits a complete and correct ap-
7 plication under subsection (c); and

8 (ii) meets the criteria for eligibility
9 under subsection (b).

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

14 (i) approve such application, in a case
15 in which the Secretary determines that
16 such application meets the requirements of
17 subparagraph (A); or

18 (ii) deny such application, in the case
19 of an application that does not meet such
20 requirements.

21 (2) DISBURSEMENT.—

22 (A) ALLOCATION.—The Secretary shall
23 disburse an allocation to a State not later than
24 60 days after the date on which the Secretary

1 approves an application under paragraph
2 (1)(B).

3 (B) GRANT.—The State shall disburse
4 grant funds to a local educational agency not
5 later than 60 days after the date on which the
6 State receives an allocation under subparagraph
7 (A).

8 (e) FEDERAL AND STATE SHARE.—

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

13 (2) STATE SHARE.—

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

20 (B) SPECIAL RULE FOR REIMBURSEMENT
21 GRANTS.—In the case of a reimbursement grant
22 made to a local educational agency under sub-
23 section (a)(2), a State shall be treated as meet-
24 ing the requirement of subparagraph (A) if the
25 State demonstrates that it contributed, from

1 non-Federal sources, not less than 40 percent
2 of the total cost of the project for which the re-
3 imbursement grant is awarded.

4 (f) USES OF FUNDS.—

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

9 (A) the repair or replacement of the con-
10 crete foundation or other affected areas of a
11 pyrrhotite-affected school in the jurisdiction of
12 such agency to the extent necessary—

13 (i) to restore the structural integrity
14 of the school to the safety and health
15 standards established by the professional
16 licensed engineer or architect associated
17 with the project; and

18 (ii) to restore the school to the condi-
19 tion it was in before the school's founda-
20 tion was damaged due to the presence of
21 pyrrhotite; and

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

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

5 (A) work done to outbuildings, sheds, or
 6 barns, swimming pools (whether in-ground or
 7 above-ground), playgrounds or ballfields, or any
 8 ponds or water features;

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

14 (C) any other activities not described in
 15 paragraph (1).

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

18 (1) this section; and

19 (2) title I.

20 **SEC. 603. DEFINITIONS.**

21 In this title:

22 (1) PYRRHOTITE-AFFECTED SCHOOL.—The
 23 term “pyrrhotite-affected school” means an elemen-
 24 tary school or a secondary school that meets the fol-
 25 lowing criteria:

1 (A) The school has a concrete foundation.

2 (B) Pyrrhotite is present in the school's
3 concrete foundation, as demonstrated by a
4 petrographic or other type of laboratory core
5 analysis or core inspection.

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

10 (D) A qualified engineer determined that
11 the deterioration of the school's foundation, due
12 to the presence of pyrrhotite—

13 (i) caused the school to become struc-
14 turally unsound; or

15 (ii) will result in the school becoming
16 structurally unsound within the next five
17 years.

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

1 **SEC. 604. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated to carry out
3 this title such sums as may be necessary for fiscal year
4 2022 and each fiscal year thereafter.

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