

MANAGER’S AMENDMENT TO H.R. 865
OFFERED BY MR. SCOTT OF VIRGINIA

Strike section 1 and all that follows through the end
of title I and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Rebuild America’s Schools Act of 2019”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 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—GENERAL PROVISIONS

Sec. 301. Allowable uses of funds.
Sec. 302. Prohibited uses.
Sec. 303. Requirements for hazard-resistance and energy and water conserva-
tion.
Sec. 304. Green Practices.
Sec. 305. Use of American iron, steel, and manufactured products.
Sec. 306. Comptroller general report.
Sec. 307. Study and report physical condition of public schools.
Sec. 308. Development of data standards.
Sec. 309. Information clearinghouse.

TITLE IV—IMPACT AID CONSTRUCTION

Sec. 401. Temporary increase in funding for impact aid construction.

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

Sec. 501. Allocations to States.

Sec. 502. Grants to local educational agencies.

Sec. 503. Definitions.

Sec. 504. Authorization of appropriations.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

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

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

15 (A) under title I of this Act;

16 (B) from a school infrastructure bond; or

17 (C) from a qualified zone academy bond

18 (as such term is defined in section 54E of the

19 Internal Revenue Code of 1986 (as restored by

20 section 201)).

1 (4) ESEA TERMS.—The terms “elementary
2 school”, “outlying area”, and “secondary school”
3 have the meanings given those terms in section 8101
4 of the Elementary and Secondary Education Act of
5 1965 (20 U.S.C. 7801).

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

12 (6) PUBLIC SCHOOL FACILITIES.—The term
13 “public school facilities” means the facilities of a
14 public elementary school or a public secondary
15 school.

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

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

1 (9) SECRETARY.—The term “Secretary” means
2 the Secretary of Education.

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

6 (11) ZERO ENERGY SCHOOL.—The term “zero
7 energy school” means a public elementary school or
8 public secondary school that—

9 (A) generates renewable energy on-site;
10 and

11 (B) on an annual basis, exports an amount
12 of such renewable energy that equals or exceeds
13 the total amount of renewable energy that is
14 delivered to the school from outside sources.

15 **TITLE I—GRANTS FOR THE**
16 **LONG-TERM IMPROVEMENT**
17 **OF PUBLIC SCHOOL FACILI-**
18 **TIES**

19 **SEC. 101. PURPOSE AND RESERVATION.**

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

24 (b) RESERVATION FOR OUTLYING AREAS AND BU-
25 REAU-FUNDED SCHOOLS.—

1 (1) IN GENERAL.—For each of fiscal years
2 2020 through 2029, the Secretary shall reserve,
3 from the amount appropriated to carry out this
4 title—

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

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

11 (2) USE OF RESERVED FUNDS.—

12 (A) IN GENERAL.—Funds reserved under
13 paragraph (1) shall be used in accordance with
14 sections 301 through 305.

15 (B) SPECIAL RULES FOR BUREAU-FUNDED
16 SCHOOLS.—

17 (i) APPLICABILITY.—Sections 301
18 through 305 shall apply to a Bureau-fund-
19 ed school that receives assistance under
20 paragraph (1)(B) in the same manner that
21 such sections apply to a qualified local edu-
22 cational agency that receives covered
23 funds. The facilities of a Bureau-funded
24 school shall be treated as public school fa-

1 cilities for purposes of the application of
2 such sections.

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

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

1 fiscal year relative to the total such amount received
2 by all outlying areas for such previous fiscal year.

3 **SEC. 102. ALLOCATION TO STATES.**

4 (a) ALLOCATION TO STATES.—

5 (1) STATE-BY-STATE ALLOCATION.—Of the
6 amount appropriated to carry out this title for each
7 fiscal year and not reserved under section 101(b),
8 each State that has a plan approved by the Sec-
9 retary under subsection (b) shall be allocated an
10 amount in proportion to the amount received by all
11 local educational agencies in the State under part A
12 of title I of the Elementary and Secondary Edu-
13 cation Act of 1965 (20 U.S.C. 6311 et seq.) for the
14 previous fiscal year relative to the total such amount
15 received by all local educational agencies in every
16 State that has a plan approved by the Secretary
17 under subsection (b).

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

22 (A) shall include—

23 (i) providing technical assistance to
24 local educational agencies, including by—

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

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

9 (ii) in accordance with the guidance
10 issued by the Secretary under section 308,
11 developing an online, publicly searchable
12 database that contains an inventory of the
13 infrastructure of all public school facilities
14 in the State (including the facilities of Bu-
15 reau-funded schools, as appropriate), in-
16 cluding, with respect to each such facility,
17 an identification of—

18 (I) the information described in
19 subclauses (I) through (VII) of clause
20 (vi);

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

24 (aa) the facility;

25 (bb) its roof;

- 1 (cc) its lighting system;
- 2 (dd) its windows;
- 3 (ee) its ceilings;
- 4 (ff) its plumbing; and
- 5 (gg) its heating, ventilation,
- 6 and air conditioning system;
- 7 (III) fire safety inspection re-
- 8 sults;
- 9 (IV) the proximity of the facili-
- 10 ties to toxic sites or the vulnerability
- 11 of the facilities to natural disasters,
- 12 including the extent to which facilities
- 13 that are vulnerable to seismic natural
- 14 disasters are seismically retrofitted;
- 15 and
- 16 (V) any previous inspections
- 17 showing the presence of toxic sub-
- 18 stances;
- 19 (iii) updating the database developed
- 20 under clause (ii) not less frequently than
- 21 once every 2 years;
- 22 (iv) ensuring that the information in
- 23 the database developed under clause (ii)—
- 24 (I) is posted on a publicly acces-
- 25 sible State website; and

1 (II) is regularly distributed to
2 local educational agencies and Tribal
3 governments in the State;

4 (v) issuing and reviewing regulations
5 to ensure the health and safety of students
6 and staff during construction or renovation
7 projects; and

8 (vi) issuing or reviewing regulations to
9 ensure safe, healthy, and high-performing
10 school buildings, including regulations gov-
11 erning—

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

18 (II) mold, mildew, and moisture
19 control;

20 (III) the safety of drinking water
21 at the tap and water used for meal
22 preparation, including regulations
23 that—

1 (aa) address the presence of
2 lead and other contaminants in
3 such water; and

4 (bb) require the regular test-
5 ing of the potability of water at
6 the tap;

7 (IV) energy and water efficiency;

8 (V) excessive classroom noise due
9 to activities allowable under section
10 301;

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

15 (VII) the construction or renova-
16 tion of such facilities, including appli-
17 cable building codes; and

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

22 (B) may include the development of a plan
23 to increase the number of zero energy schools
24 in the State.

25 (b) STATE PLAN.—

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

4 (A) describes how the State will use the al-
5 location to make long-term improvements to
6 public school facilities;

7 (B) explains how the State will carry out
8 each of its responsibilities under subsection
9 (a)(2);

10 (C) explains how the State will make the
11 determinations under subsections (b) and (c) of
12 section 103;

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

17 (E) includes such other information as the
18 Secretary may require.

19 (2) APPROVAL AND DISAPPROVAL.—The Sec-
20 retary shall have the authority to approve or dis-
21 approve a State plan submitted under paragraph
22 (1).

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

1 (1) MATCHING REQUIREMENT.—The State shall
2 contribute, from non-Federal sources, an amount
3 equal to 10 percent of the amount of the allocation
4 received under this section to carry out the activities
5 supported by the allocation.

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

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

23 **SEC. 103. NEED-BASED GRANTS TO QUALIFIED LOCAL EDU-**
24 **CATIONAL AGENCIES.**

25 (a) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—

1 (1) IN GENERAL.—Subject to paragraph (2),
2 from the amounts allocated to a State under section
3 102(a) and contributed by the State under section
4 102(c)(1), the State shall award grants to qualified
5 local educational agencies, on a competitive basis, to
6 carry out the activities described in section 301(a).

7 (2) ALLOWANCE FOR DIGITAL LEARNING.—A
8 State may use up to 10 percent of the amount de-
9 scribed in paragraph (1) to make grants to qualified
10 local educational agencies carry out activities to im-
11 prove digital learning in accordance with section
12 301(b).

13 (b) ELIGIBILITY.—

14 (1) IN GENERAL.—To be eligible to receive a
15 grant under this section a qualified local educational
16 agency—

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

22 (B) shall agree to prioritize the improve-
23 ment of the facilities of public schools that
24 serve the highest percentages of students who
25 are eligible for a free or reduced price lunch

1 under the Richard B. Russell National School
2 Lunch Act (42 U.S.C. 1751 et seq.) (which, in
3 the case of a high school, may be calculated
4 using comparable data from the schools that
5 feed into the high school), as compared to other
6 public schools in the jurisdiction of the agency;
7 and

8 (C) may be among the local educational
9 agencies in the State—

10 (i) with the greatest need to improve
11 public school facilities, as determined by
12 the State, which may include consideration
13 of threats posed by the proximity of the fa-
14 cilities to toxic sites or brownfield sites or
15 the vulnerability of the facilities to natural
16 disasters; and

17 (ii) with the most limited capacity to
18 raise funds for the long-term improvement
19 of public school facilities, as determined by
20 an assessment of—

21 (I) the current and historic abil-
22 ity of the agency to raise funds for
23 construction, renovation, moderniza-
24 tion, and major repair projects for
25 schools;

1 (II) whether the agency has been
2 able to issue bonds or receive other
3 funds to support school construction
4 projects; and
5 (III) the bond rating of the agen-
6 cy.

7 (2) GEOGRAPHIC DISTRIBUTION.—The State
8 shall ensure that grants under this section are
9 awarded to qualified local educational agencies that
10 represent the geographic diversity of the State.

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

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

21 (1) shall give priority to qualified local edu-
22 cational agencies that—

23 (A) demonstrate the greatest need for such
24 a grant, as determined by a comparison of the
25 factors described in subsection (b)(1) and other

1 indicators of need in the public school facilities
2 of such local educational agencies, including—
3 (i) the median age of facilities;
4 (ii) the extent to which student enroll-
5 ment exceeds physical and instructional ca-
6 pacity;
7 (iii) the condition of major building
8 systems such as heating, ventilation, air
9 conditioning, electrical, water, and sewer
10 systems;
11 (iv) the condition of roofs, windows,
12 and doors; and
13 (v) other critical health and safety
14 conditions; and
15 (B) will use the grant to improve the facili-
16 ties of—
17 (i) elementary schools or middle
18 schools that have an enrollment of stu-
19 dents who are eligible for a free or reduced
20 price lunch under the Richard B. Russell
21 National School Lunch Act (42 U.S.C.
22 1751 et seq.) that constitutes not less than
23 40 percent of the total student enrollment
24 at such schools; or

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

9 (C) operate public school facilities that
10 pose a severe health and safety threat to stu-
11 dents and staff, which may include a threat
12 posed by the proximity of the facilities to toxic
13 sites or the vulnerability of the facilities to nat-
14 ural disasters; and

15 (2) may give priority to qualified local edu-
16 cational agencies that—

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

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

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

1 (d) 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) and
9 (c);

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 (e) 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 (f) 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 \$7,000,000,000 for each of fiscal years 2020 through
25 2029 to carry out this title.

Strike titles III and IV and insert the following:

1 **TITLE III—GENERAL**
2 **PROVISIONS**

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

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

7 (1) develop the facilities master plan required
8 under section 103(e);

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

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

15 (4) install furniture or fixtures with at least a
16 10-year life in public school facilities;

17 (5) construct new public school facilities;

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

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

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

1 (9) ensure the building envelopes of public
2 school facilities protect occupants and interiors from
3 the elements and are structurally sound and secure;

4 (10) improve energy and water efficiency to
5 lower the costs of energy and water consumption in
6 public school facilities;

7 (11) improve indoor air quality in public school
8 facilities;

9 (12) reduce or eliminate the presence of—

10 (A) toxic substances, including mercury,
11 radon, PCBs, lead, and asbestos;

12 (B) mold and mildew; or

13 (C) rodents and pests;

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

19 (14) bring public school facilities into compli-
20 ance with applicable fire, health, and safety codes;

21 (15) make public school facilities accessible to
22 people with disabilities through compliance with the
23 Americans with Disabilities Act of 1990 (42 U.S.C.
24 12101 et seq.) and section 504 of the Rehabilitation
25 Act of 1973 (29 U.S.C. 794);

1 (16) provide instructional program space im-
2 provements for programs relating to early learning
3 (including early learning programs operated by part-
4 ners of the agency), special education, science, tech-
5 nology, career and technical education, physical edu-
6 cation, music, the arts, and literacy (including li-
7 brary programs);

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

12 (18) ensure the health of students and staff
13 during the construction or modernization of public
14 school facilities; or

15 (19) reduce or eliminate excessive classroom
16 noise due to activities allowable under this section.

17 (b) ALLOWANCE FOR DIGITAL LEARNING.—A local
18 educational agency may use funds received under section
19 103(a)(2) or proceeds from a school infrastructure bond
20 limitation allocated under section 54BB(g) of the Internal
21 Revenue Code of 1986 (as added by section 202) to lever-
22 age existing public programs or public-private partner-
23 ships to expand access to high-speed broadband sufficient
24 for digital learning.

1 **SEC. 302. PROHIBITED USES.**

2 A local educational agency that receives covered
3 funds may not use such funds for—

4 (1) payment of routine and predictable mainte-
5 nance costs and minor repairs;

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

9 (3) vehicles; or

10 (4) central offices, operation centers, or other
11 facilities that are not primarily used to educate stu-
12 dents.

13 **SEC. 303. REQUIREMENTS FOR HAZARD-RESISTANCE AND**
14 **ENERGY AND WATER CONSERVATION.**

15 A local educational agency that receives covered
16 funds shall ensure that any new construction, moderniza-
17 tion, or renovation project carried out with such funds
18 meets or exceeds the requirements of the following:

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

22 (2) Requirements for such projects set forth in
23 the most recent published edition of a nationally rec-
24 ognized, consensus-based model energy conservation
25 code.

1 (3) Performance criteria under the WaterSense
2 program, established under section 324B of the of
3 the Energy Policy and Conservation Act (42 U.S.C.
4 6294b), applicable to such projects within a nation-
5 ally recognized, consensus-based model code.

6 **SEC. 304. GREEN PRACTICES.**

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

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

18 (2) the Living Building Challenge developed by
19 the International Living Future Institute;

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

24 (4) the International Green Construction Code;
25 or

1 (5) a program that—

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

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

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

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

11 (1) for fiscal year 2020, 60 percent;

12 (2) for fiscal year 2021, 70 percent;

13 (3) for fiscal year 2022; 80 percent;

14 (4) for fiscal year 2023, 90 percent; and

15 (5) for each of fiscal years 2024 through 2029,
16 100 percent.

17 **SEC. 305. USE OF AMERICAN IRON, STEEL, AND MANUFAC-**
18 **TURED PRODUCTS.**

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

23 (b) **WAIVER AUTHORITY.**—

1 (1) IN GENERAL.—The Secretary may waive
2 the requirement of subsection (a) if the Secretary
3 determines that—

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

6 (B) iron, steel, and manufactured products
7 produced in the United States are not produced
8 in a sufficient and reasonably available amount
9 or are not of a satisfactory quality; or

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

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

18 (c) CONSISTENCY WITH INTERNATIONAL AGREE-
19 MENTS.—This section shall be applied in a manner con-
20 sistent with the obligations of the United States under
21 international agreements.

22 (d) DEFINITIONS.—In this section:

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

1 (A) When used with respect to a manufac-
2 tured product, the product was manufactured in
3 the United States and the cost of the compo-
4 nents of such product that were mined, pro-
5 duced, or manufactured in the United States
6 exceeds 60 percent of the total cost of all com-
7 ponents of the product.

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

16 (i) steel or iron material or products
17 manufactured abroad from semi-finished
18 steel or iron from the United States; and

19 (ii) steel or iron material or products
20 manufactured in the United States from
21 semi-finished steel or iron of foreign origin.

22 (2) MANUFACTURED PRODUCT.—The term
23 “manufactured product” means any construction
24 material or end product (as such terms are defined
25 in part 25.003 of the Federal Acquisition Regula-

1 tion) that is not an iron or steel product, includ-
2 ing—

3 (A) electrical components; and

4 (B) non-ferrous building materials, includ-
5 ing, aluminum and polyvinylchloride (PVC),
6 glass, fiber optics, plastic, wood, masonry, rub-
7 ber, manufactured stone, any other non-ferrous
8 metals, and any unmanufactured construction
9 material.

10 **SEC. 306. COMPTROLLER GENERAL REPORT.**

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

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

18 (1) State activities, including—

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

21 (B) technical assistance with respect to
22 public school facilities provided by each State, if
23 any;

24 (C) future plans of each State with respect
25 to public school facilities;

1 (D) criteria used by each State to deter-
2 mine high-need students and facilities for pur-
3 poses of the projects carried out with covered
4 funds; and

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

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

12 (A) the square footage of the improve-
13 ments made with covered funds;

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

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

19 (3) the geographic distribution of the projects;

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

23 (A) race;

24 (B) the number and percentage of students
25 counted under section 1124(c) of the Elemen-

1 tary and Secondary Education Act of 1965 (20
2 USC 6333(e)); and

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

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

10 (6) how the Secretary or States could make
11 covered funds more accessible—

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

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

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

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

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

3 **SEC. 307. STUDY AND REPORT PHYSICAL CONDITION OF**
4 **PUBLIC SCHOOLS.**

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

9 (1) carry out a comprehensive study of the
10 physical conditions of all public schools in the 50
11 States, the District of Columbia, the Commonwealth
12 of Puerto Rico, the United States Virgin Islands,
13 Guam, American Samoa, and the Commonwealth of
14 the Northern Mariana Islands; and

15 (2) submit a report to the appropriate congress-
16 sional committees that includes the results of the
17 study.

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

20 (1) an assessment of—

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

23 (B) the effect of school facility conditions
24 on student academic outcomes;

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

3 (D) the condition of school facilities for
4 economically disadvantaged students as well as
5 students from major racial and ethnic sub-
6 groups;

7 (E) the accessibility of school facilities for
8 students and staff with disabilities;

9 (F) the prevalence of school facilities at
10 which student enrollment exceeds the physical
11 and instructional capacity of the facility and the
12 effect of such excess enrollment on instructional
13 quality and delivery of school wraparound serv-
14 ices;

15 (G) the condition of school facilities af-
16 fected by natural disasters; and

17 (H) the effect that projects carried out
18 with covered funds have on the communities in
19 which such projects are conducted, including
20 the vitality, jobs, population, and economy of
21 such communities;

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

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

4 **SEC. 308. DEVELOPMENT OF DATA STANDARDS.**

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

9 (1) identify the data that States should collect
10 and include in the databases developed under section
11 102(a)(2)(B);

12 (2) develop standards for the measurement of
13 such data; and

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

16 (b) OFFICIALS.—The officials described in this sub-
17 section are—

18 (1) the Administrator of the Environmental
19 Protection Agency;

20 (2) the Secretary of Energy;

21 (3) the Director of the Centers for Disease
22 Control and Prevention; and

23 (4) the Director of the National Institute for
24 Occupational Safety and Health.

1 **SEC. 309. INFORMATION CLEARINGHOUSE.**

2 (a) IN GENERAL.—Not later than 120 days after the
3 date of the enactment of this Act, the Secretary shall es-
4 tablish a clearinghouse to disseminate information on Fed-
5 eral programs and financing mechanisms that may be
6 used to assist schools in initiating, developing, and financ-
7 ing—

- 8 (1) energy efficiency projects;
- 9 (2) distributed generation projects; and
- 10 (3) energy retrofitting projects.

11 (b) ELEMENTS.—In carrying out subsection (a), the
12 Secretary shall—

13 (1) consult with the officials described in sec-
14 tion 308(b) to develop a list of Federal programs
15 and financing mechanisms to be included in the
16 clearinghouse; and

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

1 schools effectively access and use such Federal pro-
2 grams and financing mechanisms.

3 **TITLE IV—IMPACT AID**
4 **CONSTRUCTION**

5 **SEC. 401. TEMPORARY INCREASE IN FUNDING FOR IMPACT**
6 **AID CONSTRUCTION.**

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

10 “(d) CONSTRUCTION.—For the purpose of carrying
11 out section 7007, there are authorized to be appropriated
12 \$100,000,000 for each of fiscal years 2020 through
13 2024.”.

14 **TITLE V—ASSISTANCE FOR RE-**
15 **PAIR OF SCHOOL FOUNDA-**
16 **TIONS AFFECTED BY**
17 **PYRRHOTITE**

18 **SEC. 501. ALLOCATIONS TO STATES.**

19 (a) IN GENERAL.—Beginning not later than 180
20 days after the date of the enactment of this Act, the Sec-
21 retary shall carry out a program under which the Sec-
22 retary makes allocations to States to pay the Federal
23 share of the costs of making grants to local educational
24 agencies under section 502.

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

6 **SEC. 502. GRANTS TO LOCAL EDUCATIONAL AGENCIES.**

7 (a) IN GENERAL.—From the amounts allocated to a
8 State under section 501(a) and contributed by the State
9 under subsection (e)(2), the State shall award grants to
10 local educational agencies—

11 (1) to pay the future costs of repairing concrete
12 school foundations damaged by the presence of
13 pyrrhotite; or

14 (2) to reimburse such agencies for costs in-
15 curred by the agencies in making such repairs in the
16 five-year period preceding the date of enactment of
17 this Act.

18 (b) LOCAL EDUCATIONAL AGENCY ELIGIBILITY.—

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

22 (A) with respect to each school for which
23 the agency seeks to use grant funds, dem-
24 onstrate to the State that—

1 (i) the school is a pyrrhotite-affected
2 school; and

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

8 (I) by a professional engineer li-
9 censed in the State in which the
10 school is located; and

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

18 (B) provide an assurance that—

19 (i) the local educational agency will
20 use the grant only for the allowable uses
21 described in subsection (f)(1); and

22 (ii) all work funded with the grant
23 will be conducted by a qualified contractor
24 or architect licensed in the State.

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

7 (c) APPLICATION.—

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

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

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

22 (B) in the case of an agency seeking a
23 grant under subsection (a)(1), an estimate of
24 the costs of carrying out the activities described
25 in subsection (f);

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

3 (i) an itemized explanation of—

4 (I) the costs incurred by the
5 agency in carrying out any activities
6 described subsection (f);

7 (II) any amounts contributed
8 from other Federal, State, local, or
9 private sources for such activities; and

10 (ii) the amount for which the local
11 educational agency seeks reimbursement;

12 and

13 (D) the percentage of any costs described
14 in subparagraph (B) or (C) that are covered by
15 an insurance policy.

16 (d) APPROVAL AND DISBURSEMENT.—

17 (1) APPROVAL.—

18 (A) STATE.—The State shall approve the
19 application of each local educational agency for
20 submission to the Secretary that—

21 (i) submits a complete and correct ap-
22 plication under subsection (c); and

23 (ii) meets the criteria for eligibility
24 under subsection (b).

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

5 (i) approve such application, in a case
6 in which the Secretary determines that
7 such application meets the requirements of
8 subparagraph (A); or

9 (ii) deny such application, in the case
10 of an application that does not meet such
11 requirements.

12 (2) DISBURSEMENT.—

13 (A) ALLOCATION.—The Secretary shall
14 disburse an allocation to a State not later than
15 60 days after the date on which the Secretary
16 approves an application under paragraph
17 (1)(B).

18 (B) GRANT.—The State shall disburse
19 grant funds to a local educational agency not
20 later than 60 days after the date on which the
21 State receives an allocation under subparagraph
22 (A).

23 (e) FEDERAL AND STATE SHARE.—

24 (1) FEDERAL SHARE.—The Federal share of
25 each grant under this section shall be an amount

1 that is not more than 50 percent of the total cost
2 of the project for which the grant is awarded.

3 (2) STATE SHARE.—

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

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

19 (f) USES OF FUNDS.—

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

24 (A) the repair or replacement of the con-
25 crete foundation or other affected areas of a

1 pyrrhotite-affected school in the jurisdiction of
2 such agency to the extent necessary—

3 (i) to restore the structural integrity
4 of the school to the safety and health
5 standards established by the professional
6 licensed engineer or architect associated
7 with the project; and

8 (ii) to restore the school to the condi-
9 tion it was in before the school's founda-
10 tion was damaged due to the presence of
11 pyrrhotite; and

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

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

19 (A) work done to outbuildings, sheds, or
20 barns, swimming pools (whether in-ground or
21 above-ground), playgrounds or ballfields, or any
22 ponds or water features;

23 (B) the purchase of items not directly as-
24 sociated with the repair or replacement of the
25 school building or its systems, including items

1 such as desks, chairs, electronics, sports equip-
2 ment, or other school supplies; or

3 (C) any other activities not described in
4 paragraph (1).

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

7 (1) this section; and

8 (2) title I.

9 **SEC. 503. DEFINITIONS.**

10 In this title:

11 (1) PYRRHOTITE-AFFECTED SCHOOL.—The
12 term “pyrrhotite-affected school” means an elemen-
13 tary school or a secondary school that meets the fol-
14 lowing criteria:

15 (A) The school has a concrete foundation.

16 (B) Pyrrhotite is present in the school’s
17 concrete foundation, as demonstrated by a
18 petrographic or other type of laboratory core
19 analysis or core inspection.

20 (C) A visual inspection of the school’s con-
21 crete foundation indicates that the presence of
22 pyrrhotite is causing the foundation to deterio-
23 rate at an unsafe rate.

1 (D) A qualified engineer determined that
2 the deterioration of the school’s foundation, due
3 to the presence of pyrrhotite—

4 (i) caused the school to become struc-
5 turally unsound; or

6 (ii) will result in the school becoming
7 structurally unsound within the next five
8 years.

9 (2) QUALIFIED CONTRACTOR.—The term
10 “qualified contractor” means a contractor who is
11 qualified under State law, or approved by any State
12 agency or other State-sanctioned independent or
13 nonprofit entity, to repair or replace residential or
14 commercial building foundations that are deterio-
15 rating due to the presence of pyrrhotite.

16 **SEC. 504. AUTHORIZATION OF APPROPRIATIONS.**

17 There are authorized to be appropriated to carry out
18 this title such sums as may be necessary for fiscal year
19 2020 and each fiscal year thereafter.

