



2020 Annual Meeting - School Facilities Federal Legislation

December 9-10, 2020

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July 8, 2020

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

As of November 30, 2020, not taken up by the Senate

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

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

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

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

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

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

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

Sec. 70000. Short title; table of contents.

Sec. 70001. Definitions.

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

Subtitle A—Reservation and Allocation of Funds

Sec. 70101. Purpose and reservation.

Sec. 70102. Allocation to States.

Subtitle B—Grants to Local Educational Agencies

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

Sec. 70112. Allowable uses of funds.

Sec. 70113. Prohibited uses.

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

Sec. 70115. Green Practices.

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

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

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

Subtitle C—Annual Report and Authorization of Appropriations

Sec. 70121. Annual report on grant program.

Sec. 70122. Authorization of appropriations.

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

Sec. 70201. Comptroller general report.

1715

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

TITLE III—IMPACT AID CONSTRUCTION

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

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

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

1 **SEC. 70001. DEFINITIONS.**

2 In this division:

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

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

13 (3) COVERED FUNDS.—The term “covered
14 funds” means funds received under title I of this di-
15 vision.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (2) USE OF RESERVED FUNDS.—

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

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

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

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

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

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

2 (a) ALLOCATION TO STATES.—

3 (1) STATE-BY-STATE ALLOCATION.—

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

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

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

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

12 (A) shall include—

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

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

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

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

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

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

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

13 (aa) the facility;

14 (bb) its roof;

15 (cc) its lighting system;

16 (dd) its windows;

17 (ee) its ceilings;

18 (ff) its plumbing; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1725

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

4 (IV) energy and water efficiency;

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

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

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

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

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

22 (b) STATE PLAN.—

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

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

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

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

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

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

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

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

23 (1) MATCHING REQUIREMENT.—

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

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

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

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

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

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

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

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

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

8 (a) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—

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

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

22 (b) ELIGIBILITY.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (i) the median age of facilities;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (4) in the case of a local educational agency
10 that proposes to fund a repair, renovation, or con-
11 struction project for a public charter school, the ex-
12 tent to which—

13 (A) the public charter school lacks access
14 to funding for school repair, renovation, and
15 construction through the financing methods
16 available to other public schools or local edu-
17 cational agencies in the State; and

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

21 (e) FACILITIES MASTER PLAN.—

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

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

5 (A) the extent to which public school facili-
6 ties meet students' educational needs and sup-
7 port the agency's educational mission and vi-
8 sion;

9 (B) the physical condition of the public
10 school facilities;

11 (C) the current health, safety, and environ-
12 mental conditions of the public school facilities,
13 including—

14 (i) indoor air quality;

15 (ii) the presence of toxic substances;

16 (iii) the safety of drinking water at
17 the tap and water used for meal prepara-
18 tion, including the level of lead and other
19 contaminants in such water;

20 (iv) energy and water efficiency;

21 (v) excessive classroom noise; and

22 (vi) other health, safety, and environ-
23 mental conditions that would impact the
24 health, safety, and learning ability of stu-
25 dents;

1 (D) how the local educational agency will
2 address any conditions identified under sub-
3 paragraph (C);

4 (E) the impact of current and future stu-
5 dent enrollment levels (as of the date of appli-
6 cation) on the design of current and future pub-
7 lic school facilities, as well as the financial im-
8 plications of such enrollment levels;

9 (F) the dollar amount and percentage of
10 funds the local educational agency will dedicate
11 to capital construction projects for public school
12 facilities, including—

13 (i) any funds in the budget of the
14 agency that will be dedicated to such
15 projects; and

16 (ii) any funds not in the budget of the
17 agency that will be dedicated to such
18 projects, including any funds available to
19 the agency as the result of a bond issue;
20 and

21 (G) the dollar amount and percentage of
22 funds the local educational agency will dedicate
23 to the maintenance and operation of public
24 school facilities, including—

1 (i) any funds in the budget of the
2 agency that will be dedicated to the main-
3 tenance and operation of such facilities;
4 and

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

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

10 (A) a qualified local educational agency
11 shall consult with teachers, principals and other
12 school leaders, custodial and maintenance staff,
13 emergency first responders, school facilities di-
14 rectors, students and families, community resi-
15 dents, and Indian Tribes; and

16 (B) in addition to the consultation required
17 under subparagraph (A), a Bureau-funded
18 school shall consult with the Bureau of Indian
19 Education.

20 (f) SUPPLEMENT NOT SUPPLANT.—A qualified local
21 educational agency shall use a grant received under this
22 section only to supplement the level of Federal, State, and
23 local public funds that would, in the absence of such grant,
24 be made available for the activities supported by the grant,
25 and not to supplant such funds.

1 **SEC. 70112. ALLOWABLE USES OF FUNDS.**

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

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

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

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

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

15 (5) construct new public school facilities;

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

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

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

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

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

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

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

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

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

15 (13) reduce or eliminate the presence of—

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

18 (B) mold and mildew; or

19 (C) rodents and pests;

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

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

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

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

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

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

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

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

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

7 A local educational agency that receives covered
8 funds may not use such funds for—

9 (1) payment of routine and predictable mainte-
10 nance costs and minor repairs;

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

14 (3) vehicles; or

15 (4) central offices, operation centers, or other
16 facilities that are not primarily used to educate stu-
17 dents.

18 **SEC. 70114. REQUIREMENTS FOR HAZARD-RESISTANCE, EN-
19 ERGY AND WATER CONSERVATION, AND AIR
20 QUALITY.**

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

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

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

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

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

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

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

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

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

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

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

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

16 (4) a program that—

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

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

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

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

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

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

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

12 (b) WAIVER AUTHORITY.—

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

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

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

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

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

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

9 (d) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

15 (A) electrical components; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (i) race;

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

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

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

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

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

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

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

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

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

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

15 (3) submit the information to the State.

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

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

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

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

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

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

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

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

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

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

21 (1) State activities, including—

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

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

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

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

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

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

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

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

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

24 (3) the geographic distribution of the projects;

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

4 (A) race;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (1) an assessment of—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (2) the Secretary of Energy;

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

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

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

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

17 (1) energy efficiency projects;

18 (2) distributed generation projects; and

19 (3) energy retrofitting projects.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (b) LOCAL EDUCATIONAL AGENCY ELIGIBILITY.—

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

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

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

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

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

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

21 (B) provide an assurance that—

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

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

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

10 (c) APPLICATION.—

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

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

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

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

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

7 (i) an itemized explanation of—

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

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

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

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

20 (d) APPROVAL AND DISBURSEMENT.—

21 (1) APPROVAL.—

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

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

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

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

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

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

16 (2) DISBURSEMENT.—

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

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

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

3 (e) FEDERAL AND STATE SHARE.—

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

8 (2) STATE SHARE.—

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

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

24 (f) USES OF FUNDS.—

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

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

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

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

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

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

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

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

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

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

14 (1) this section; and

15 (2) title I.

16 **SEC. 70403. DEFINITIONS.**

17 In this title:

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

22 (A) The school has a concrete foundation.

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (a) ALLOWANCE OF CREDIT.—

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

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

18 (b) CREDIT ALLOWED TO ISSUER.—

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

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

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

3 (c) QUALIFIED ZONE ACADEMY BONDS.—

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

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

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

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

15 (C) in subsection (c)(1)—

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

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

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

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

3 (d) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

 “Sec. 54BB. School infrastructure bonds.

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

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

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

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

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

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

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

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

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

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

3 “(d) SCHOOL INFRASTRUCTURE BOND.—

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

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

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

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

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

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

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

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

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

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

9 “(3) 6-YEAR EXPENDITURE PERIOD.—

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

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

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

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

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

14 “(1) \$10,000,000,000 for 2021,

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

16 “(3) \$10,000,000,000 for 2023.

17 “(g) ALLOCATION OF LIMITATION.—

18 “(1) ALLOCATIONS.—

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

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

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

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

25 “(3) ALLOCATIONS FOR INDIAN SCHOOLS.—

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

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

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

22 “(h) INTEREST PAYMENT DATE.—For purposes of
23 this section, the term ‘interest payment date’ means any
24 date on which the holder of record of the school infrastruc-

1 ture bond is entitled to a payment of interest under such
2 bond.

3 “(i) SPECIAL RULES.—

4 “(1) INTEREST ON SCHOOL INFRASTRUCTURE
5 BONDS INCLUDIBLE IN GROSS INCOME FOR FED-
6 ERAL INCOME TAX PURPOSES.—For purposes of this
7 title, interest on any school infrastructure bond shall
8 be includible in gross income.

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

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

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

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

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

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

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

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

“SUBPART J—SCHOOL INFRASTRUCTURE BONDS”.

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

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

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

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

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

7 (1) An identification of—

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

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

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

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

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

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

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

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

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

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

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

13 (iii) the bond rating of the agency;

14 (B) the demographic composition of the
15 student population served by the agency,
16 disaggregated by—

17 (i) race;

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

22 (iii) the number and percentage of
23 students who are eligible for a free or re-
24 duced price lunch under the Richard B.

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

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

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

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

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

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

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

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

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

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

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

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

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

16 **Subchapter B—Public Buildings**

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

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

20 (1) in paragraph (1)—

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

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

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

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

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

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

15 “(b) ASSURANCE OF IMPROVEMENT.—

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

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

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

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

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

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

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

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

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

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

9 **Subchapter C—Schools**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (a) DEFINITIONS.—In this section:

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

3 (A) one local educational agency; and

4 (B) one or more—

5 (i) schools;

6 (ii) nonprofit organizations;

7 (iii) for-profit organizations; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (f) USE OF GRANT AMOUNTS.—

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

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

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

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

9 (g) CONTRACTING REQUIREMENTS.—

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

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

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

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

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

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

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

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

22 **CHAPTER 2—WEATHERIZATION**

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

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

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

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

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

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

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

12 or

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

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

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

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

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

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

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

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

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

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

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

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

25 (vi) and (b)(4)—

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

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

6 (vii) in subsection (b)(7)—

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

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

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

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

16 (II) in subclause (III)—

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

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

23 (ix) in subsection (c)(3)—

24 (I) in subparagraph (A)—

1615

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

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

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

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

12 (A) in subparagraph (A)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 “(d) CONTRACT PROGRAMS.—

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

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

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

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

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

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

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

3 “(d) AUTHORIZATION OF APPROPRIATIONS.—

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

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

17 “(A) a low-income community;

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

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

.....
(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R.

Making emergency supplemental appropriations for the fiscal year ending
September 30, 2021, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mrs. LOWEY (for herself, Mr. SCOTT of Virginia, Mr. PALLONE, Ms. WATERS,
Mr. GRIJALVA, Mrs. CAROLYN B. MALONEY of New York, Ms.
VELÁZQUEZ, Mr. TAKANO, Mr. NEAL, Ms. LOFGREN, and Mr. DEFAZIO)
introduced the following bill; which was referred to the Committee on

A BILL

Making emergency supplemental appropriations for the fiscal
year ending September 30, 2021, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as “The Heroes Act”.

5 **SEC. 2. TABLE OF CONTENTS.**

6 The table of contents for this Act is as follows:

- Sec. 1. Short Title.
- Sec. 2. Table of Contents.
- Sec. 3. References.

1 to Rico: *Provided further*, That such amount is designated
2 by the Congress as being for an emergency requirement
3 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
4 et and Emergency Deficit Control Act of 1985.

5 ELEMENTARY AND SECONDARY SCHOOL EMERGENCY
6 FACILITIES AID

7 For an additional amount for “Elementary and Sec-
8 ondary School Emergency Facilities Aid”, \$5,000,000,000
9 to prevent, prepare for, and respond to coronavirus: *Pro-*
10 *vided*, That such amount is designated by the Congress
11 as being for an emergency requirement pursuant to sec-
12 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
13 gency Deficit Control Act of 1985.

14 ADMINISTRATIVE PROVISION—ELEMENTARY AND
15 SECONDARY SCHOOL EMERGENCY FACILITIES AID

16 SEC. 804. (a)(1) GRANTS.—From the amount made
17 available under this heading in this Act, the Secretary
18 shall make elementary and secondary school emergency fa-
19 cilities grants to each State educational agency with an
20 approved application. The Secretary shall issue a notice
21 inviting applications not later than 30 days of enactment
22 of this Act and approve or deny applications not later than
23 30 days after receipt.

24 (2) For purposes of this section, a State des-
25 igned agency shall mean the State educational

1 agency, unless the Governor of a State designates a
2 State agency other than the educational agency as
3 responsible for school facilities improvement under
4 this section and informs the Secretary of such des-
5 ignation and the term “State” means each of the 50
6 States, the District of Columbia, and the Common-
7 wealth of Puerto Rico .

8 (b)(1) ALLOCATIONS TO STATES.—The amount of
9 each grant under subsection (a) shall be allocated by the
10 Secretary to each State in the same proportion as each
11 State received under part A of title I of the ESEA of 1965
12 in the most recent fiscal year.

13 (2) STATE RESERVATION.—A State may reserve
14 not more than $\frac{1}{2}$ of 1 percent for administration
15 costs.

16 (3) RESERVATION FOR OUTLYING AREAS AND
17 BUREAU OF INDIAN EDUCATION-FUNDED
18 SCHOOLS.—The Secretary shall reserve from the
19 amount made available under this heading in this
20 Act—

21 (A) one-half of 1 percent, to provide assist-
22 ance to the outlying areas; and

23 (B) one-half of 1 percent, for payments to
24 the Secretary of the Interior to provide assist-

1 ance to Bureau of Indian Education-funded
2 schools.

3 (c) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-
4 CIES.—Within 60 days of the State’s approved application
5 under paragraph (a), each State shall allocate the remain-
6 ing grant funds awarded to the State under this section
7 as subgrants to local educational agencies in the State,
8 with the grant funds allocated to the local educational
9 agencies with the highest percentages of students eligible
10 for a free or reduced price lunch under the Richard B.
11 Russell National School Lunch Act (42. U.S.C. 1751 et.
12 seq.) with the public school facilities with the highest
13 needs related to the coronavirus as determined by the
14 State.

15 (1) PUBLIC NOTICE.—The State educational
16 agency shall make subgrant information available to
17 the public on the State educational agency website,
18 including the local educational agencies that received
19 subgrant awards and the amounts provided to each
20 local educational agency.

21 (2) SUBGRANT APPLICATIONS.—To be consid-
22 ered for a subgrant under this section, a qualified
23 local educational agency shall submit an application
24 to the State educational agency that shall include at
25 minimum—

1 (A) a description of the coronavirus-related
2 school facility needs within the local educational
3 agency; and

4 (B) an estimate of how much addressing
5 the coronavirus-related facility needs will cost.

6 (d) USES OF FUNDS.—A local educational agency
7 that receives funds under this section may use the funds
8 for any of the following:

9 (1) School facility repairs and improvements to
10 enable operation of schools to reduce risk of virus
11 transmission and exposure to environmental health
12 hazards, and to support student health needs.

13 (2) Inspection, testing, maintenance, repair, re-
14 placement, and upgrade projects to improve the in-
15 door air quality in school facilities, including me-
16 chanical and non-mechanical heating, ventilation,
17 and air conditioning systems, filtering, purification
18 and other air cleaning, fans, control systems, and
19 window and door repair and replacement.

20 (3) School facility repairs and improvements to
21 support improved personal hygiene, such as repair,
22 replacement, and installation of sinks for hand
23 washing and touchless water dispensers for drinking,
24 and health isolation areas.

1 (4) Inspection, testing, maintenance, repair,
2 and replacement of school facility potable water sys-
3 tems to provide safe drinking water after prolonged
4 shutoffs.

5 (5) Improvements to finishes, such as painting
6 and other surface repair, needed to enable effective
7 sanitizing.

8 (6) Improvements to school grounds needed to
9 enable outdoor instruction and other physically
10 distanced school activities.

11 (7) Training of school facility staff in associa-
12 tion with the above uses of funds.

13 (8) Planning, assessment, management, design,
14 renovation, repair and construction activities in asso-
15 ciation with the above uses of funds.

16 (9) Inspection, testing, maintenance, repair, re-
17 placement, and upgrade projects to electrical sys-
18 tems to allow or improve information technology to
19 provide virtual education.

20 (e) PRIORITY.—A local educational agency that re-
21 ceives funds under this section shall prioritize funds for
22 its school facilities that have the most significant facility
23 improvement needs with respect to responding to covid-
24 19, including those identified by the Centers for Disease
25 Control and Prevention.

1 (f) REPORTING.—(1) The local educational agency
2 shall include the following information in a report to the
3 State educational agency within 60 days of receipt of
4 grant funds—

5 (A) which schools benefitted from the funds in
6 this section;

7 (B) how much funding each selected school re-
8 ceived; and

9 (C) a description of how the grant funds were
10 used.

11 (2) The State educational agency shall include the
12 following information in a report to the Secretary within
13 6 months of receipt of grant funds—

14 (A) which local educational agencies received
15 funding;

16 (B) how much funding was awarded to each re-
17 ceiving local educational agency; and

18 (C) a summary on the uses of funds for
19 projects receiving funds under this section, including
20 the amount of local or state funds, if any, applied
21 to projects.

22 (3) The Secretary shall prepare and submit a report
23 to the Committees on Appropriations of the House of Rep-
24 resentatives and the Senate, the Committee on Education
25 and Labor of the House of Representatives, and the Com-

1 mittee on Health, Education, Labor and Pensions of the
2 Senate within 10 months of the date of enactment of this
3 Act, that includes a summary of the types of projects that
4 were funded with the grants.

5 HIGHER EDUCATION

6 For an additional amount for “Higher Education”,
7 \$11,942,000,000 to prevent, prepare for, and respond to
8 coronavirus, of which \$11,000,000 shall be transferred to
9 “National Technical Institute for the Deaf” to help defray
10 expenses (which may include lost revenue, reimbursement
11 for expenses already incurred, technology costs associated
12 with a transition to distance education, sign language and
13 captioning costs associated with a transition to distance
14 education, faculty and staff trainings, and payroll) directly
15 caused by coronavirus and to enable emergency financial
16 aid to students for expenses directly related to coronavirus
17 and the disruption of university operations (which may in-
18 clude food, housing, transportation, technology, health
19 care, and child care), of which \$20,000,000 shall be trans-
20 ferred to “Howard University” to help defray expenses
21 (which may include lost revenue, reimbursement for ex-
22 penses already incurred, technology costs associated with
23 a transition to distance education, technology costs associ-
24 ated with a transition to distance education, faculty and
25 staff trainings, and payroll) directly related to coronavirus

The Economic Justice Act

Section-by-section summary

TITLE I – CHILD CARE IS ESSENTIAL PROGRAM

Sec. 1001. Child care is essential program

This section establishes a child care stabilization grant program and provides \$50 billion to support child care providers to safely reopen and operate during the COVID-19 pandemic. Administered through the existing Child Care and Development Block Grant (CCDBG), grants would be available to licensed, regulated, or registered child care providers that are currently open or temporarily closed due to COVID-19. Grants would enable child care providers to meet their heightened costs, backfill limited revenue due to COVID-19, and provide tuition relief to working families. Additionally, the bill would enable child care providers to continue to pay staff wages and benefits during periods of closure or reduced enrollment, and to purchase necessary supplies to keep children and staff safe.

TITLE II – EXPENDING AND IMPROVING ACCESS TO COMMUNITY HEALTH CARE

Subtitle A — Support for Health Centers, Hospitals, and Other Health Care Facilities

Sec.2101.Primary health care.

This section appropriates \$7.6 billion for grants and cooperative agreements to Federally qualified health centers, FQHC look-alikes, and Native Hawaiian health centers.

Sec.2102.Additional community health center funding.

This section appropriates \$2 billion for FQHC capital projects, which will allow community health centers to modernize facilities and expand the scope of services offered to underserved populations.

Sec.2103.Teaching health centers that operate graduate medical education program.

This section appropriates \$1 billion for grants to teaching health centers that operate graduate medical education, which support new primary care medical and dental residency programs in community-based health care settings.

Sec.2104.Hospital infrastructure.

This section reauthorizes the Hill-Burton Act to provide \$750 million for hospital infrastructure. The program will prioritize projects that include cybersecurity improvements, as well as ensure the use of American iron and steel in funded projects.

Sec.2105.21st century Indian health program hospitals and outpatient health care facilities.

This section appropriates \$200 million for Indian Health Service infrastructure projects to improve access to care and reduce health disparities among Tribal communities.

Sec.2106.Pilot program to improve community-based care infrastructure.

This section creates a \$100 million pilot program to fund infrastructure development for community-based care, including teaching health centers and behavioral health care centers.

Sec.2107.School-based health centers.

This section reauthorizes the school-based health center program and removes limitations on the receipt of additional or multiple funds under the program. This section appropriates \$70 million for each fiscal year 2021 through 2025 to carry out the program.

Subtitle B—Support for Health Care Workforce Training

Sec.2201.Grants for schools of medicine and schools of osteopathic medicine in underserved areas.

This section authorizes a grant program for institutions of higher education to establish or expand medical schools in underserved areas or at minority-serving institutions, including Historically Black Colleges and Universities. The program encourages the recruitment, enrollment, and retention of students underrepresented in health professions, including first-generation college students and students of color. This section appropriates \$1 billion to carry out the program.

Sec.2202.Support for nursing education and the future nursing workforce.

This section authorizes a grant program for nursing education in rural and underserved areas, as well as at minority-serving institutions to enhance preparedness and response activities related to public health emergencies, increase enrollment and retainment of students underrepresented in the nursing workforce, and modernize nursing education and infrastructure. This section appropriates \$1 billion to carry out the program.

Sec.2203.Loan Repayment Program for substance use disorder treatment workforce.

This section appropriates \$100 million for the Substance Use Disorder Workforce Loan Repayment Program, a branch program of the National Health Service Corps. The program offers loan repayment options to recruit and retain health care providers in underserved areas to expand access to substance use disorder treatment and prevent overdose deaths.

Sec.2204.Loan repayment and scholarship programs for the nursing workforce.

This section appropriates \$750 million for the Nurse Corps, a program that awards scholarships and loan repayment to nurses, nursing students, and nurse faculty in exchange for a minimum commitment of two years of service at a facility experiencing a nursing shortages.

Sec.2205.Additional funding for health professions education.

This section appropriates \$250 million for health professions workforce programs under Title VII of the Public Health Service Act. These programs support health care provider training and faculty development, including the training of providers in family medicine, general internal medicine, geriatrics, pediatrics, and other specialties.

Sec.2206.Additional funding for nursing workforce development.

This section appropriates \$250 million for nursing workforce development programs under Title VIII of the Public Health Service Act. These programs help to bolster nursing education, fund institutions educating nurses to practice in rural and medically underserved communities, expand the nursing pipeline, and support retention.

Sec.2207.National Health Service Corps.

This section appropriates \$2.5 billion for the National Health Service Corps, a program that awards scholarships and loan repayment to health care providers who commit to practicing in health professional shortage areas for at least two years.

Subtitle C—Improving Access to Health Care Services

Sec.2301.Expanding access to mental health services and certain evaluation and management services furnished through telehealth.

This provision permanently expands access to mental health services and office and outpatient evaluation and management (E/M) services furnished through telehealth in Medicare, beginning on the day after the COVID-19 public health emergency ends. Specifically, this provision eliminates the current statutory geographic restrictions for mental health services and office and outpatient E/M services, allowing Medicare beneficiaries in all parts of the country to receive those services through telehealth on a permanent basis. It also allows the beneficiary's home to be an originating site for those telehealth services. In the case of office and outpatient E/M services, the beneficiary must have been seen in person at least once by the physician or practitioner furnishing the telehealth service (or by another clinician in the same practice) within the past 18 months. The text is from Senator Wyden's Telehealth Expansion Act of 2020 (S. 4230).

Sec.2302.Enhanced Federal Medicaid support for community-based mobile crisis intervention services.

Provides an enhanced federal Medicaid match of 95 percent for three years for the provision of qualifying community-based mobile crisis services to individuals experiencing a mental health or substance use disorder crisis. Such services must be provided by multidisciplinary mobile crisis teams that are available 24/7 every day of the year, are trained in trauma-informed care, and that partner with community resources to facilitate referrals to and coordination with behavioral health providers, crisis respite centers, and wraparound services such as housing assistance providers. The Act also provides \$25 million for planning grants to states to help establish mobile crisis programs. This text is from the Crisis Assistance Helping Out On The Streets (CAHOOTS) Act (S.4441) cosponsored by Senators Wyden and Cortez Masto.

Sec.2303.Extension and expansion of Community Mental Health Services demonstration program.

Extends and expands the Community Mental Health Services demonstration program, which funds comprehensive mental health and substance use disorder (SUD) services. This provision

extends the availability of funding for the eight states originally selected for demonstration through December 31, 2022, and directs the Secretary of Health and Human Services to select nine new states for participation in the program. These nine new states, as well as the two states selected pursuant to the CARES Act in 2020, would receive funding for their Community Mental Health Services demonstration programs for 2 years or through December 31, 2022, whichever is longer..

Sec.2304.Expanding capacity for health outcomes.

This section authorizes the provision of grants and technical assistance to evaluate, develop, and expand the use of technology-enabled collaborative learning and capacity building models (i.e. Project ECHO) to increase access to specialized health care services in medically underserved areas and for medically underserved populations. This section appropriates \$100 million for each fiscal year 2021 through 2025 to carry out the program.

Sec.2305.Ryan White HIV/AIDS program.

This section appropriates \$ billion for the Ryan White HIV/AIDS Program administered by the Health Resources and Services Administration. The program funds grants to state, localities, and community-based organizations to improve health outcomes for individuals living with HIV and reduce HIV transmission within underserved populations.

Sec.2306.Community mental health services block grant.

This section appropriates \$700,000,000 for each fiscal year 2021 through 2025 for the Community Mental Health Services Block Grant administered by the Substance Abuse and Mental Health Services Administration.

Sec.2307.Substance abuse prevention and treatment block grant.

This section appropriates \$500,000,000 for each fiscal year 2021 through 2025 for the Substance Abuse Prevention and Treatment Block Grant administered by the Substance Abuse and Mental Health Services Administration.

TITLE III – FEDERAL SUPPORTED JOBS, TRAINING, AND AT-RISK YOUTH INITIATIVES

Subtitle A – Department of Labor Employment and Training Programs

Sec. 3101. Definitions and WIOA requirements.

This section defines apprenticeship program, coronavirus, COVID-19 national emergency, and Secretary. It also includes language that any funding designated for apprenticeships must be used for Registered Apprenticeships.

Chapter I – Workforce Development Activities in Response to the COVID-19 National Emergency

Sec. 3111. Workforce response activities

This section permits flexibilities to state and local workforce systems in responding to the national emergency, including:

- Expanding eligibility for adult and dislocated workers and youth (ages 16-24) to include individuals eligible for Pandemic Unemployment Assistance under Section 2102 of the CARES Act (P.L. 116-136), such as those who are self-employed or working as independent contractors.
- Allowing for all eligible individuals to receive individualized career services, such as individualized employment plans, career planning, counseling, financial literacy training, and comprehensive skills assessments.
- Allowing local workforce boards to use up to 40 percent of funds for incumbent worker training, and to take into account the COVID-19 national emergency when determining employer and participant eligibility.
- Allowing local workforce boards to use up to 40 percent of funds for transitional jobs, including for public sector employment.
- Allowing the Governor and local workforce boards to take the COVID-19 national emergency into account when determining whether to allow for up to 75 percent of wages to be reimbursed while an employee is participating in on-the-job training.
- Allowing the Governor to reserve an additional 10 percent of funds beyond their existing reservation of funds under this Act to support areas within their state most impacted by COVID-19.
- Requiring states to supplement their workforce development plan to include a strategy for use of additional funds received under this Act to recover from the COVID-19 national emergency.

Sec. 3112. National dislocated worker grants

This section authorizes \$500 million to support training and temporary employment responding to the COVID-19 national emergency including for health care, direct care and frontline workers, layoff response activities for employers and workers, and requires the Secretary to release no less than 50 percent of the funds to States within 60 days of enactment of this Act.

Sec. 3113. State dislocated worker activities responding to the COVID-19 emergency

This section authorizes \$2.5 billion (unless otherwise stated, all funding is authorized through fiscal year 2022) for state rapid response activities, including layoff aversion strategies, dislocated worker activities including reemployment and navigation supports, short-term retraining (including to fill immediate health care frontline worker needs), and supportive services (such as childcare, housing, and needs-based payments).

Sec. 3114. Youth workforce investment activities responding to the COVID-19 national emergency

This section authorizes \$2.5 billion to provide for subsidized youth employment up to age of 24, including for partnerships with employers and community-based organizations, counseling and navigation supports, and supportive services.

Sec. 3115. Adult employment and training activities responding to the COVID–19 national emergency

This section authorizes \$2.5 billion to support employers providing incumbent worker training (including using funds to reimburse up to 75% of wages), employment supports such as work-based learning (e.g., Registered Apprenticeship, paid internships, etc.), transitional jobs, supportive services, and moving training and WIOA services online.

Chapter II – Employment Service COVID-19 National Emergency Response Fund

Sec. 3121. Employment service.

This section authorizes \$1.7 billion to support job matching, reemployment activities, individualized career services, and support for employers who are facing layoffs or who are working to bring employees back. Funding will also help with modernizing the job matching data infrastructure across the country.

Chapter III – Job Corps Response to the COVID-19 National Emergency

Sec.3131. Job Corps response to the COVID-19 national emergency.

This section authorizes \$500 million for Job Corps to provide for the operation and reopening of Job Corps Centers during the COVID-19 national emergency, to provide for extended graduate services for recently graduated Job Corps students, to support the cleaning and improvements needed for Job Corps Centers to safely operate, to support virtual or remote learning opportunities while Job Corps students are not on campus, and for stipends for students whose participation has been interrupted due to COVID-19. Provides additional programmatic flexibilities, including allowing:

- students who turned 25 during the COVID-19 national emergency to maintain eligibility.
- student enrollment to extend beyond 2 years for individuals enrolled during the COVID-19 national emergency.
- students to continue to participate in advanced career training programs for an additional year if the program was interrupted due to the COVID19 national emergency.
- students who graduated on or after January 1, 2020 or whose enrollment was interrupted due to the COVID-19 national emergency to remain eligible for counseling and job placement supports.
- students who have graduated in 2020 to continue to receive transition allowances during and for the three-month period following the COVID-19 national emergency, and to continue to receive employment services during this time.

Chapter IV – National Programs

Sec. 3141. Native American programs responding to the COVID–19 national emergency

This section authorizes \$150 million to support the program and allows for a 1-year extension on the 4-year grant cycle due to the COVID-19 national emergency.

Sec. 3142. Migrant and seasonal farmworker program response

This section authorizes \$150 million to support the program, allows for a 1-year extension on the 4-year grant cycle due to the COVID-19 national emergency, and expands eligibility to individuals not exceeding 150 percent of the poverty line.

Sec. 3143. YouthBuild activities responding to the COVID–19 national emergency

This section authorizes \$250 million to support existing YouthBuild grantees and expand capacity during the COVID-19 national emergency. Provides flexibility on uses of funds for administrative costs, expands eligibility for individuals who turned 25 during the COVID-19 national emergency, and expands enrollment length beyond 2 years for individuals participating in the program during the COVID19 national emergency.

Sec. 3144. Reentry employment opportunities responding to the COVID–19 national emergency

This section authorizes \$350 million to support justice-involved youth, young adults, formerly incarcerated adults, and former offenders during and following the COVID–19 national emergency for employment-related opportunities including subsidized employment, transitional jobs, and bolstering alignment with the workforce system and participant supports. \$87.5 million is set aside for national and regional intermediaries.

Sec. 3145. Registered apprenticeship opportunities responding to the COVID–19 national emergency

This section authorizes \$500 million to support states and intermediaries who are serving employers that are participating in existing registered apprenticeships, to expand registered apprenticeship opportunities, and to pay for activities such as related instruction and supportive services.

Chapter V – Adult Education and Literacy COVID-19 National Emergency Response

Sec. 3151. Definitions

This section defines the terms adult education, adult education and literacy activities, eligible agency, eligible provider, and integrated education and training.

Sec. 3152. Adult education and literacy response activities

This section allows eligible agencies to use funds to support the transition to online service delivery.

Sec. 3153. Distribution of funds

This section authorizes \$1 billion to increase access to adult education and literacy programs for low-income, low-literacy adults, with \$100 million reserved for adult education and literacy activities in correctional facilities, including by moving education and services online, increasing digital literacy training, and encouraging providers to partner more closely with workforce development systems.

Chapter VI – Community College and Industry Partnership Grants

Sec. 3161. Community college and industry partnership grants

This section authorizes \$2 billion through fiscal year 2025 to restart the Trade Adjustment Assistance for Community College Career Training (TAACCCT) grants, which were initially awarded during the Great Recession by the Department of Labor to support community college and industry partnerships in creating education and training programs. The program is designed to ensure participants receive stackable, portable credentials in in-demand industries and sectors, and provide additional student services to support program completion. Allows community colleges to use funds for equipment to support training.

Chapter VII – Senior Community Service Employment Program

Sec. 3171. Appropriations.

Chapter VIII – General Provisions

Sec. 3176. General provisions

This section authorizes \$90 million for program administration, performance evaluations and audits by the Inspector General. Requires funds to supplement, not supplant state and local government funds. Requires the Secretary of Labor to establish an interagency agreement with the Secretary of Education for carrying out grants and coordinating funding priorities, and to make information available on recognized postsecondary credentials awarded under this Act. Requires the Secretary of Labor to provide guidance on using funds under this act in accordance with WIOA within 30 days.

Subtitle B – Carl D. Perkins Career and Technical Education Act of 2006

Sec. 3181. Definitions and Perkins CTE requirements

This section clarifies that the terms in this title have the meaning given the terms in the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins CTE), and that any activities or funds carry the same requirements as Perkins CTE.

Sec. 3182. COVID–19 career and technical education response flexibility

This section provides additional flexibility at the State and local level during the COVID-19 national emergency, including:

- Allowing local Perkins CTE funding recipients to pool funds to support the transitions from secondary to postsecondary education or employment for CTE students whose academic year was interrupted by the COVID-19 national emergency.
- Waiving certain requirements for professional development during the COVID-19 national emergency.

Sec. 3183. Perkins career and technical education

This section authorizes \$1 billion to support Perkins CTE programs and activities, including to expand and modernize physical and digital infrastructure to deliver both in-person and virtual

educational and work-based learning activities; provide support for restocking supplies that have been donated to COVID-19 response activities (e.g., through nursing programs); and work-based learning supports and subsidies for students and employers.

Sec. 3184. General provisions

This section authorizes \$10 million for carrying out this bill and requires that funds under this bill be used to supplement, not supplant non-federal funds. Additionally, requires the Secretary of Education to conduct performance accountability and evaluations of programs funded under this bill, establish an interagency agreement with the Secretary of Labor for carrying out grants and funding priorities, and requires the Department to issue guidance on using funds under this Act in accordance with Perkins CTE within 30 days.

Subtitle C – Pandemic TANF Assistance

Sec. 3301. Emergency flexibility for State and Tribal TANF programs

This section suspends Temporary Assistance for Needy Families (TANF) work requirements and time limits. It also prohibits states from imposing penalties against an individual or family. This provision will make it possible for families to continue to receive TANF assistance even if they are unable to fulfill TANF work requirements due to the COVID-19 pandemic.

Addressing Sanctions and Penalties for Beneficiaries:

This section establishes that no state will terminate or reduce TANF assistance to an individual or family through December 11, 2020 for the following reasons:

- Not meeting TANF work requirements;
- Not completing or complying with a TANF individual responsibility plan assessment; or
- Not establishing paternity or complying with child support orders

If states and tribes are found to inappropriately deny, reduce, or terminate TANF assistance to individuals or families during the applicable period, the U.S. Department of Health and Human Services (HHS) has the authority to reduce the states' or tribes' TANF grant in the upcoming fiscal year based on the degree of non-compliance.

Holding States and Tribes Harmless:

This section prohibits HHS from penalizing states or tribes during the applicable period for the following reasons:

- Not achieving and verifying required TANF work participation rates;
- Not complying with paternity establishment and child support state requirements; or
- Extending assistance past the 5-year limit

This section also specifies that those states and tribes that are in corrective compliance agreements with HHS will no longer need to meet benchmarks outlined in those agreements

during the applicable period. At the conclusion of the applicable period, HHS will work with states and tribes to renegotiate corrective compliance agreements.

Sec. 3302. Coronavirus Emergency Assistance Grants for Low-Income Families

This section creates a new emergency grant program within Title VI of the Social Security Act that will be available for fiscal year 2021.

- This section appropriates \$10,000,000,000 for Coronavirus Emergency Assistance Grants.
- Funding is allocated to states, District of Columbia, and Puerto Rico based on the number of individuals in families below the federal poverty line in the state divided by the number of individuals in families below the federal poverty line in all states (based on the most recent year of data available from the U.S. Census Bureau).
- 5% of funds will be set aside for territories (other than Puerto Rico) and tribes.
- \$500,000 will be reserved for HHS to provide technical assistance to states, territories, and tribes.
- Coronavirus Emergency Assistance Grants may be used to:
 - Provide cash and in-kind disaster relief to families to address household basic needs, emergencies, and avoidance of emergencies that may lead to children being removed from their homes.
 - During a federal or state COVID-19 emergency declaration, provide subsidized employment for low-income individuals that is limited to jobs that can be conducted remotely or deemed essential and individuals are provided with proper personal protective equipment.
 - Provide broader array of subsidized jobs once it is safe to reopen the economy.

This section also specifies that Coronavirus Emergency Assistance Grant funds are to be made equally available to all individuals regardless of race, sex, religious creed, national origin, or political affiliation.

Eligibility for Assistance:

Any individual (including those who are single) is eligible:

- whose monthly income at application for assistance is below 200 percent of the federal poverty line; and
- who has been adversely affected by COVID-19 (including due to illness, economic disruption, measures taken to avoid infection, or needing to provide care for another individual).

Accessing Coronavirus Emergency Assistance Grants:

States, territories, and tribes will apply for Coronavirus Emergency Assistance Grant funding by submitting a public letter of intent to HHS describing the amount of funding needed and how it will be used on a quarterly basis.

HHS will distribute initial Coronavirus Emergency Assistance payments to states, territories, and tribes within 30 days after the date of enactment and make subsequent payments no later than the first day of each subsequent quarter.

If HHS determines that a state, tribe, or territory misused Coronavirus Emergency Assistance Grant funds, HHS will remit the amount equal to the determined misused funds. States, territories, and tribes have the opportunity to appeal such action and will continue to be eligible for future payments regardless of previously determined misused funds.

States, territories, and tribes that have received Coronavirus Emergency Assistance Grant funds shall report to HHS on how funds were used by January 1, 2022. HHS will provide a report to Congress by September 30, 2022 summarizing all Coronavirus Emergency Assistance Grants made during the applicable period.

Subtitle D – Preventing Child Abuse and Neglect

Sec.3401. CAPTA investments.

This section includes \$500 million for CAPTA’s State grants to provide necessary supports to child welfare workers during the COVID-19 pandemic to prevent, investigate, and treat child abuse and neglect, including by purchasing personal protective equipment and other sanitation supplies. Additionally, this section invests \$1 billion in CAPTA’s community-based child abuse and neglect prevention programs to provide vital community-based supports and services to strengthen families during the pandemic. Finally, this section increases dedicated funding for Tribal and migrant communities to prevent child abuse and neglect.

Sec.3402. Reforming child support.

Subtitle E – Modernizing Child Support

Sec. 3501. Short title; definition.

Chapter 1—Promoting Responsible Fatherhood and Strengthening Low-Income Families

Sec.3511.Reauthorization of healthy marriage promotion and responsible fatherhood grants.

This section would reauthorize the Healthy Marriage Promotion and Responsible Fatherhood (HMRF) grant programs for five years (through fiscal year 2025). These grants provide funding to community-based programs aimed at strengthening relationships between parents and providing parenting education and support.

This section would also make the following improvements to the HMRF grant programs:

- Ensure voluntary participation in Healthy Marriage Promotion and Responsible Fatherhood (HMRF) programs by prohibiting states from conditioning receipt of

Temporary Assistance for Needy Families (TANF) benefits or other benefits associated with federal child welfare program and services funded by Title IV-B or Title IV-E of the Social Security Act on program participation. States found to have violated this provision will be subject to a five percent reduction in their Family Assistance Grant the following fiscal year.

- Update eligibility for HMRF grants to include states, territories, Indian tribes or tribal organizations, public or private entities, and nonprofit community entities regardless of purpose for the grant (healthy marriage promotion, responsible fatherhood, or for both purposes).
- Improve access to grants for territories and tribes by requiring the Department of Health and Human Services (HHS) to award at least 10 HMRF grants to territories and Indian tribes or tribal organizations.
- Expand activities allowable for Responsible Fatherhood grants to include:
 - promoting healthy relationships or sustaining healthy relationships between custodial and noncustodial parents in addition to marriage;
 - educating youth who are not yet parents about the economic, social, and family consequences of early parenting, and helping participants in fatherhood programs work with their own children to break the cycle of early parenthood; and
 - employment training for both the custodial and noncustodial parent, including training conducted with both parents jointly.
- Emphasize that activities aimed at addressing parental education and employment be prioritized for low-income fathers and other noncustodial parents.
- Ensure HMRF program services could be offered during a public health emergency. Entities applying for grants would be required to describe how funds would be used for technology and broadband access to support remote program activities, and describe how the entity would continue critical services within three weeks from the beginning of a public health emergency or other incident that compromises service delivery.
 - A public health emergency would be defined via declaration of a national or public health emergency by the president or HHS Secretary or via declaration of an emergency relating to public health by a Governor or other appropriate official of any state, the District of Columbia, territory, or locality of the United States.

Establish evaluations examining activities carried out using HMRF grant funds to build evidence of the effectiveness of the activities, determine the lessons learned (including barriers to success) from the activities, and help build local evaluation capacity. Additionally, this section would require HMRF grantees to submit three- and five-year reports detailing impacts on outcomes, and direct the HHS Secretary to issue a report to Congress summarizing the three- and five-year grantee reports. This section also requires the HHS Secretary to provide technical assistance to

the grantee to help develop and implement ways to evaluate and improve outcomes for families served.

Chapter 2—Improving Resources for Domestic Violence and Family Strengthening

Sec.3521.Best practices for coordination and partnerships between domestic violence shelter and service organizations and responsible fatherhood and healthy marriage promotion programs.

This section would require the HHS Secretary to develop a coordinated policy that establishes criteria and best practices for coordination and partnership between domestic violence shelter and service organizations and programs promoting responsible fatherhood and healthy marriage. The HHS Secretary would be required to update and reissue this guidance at least once every five years.

Sec.3522.Grants supporting healthy family partnerships for domestic violence intervention and prevention.

This section would appropriate \$25 million per year for fiscal years 2022-2025 to establish a new grant program to support healthy family partnerships for domestic violence intervention and prevention. This grant program would provide funding for staff training, assessing, and providing domestic violence intervention and prevention services, and disseminating best practices. Funds could be used to provide caseworker training, technical assistance to community partners, implement safe visitation and exchange programs, and implement safe child support procedures. Eligible grantees would be organizations with demonstrated expertise working with victims and survivors of domestic violence who have partnered with federal HMRF grantees or participants in the Parenting Time Services Pilot program.

Sec.3523.Procedures to address domestic violence.

This section would require HMRF grantees to coordinate with the State Domestic Violence Coalition funded by the Family Violence Prevention and Services Act. HMRF grantees would be required to identify and partner with a domestic violence service or shelter organization, commit to consulting domestic violence experts or relevant local organizations, and provide a detailed, evidence-based protocol for identifying and responding to instances and risks of domestic violence that arise among program participants. HMRF grantees would be required to submit a report annually to HHS describing the grantees' domestic violence protocols and describe any implementation issues identified with respect to domestic violence and how the issues were addressed.

Chapter 3—Modernization of Child Support Enforcement

Sec.3531.Pilot program to stay automatic child support enforcement against non-custodial parents participating in a healthy marriage or responsible fatherhood program.

This section would direct the HHS Secretary to establish a four-year pilot program of at least 10 eligible entities to test whether stopping automatic child support enforcement and ending cost recovery efforts improve family outcomes in cases when the noncustodial parent is in good

standing in a federal or state funded HMRF program or any state program designated as eligible by the State agency. Under this pilot program, eligible entities would not be subject to the TANF requirements to refer certain cases to child support enforcement or apply penalties against the child's family based on the custodial parent's noncooperation with child support activities. The pilot program would begin in fiscal year 2022 and end in fiscal year 2025 and would require eligible entities to collect and report data the HHS Secretary requires as necessary to examine the impact of the pilot on family outcomes. This section would also direct the Government Accountability Office (GAO) to conduct a study examining the implementation and impact of the pilot program. The GAO would be required to submit a report to Congress summarizing study findings by January 1, 2026.

Sec.3532.Closure of certain child support enforcement cases.

This section would direct states to close child support enforcement referrals in instances where the custodial and noncustodial parents of the child comprise an intact two-parent household for the child (even if a parent is temporarily living elsewhere) and the custodial parent of the child has not requested that the case record be kept open or enforced.

Chapter 4—Parenting Time Services Pilot Program

Sec.3541.Parenting time services pilot program.

This section would establish a new five-year Parenting Time Services pilot program to promote the inclusion of uncontested parenting time agreements in child support orders. The pilot program would begin with fiscal year 2022 and end in fiscal year 2026. The HHS Secretary would be required to select at least 12 state, local, or tribal agencies to receive funding, including at least two tribal agencies. The pilot program would not be required to be budget neutral. For the first two years of the pilot program, the federal government would provide 100 percent of the funding. In years three to five, the federal share of funding would be 66 percent (and 80 percent in the case of tribal agencies).

Funds could be used to provide support to states to conduct activities such as: establishing parenting time plans in conjunction with the establishment of a child support order; coordinating with the custodial and noncustodial parent when establishing a parent time plan; supervising and facilitating parents' in-person and virtual visitation and access to their children; providing parents with legal information and referrals related to parenting time; coordinating with domestic violence prevention organizations; and employing a staff member to serve as a domestic violence coordinator. This section would also require that pilot program participants establish and implement procedures to address domestic violence including evidenced-based protocols to identify and respond to instances of domestic violence and situations where there is a risk of domestic violence.

This section would require pilot program participants to collect and report any data related to the pilot program required by HHS. The HHS Secretary would be required to conduct a comprehensive evaluation, including an assessment of the process used to assist parents in establishing parenting time agreements; an assessment of the access barriers to establishing and

complying with parenting time agreements; data on incidence and prevalence of domestic violence between custodial and noncustodial parents during the course of the pilot program; and impacts of the pilot program. The HHS Secretary would be required to submit a report to Congress summarizing findings from this evaluation within a year after the pilot program ends.

Chapter 5—Improvements to the Child Support Pass-through Requirements

Sec.3551.Child support pass-through program improvements.

Current law requires that at least a portion of child support payments made to TANF and Title IV-E foster care maintenance payment recipients be captured by the state and shared between the state and the federal government in the form of cost recovery, rather than directly support children and families.

This section would require that full current child support payments and arrearages for current and new TANF recipients be paid directly to these families beginning in FY 2026. Under these new distribution rules, cost recovery would be eliminated for current TANF families in FY 2024 and would be eliminated for former TANF families in FY 2026. In FY 2022 and FY 2023, states would receive a temporary increase in the Federal Financial Participation (FFP) rate to 90 percent to assist in transitioning their systems. This section would also allow states the option to eliminate cost recovery for former TANF families earlier. If states opt to implement the new distribution rules for former TANF families in FY 2024 or FY 2025, states would receive an additional increase in the FFP rate to 90 percent for the quarters in which they are implementing.

Additionally, this section would require that full current child support payments for current and new Title IV-E foster care maintenance payment recipients be made available to the foster parent of the child, kinship caregiver, or person responsible for meeting the child's daily needs. These payments must be used for the child's benefit or be deposited into a savings account to be used for the child's future needs in event the child is reunified with the family from which the child was removed. This section would also require any child support collected that exceeds the current support amount and any arrearages to be deposited into a savings account to be used for the child's future needs. These new distribution rules would take effect in FY 2024.

This section would also direct GAO to study the implementation and impact of the new distribution requirements for a child receiving Title IV-E foster care maintenance payments. GAO would be required to submit a report to Congress on the results of the study by January 1, 2027.

Sec.3552.Ban on recovery of Medicaid costs for births.

Current law allows states to recover birth expenses paid by Medicaid through child support obligations, rather than provide support to children and families. This provision would ban Medicaid-cost recovery for births in FY 2026 and would provide an option for states to implement earlier.

Sec.3553.Improving State documentation and reporting of child support collection data.

This section would require states to maintain a full record of collections and disbursements under these new distribution rules and document outcomes with respect to child support obligations. Additionally, this section would require this information to be included in the HHS Secretary's annual report.

Chapter 6—Program Flexibility During the COVID-19 Pandemic

Sec.3561.Emergency TANF flexibility.

This section would provide states with the option to suspend penalties for noncustodial parents for inability to pay child support during the COVID-19 pandemic, since some courts have suspended non-emergency proceedings, including those related to modifying child support orders. It also would suspend federal requirements to penalize custodial parents (via TANF) and noncustodial parents (via Child Support Enforcement) for failure to comply with paternity establishment rules.

This section would suspend financial penalties and generally hold states financially harmless for failure to meet strict targets and state plan and operational requirements during the COVID-19 pandemic. The flexibility means states would continue to receive federal child support incentive payments even if they fall below the 90 percent paternity establishment threshold. This section also would allow the HHS Secretary to, wherever possible, provide tribal child support programs with the same flexibilities as those afforded to state programs.

Sec.3562.2020 recovery rebates not subject to reduction or offset with respect to past-due support.

Under Section 2201 of the CARES Act, Congress provided for “recovery rebates” of up to \$1,200 for qualifying individuals, along with an additional \$500 per dependent child. The CARES Act did not protect the payment from child support offsets. This section would exempt payments from Internal Revenue Service (IRS) offsets for child support for any credits and refunds allowed or made after the date of enactment of this Act.

Sec.3563.Protection of 2020 recovery rebates.

This section would protect CARES Act 2020 recovery rebates from being garnished by private debt collectors. For any electronic payments, such as direct deposit, this section would direct the Treasury Department to encode payments so that banks can identify and protect these payments from being garnished by debt collectors. For other payments, such as checks, this section would allow individuals to request that their banks or other financial institution protect the payments from being garnished by debt collectors and authorizes the financial institutions to do so.

Chapter 7—Effective Date

Sec.3571.Effective date.

Except as otherwise noted, provisions of this bill would take effect on the date of enactment.

TITLE IV – CAPITAL AND SUPPORT FOR SMALL BUSINESSES

Subtitle A – More Lending to Small Businesses in Communities of Color

Sec.4101.Community advantage loan program.

To increase lending to underserved markets, this section would:

- codify and make permanent the 7(a) Community Advantage program, which has proven successful at increasing lending to women, minorities and veterans by providing loans of up to \$250,000 through mission lenders;
- expand the program’s geographic and demographic reach to cover women and minorities;
- increase the amount of available capital by allowing the Administrator, at her discretion, to provide waivers for loans to go up to \$350,000; and
- require a CA lender to have made at least 10 loans before being eligible for delegated lending authority; and
- reach more underserved borrowers by requiring that not less than 75% of loans made by a CA lender are loans made to “small business concerns in underserved markets,” compared to at least 60% under the current pilot.

Sec.4102.Spurring innovation in underserved markets.

This section creates the Innovation Centers Program within the Small Business Administration (SBA) to:

- prioritize inclusivity in innovation to ensure that groups currently underrepresented in high-growth industries get the support they need to be successful;
- establish new entrepreneurship ecosystems by using HBCUs, MSIs, and community colleges, which are critical to reaching minority, low-income, and rural populations, to foster entrepreneurship in their communities;
- expand SBA’s reach to the entrepreneurs who need its services the most; and
- enhance outcomes for underserved business owners by creating incubators, accelerators, and other small business innovation-focused models that have a demonstrated history of helping businesses become successful. The models will combine unique and intensive mentorship, networking, and sometimes funding opportunities to fill a gap in SBA’s current programming.

Sec.4103.Coordinating lending in underserved markets/SBA Office of Emerging Markets

This section creates the Office of Emerging Markets within SBA to:

- create and implement strategies and programs that provide an integrated approach to the development of small business concerns in emerging markets;
- establish partnerships with those best positioned to advance the goal of improving the economic success of small business concerns in an emerging market; and
- review the efficacy and impact of the microloan program and any other access to capital program of the Administration, as it pertains to underserved markets, and develop and recommend policies to maximize lending and investment to underserved small businesses.

Sec.4104. SBIC Diversity Working Group

This section would establish a working group at the Small Business Administration (SBA) to make its Small Business Investment Company (SBIC) program more diverse. While the SBIC investment teams and investments are more gender and racially diverse compared to the broader investment industry, it is still insufficient, and the program would have greater impact if SBA increased licenses to diverse management teams and investments in diverse companies. In 2019, SBIC funds invested in 1,191 companies, but only 59 (or 4%) of those companies were identified as women, minority or veteran owned. SBA needs a coordinated effort and sustained plan to build a pipeline of diverse investors who in turn will invest in diverse firms, which leads to greater returns. With representatives at SBA, SBIC funds with diverse management, SBIC funds that invest in diverse companies, and other industry experts and academics, the working group would develop a report for Congress with recommendations as how to increase diversity among SBIC fund managers and the companies they invest in. Recommendations to Congress would include:

- paid internships in SBA’s investment office and apprenticeships at SBICs to build a pipeline of investment managers who are diverse;
- incentives for SBICs to invest in socially and economically disadvantaged small business concern; and
- benchmarks and metrics of success.

Subtitle B – Minority Business Resiliency

Sec. 4201. Short title

This subtitle is named the “Minority Business Resiliency Act of 2020”.

Sec. 4202. Findings and purposes

Minority business enterprises (MBEs) are key drivers of growth in new business formation in America in spite of stark disparities in several metrics that denote business success, such as access to capital, revenue, number of employees, and survival. For example:

- MBEs are 2 to 3 times more likely to be denied loans than non-MBEs;
- on average, the annual gross receipts reported by MBEs is only 1/3 of the annual gross receipts reported by non-MBEs; and
- MBEs are half as likely as non-MBEs to have employees.

These disappointing statistics represent a loss to the American economy; if minorities started and owned businesses at the same rate as non-minorities, approximately 9,500,000 jobs would be added to the economy of the United States.

The existing disparities have only been compounded by the disproportionate impact of the global COVID-19 pandemic on minority communities and the ensuing economic downturn. Now is the time to make the MBDA stronger.

Sec. 4203. Definitions

Minority business enterprises (MBEs) are defined as firms that are at least 51 percent owned by one or more socially disadvantaged individuals and whose management and daily business operations are controlled by one or more socially disadvantaged individuals.

Socially disadvantaged individuals are defined as individuals who have been subjected to racial or ethnic prejudice or cultural bias due to their identity of a member of a certain group. Those who identify as Black, Hispanic or Latino, American Indian (including Alaska Native), Asian, and Native Hawaiian or Pacific Islander are all presumed to be socially disadvantaged, as are those that are members of groups that the current MBDA has determined to be socially disadvantaged. Unlike SBA, MBDA has no size restrictions.

Sec. 4204. Minority Business Development Agency

This section supersedes Executive Order 11625, which created the original Minority Business Development Agency (MBDA), and codifies the agency to promote and administer programs to assist the development and resiliency of MBEs.

A presidentially appointed and Senate-confirmed Assistant Secretary of Commerce for Minority Business Development runs the agency, which is authorized to create offices both within the MBDA and in regional hubs. Not later than 120 days after the enactment of the Act, the Secretary of Commerce is directed to submit to Congress a report that describes:

- the organizational structure of the agency;
- the position of the agency within the Department of Commerce; and
- how the agency will function in relation to the other components of the Department of Commerce.

Chapter I – COVID-19 Rapid Response

Sec.4211. Emergency appropriation.

This section provides a \$60 million direct appropriation for fiscal year 2020, to be available until expended, for MBDA to provide assistance to MBEs affected by the economic downturn related to COVID-19.

Chapter II – Existing Initiatives

Subchapter A—Market Development, Research, and Information

Sec.4221. Private sector development.

This section directs the Assistant Secretary to make available to MBEs (either directly or in cooperation with the private sector) resources related to management, technological assistance, and financial and marketing services. The Assistant Secretary may also encourage joint ventures between different MBEs, as well as between MBEs and other parts of the private sector.

Sec.4222. Public sector development.

This section directs the Assistant Secretary to consult with other public sector entities, and their leaders, to establish or enhance programming for MBEs and facilitate the efforts of the public sector and Federal agencies to advance the growth of MBEs.

Sec.4223. Research and information.

This section consolidates national information and data about MBEs by directing the Assistant Secretary to:

- collect and analyze data about MBEs;
- perform evaluations of programs created in the private and public sector intended to help MBEs; and
- establish and maintain a database for the collection and dissemination of demographic, economic, financial, managerial, and technical data relating to MBEs.

Subchapter B—Minority Business Development Center Program

Sections 4231 – 4237.

Subchapter b formally establishes the Minority Business Development Centers (MBDC) program. It codifies the relationship between MBDA and the MBDCs, including pushing MBDA to act as a bridge between the Centers and other Federal Agencies and resources. The purpose of the MBDC program is to create a national network of public-private partnerships that:

- assist minority business enterprises to:
 - access capital and contracts; and
 - create and maintain jobs;
- provide counseling and mentoring to minority business enterprises; and
- facilitate the growth of minority business enterprises by promoting trade.

Much of the integrity of the current program is maintained, including:

- the minimum cooperative agreement amount of \$250,000, with the amount above that at the discretion of the Assistant Secretary;
- cooperative agreement terms of three years with an optional two-year extension;
- a 1/3 non-Federal matching requirement; and
- the application requirements and notification timeline.

Subchapter b also:

- expands the program to cover all regions of the country;
- directs the Assistant Secretary to devise and broadly distribute criteria for selection of MBDCs; and
- directs the Assistant Secretary to create a biennial programmatic and financial examination.

The Assistant Secretary is directed to ensure that, in establishing the MBDC Program, disruptions to the existing business centers on the day of enactment is minimized.

The authorization limit is set at \$30 million for fiscal years 2021 through 2024.

Chapter III—New Initiatives to Promote Economic Resiliency for Minority Businesses

Sec.4241. Annual diverse business forum on capital formation.

This section instructs the MBDA to create an annual government-business forum within 18 months of the enactment of the Act focused on MBEs. Participants will include other Federal Agencies, such as the Department of Treasury, as well as minority business organizations. The MBDA must transmit the proceedings and findings of the forum to its participants, Congress, and the public. Federal agencies involved must also review the findings and recommendations and produce a public statement on any that directly relate to their agencies (statements may be joint).

Sec.4242. Agency study on alternative financing solutions.

This section directs the Assistant Secretary to study and publicly produce a report on opportunities for providing alternative financing solutions to MBEs.

Sec.4243. Educational development relating to management and entrepreneurship.

This section increases MBDA's direct impact by allowing the Assistant Secretary to promote and provide assistance to accredited colleges and universities, leaders in business and industry, and other public and private sector entities to help them provide entrepreneurial development training to minority business owners as well as internship, scholarship, and fellowship opportunities relating to business for minorities. The Assistant Secretary may also sponsor seminars, conferences, and similar activities relating to business for minorities.

This section also establishes the Parren J. Mitchell Entrepreneurship Education Grants Program, authorizing the Assistant Secretary to give grants to historically black colleges and universities (HBCUs) and minority serving institutions (MSIs) in order to help them start entrepreneurship curriculums. MBDA shall report annually on the program.

Chapter IV—Administrative and Other Powers of the Agency; Miscellaneous Provisions

Sec.4251. Administrative powers.

This section gives the Assistant Secretary the power to adopt and use a seal for the administration, hold hearings, acquire property, make advance payments to awardees, enter into agreements with other Federal agencies, donate property, and determine rules, regulations, and procedures as necessary to carry out the Act. The Assistant Secretary is also authorized to hire experts and consultants, as authorized under section 3109 of title five of the United States Code.

Sec.4252. Financial assistance.

This section allows the Assistant Secretary to provide financial assistance to carry out sections 201 (private sector development), 202 (public sector development), and 203(a) (research) of the Act in the form of contracts, grants, or cooperative agreements.

Within 120 days before the first day of each fiscal year, MBDA must broadly publish a statement outlining the financial assistance that will or may be available the following fiscal year. This statement must include:

- the actual, or anticipated, amount of financial assistance that will, or may, be made available;
- the types of financial assistance that will, or may, be made available;
- the manner in which financial assistance will be allocated among public sector entities and private sector entities, as applicable; and
- the methodology used by the Assistant Secretary to make allocations under the above bullet.

Sec.4253. Audits.

This section directs recipients of MBDA financial assistance to keep records with respect to the assistance received, including:

- the amount and nature of that assistance;
- how the assistance was spent;
- the total cost of the undertaking for which the assistance is given or used;
- the amount and nature of the portion of the cost of the undertaking described above that is supplied by a source other than the administration; and
- any other records that will facilitate an effective audit of the assistance.

Sec.4254. Review and report by Comptroller general.

This section directs the Government Accountability Office (GAO) to conduct a review of the programs carried out under this Act and submit it and its recommendations to Congress not later than four years after the enactment of the Act.

Sec.4255. Annual reports; recommendations.

This section directs the Assistant Secretary to submit to Congress and publish on MBDA's website an annual report on its activities not later than 90 days after the last day of the fiscal year. The Assistant Secretary shall also periodically submit to Congress and the President recommendations for legislation or other actions that the Assistant Secretary determines to be necessary or appropriate to promote the purposes of this Act.

Sec.4256. Separability.

This section ensures that, in the event that a court invalidates any one part of this Act, the entire MBDA is not invalidated.

Sec.4257. Executive Order 11625.

This section supersedes Executive Order 11625.

Sec.4258. Amendment to the Federal Acquisition Streamlining Act of 1994.

A conforming amendment to change the mention of the “Director” of the MBDA in the Federal Acquisition Streamlining Act of 1994 to the “Assistant Secretary of Commerce for Minority Business Development.”

Subtitle C—PRIME Program

Sec.4301. Funding for PRIME program.

For each of fiscal years 2021 and 2022, this section appropriates \$15 million out of funds not otherwise appropriated to carry out the SBA’s Program for Investment in Micro-Entrepreneurs (PRIME), which provides grants to nonprofit microenterprise development organizations that have a demonstrated record of providing unique, intensive, one-on-one business counseling services to disadvantaged entrepreneurs.

Subtitle D—Providing Real Opportunities for Growth to Rising Entrepreneurs for Sustained Success

Sec.4401. Angel Investor Tax Credit and Sec.4402. First Employee Business Wage Credit.

The bill provides a credit against the income or payroll tax liability of a qualifying business entity equal to 25 percent of the qualified wages of the entity for an eligible taxable year. The amount of credit that may be claimed by a qualifying business entity is limited to \$10,000 in a single tax year, with a lifetime limit of \$40,000. It also provides a credit against a taxpayer’s income tax liability equal to 50% of the taxpayer’s qualified investment in a qualifying business entity, limited to 10% in a single tax year. The credit is subject to dollar limitations of \$10,000 in a single tax year, with a lifetime cap of \$50,000.

TITLE V - DOWN PAYMENT ON BUILDING 21ST CENTURY INFRASTRUCTURE

Sec.5001. Findings.

Subtitle A – High-speed Internet

Sec.5101. Definitions.

This section defines Assistant Secretary, broadband service, Commission, digital equity, Indian Tribe, Native Hawaiian and Tribal land.

Chapter 1—Broadband Connectivity Fund

Sec.5111.Definitions.

This section defines the terms “Lifeline program,” “National Lifeline Eligibility Verifier,” and “State.”

Sec.5112.Additional broadband benefit.

This section creates a Broadband Benefit of \$50, or \$75 on tribal lands, for low-income consumers to put toward the monthly price of internet service and requires the Internet Service Providers (ISPs) to serve eligible households at a price reduced by an amount up to the Broadband Benefit. This Broadband Benefit triggers eligibility based on qualification for the Lifeline program, the National School Lunch Program (NSLP), or Federal Pell Grants. In

addition to the provision of the Broadband Benefit, this section allows for participating ISPs to provide connected devices, such as laptop computers or tablets, to eligible households. Finally, this section establishes a Broadband Connectivity Fund through which to reimburse providers for the provision of the Broadband Benefit and relevant devices, and it appropriates \$20,674,000,000 to it.

Sec.5113.Grants to States to strengthen National Lifeline Eligibility Verifier.

This section appropriates \$400,000,000 in funding for the Federal Communication Commission (FCC) to make grants to the states to help them participate in the National Lifeline Eligibility Verifier and facilitate its linking with their respective supplemental nutrition assistance program (SNAP) databases.

Sec.5114.Federal coordination between Lifeline and SNAP verification.

This section directs the Federal Communications Commission (FCC) to coordinate with the Secretary of Agriculture to establish an automated connection between the National Lifeline Eligibility Verifier and the National Accuracy Clearinghouse. It also requires the Secretary of Agriculture to produce annual reports on enrollment in the Lifeline program by individuals participating in SNAP.

Chapter 2—Tribal Broadband

Sec.5121.Definitions.

This section defines tribal broadband benchmark, tribal entity, tribal government and underserved tribal entity.

Sec.5122.Tribal Broadband Fund.

Establishes a \$14.3 billion Tribal Broadband Fund in the U.S. Treasury to support the rapid development and deployment of broadband services on Tribal land; provide broadband service to qualifying anchor institutions; provide broadband education, awareness, training, access, and equipment to broadband providers that serve Tribal land; and support the activities of the Tribal Broadband Interagency Working Group.

Sec.5123.Interagency coordination program.

Subsection (b) requires the Assistant Secretary for Communications and Information (NTIA) and USDA's Administrator of the Rural Utilities Service to establish a Tribal Broadband Interagency Working Group. The Working Group would serve as a forum to improve coordination across Federal broadband programs; reduce deployment barriers; promote awareness of Federal support for broadband deployment; and develop common Federal goals, performance measures, and plans to deploy affordable broadband on Tribal lands. The Working Group would be required to periodically issue a strategic plan on Tribal broadband deployment activities, priorities, and objectives.

Subsection (c) would authorize the Working Group to provide technical assistance to underserved Indian Tribes (defined as an Indian Tribe, the Tribal land of which lacks affordable

broadband service; and has subscription rates that are below 80 percent) to develop a Tribal broadband deployment plan, detailing current and projected efforts to meet broadband deployment goals.

Subsection (d) would require the Assistant Secretary for Communications and Information (NTIA) to work with Federal agencies to streamline and standardize the application process for grants and other financial assistance to support the deployment broadband services on Tribal lands. Federal agencies would be directed to amend applications for Federal Tribal broadband deployment programs to streamline and standardize applications. The Assistant Secretary would be required to pursue developing a single, Federal application for Tribal broadband programs, and create a web site to educate applicants on available programs.

Subsection (e) establishes a Tribal Broadband Deployment Advisory Committee that consists of 16 elected Tribal officials, each of whom shall represent a different Bureau of Indian Affairs region, along with 4 at large Tribal officials. The Advisory Committee is to meet and make recommendations to Congress on ways of improving the deployment of Tribal broadband services.

Sec.5124.Broadband for Tribal libraries and consortiums.

Requires the FCC to amend existing regulations to allow Tribal libraries and Tribal library consortiums to be eligible for the E-rate program, irrespective of current eligibility by a State library administrative agency, as required by the Library Services and Technology Act.

Sec.5125.Tribal set-aside.

Subsection (a) sets aside 20% of amounts made available under the following USDA Rural Utility Service programs for broadband adoption and deployment on Tribal land: Telecommunications Infrastructure Loan and Loan Guarantee Program, the Community Connect Grant Program, the Distance Learning and Telemedicine Grant Program, the Rural Broadband Access Loan and Loan Guarantee Program (Farm Bill Broadband Loans), and the Broadband Loan and Grant Pilot Program. Of the amounts not allocated by the end of the fiscal year, the remaining unallocated amounts will be repurposed for grants under the Telecommunications Infrastructure Loan and Loan Guarantee Program.

Subsection (a) allows Indian-owned businesses or Indian-owned business partnerships to be eligible for funding under the Community Connect Grant program, waives the 15% cash contribution requirement for underserved Indian Tribe, and exempts Indian Tribes from the requirement that they submit a system design to be eligible for grant funding.

Subsection (b) sets aside 5% of amounts made available under the Universal Service Fund. Would increase the Tribal support under the Lifeline program by \$10 for each year Tribes have not met the Tribal broadband benchmark.

Sec.5126.Universal service on Tribal land.

Clarifies that consumers on Tribal land and in areas with high populations of Indians should have access to telecommunications and informational services that are reasonably comparable to those

services provided in urban areas and that are available at rates that are reasonably comparable to rates charged for similar services in urban areas.

Sec.5127.Tribal broadband factor.

Requires the FCC to conduct a rulemaking to increase Connect America Fund Broadband Loop Support and the High Cost Loop Support.

Sec.5128.Pilot program for Tribal grant of rights-of-way for broadband facilities.

Establishes the Tribal Broadband Right-of-Way Pilot Program to allow the Secretary of the Interior to delegate the authority to approve rights-of-way to for the construction, maintenance, and facilitation of broadband service to not fewer than 10 Indian tribes. The authority would sunset after five years.

Chapter 3—Connected Devices

Sec.5131.E—Rate support for Wi-Fi hotspots, other equipment, and connected devices.

This section appropriates \$12 billion in E-Rate funds for elementary and secondary schools and libraries, including tribal schools and libraries, to provide adequate home internet connectivity and devices to students, staff, and patrons;

Chapter 4—Digital Equity

Sec.5141.Short title.

Sec.5142.Definitions.

This section defines and codifies “Digital Equity” and “Digital Inclusion” for the first time in statute:

- *Digital Equity*: The conditions in which individuals and communities have the information technology capacity needed to fully participate in American society and the economy.
- *Digital Inclusion*: The activities necessary to ensure that individuals have full access to and use of affordable information and communication technologies, including reliable broadband internet service; internet-enabled devices that meet the individual needs of the user; access to digital literacy training; and the applications and online content that enable and encourage self-sufficiency, participation, and collaboration.

Sec.5143.Sense of Congress.

Expresses the sense of Congress that a broadband connection and digital literacy are increasingly critical to how individuals participate in the societal, economic, and civic institutions of the United States, and finds that the Federal Government has an interest in and an obligation to pursue digital equity

Sec.5144.State Digital Equity Capacity Grant Program.

- Establishes the State Digital Equity Capacity Grant Program to be administered by the National Telecommunications and Information Administration (NTIA); the program will support and build capacity for digital inclusion initiatives undertaken by States, the District of Columbia, and Puerto Rico
- Stipulates that the governor of a State that wishes to receive a grant shall designate an entity with sufficient capacity to serve as the “Administering Entity” for the grant
 - Iterates the types of entities eligible to serve as a State’s Administering Entity
 - Charges the Administering Entity with developing, implementing, and overseeing, the State’s Digital Equity Plan
- Details the nature and required contents of a State’s Digital Equity Plan
 - States must set digital equity-related objectives and explain how they will affect and interact with specific populations across specific modalities, e.g. education, health care, economic development, etc.
 - Creates and makes planning grants available to States for the purposes of developing their Digital Equity Plans
- Lays out the application criteria for the Capacity Grant Program, the formula from which award amounts are derived, the parameters of the grants, and the eligible uses for which the grants may be applied towards
 - In order to receive a grant under this subsection, States must submit to NTIA a description of their Administering Entity for that State, their completed State Digital Equity Plan, and provide assurances that the State will implement its plan and administer the grant in a manner consistent with the requirements of that plan as well as the grant program itself
 - Grant award amounts are determined by the following formula:
 - 50 percent of the award amount is derived from the State’s total population in relation to the total population of States eligible to receive grants under this section
 - 25 percent of the award amount is derived from how the proportion of a State’s covered populations to its total population compares to the proportions of States eligible to receive grants under this section
 - The final 25 percent of the award amount is derived from how the availability and adoption rates of broadband in a State compares to the availability and adoption rates of broadband in States eligible to receive grants under this section

- Grants are awarded on an annual basis and the funds contained within an individual grant have a five-year lifespan
- States are to use their grants to implement and maintain their Digital Equity Plans and to make further grants to entities within that State to assist in the implementation and pursuit of the Digital Equity Plans' goals
- Specifies the assurances that States must provide in order to obtain a grant under this section as well as the reporting requirements for grants
- Authorizes the Capacity Grant Program at \$250 million per year and an additional \$120 million for planning grants for the year prior to the implementation deadline for the Capacity Grant Program
 - Sets aside five percent of the total funding for Indian tribes, Alaska Native entities, and Native Hawaiian organizations
 - Sets aside one percent for other territories and possessions

Sec.5145.Digital Equity Competitive Grant Program.

- Establishes the Digital Equity Competitive Grant Program to be administered by NTIA to support digital inclusion initiatives undertaken by individual organizations and/or coalitions
- Eligible entities include state- and local-level public entities that are not serving as an Administering Entity for the purposes of the State Digital Equity Capacity Grant Program; an Indian tribe, Alaska Native entity, or Native Hawaiian organization; a nonprofit that is not a school; a community anchor institution, a workforce development program, a private sector entity found to by NTIA to be acting in the public interest, or a partnership between any of these entities
- Applicants must provide NTIA with a detailed explanation of how they will apply any grant amounts awarded, justify why they are requesting the award amounts sought, and provide assurances that they will abide by the program's rules and procedures
- Allowable uses for grants include targeted digital inclusion efforts, skills training and other workforce development programs, the construction and operation of public computing centers, and making technology available to covered populations at low or no cost
- Authorizes the Competitive Grant Program at \$250 million per year
 - Sets aside five percent of the total funding for Indian tribes, Alaska Native entities, and Native Hawaiian organizations
 - Sets aside one percent for other territories and possessions

Sec.5146.Policy research, data collection, analysis and modeling, evaluation, and dissemination.

Mandates that NTIA provide an annual report to Congress documenting the activities carried out under Capacity and Competitive Grant Programs, the extent to which States are meeting their Digital Equity Plans, a list of grants awarded under each program and the amount of each award, and information about any modifications or challenges to grant awards

Requires NTIA to make each report publicly available online in a searchable and accessible format

Authorizes NTIA to pursue agreements with other Federal, public, and/or private entities to evaluate the impact and efficacy of activities supported by the grant programs and to identify and share best practices

Sec.5147.General provisions.

Makes explicit that no individual may, on the basis of race, color, religion, national origin, sex, gender identity, sexual orientation, age, or disability be subject to discrimination by any program or activity that is supported by funds made available under this Act

Provides \$1 million for the audit and oversight of grants awarded under this Act by the Commerce Inspector General

Subtitle B – Affordable Housing

Secs.5201. Direct appropriations and fair housing protections.

We must make investments that will help to address America’s affordable housing crisis and the historic racial disparities in our communities. Rising housing costs have left millions of families and individuals struggling to pay for rent, let alone save for a down payment and access a home; and these burdens have fallen most heavily on Black and Latino individuals. This bill makes investments to facilitate the preservation and creation of affordable homes for low-income renters and homeowners as well as greater investment in neighborhoods and communities that are struggling to maintain legacy infrastructure, address vacant and abandoned properties and the lack of essential amenities. Such funding would also be provided to community-led efforts to further help right the wrongs of historic injustices in federal policies like redlining as well as displacement and lost opportunity with the construction of interstate highways through communities of color. This bill will also reinstate critical fair housing protections - including the 2015 Affirmatively Furthering Fair Housing rule and the Disparate Impact rule to address inequities in housing access. We must also reverse the OCC’s flawed Community Reinvestment Act rule and expand bank lending and investments for communities and individuals that are too often neglected by the financial system.

The bill provides a \$50 billion downpayment on affordable housing and community development infrastructure investments necessary to address ongoing inequality in access to safe, affordable

housing and opportunity in Black and brown communities and other underserved neighborhoods. These investments will also promote energy efficiency and resilience in our housing and communities, as well as job training and employment opportunities for public housing residents and other low-income members of the community. These funds will supplement annual federal funding levels to help communities address problems at scale. Specific investments include:

- \$15 billion in Community Development Block Grant funds to be used for infrastructure investments in high-poverty neighborhoods and affordable housing throughout the community. In developing their implementation plans for these funds, communities and states will conduct additional outreach to solicit comments from representatives of underserved communities, create a plan to prevent displacement of existing residents and businesses following these investments, and consider how they will coordinate the use of these funds with other funds available under this Act.
- \$16 billion to improve and preserve our national public housing infrastructure for this and future generations, address the critical backlog of health and safety repairs, improve energy efficiency and livability, and conduct comprehensive neighborhood revitalization efforts in neighborhoods including public and other HUD-assisted affordable housing.
- \$13 billion to create and preserve affordable housing for low-income families and individuals, including affordable rental housing, home repairs and accessibility modifications for low-income homeowners, and housing and community development infrastructure serving rural communities, Native Americans, Alaska Natives, and Native Hawaiians. These funds would be distributed through existing, successful programs including the HOME Investment Partnerships Program, Housing Trust Fund, Capital Magnet Fund, Indian Housing Block Grant and Community Development Block Grant, and rural multifamily preservation demonstration program.
- \$6 billion to address lead poisoning and other home health hazards that threaten the health and futures of children and limit the ability of low-income seniors and persons with disabilities to stay safely in their homes.
- \$100 million to provide grants and technical assistance to nonprofit and community-based organizations to build local capacity and facilitate the effective and efficient use of investments in this Act for the benefit of low-income and underserved neighborhoods and households.

This bill would restore critical fair housing and civil right protections that have been gutted during the Trump Administration. The bill restores the Department of Housing and Urban Development's (HUD) 2015 Affirmatively Furthering Fair Housing rule, strikes down HUD's recent rule gutting the decades-old "disparate impact" standard used to identify and root out hidden discrimination, and requires HUD to resume publication of data that can help communities identify and remedy areas of inequality. Finally, the bill strikes down a rule adopted by the Office of the Comptroller of the Currency that undermines the Community Reinvestment Act, a key civil rights law requiring banks to provide products and services to residents of the communities in which they take deposits.

This bill closes a gap in civil rights laws by expressly prohibiting retail banks and other financial institutions from discriminating on the basis of race, color, religion, national origin, or sex (including sexual orientation and gender identity).

Subtitle C – Community Development Investment

Sec.5301.Short title.

Sec.5302.Purpose.

This section establishes the purpose of the legislation to:

- establish programs to revitalize and provide long-term financial products and service availability for, and provide investments in, low- and moderate-income and minority communities;
- respond to the unprecedented loss of Black-owned businesses and unemployment; and
- otherwise enhance the stability, safety and soundness of community development financial institutions that support low- and moderate-income and minority communities.

Sec.5303.Considerations; requirements for creditors.

This Section requires the Treasury Secretary to consider the following under the Act:

- (1) increasing the availability of affordable credit for consumers, small businesses, nonprofit organizations, including for projects supporting affordable housing, community-serving real estate, and other projects providing direct benefits to low and moderate income communities, low income and underserved people, and minorities;
- (2) providing funding to minority-owned and minority-led eligible institutions and other eligible institutions that have a strong track record of serving minority small businesses;;
- (3) protecting and increasing jobs in the United States;
- (4) increasing the opportunity for small business, affordable housing and community development in geographic areas and demographic segments with poverty and high unemployment rates that exceed the average in the United States;
- (5) ensuring that all low- and moderate-income community financial institutions may apply to participate in the programs established under this Act and the amendments made by this Act, without discrimination based on geography;
- (6) providing transparency with respect to use of funds provided under this Act and the amendments made by this Act;
- (7) promoting and engaging in financial education to would-be borrowers; and
- (8) providing funding to eligible institutions that serve consumers, small businesses, nonprofit organizations, to support affordable housing, community-serving real estate,

and other projects that provide direct benefits to low and moderate income communities, low income people, and minorities, directly affected by the COVID–19 pandemic.

- Any creditor participating in a program established under this Act shall fully comply with any applicable statutory and regulatory requirements relating to fair lending.

Sec.5304.Sense of Congress.

This section provides findings and a Sense of Congress, including:

- finding that the coronavirus disease 2019 (COVID–19) pandemic and the resulting recession have led to more than 4,800,000 cases and at least 157,000 deaths in the United States as of August 6, 2020; a 7.6 percent increase in the unemployment rate from February to June, or approximately 12,000,000 more persons who have lost their jobs; and an estimated 36 percent of renters and 4,100,000 homeowners who are struggling to pay their rent and mortgages;
- finding that according to the Centers for Disease Control and Prevention, “Long-standing systemic health and social inequities have put many members of racial and ethnic minority groups at increased risk of getting sick and dying from COVID–19 to the unprecedented loss of Black owned business and unemployment;
- finding that minority-owned businesses are also facing more difficult economic circumstances than others as a result of the COVID–19 pandemic. In April 2020, the Federal Reserve Bank of New York reported that minority- and women-owned businesses were not only more likely to show signs of limited financial health, but also twice as likely to be classified as “at risk” or “distressed” than their non-minority counterparts;
- finding that during the coronavirus disease 2019 (COVID–19) pandemic, community development financial institutions and minority depository institutions have delivered needed capital and relief to underserved communities, many of which have borne a disproportionate impact of the COVID–19 pandemic. Through August 8, 2020, community development financial institutions and minority depository institutions have provided more than \$16,400,000,000 in loans made under section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) to small businesses with a smaller median loan size of about \$74,000 compared to the overall program median loan size of \$101,000;
- finding that in addition to establishing relief funds and services for local businesses and individuals experiencing loss of income, community development financial institutions and minority depository institutions have provided mortgage forbearances, loan deferments, and modifications to help address the needs of their borrowers. Community development financial institutions and minority depository institutions are reaching underserved communities and minority-owned businesses at a critical time;
- finding that the Community Development Financial Institutions Fund is an agency of the Department of the Treasury and was established by the Community Development

Banking and Financial Institutions Act of 1994 (12 U.S.C. 4701 et seq.). The mission of the Community Development Financial Institutions Fund is “to expand economic opportunity for underserved people and communities by supporting the growth and capacity of a national network of community development lenders, investors, and financial service providers”. As of September 15, 2020, there were 1,137 certified community development financial institutions in all 50 States, the District of Columbia, Guam, and the Commonwealth of Puerto Rico;

- finding that following the 2008 financial crisis and the disproportionate impact the Great Recession had on minority communities, the number of minority depository institutions that are banks fell more than 30 percent over the following decade, to 143 as of the second quarter of 2020. Meanwhile, minority depository institutions that are credit unions have seen similar declines, with more than $\frac{1}{3}$ of such institutions disappearing since 2013;
- establishing a Sense of Congress that the Department of the Treasury, Board of Governors of the Federal Reserve System, Small Business Administration, Office of the Comptroller of the Currency, Federal Deposit Insurance Corporation, National Credit Union Administration, and other Federal agencies should take steps to support, engage with, and utilize minority depository institutions and community development financial institutions in the near term, especially as they carry out programs to respond to the COVID-19 pandemic, and the long term;
- establishing a Sense of Congress that the Board of Governors of the Federal Reserve System should—(A) consistent with mandates of the Board, work to increase lending by minority depository institutions and community development financial institutions to underserved communities; and (B) if appropriate, work with the Department of the Treasury to increase lending by minority depository institutions and community development financial institutions to underserved communities;
- establishing a Sense of Congress that the Department of the Treasury and prudential regulators should establish a strategic plan identifying concrete steps to support existing minority depository institutions, as well as the formation of new minority depository institutions consistent with the goals established in section 308 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note) to preserve and promote minority depository institutions;
- establishing a Sense of Congress that Congress should increase funding and make other enhancements, including those provided by this legislation, to enhance the effectiveness of the Community Development Financial Institutions Fund, especially reforms to support minority-owned and minority led community development financial institutions in times of crisis and beyond; and Congress should conduct robust and ongoing oversight of the Department of the Treasury, Community Development Financial Institutions Fund, Federal prudential regulators, Small Business Administration, and other Federal agencies.

Sec.5305.Neighborhood Investment Programs.

This Section establishes new Neighborhood Capital Investment Programs aimed at assisting LMI and minority communities.

- provides \$13 billion in funds for the Treasury Secretary to support the efforts of eligible CDFIs and MDIs, defined as low- and moderate-income community financial institutions (LCFIs), to provide loans and forbearances to small businesses, minority-owned businesses, and consumers, especially in low-income and underserved communities.;
- requires that at least \$7 billion of the funds must be used by the Treasury to make direct capital investments into LCFIs and up to \$6 billion may be used to provide equity equivalent investments into LCFIs, in partnership with a banking institution;
- provides application requirements for any LCFIs to participate in the program, with priority given to minority-owned or minority-led applicants. All applicants must provide a lending and investment plan that:
 - demonstrates a track record of at least 30% of their lending over the past two fiscal years has been directly to low- and moderate income borrowers, to borrowers that create direct benefits for low and moderate income populations, to other targeted populations as defined by the CDFI Fund, or any combination thereof, as measured by the total number and dollar amount of loans;
 - describes how the business strategy and operating goals of the applicant will address community development needs, which includes the needs of small businesses, consumers, nonprofit organizations, community development, and other projects providing direct benefits to low- and moderate-income communities, low-income individuals, and minorities within the minority, rural, and urban low-income and underserved areas served by the applicant.
- includes incentives to increase lending and affordable credit, providing:
 - any dividend, interest or other payments under this Program shall not exceed 2% per annum;
 - 24 month prohibition on any payments;
 - rate is adjusted downward .5% per annum, if, after the initial 24 month period, the institution provides and maintains significant lending in low-or moderate-income minority community communities, historically disadvantaged borrowers, and to minorities that have significant unmet financial service's needs;
 - rate is adjusted downward to 1% if, after the initial 24 month period, the institution increases its lending dollar for dollar in the targeted community;
 - rate is adjusted downward to .5% if, after the initial 24 month period, the institution increases its lending by a factor of 2 in the targeted community.

- provides protections for LCFIs to ensure any payments would not undermine capital levels or financial health of the entity;
- places restrictions on the amount of stock or other financial instruments that can be issued by an LCFI under the program;
- restricts the timing and manner of the sale of any financial instrument under this Program;
- terminates the Program's investment authority within 36 months after date of enactment.

Sec.5306.Supporting the CDFI Fund.

Sec.5307.Federal deposits in minority depository institutions.

Sec.5308.Minority Bank Deposit Program.

Sec.5309.Investments in minority depository institutions.

Sec.5310.Custodial deposit program for covered minority depository institutions.

Sec.5311.Establishment of Financial Agent Partnership Program.

This Section requires the Treasury Secretary to establish a program to be known as the 'Financial Agent Partnership Program under which an LCFI can request a financial mentor from a large financial institution participating in any of the Programs established by this Act as an investor or from any other source designated by the Secretary of the Treasury.

Sec.5312.Application of CARES Act to low- and moderate-income community financial institutions.

Sec.5313.Submission of data relating to diversity by community development financial institutions.

Sec.5314.Reports.

This Section requires the Secretary to provide reports on the Programs under this Act, including transactions and participating institutions.

Sec.5315.Inspector General oversight.

This Section requires the Inspector General of the Department of the Treasury to conduct, supervise, and coordinate audits and investigations of any program established under this Act.

Sec.5316.Study and report with respect to impact of programs on low- and moderate-income and minority communities.

This Section requires the Treasury Secretary to conduct a study of the impact of the programs established under this Act on low- and moderate-income and minority communities. Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a

report on the results of the study, which shall include, to the extent possible, the results of the study disaggregated by ethnic group.

Subtitle D – School and Library Infrastructure

Chapter I – School Infrastructure

Sec.5401.Definitions.

This section establishes definitions for this chapter, including definitions for public school facilities, qualified local educational agency, school facilities capital outlay project, operations and maintenance of school facilities, Bureau-funded schools, State school facilities agency, and Secretary.

Sec.5402.Development of data standards.

This section requires the Secretary to develop data standards to be used by State school facilities agencies and the Bureau of Indian Education in developing and collecting data for State school facilities databases required under section 5403(c)(2). In developing such data standards, the Secretary is required to consult with the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Director of the Centers for Disease Control and Prevention, the Secretary of the Interior, the Administrator of the Federal Emergency Management Agency, and the Director of the National Institute for Occupational Safety and Health.

Sec.5403.Grants for the long-term improvement of public school facilities.

This section authorizes grants to States for the purposes of supporting long-term improvements to public school facilities for fiscal years 2021 through 2023. The section:

- Provides 0.5 percent to the Secretary of Interior to provide assistance to outlying areas
- Provides 1.5 percent to the Secretary of Interior to provide assistance to Bureau-funded schools, requires the Secretary of Interior to initiate a consultation with Indian Tribes to determine how such assistance shall be administered, and prohibits the Secretary of Interior from requiring any matching funds.
- Authorizes formula funding to States that have submitted an approved application proportional to their allocation that such State under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the preceding fiscal year.
- Requires each State to reserve not more than 5 percent of its allocation to carry out its responsibilities under this act, which include providing technical assistance, developing an online and publicly available database that contains an inventory of the infrastructure of all public school facilities in the State, issuing or reviewing standards regulations, or plans to ensure safe and healthy school facilities in the State, and designating a State ombudsman to monitor public school facilities and respond to health and safety concerns.
- Requires each State receiving an application to submit a State plan to be approved by the Secretary that contains information as the Secretary may require, including information

regarding how the State intends to identify and select qualifying local educational agencies based on need.

- Requires each State receiving an allocation to contribute a match of at least 10 percent of the allocation, to commit to maintaining a proportional share of state investment in school facilities that is not less than 90 percent of the average of the State's share of school facilities capital outlay for the 5 years preceding the fiscal year for which the allocation is received, and to supplement the level of Federal, State, and local public funds that would, in absence of such allocation, be made available for school facilities capital outlay projects, and not to supplant such funds
- Requires each State school facilities agency to award subgrants to qualified local educational agencies in a geographically equitable manner. Additionally, the section—
 - requires the State to give priority to local educational agencies that: demonstrate the greatest need for a subgrant by serving the highest percentage of students from families living under the poverty line, operate school facilities that pose health and safety risks, have the most limited capacity to raise local funds due being from a low wealth community.
 - with respect to subgrants made in FY2021, requires the State to give priority to local educational agencies that will implement public health protocols.
 - allows the State to give priority to local educational agencies that propose to use subgrant funds to improve access to high-speed broadband or fund projects that are aligned with such agency's policies or plans to increase diversity and decrease racial or socioeconomic isolation of its student body in its public schools.
- Requires each qualified local educational agency to submit an application containing such information as the State school facilities agency may require, including a description of the facilities projects the agency plans to carry out with the funds, a description of the family and community engagement, and if such agency is public charter school, a description indicating such agency's access to funding for such projects.
- Requires all local educational agencies receiving a subgrant under this section to develop a school facilities master plan that covers not less than three years that includes data regarding all public school facilities operated by such agency. Requires the local educational agency to consult with multiple stakeholders in developing such plan.
- Requires all local educational agencies receiving a subgrant under this section to only supplement the level of Federal, State, and local public funds that would, in the absence of such subgrant, be made available for school facilities capital outlay projects and for the operations and maintenance of school facilities, and not to supplant such funds.

Sec.5404.Uses of funds.

- Authorizes local educational agencies receiving a subgrant under section 5403 to use subgrant funds for one or more activities including:
 - Developing and maintaining the facilities master plan.

- Renovating, retrofitting, modernizing, or constructing public school facilities, including making public health improvements related to mitigating COVID-19 and making improvements to mitigate natural disasters.
- Repairing school facilities.
- Purchasing or installing furniture or fixtures in public schools.
- Constructing new public school facilities and acquiring land for such projects.
- Improving energy and water efficiency and HVAC systems.
- Reducing toxic substances, lead, mold, mildew, and pests.
- Ensuring the safety of drinking water at the tap.
- Making public school facilities more accessible to people with disabilities
- Making instructional program space improvements for programs related to early learning, community-based partnerships, and more.
- Investing in specialized academic facilities intended to increase student diversity and decrease racial or socioeconomic isolation.

Sec.5405.Rule of construction.

This section prohibits covered funds from being used by a local educational agency for operation and maintenance costs, minor repairs, facilities primarily used for athletic contests, vehicles, and district offices. This section also prohibit for-profit charter schools from receiving funds under this program, and limits potential conflicts of interest arising from charter school operators.

Sec.5406.Green practices.

This section requires that a percentage of funds allocated under this program used for new construction projects to meet green environmental standards. Such percentage shall increase each fiscal year.

Sec.5407.Use of American iron, steel, and manufactured products.

This section requires local educational agencies receiving a subgrant under section 5403 to ensure that any iron, steel, and manufactured products used in projects carried out with such funds are produced in the United States. Provides waiver authority to the Secretary in unique circumstances.

Sec.5408.Annual report on grant program.

Requires the Secretary to submit a report within one year after the enactment of this Act to Congress on projects supported by covered funds provided under section 5403. Additionally, requires the Secretary of Interior to provide separate reports on how funds provided under section 5403(b)(1)(A) and (B) were used to support school facilities improvements in outlying areas and Bureau-funded schools, respectively.

Sec.5409.Appropriations.

This section appropriates \$35 billion over three years for these activities as a down payment on long-term public school facilities improvements. Specifically, this section provides \$11,626,810,000 for each of fiscal year 2021 through 2023.

Sec.5410.Appropriations for impact aid construction.

This section appropriates \$119,568,765 for Impact Aid construction payments authorized under section 7007 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707). Specifically, the bill appropriates \$18,756,765 for fiscal year 2021, \$50,406,000 for fiscal year 2022, and \$50,406,000 for fiscal year 2023.

Chapter II – Library Infrastructure

Sec.5421.Definitions.

The section establishes definitions for the Build America’s Libraries Fund program, including definitions on: director, Indian Tribe, library, State, and State library administrative agency.

Sec.5422.Build America’s Libraries Fund.

The section establishes the Build America’s Libraries Fund for the purpose of supporting long-term improvements to library facilities. Requires the Director to reserve 3 percent of grants for awards to Indian Tribes and to organizations that primarily serve and represent Native Hawaiians.

Sec.5423.Allocation to States.

This section authorizes grants to State library administrative agencies for the purposes of the Build America’s Libraries Fund for fiscal year 2021 through fiscal year 2023. The section—

- Requires the Director to allocate funding to States proportional to the State’s allocation under section 221(b) of the Library Services and Technology Act (20 U.S.C. 9131(b)), except that, for purposes of this section, the minimum allotment for each State shall be \$10,000,000, and except that the minimum allotment shall be \$500,000 in the case of the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.
- Requires a State to reserve not more than 4 percent of its allocation received under this section for administrative costs and technical assistance
- Requires a State administrative agency to submit a State plan to the Director containing such information as the Director may require, including a description of how the State library administrative agency shall use the allocation to move long-term improvements to library facilities with a focus on underserved and marginalized communities.
- Requires a State to agree to use an allocation under this section only to supplement the level of Federal, State, and local public funds that would, in absence of such allocation, be made available for the activities supported by the allocation, and not to supplant such funds.

- Authorizes uses of funds for grants provided under this section including one or more of the following:
 - Constructing, renovating, modernizing, or retrofitting library facilities in the State, including constructing new facilities, making capital improvements to existing facilities, enhancing facilities to reduce the risk of COVID-19, and addressing the vulnerability of library facilities to natural disasters.
 - Investing in infrastructure projects related to improving internet access and connectivity in library facilities and for library patrons.
 - Improving energy and water efficiency and HVAC in library facilities
 - Reducing toxic substances, lead, mold, and mildew.
 - Ensuring the safety of drinking water at the tap.
 - Making library facilities more accessible to people with disabilities.
 - Improving library facilities for the purposes of supporting place-based services or community-based partnerships.
 - Assessing the condition of existing library facilities and developing facilities master plans.

Sec.5424.Need-based grants to libraries.

This section requires State library administrative agency shall award grants to libraries, on a competitive basis, to public libraries, tribal libraries, a State library, or State archive. Each such entity shall submit an application containing such information as the State library administrative agency may require, including a description of facilities project the library intends to use subgrant funds to carry out. In providing grants, the State library administrative agency is required to give priority to libraries that demonstrate the greatest need for such a grant in libraries that predominantly serve underserved or marginalized communities, including families with incomes below the poverty line. May also give priority to libraries that propose to improve library facilities that pose a severe health or safety threat to library patrons and staff, improve access to high-speed broadband, improve access to existing library facilities for library patrons or staff with disabilities, or improve energy efficiency. Additionally, requires a library receiving a grant under this section only to supplement the level of Federal, State, and local public funds that would, in the absence of such grant, be made available for the activities supported by the grant, and not to supplant such funds.

Sec.5425.Administration and oversight.

This section waives the prohibition on construction in Section 210A of the Museum and Library Services Act (20 U.S.C. 9109) for funds provided under this program, waives any matching requirements, establishes that such funds shall supplement, not supplant related funds, and allows the Director to allocate 3 percent of funds appropriated for the Build America’s Libraries Fund for program administration, oversight activities, research, analysis, and data collection. Additionally, requires that the Director submit a report to Congress not less than 1 year after the date of enactment detailing how funding under this chapter has been spent and its impact on improving library services in communities that are served, including underserved and marginalized populations, Indian Tribes, and Native Hawaiian communities.

Sec.5426.Appropriation of funds.

This section appropriates \$5,000,000,000, for the period of fiscal years 2021 through 2023 for the Build America's Libraries Fund.

Chapter III – Historically Black Colleges and Universities (HBCUs), Tribal Colleges and Universities (TCUs), and Minority Serving Institutions (MSIs) Infrastructure

Sec. 5431. Cancellation of Debt Under the HBCU Capital Financing Program.

This section incorporates Congresswoman Alma Adams (NC-12)'s *H.R. 7380, The HBCU Capital Finance Debt Relief Act* to cancel the obligation of HBCUs to repay capital financing loans that present a tremendous burden to these institutions during COVID-19. Providing these institutions with \$1.25 billion in debt relief is critical as HBCUs face up to a 20 percent drop in tuition revenue for the fall 2020 semester, which will hamper the ability of HBCUs to meet their debt payments and sustain a funding source for the continued operation, upkeep, and renovation of HBCU campuses.

Sec. 5432. Additional Appropriations for the HBCU Historic Preservation Program.

This section invests \$250 million over fiscal years 2021 through 2023 to the HBCU Historic Preservation Program, administered by the U.S. National Park Service, to help preserve and protect over 700 historic buildings and structures on the campuses of HBCUs on the National Register of Historic Places.

Sec. 5433. Funding for Construction of New Facilities at TCUs.

This section updates and expands the infrastructure development program for TCUs within the Tribally Controlled Colleges and Universities Assistance Act of 1978 and invests funding into the program for the first time. For fiscal years 2021 through 2023, this section will make \$1.5 billion available to the Secretary of the Interior to provide grants to all TCUs to address long-needed facility construction, maintenance, renovation, reconstruction, and replacement needs of new, existing, or acquired facilities. Such needs will include classroom, day care centers, and housing facilities, as well as furnishing such facilities with the necessary laboratory, computer, and broadband equipment.

Sec. 5434. Additional Appropriations for HBCUs, TCUs, and Minority-Serving Institutions.

This section invests \$7 billion over fiscal years 2021 through 2023 to provide additional allocations to address the facility, equipment, educational materials, and funds and administrative management needs at HBCUs, TCUs, and minority-serving institutions such as Hispanic-Serving Institutions, Alaska Native-serving institutions and Native Hawaiian-serving institutions, Predominantly Black institutions, Asian American and Native American Pacific Islander-serving institutions, and Native American-serving nontribal institutions..

Sec. 5435. Study and Report on the Physical Condition of HBCUs and TCUs.

This section directs the Secretary of Education, acting through the Director of the Institute of Education Sciences, to consult with the Secretary of the Interior to conduct a comprehensive study of the physical conditions of HBCUs and TCUs at least once every five years. The study would assess the effect of institutional facility conditions on student and staff health and safety and student academic outcomes, the condition of facilities by geographic region, and the accessibility of facilities for students and staff with disabilities. This section further requires the Secretary of Education to submit the results of the study in a report to relevant congressional committees, which includes the Committees on Appropriations, Education and Labor, Natural Resources, Agriculture, and Energy and Commerce of the House of Representatives and the Committees on Appropriations, Health, Education, Labor, and Pensions, Energy and Natural Resources, Agriculture, Nutrition, and Forestry, and Commerce, Science, and Transportation in the Senate.

Subtitle E – Environmental Justice

Chapter I – Drinking Water and Clean Water Programs

Sec.5501.Sewer overflow and stormwater reuse municipal grants.

This section reauthorizes the existing sewer overflow and stormwater reuse municipal grants program for the planning, construction and design of treatment works for municipal combined sewer overflows, sanitary sewer overflows or stormwater and any measures to manage, reduce or recapture stormwater or subsurface drainage. This section adds notification systems as an allowable use for grants. In addition, the section creates a new rural needs set aside within the program of 15 percent.

The program is reauthorized at \$400 million for fiscal years 2021 through 2023.

Sec.5502.Clean water infrastructure resiliency and sustainability program.

The section establishes the “Clean Infrastructure Resiliency and Sustainability Program,” modeled after a similar drinking water program established in the America’s Water Infrastructure Act of 2018 (AWIA 2018, Public Law 115-270). An owner or operator of a publicly owned treatment works can use the grants to assist in the planning, design, construction, implementation, operation or maintenance of a program or project to increase the resiliency or adaptability of water systems to natural hazards. There is a non-federal cost-share of 25 percent and a 10 percent non-federal cost-share for small or disadvantaged communities.

This section authorizes \$333 million for fiscal years 2021 and 2022, and \$334 million for fiscal year 2023.

Sec.5503.Grants for construction, refurbishing, and servicing of individual household decentralized wastewater systems for individuals with low or moderate income.

This section creates a grant program that allows non-profit organizations to receive funds for the construction, refurbishing and servicing of decentralized wastewater systems for low or moderate income households, or groups of such households. The program gives priority to households that

do not have access to sanitary sewer disposal systems. This section requires that EPA, two years after the date of enactment of this Act, submit a report to Congress on the results of the program.

The program is authorized at \$50 million for each fiscal year 2021 through 2023.

Sec.5504.Connection to publicly owned treatment works.

This section creates a grant program that allows the EPA to provide grants to publicly owned treatment works or nonprofit organizations to cover the costs incurred from connecting a household to a municipal or private wastewater system.

The program is authorized at \$40 million for each fiscal year 2021 through 2023.

Sec.5505.Water pollution control revolving loan fund capitalization grants.

This section amends the CWA and codifies language carried in previous appropriations bills requiring states, to the extent there are sufficient projects or activities eligible, to spend not less than fifteen percent of the state's CWSRF to address green infrastructure, waste or energy efficiency improvements, or other environmentally innovative activities.

Sec.5506.Water pollution control revolving loan funds.

This section amends the CWA and codifies language carried in previous appropriations bills, requiring a minimum of ten percent of the state's CWSRFs to be used for grants, negative interest loans and loan forgiveness or to buy, refinance or restructure debt.

It also temporarily increases the percentage of a State's capitalization grant that may be spent on underserved communities from thirty percent to forty percent for fiscal years 2021-2023.

Sec.5507.Authorization of appropriations for water pollution control State revolving funds.

This section amends the CWA to reauthorize the CWSRF and increase the program's authorization to \$3 billion for fiscal years 2021 through 2023.

Sec.5508.Brownfields funding.

This section amends the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) Brownfields program, which provides grants and technical assistance to communities, states, tribes and others to assess, safely clean up and sustainably reuse contaminated properties. It authorizes \$350 million in funding for fiscal year 2021, \$400 million for fiscal year 2022, and \$450 million for fiscal year 2023.

It also authorizes and funds the State Response Program, which allows states to play a role in assessing and cleaning up brownfield sites, at \$70 million for fiscal year 2021, \$80 million for fiscal year 2022 and \$90 million for fiscal year 2023.

Sec.5509.Technical assistance and grants for emergencies affecting public water systems.

This section restores an existing authority in the Safe Drinking Water Act (SDWA) to ensure that there is a fully authorized fund to provide resources to communities facing drinking water

emergencies, such as an intrusion of lead into the drinking water supply. This section reauthorizes the program at \$35 million for each fiscal year 2021 through 2023.

This section reauthorizes the technical assistance to public water systems with emergency concerns from 2021 through 2023 at the current authorization levels of \$15 million for each fiscal year. This section also allows for the Administrator to provide technical assistance for small public water systems to achieve compliance with the SDWA to state-based non-profit organizations that are governed by community water systems.

Sec.5510.Grants for state programs.

This section amends the SDWA to reauthorize a grant program that allows states, territories and tribes to carry out public water system supervision programs. These programs allow states to adopt and enforce drinking water regulations and ensure that water systems comply with the National Primary Drinking Water Regulations.

This section is reauthorized at \$125 million for fiscal years 2021 through 2023.

Sec.5511.Drinking water State revolving loan funds.

This section increases the amount of Drinking Water State Revolving Funds (DWSRF) that must be used to provide assistance to disadvantaged communities through grants, negative interest loans, forgiveness of principal of loans, or to buy, refinance or restructure debt, from 6 percent to 20 percent, to the extent that there are sufficient applications.

This section reauthorizes a provision that allows for up to two percent of the DWSRF to be used for technical assistance from nonprofit organizations to provide assistance to these systems to achieve compliance.

Finally, this section reauthorizes the DWSRF at \$3 billion for fiscal years 2021 and 2022, and \$4 billion for fiscal year 2023.

Sec.5512.Source water petition program.

The section reauthorizes the Source Water Petition Program, which allows owners and operators of community water systems, municipal or local governments and political subdivisions of a state to petition the state for a source water quality protection partnership. These partnerships help affected parties reduce drinking water contamination, obtain financial or technical assistance, or develop recommendations for the long-term protection of a community water system's source water. This section also amends the program to allow states to designate a county to act on behalf of an unincorporated area, should the unincorporated area chose to enter such a partnership, solely for the purpose of pursuing a source water petition.

Sec.5513.Assistance for small and disadvantaged communities.

This section expands the existing Assistance for Small and Disadvantaged Communities program to allow for the use of funds to purchase filters that remove contaminants of concern from public drinking water systems; for providing information regarding proper filtration, maintenance, and options regarding replacing lead service lines or addressing other sources of lead from water

systems; and for technical assistance. Further, this section lowers the required non-federal match for the grant to 10 percent and allows for that non-federal match to be waived at the discretion of the Administrator. This provision extends the authorization of the program from 2021 through 2023 at \$300 million for each fiscal year.

This section also creates an additional, separate competitive grant program administered by the EPA. This program is distributed to states based on demonstrated high proportions of underserved communities, rather than a State Revolving Loan Fund (SRF) formula. This grant program is authorized at \$50 million for each of fiscal years 2021 through 2023.

This section also reauthorizes the existing Drinking Water Infrastructure Risk and Resiliency program from 2021 through 2023, and increases the program's authorization from \$4 million to \$125 million for fiscal years 2021 and 2022 and \$200 million for fiscal year 2023. This includes a waivable non-federal share of ten percent.

Finally, this section instructs the EPA to create a grant program to provide grants to a utility or nonprofit to voluntarily connect a low-income household to a municipal public drinking water system. This program is authorized at \$40 million for each of fiscal years 2021 through 2023.

Sec.5514.Reducing lead in drinking water.

This section authorizes \$4.5 billion for comprehensive lead reduction projects and lead line replacement for each fiscal year 2021 through 2023, with priority given to disadvantaged communities, environmental justice communities with significant representation of communities of color or low-income communities, and tribal and indigenous communities that experience, or are at a risk of experiencing, higher or more adverse human health or environmental effects. The federal cost share of a project that meets these criteria is 100 percent.

It also amends the SDWA to create a pilot program for system operators that know through lead mapping that the system has, or is likely to have, at least 30 percent of service lines containing lead. Two years after the first grant is awarded, the EPA must submit a report to Congress detailing the recipients of this grant money, what type of lead mapping was used, and how accurate and useful the mapping was in locating the lead contamination. The pilot program is authorized at \$10 million and the funds are to remain available until expended.

Sec.5515.Operational sustainability of small public water systems.

This section establishes an operational sustainability program under SDWA for small public water systems, including those owned by an Indian Tribe. The program is designed to help improve the ability of these systems to respond to water infrastructure failures by understanding what those failures are, through asset management of drinking water systems, pumps, wells, valves, treatment systems and other pertinent activities that include, but are not limited to, identification and prevention of potable water loss due to leaks, breaks and other metering or infrastructure failures. This program has a waivable non-federal share of ten percent and is authorized at \$10 million for each of fiscal years 2021 through 2023.

Sec.5516.Drinking water system infrastructure resilience and sustainability program.

This section creates a program modeled off of section 2005 of AWIA 2018. This section mirrors that EPA grant program for increased resiliency and sustainability for drinking water projects in small and disadvantaged communities, and creates a new program for communities of all sizes. Funds may be used to conserve water, enhance water-efficiency, create desalination facilities, relocate or renovate existing vulnerable water systems, enhance water supply, and implement measures to increase resiliency. This program is authorized at \$150 million for fiscal years 2021 and 2022, and \$200 million for fiscal year 2023.

Sec.5517.Needs assessment for nationwide rural and urban low-income community water assistance.

This section requires the Administrator of the EPA, in consultation with relevant stakeholders, to study the prevalence of low-income households in the United States without affordable public drinking water services. This report must include recommendations to increase access to these services and the associated costs of each recommendation. This section authorizes \$5 million to conduct the study.

Sec.5518.Lead contamination in school drinking water.

This section amends the existing Voluntary School and Childcare Lead Testing Grant Program to qualify public water systems, tribes, and eligible nonprofit organizations that service schools and childcare locations as eligible grant recipients. The program authorization is extended through fiscal year 2023 at the current funding level of \$25 million annually.

Sec.5519.Indian reservation drinking water program.

This section amends the Tribal Drinking Water Program established in AWIA 2018 and increases the authorization to \$50 million annually and extends the authorization of the program to fiscal year 2023.

Sec.5520.Water infrastructure and workforce investment.

This section reauthorizes an existing competitive grant program created in AWIA 2018 to promote workforce development in the water utility sector. The section modifies the program to make public works departments and agencies eligible for these grants in addition to schools.

This section extends the authorization years and increases funding from \$1 million to \$2 million for each fiscal year 2021 through 2023 and includes a recommendation that 40% of that funding be used to provide job opportunities to low income individuals and underserved communities.

Sec.5521.Small and disadvantaged community analysis.

This section requires EPA to do an analysis of the historical distribution of funds to low income, rural and minority communities, as well as communities of indigenous peoples, under Safe Drinking Water Act and CWA programs. The EPA is also required to analyze new opportunities and methods to improve the distribution of funds under these programs to those same communities.

Sec.5522.Mapping and screening tool.

This section requires the EPA Administrator to continue to annually update, and make available to the public, the existing environmental justice mapping tool (known as EJScreen) or an equivalent environmental justice mapping and screening tool.

Sec.5523.Emergency household water and wastewater assistance program.

This section creates an emergency household water and wastewater assistance program to provide grants to states, tribes, and eligible utilities to provide rate assistance to low-income households and households economically affected by the COVID-19 public health emergency. Funds can also be used by grant recipients for the ongoing operation and maintenance activities affected by a loss of revenue from eligible households. As a condition of receiving these funds, utilities must ensure that water and wastewater services are not disconnected or interrupted during the COVID-19 public health emergency, and that during the emergency period and a 180 day period after the emergency terminates, that no eligible individual or household is charged any late fee for unpaid bills.

This section authorizes \$2 billion for fiscal year 2021 and \$1.5 billion for fiscal year 2022 and 2023.

Sec.5524.Requirement.

This section requires, notwithstanding any other provision of law, that of the amounts made available under this subtitle the Administrator shall ensure, to the maximum extent practicable, that not less than 12.5 percent of the funds are used to support jobs of persons of color, or businesses owned by persons of color.

Chapter II – Clean Air Programs

Sec.5531.Wood heaters emissions reduction.

This section directs the EPA Administrator to create a new EPA program, called the Wood Heaters Emissions Reduction Act (WHERA) program, to incentivize the removal and replacement of old, inefficient residential wood heaters for more efficient, clean-burning ones.. Using the successful Diesel Emissions Reduction Act as a model, the WHERA program would allow states, Indian tribes, territories, and local air quality agencies to compete for federal dollars to fund wood heater change-out programs that work for their communities. This section also funds WHERA at \$75 million for each fiscal year 2021 through 2023 and requires that Indian tribal and rural communities are fairly represented in funding allocations. Indian tribal governments are guaranteed to receive at least 4% of total funding. If enacted, this program will help the millions of people living in communities of color or low-income communities, and tribal and indigenous communities that are currently being exposed to deadly wood heater pollution, which can trigger asthma attacks and cause lung damage, cancer, and death.

Sec.5532.Diesel emissions reduction program.

This section funds \$300 million for each fiscal year 2021 through 2023 to carry out the EPA Diesel Emissions Reduction Program (DERA) to help reduce diesel emission pollution, which is known to contribute to air pollution and climate change and is linked to increased COVID-19

mortality. Of the \$300 million appropriated annually, \$150 million shall be used to provide assistance to port authorities with jurisdiction over transportation or air quality. This section also includes a requirement that for this particular funding, EPA will fund 100% of the costs for the purchase of zero tailpipe emissions vehicles.

Sec.5533.Protection of the Mercury and Air Toxics Standards.

This section removes any question on whether it is appropriate and necessary for EPA to regulate mercury and air toxics from power plants, which more often than not, impacts communities of color, Indigenous communities, and disadvantaged-communities. The language does so by deleting the 1990 Clean Air Act requirement that directs EPA to determine if regulating mercury and air toxics from power plants is “appropriate and necessary” and leaves in place the law’s requirement that EPA should regulate air toxic power plant emissions. Enacting this language would protect EPA’s Mercury and Air Toxics Standards (MATS) from further legal challenges and further protect all communities from air toxic power plant pollution.

Sec.5534.Net zero emissions at port facilities program.

This section directs the Administrator of the Federal Highway Administration to establish a program to reduce emissions at port facilities. As part of the program, the Administrator shall study how ports and intermodal port transfer facilities would benefit from increased opportunities to reduce emissions at ports, including through the electrification of port operations; study emerging technologies and strategies that may help reduce port-related emissions by implementing shore power technology and other net zero emissions technology, including equipment that handles cargo, port harbor craft, drayage trucks, charging and fueling infrastructure, and electric truck refrigeration units; and coordinate and provide funding to test, evaluate, and deploy projects that reduce port-related emissions, including shore power technology and net zero emissions port equipment and technology, such as equipment that handles cargo, port harbor craft, drayage trucks, charging and fueling infrastructure, electric truck refrigeration units, and other technology the Administrator determines to be appropriate.

In carrying out the program under this subsection, the Administrator may consult with the Secretary of Energy and the Administrator of the Environmental Protection Agency.

This section authorizes \$250 million for each fiscal year 2021 through 2023 to carry out the program.

Chapter III – Healthy Transportation and Community Renewal

Sec.5541.Restoring neighborhoods and strengthening communities program.

This section creates a program to enable communities to identify barriers to mobility in their community and to access funds to be able to solve those mobility challenges. Grant funds would be available for three types of activities: building community capacity to engage in transportation planning; conducting transportation planning activities and studying the feasibility of removing or mitigating infrastructure barriers; and implementing the plans to improve community connectivity whether by removing or replacing a barrier or by constructing other transportation

improvements to address community mobility needs. Grants will be available to applicants that are a state, unit of local government, Tribal government, metropolitan planning organization, or a non-profit organization. Priority would be given to applicants proposing to address barriers in a community of color, an indigenous community, or a low-income community. The program also prioritizes the development of a community advisory board, and use of community benefits agreements, anti-displacement policies, community land trust, and targeted local hire programs.

This section authorizes \$2 billion per year to carry out this program.

Sec.5542.Safer Healthier Streets program.

This section creates a grant program to improve the safety, air quality, and livability of neighborhoods through funding for sidewalks, bike paths, and street trees. State, regional, tribal, and local agencies would be eligible to apply, as would any public, private, or non-profit corporation with responsibility for public facilities. In addition to construction of pedestrian and bicyclist facilities and planting of trees, funds would be available to conduct comprehensive assessments of community mobility, tree canopy inventory and needs analysis, as well as to analyze the equity of access to sidewalks and tree cover. The grants would be prioritized for low-income communities, indigenous communities, and communities of color, as the incidence of pedestrian and bicyclist fatalities, lack of tree canopy, and urban heat island effect are on average disproportionately severe in such communities. The program also prioritizes the use of community benefits agreements, anti-displacement policies, and targeted local hire programs.

This section authorizes \$1 billion per year to carry out this program.

Chapter IV – Reducing Exposure to Toxics

Chapter V – Outdoor Recreation Legacy Partnership Program

Sec.5561 through Sec.5566.

With a focus on rehabilitating and enabling recreation in lower income communities that often lack adequate parks, this chapter helps localities establish and maintain public outdoor spaces. This chapter funds the Outdoor Recreation Legacy Partnership Program which provides competitive grants to state and locally owned parks.

Subtitle F – Labor and Wage Protections

Sec.5601.Labor standards.

This section creates a new labor certification requirement for entities seeking to participate in infrastructure construction and maintenance assisted in whole or in part by the federal government under this bill. Entities applying for certification, along with their contractors and subcontractors, must provide evidence to the Secretary of Labor detailing past compliance with federal labor and employment, discrimination, and health and safety laws and address any violations. In addition, entities applying for certification, along with their contractors and subcontractors, must agree to abide by labor standards for the duration of the project, such as payment of prevailing wages, neutrality on worker organizing, and prohibitions on using forced

arbitration and on reviewing applicants' criminal history before extending a job offer. After certification, the Secretary shall have the authority to enforce those requirements through fines, damages, orders, or other appropriate remedies.

Sec.5602.Wage rate.

This Section provides wage protections for workers of entities assisted by this Act . Laborers and mechanics employed by contractors and subcontractors working on projects assisted by this Act shall be paid at least prevailing wage rates under the Davis-Bacon Act. All service employees employed by contractors and subcontractors working on projects assisted by this Act shall be paid at least the wages and fringe benefits which would apply to them under the Service Contract Act. All employees of an entity receiving assistance, as well as certain contractors and subcontractors, under this Act shall be paid a minimum wage of \$15/hour and shall be eligible for overtime pay if their annual pay is less than \$51,000.

Sec.5603.Infrastructure workforce equity capacity building program.

This section authorizes \$150 million for competitive grant awards for workforce intermediaries. Funds shall be used to expand the use of registered apprentices for Federally-assisted construction projects under this title. Workforce intermediaries will assist in the development and design of registered apprenticeship and pre-apprenticeship opportunities, recruit participants from underrepresented groups, and assist with accountability standards and supportive services.

Sec.5604. Severability.

TITLE VI—NEW HOMEBUYERS DOWN PAYMENT TAX CREDIT

Sec. 6001. New homeowner down payment tax credit

The down payment tax credit is fully refundable and phases in at a 6% rate against the purchase price of a principal residence. The maximum credit is \$15,000, reached at a \$250,000 purchase price. The credit phases out between \$400,000 and \$500,000 of home purchase price and/or between \$100,000 and \$120,000 of income (\$200,000 and \$220,000 for joint filers). The credit is for 2021 only. A first-time homebuyer is a taxpayer who has (a) not claimed any tax credit or deduction under for homeownership in the past and (b) who attests they have never owned a principal residence before. The credit can be recaptured if the taxpayer re-sells the home in under five years (except in cases of death, disability, job change or loss, divorce, and the like).

TITLE VII – RENTERS AND LOW INCOME HOUSING TAX CREDITS

Sec.7001.Renters credit and Sec.7002.Minimum credit rate.

Summary: The Renter's Tax Credit establishes a refundable credit (under new tax code section 36C) claimable by taxpayers who own and operate affordable housing. Eligible tenants are those with gross monthly family income at or below 30 percent of area median or at or below the federal poverty line, whichever amount is greater. For each eligible unit, the credit is calculated as 110% (up to 120% for low poverty neighborhoods) of the difference between market rent and 30% of a tenant's gross family income. Rent includes utility allowances, where applicable. *The*

goal of this new tax credit program is to insure that extremely low-income renters do not have to pay more than 30% of their gross income in monthly rent and utilities while providing owners of rental housing a financial incentive to participate. The total annual credit for a taxpayer equals the number of months of reduced rent for a given taxable year times the number of eligible units, summed across all the buildings that the taxpayer owns. The taxpayer can be for-profit or nonprofit and claim the full refundable credit. The taxpayer must periodically re-certify tenant incomes to the state and adjust rent reductions which affect the amount of credit the taxpayer receives each year. Taxpayers cannot evict tenants (except for good cause) to house credit-eligible tenants, and must also comply with the Fair Housing Act and other federal and state housing laws.

The Treasury Secretary allocates credits (called “credit ceiling”) to States. The Secretary will allocate \$5 billion each year to states based on population (\$14.35 per capita) for years 2021 through 2025. Each participating state is guaranteed to receive at least \$25 million per year (and “state” is defined to include U.S. possessions). No new allocations to states will occur after 2025. A state’s unused credit ceiling for a given year is returned to the national pool for reallocation to states that have used their credit ceiling. States in turn allocate their ceiling, according to a state plan, to participating taxpayers who have signed a binding rent reduction agreement that spans all of their qualifying buildings and eligible tenants. The allocation to taxpayers is for a credit period that can be up to 15 years, although the taxpayer will claim credits for each year. Each state will establish a reserve to allow transfers of credit ceiling between taxpayers who over-estimated their credit needs for a credit period and taxpayers who underestimated. The bill requires reporting and compliance monitoring for taxpayers and states. The bill also provides the Secretary with regulation authority to develop coordination rules with LIHTC properties.

TITLE VIII—EXPANDING MEDICAID COVERAGE

Sec.8001. Increased FMAP for medical assistance to newly eligible individuals.

Encourages states to adopt the Medicaid expansion under the Affordable Care Act and extend Medicaid eligibility to individuals under the age of 65 with incomes below 138% of the Federal Poverty Level. This provision provides this incentive by providing the level of enhanced funding that was available to states that elected to expand their Medicaid programs in 2014 to states that expanded or will expand in later years. This provision uses text from the States Achieve Medicaid Expansion (SAME) Act (S. 585) led by Senator Warner.

TITLE IX—ADDRESSING MATERNAL MORTALITY AND HEALTH

Sec.9001.Expanding Medicaid coverage for pregnant individuals.

Requires states to provide coverage through 12-months postpartum for pregnant women enrolled in Medicaid or CHIP, effective January 1, 2021. States must provide full Medicaid coverage, including dental benefits, to enrollees. For the first three years the requirement is in effect, state Medicaid and CHIP programs must maintain eligibility and benefit standards for these beneficiaries that are at least as generous as the standards in place on the date of enactment. This

text is based on language from the Maximizing Outcomes for Moms through Medicaid Improvement and Enhancement of Services (MOMMIES) Act (S. 1343) led by Senator Booker.

Sec.9002.Community engagement in maternal mortality review committees.

This section establishes a grant program to support community engagement in maternal mortality review committees. The grants are intended to increase diversity on maternal mortality review committees, and to address structural barriers to community engagement. This section appropriates \$10 million for each fiscal year 2021 through 2025 to carry out the program.

Sec.9003.Increased maternal levels of care in communities of color.

This section supports programming to evaluate the levels of maternal care available in communities of color, as well as funding to increase care capacity where needed. This section appropriates \$60 million for each fiscal year 2021 through 2025 to carry out the program.

Sec.9004.Reporting on pregnancy-related and pregnancy-associated deaths and complications.

This section directs the Secretary of Health of Human Services to encourage states to voluntarily submit maternal mortality review committee reports.

Sec.9005.Respectful maternity care compliance program.

This section creates a grant program for hospitals to establish maternity care compliance officers to address episodes of disrespect or evidence of bias towards patients or their family members on the basis of race, ethnicity, or another protected class. This section calls for development of methods to evaluate the extent of bias within hospital systems. Additionally, this section calls for reports to the Secretary about all instances reported to compliance officers, and the Secretary shall disseminate best practices on establishing respectful maternal care. This section appropriates \$10 million for each fiscal year 2021 through 2025 to carry out the program.

Sec.9006.Bias training for all employees in maternity care settings.

This section establishes a grant program to provide implicit and explicit bias training for all employees who interact with pregnant and postpartum women in maternity care settings. This section appropriates \$15 million for each fiscal year 2021 through 2025 to carry out the program.

Sec.9007.Study on reducing and preventing bias, racism, and discrimination in maternity care settings.

This section directs the Secretary of Health and Human Services to enter into an agreement with the National Academies to investigate the implementation of bias training in maternity care settings. This section appropriates \$5 million for the study.

Sec.9008.Maternal Health Research Network.

This section directs the National Institutes of Health to establish a National Maternal Health Research Network to support innovative research to reduce maternal mortality and promote maternal health. The Network will conduct research on structural risk factors to address unmet

maternal health research needs specific to the underlying causes of maternal mortality and severe maternal morbidity and their treatment. This section appropriates \$100 million for each fiscal year 2021 through 2025 to carry out the program.

Sec.9009.Innovation in maternity care to close racial and ethnic maternal health disparities in mental health and substance use disorder treatment grants.

This section establishes a grant program grants for entities to develop models to improve maternal mental health, treat maternal substance use disorders, and reduce maternal mortality, especially for women of color and in communities of color. This section appropriates \$100 million for each fiscal year 2021 through 2025 to carry out the program.

Sec.9010.Grants to grow and diversify the perinatal workforce.

This section establishes a grant program to train individuals to become health care workers who serve pregnant and post-partum women, particularly with the aim of diversifying this workforce. This section appropriates \$30 million for each fiscal year 2021 through 2025 to carry out the program.

Sec.9011.Grants to grow and diversify the doula workforce.

This section establishes a grant program to train individuals to become doulas, with a particular focus on diversifying the doula work force. This section appropriates \$20 million for each fiscal year 2021 through 2025 to carry out the program.

Sec.9012.Grants to State, local, and Tribal public health departments addressing social determinants of health for pregnant and postpartum women.

This section authorizes grants to public health departments to address social determinants of maternal health with the goal of eliminating racial and ethnic disparities in maternal health outcomes. This section appropriates \$50 million for each fiscal year 2021 through 2025 to carry out the program.

TITLE X—10–20–30 ANTI–POVERTY INITIATIVE AND HIRING AND CONTRACTING OPPORTUNITIES

Subtitle A—10–20–30 Anti-poverty Initiative

Sec.10101. Definitions.

Sec.10102. 10–20–30 formula for persistent poverty counties.

Directs designated programs to target at least 10 percent of their appropriated funds to persistent poverty counties (counties with poverty rate exceeding 20% for the past 30 years).

Sec.10103. Targeting high-poverty census tracts.

Directs designated programs to increase the share of their appropriated funds to projects based in or directly benefitting high-poverty census tracts (defined as those with a 5-year average poverty rate exceeding 20%) by 5%, relative to the preceding 3-year average.

Sec.10104. Failure to target funds.

Requires agencies that fail to meet poverty targeting goals to submit a plan to Congress outlining the steps it will take to do so in the next year.

Sec.10105. Report to Congress.

Directs agencies to submit an annual report to Congress detailing the extent to which it is meeting poverty targeting goals.

Subtitle B—Hiring Opportunities

Sec.10211.Local hiring initiative for construction jobs.

This section creates a program that allows for the use of geographic preferences, including local hiring preferences, pertaining to the use of labor for construction on a federally-assisted project. This section requires the Secretary of Transportation to amend or issue new regulations to establish a policy that, to the maximum extent practicable, ensures the use of pre-apprenticeship programs that are designed to prepare to enter individuals in registered apprenticeship programs with a barrier to employment, and individuals that represent populations that are traditionally underrepresented in the infrastructure workforce, such as women and racial and ethnic minorities.

This section also requires the Secretary of Transportation to submit a report on the administration of the program every two years to the Committees on Environment and Public Works, Commerce, Science, and Transportation, and Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

TITLE XI - RAISING THE MINIMUM WAGE AND STRENGTHENING OVERTIME RIGHTS

Sec. 1101. The Raise the Wage Act

This section enacts the Raise the Wage Act, gradually increasing the federal minimum wage from the current level of \$7.25 to \$15 by 2025. After 2025, it would index future increases to median wage growth to ensure the value of the minimum wage does not erode over time. It would also repeal the subminimum wages for tipped workers, youth workers, and workers with disabilities.

Sec. 1102. The Restoring Overtime Pay Act

This section enacts The Restoring Overtime Pay Act, strengthening overtime rights in line with the Obama Administration's "Overtime Rule" which was repealed by the Trump Administration. It would set the salary threshold (the salary level under which workers must be paid time-and-a-half if they work more than 40 hours per week) at the 40th percentile of wages in the lowest wage census region, with automatic updates every three years to ensure the level remains in line with changes in our economy. If enacted in 2020, the salary threshold would be about \$51,064.

SEC. 3. EMERGENCY DESIGNATION.

(a) In General.—The amounts provided by this Act are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(b) Designation in Senate.—In the Senate, this Act is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.