

116TH CONGRESS  
1ST SESSION

# H. R. 865

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

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 2019

Mr. SCOTT of Virginia (for himself, Ms. ADAMS, Mr. AGUILAR, Ms. BARRAGÁN, Mrs. BEATTY, Mr. BLUMENAUER, Ms. BLUNT ROCHESTER, Ms. BONAMICI, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. BROWN of Maryland, Ms. BROWNLEY of California, Mrs. BUSTOS, Mr. CARBAJAL, Mr. CARSON of Indiana, Mr. CARTWRIGHT, Mr. CASE, Ms. CASTOR of Florida, Mr. CASTRO of Texas, Ms. JUDY CHU of California, Mr. CICILLINE, Mr. CISNEROS, Ms. CLARK of Massachusetts, Ms. CLARKE of New York, Mr. CLAY, Mr. CLEAVER, Mr. COHEN, Mr. COURTNEY, Mr. COSTA, Mrs. CRAIG, Mr. CUMMINGS, Mrs. DAVIS of California, Mr. DEFazio, Mrs. DEMINGS, Mr. DESAULNIER, Mrs. DINGELL, Mr. ENGEL, Ms. ESHOO, Ms. ESCOBAR, Mr. ESPAILLAT, Mr. EVANS, Ms. FUDGE, Mr. GALLEGRO, Mr. GARAMENDI, Mr. GARCÍA of Illinois, Mr. GOMEZ, Mr. GONZALEZ of Texas, Mr. GREEN of Texas, Mr. GRIJALVA, Ms. HAALAND, Mrs. HAYES, Mr. HARDER of California, Mr. HECK, Ms. HILL of California, Mr. HIMES, Mr. HORSFORD, Mr. HUFFMAN, Ms. JACKSON LEE, Ms. JAYAPAL, Mr. JEFFRIES, Mr. JOHNSON of Georgia, Ms. JOHNSON of Texas, Ms. KAPTUR, Mr. KEATING, Mr. KENNEDY, Mr. KHANNA, Mr. KILDEE, Mr. KILMER, Mr. KIND, Mr. KRISHNAMOORTHY, Ms. KUSTER of New Hampshire, Mr. LANGEVIN, Mrs. LAWRENCE, Mr. LAWSON of Florida, Ms. LEE of California, Mrs. LEE of Nevada, Mr. LEVIN of Michigan, Mr. TED LIEU of California, Mr. LOEBSACK, Ms. LOFGREN, Mr. LOWENTHAL, Mr. LUJÁN, Mr. LYNCH, Mrs. CAROLYN B. MALONEY of New York, Mr. SEAN PATRICK MALONEY of New York, Ms. MATSUI, Mrs. MCBATH, Ms. MCCOLLUM, Mr. MCEACHIN, Mr. MCGOVERN, Mr. MCNERNEY, Mr. MEEKS, Ms. MENG, Ms. MOORE, Mr. MORELLE, Mr. MOULTON, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEGUSE, Mr. NORCROSS, Ms. NORTON, Ms. OCASIO-CORTEZ, Mr. O'HALLERAN, Ms. OMAR, Mr. PALLONE, Mr. PANETTA, Mr. PASCRELL, Mr. PAYNE, Mr. PERLMUTTER, Ms. PINGREE, Mr. POCAN, Ms. PRESSLEY, Mr. QUIGLEY, Mr. RASKIN, Miss RICE of New York, Mr. RICHMOND, Mr. ROSE of New York, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. RYAN, Mr. SABLAN, Ms. SÁNCHEZ, Mr. SAN NICOLAS, Mr. SARBANES, Ms. SCANLON, Mr. SCHIFF, Ms. SCHAKOWSKY, Mr. DAVID SCOTT

of Georgia, Ms. SCHRIER, Ms. SHALALA, Mr. SERRANO, Ms. SEWELL of Alabama, Mr. SOTO, Ms. SPANBERGER, Mr. SWALWELL of California, Mr. TAKANO, Mr. THOMPSON of Mississippi, Ms. TLAIB, Mr. TONKO, Mrs. TORRES of California, Mrs. TRAHAN, Mr. TRONE, Ms. UNDERWOOD, Mr. VARGAS, Mr. VELA, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Mrs. WATSON COLEMAN, Mr. WELCH, Ms. WILD, Ms. WILSON of Florida, Mr. YARMUTH, and Ms. STEVENS) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

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

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

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

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

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

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

Sec. 101. Purpose and reservation.

Sec. 102. Allocation to States.

Sec. 103. Need-based grants to qualified local educational agencies.

Sec. 104. Annual report on grant program.

Sec. 105. Authorization of Appropriations.

TITLE II—SCHOOL INFRASTRUCTURE BONDS

Sec. 201. Restoration of certain qualified tax credit bonds.

Sec. 202. School infrastructure bonds.

Sec. 203. Annual report on bond program.

TITLE III—GENERAL PROVISIONS

Sec. 301. Allowable uses of funds.

Sec. 302. Prohibited uses.

Sec. 303. Green Practices.

Sec. 304. Use of American iron, steel, and manufactured products.

Sec. 305. Comptroller general report.

Sec. 306. Study and report physical condition of public schools.

Sec. 307. Development of data standards.

Sec. 308. Information clearinghouse.

TITLE IV—IMPACT AID CONSTRUCTION

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

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

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

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

15 (A) under title I of this Act;

16 (B) from a school infrastructure bond; or

17 (C) from a qualified zone academy bond

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

1 Internal Revenue Code of 1986 (as restored by  
2 section 201)).

3 (4) ESEA TERMS.—The terms “elementary  
4 school”, “outlying area”, and “secondary school”  
5 have the meanings given those terms in section 8101  
6 of the Elementary and Secondary Education Act of  
7 1965 (20 U.S.C. 7801).

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

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

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

24 (8) SCHOOL INFRASTRUCTURE BOND.—The  
25 term “school infrastructure bond” has the meaning

1 given such term in section 54BB of the Internal  
2 Revenue Code of 1986 (as added by section 202).

3 (9) SECRETARY.—The term “Secretary” means  
4 the Secretary of Education.

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

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

12 **SEC. 101. PURPOSE AND RESERVATION.**

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

17 (b) RESERVATION FOR OUTLYING AREAS AND BU-  
18 REAU-FUNDED SCHOOLS.—

19 (1) IN GENERAL.—For each of fiscal years  
20 2020 through 2029, the Secretary shall reserve,  
21 from the amount appropriated to carry out this  
22 title—

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

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

4 (2) USE OF RESERVED FUNDS.—

5 (A) IN GENERAL.—Funds reserved under  
6 paragraph (1) shall be used in accordance with  
7 sections 301 through 304.

8 (B) SPECIAL RULES FOR BUREAU-FUNDED  
9 SCHOOLS.—

10 (i) APPLICABILITY.—Sections 301  
11 through 304 shall apply to a Bureau-fund-  
12 ed school that receives assistance under  
13 paragraph (1)(B) in the same manner that  
14 such sections apply to a qualified local edu-  
15 cational agency that receives covered  
16 funds. The facilities of a Bureau-funded  
17 school shall be treated as public school fa-  
18 cilities for purposes of the application of  
19 such sections.

20 (ii) TREATMENT OF TRIBALLY OPER-  
21 ATED SCHOOLS.—The Secretary of the In-  
22 terior shall provide assistance to Bureau-  
23 funded schools under paragraph (1)(B)  
24 without regard to whether such schools are  
25 operated by the Bureau of Indian Edu-

1 cation or by an Indian Tribe. In the case  
2 of a Bureau-funded school that is a con-  
3 tract or grant school (as that term is de-  
4 fined in section 1141 of the Education  
5 Amendments of 1978 (25 U.S.C. 2021))  
6 operated by an Indian Tribe, the Secretary  
7 of the Interior shall provide assistance  
8 under such paragraph to the Indian Tribe  
9 concerned.

10 **SEC. 102. ALLOCATION TO STATES.**

11 (a) ALLOCATION TO STATES.—

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

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

5           (A) providing technical assistance to local  
6 educational agencies, including by—

7           (i) identifying which State agencies  
8 have programs, resources, and expertise  
9 relevant to the activities supported by the  
10 allocation under this section; and

11           (ii) coordinating the provision of tech-  
12 nical assistance across such agencies;

13           (B) in accordance with the guidance issued  
14 by the Secretary under section 307, developing  
15 an online, publicly searchable database that  
16 contains an inventory of the infrastructure of  
17 all public school facilities in the State (including  
18 the facilities of Bureau-funded schools, as ap-  
19 propriate), including, with respect to each such  
20 facility, an identification of—

21           (i) the information described in  
22 clauses (i) through (vi) of subparagraph  
23 (F);

- 1                   (ii) the age (including an identifica-  
2                   tion of the date of any retrofits or recent  
3                   renovations) of—
- 4                   (I) the facility;
  - 5                   (II) its roof;
  - 6                   (III) its lighting system;
  - 7                   (IV) its windows;
  - 8                   (V) its ceilings;
  - 9                   (VI) its plumbing; and
  - 10                  (VII) its heating, ventilation, and  
11                  air conditioning system;
  - 12                  (iii) fire safety inspection results; and
  - 13                  (iv) the proximity of the facilities to  
14                  toxic sites or the vulnerability of the facili-  
15                  ties to natural disasters, including the ex-  
16                  tent to which facilities that are vulnerable  
17                  to seismic natural disasters are seismically  
18                  retrofitted;
  - 19                  (C) updating the database developed under  
20                  subparagraph (B) not less frequently than once  
21                  every 2 years;
  - 22                  (D) ensuring that the information in the  
23                  database developed under subparagraph (B)—  
24                      (i) is posted on a publicly accessible  
25                      State website; and

1           (ii) is regularly distributed to local  
2           educational agencies and Tribal govern-  
3           ments in the State;

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

8           (F) issuing or reviewing regulations to en-  
9           sure safe, healthy, and high-performing school  
10          buildings, including regulations governing—

11           (i) indoor air quality and ventilation,  
12           including exposure to carbon monoxide and  
13           carbon dioxide;

14           (ii) mold, mildew, and moisture con-  
15           trol;

16           (iii) the safety of drinking water at  
17           the tap and water used for meal prepara-  
18           tion, including regulations that—

19           (I) address the presence of lead  
20           and other contaminants in such water;  
21           and

22           (II) require the regular testing of  
23           the potability of water at the tap;

24           (iv) energy and water efficiency;

1 (v) excessive classroom noise due to  
2 activities allowable under section 301; and

3 (vi) the levels of maintenance work,  
4 operational spending, and capital invest-  
5 ment needed to maintain the quality of  
6 public school facilities; and

7 (G) creating a plan to reduce or eliminate  
8 exposure to toxins and chemicals, including  
9 mercury, radon, PCBs, lead, vapor intrusions,  
10 and asbestos.

11 (b) STATE PLAN.—

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

15 (A) describes how the State will use the al-  
16 location to make long-term improvements to  
17 public school facilities;

18 (B) explains how the State will carry out  
19 each of its responsibilities under subsection  
20 (a)(2);

21 (C) explains how the State will make the  
22 determinations under subsections (b) and (c) of  
23 section 103;

24 (D) identifies how long, and at what levels,  
25 the State will maintain fiscal effort for the ac-

1           activities supported by the allocation after the  
2           State no longer receives the allocation; and

3                   (E) includes such other information as the  
4           Secretary may require.

5           (2) APPROVAL AND DISAPPROVAL.—The Sec-  
6           retary shall have the authority to approve or dis-  
7           approve a State plan submitted under paragraph  
8           (1).

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

12                   (1) MATCHING REQUIREMENT.—The State shall  
13           contribute, from non-Federal sources, an amount  
14           equal to 10 percent of the amount of the allocation  
15           received under this section to carry out the activities  
16           supported by the allocation.

17                   (2) MAINTENANCE OF EFFORT.—The State  
18           shall provide an assurance to the Secretary that the  
19           combined fiscal effort per student or the aggregate  
20           expenditures of the State with respect to the activi-  
21           ties supported by the allocation under this section  
22           for fiscal years beginning with the fiscal year for  
23           which the allocation is received will be not less than  
24           90 percent of the combined fiscal effort or aggregate  
25           expenditures by the State for such purposes for the

1 year preceding the fiscal year for which the alloca-  
2 tion is received.

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

9 **SEC. 103. NEED-BASED GRANTS TO QUALIFIED LOCAL EDU-**  
10 **CATIONAL AGENCIES.**

11 (a) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—

12 (1) IN GENERAL.—Subject to paragraph (2),  
13 from the amounts allocated to a State under section  
14 102(a) and contributed by the State under section  
15 102(c)(1), the State shall award grants to qualified  
16 local educational agencies, on a competitive basis, to  
17 carry out the activities described in section 301(a).

18 (2) ALLOWANCE FOR DIGITAL LEARNING.—A  
19 State may use up to 10 percent of the amount de-  
20 scribed in paragraph (1) to make grants to qualified  
21 local educational agencies carry out activities to im-  
22 prove digital learning in accordance with section  
23 301(b).

24 (b) ELIGIBILITY.—

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

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

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

20           (C) may be among the local educational  
21 agencies in the State—

22           (i) with the greatest need to improve  
23 public school facilities, as determined by  
24 the State, which may include consideration  
25 of threats posed by the proximity of the fa-

1 cilities to toxic sites or the vulnerability of  
2 the facilities to natural disasters; and

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

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

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

16 (III) the bond rating of the agen-  
17 cy.

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

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

24 (1) shall give priority to qualified local edu-  
25 cational agencies that—

1 (A) demonstrate the greatest need for such  
2 a grant, as determined by a comparison of the  
3 factors described in subsection (b);

4 (B) will use the grant to improve the facili-  
5 ties of—

6 (i) elementary schools or middle  
7 schools that have an enrollment of stu-  
8 dents who are eligible for a free or reduced  
9 price lunch under the Richard B. Russell  
10 National School Lunch Act (42 U.S.C.  
11 1751 et seq.) that constitutes not less than  
12 40 percent of the total student enrollment  
13 at such schools; or

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

22 (C) operate public school facilities that  
23 pose a severe health and safety threat to stu-  
24 dents and staff, which may include a threat  
25 posed by the proximity of the facilities to toxic

1 sites or the vulnerability of the facilities to nat-  
2 ural disasters; and

3 (2) may give priority to qualified local edu-  
4 cational agencies that—

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

8 (B) serve elementary schools or secondary  
9 schools, including rural schools, that lack such  
10 access; and

11 (C) meet one or more of the requirements  
12 set forth in subparagraphs (A) through (C) of  
13 paragraph (1).

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

20 (1) the information necessary for the State to  
21 make the determinations under subsections (b) and  
22 (c);

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

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

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

8                   (A) the public charter school lacks access  
9                   to funding for school repair, renovation, and  
10                  construction through the financing methods  
11                  available to other public schools or local edu-  
12                  cational agencies in the State; and

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

16           (e) FACILITIES MASTER PLAN.—

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

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

1 (A) the extent to which public school facili-  
2 ties meet students' educational needs and sup-  
3 port the agency's educational mission and vi-  
4 sion;

5 (B) the physical condition of the public  
6 school facilities;

7 (C) the current health, safety, and environ-  
8 mental conditions of the public school facilities,  
9 including—

10 (i) indoor air quality;

11 (ii) the presence of hazardous and  
12 toxic substances and chemicals;

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

17 (iv) energy and water efficiency;

18 (v) excessive classroom noise; and

19 (vi) other health, safety, and environ-  
20 mental conditions that would impact the  
21 health, safety, and learning ability of stu-  
22 dents;

23 (D) how the local educational agency will  
24 address any conditions identified under sub-  
25 paragraph (C);

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

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

10                   (i) any funds in the budget of the  
11                   agency that will be dedicated to such  
12                   projects; and

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

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

22                   (i) any funds in the budget of the  
23                   agency that will be dedicated to the main-  
24                   tenance and operation of such facilities;  
25                   and

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

4 (3) CONSULTATION.—In developing the facili-  
5 ties master plan required under paragraph (1), the  
6 qualified local educational agency shall consult with  
7 teachers, principals and other school leaders, custo-  
8 dial and maintenance staff, emergency first respond-  
9 ers, school facilities directors, students and families,  
10 community residents, and Indian Tribes.

11 (f) SUPPLEMENT NOT SUPPLANT.—A qualified local  
12 educational agency shall use a grant received under this  
13 section only to supplement the level of Federal, State, and  
14 local public funds that would, in the absence of such grant,  
15 be made available for the activities supported by the grant,  
16 and not to supplant such funds.

17 **SEC. 104. 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 Act, the Secretary shall submit to the appropriate  
21 congressional committees a report on the projects carried  
22 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;

22           (D) the demonstrable or expected benefits  
23 of the projects; and

24           (E) the estimated number of jobs created  
25 by the projects.

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

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

6           (1) annually compile the information described  
7           in subsection (b)(2);

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

11          (3) submit the information to the State.

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

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

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

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

1 **SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated  
3 \$7,000,000,000 for each of fiscal years 2020 through  
4 2029 to carry out this title.

5 **TITLE II—SCHOOL**  
6 **INFRASTRUCTURE BONDS**

7 **SEC. 201. RESTORATION OF CERTAIN QUALIFIED TAX**  
8 **CREDIT BONDS.**

9 (a) ALLOWANCE OF CREDIT.—

10 (1) IN GENERAL.—Section 54A of the Internal  
11 Revenue Code of 1986, as in effect before repeal by  
12 Public Law 115–97, is restored as if such repeal had  
13 not taken effect.

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

18 (b) CREDIT ALLOWED TO ISSUER.—

19 (1) IN GENERAL.—Section 6431 of the Internal  
20 Revenue Code of 1986, as in effect before repeal by  
21 Public Law 115–97, is restored as if such repeal had  
22 not taken effect.

23 (2) SCHOOL INFRASTRUCTURE BONDS.—Sec-  
24 tion 6431(f)(3) of such Code, as restored by para-  
25 graph (1), is amended by inserting “any school in-

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

3       (c) QUALIFIED ZONE ACADEMY BONDS.—

4             (1) IN GENERAL.—Section 54E of the Internal  
5       Revenue Code of 1986, as in effect before repeal by  
6       Public Law 115–97, is restored as if such repeal had  
7       not taken effect.

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

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

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

17             (C) in subsection (c)(1)—

18                 (i) by striking “and \$400,000,000”  
19                 and inserting “\$400,000,000”; and

20                 (ii) by striking “and, except as pro-  
21                 vided” and all that follows through the pe-  
22                 riod at the end and inserting “, and  
23                 \$1,400,000,000 for 2020 and each year  
24                 thereafter.”.

1           (3) CONSTRUCTION OF A PUBLIC SCHOOL FA-  
2           CILITY.—Section 54E(d)(3)(A) of the Internal Rev-  
3           enue Code of 1986, as restored by paragraph (1), is  
4           amended by striking “rehabilitating or repairing”  
5           and inserting “constructing, rehabilitating, retro-  
6           fitting, or repairing”.

7           (d) EFFECTIVE DATE.—The amendments made by  
8           this section shall apply to obligations issued after Decem-  
9           ber 31, 2019.

10 **SEC. 202. SCHOOL INFRASTRUCTURE BONDS.**

11           (a) IN GENERAL.—The Internal Revenue Code of  
12           1986 is amended by inserting after subpart I (as restored  
13           by section 201) of part IV of subchapter A of chapter 1  
14           the following new subpart:

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

          “Sec. 54BB. School infrastructure bonds.

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

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

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

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

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

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

13               “(B) the sum of the credits allowable  
14               under this part (other than subpart C and this  
15               subpart).

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

24       “(d) SCHOOL INFRASTRUCTURE BOND.—

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

4                   “(A) 100 percent of the available project  
5                   proceeds of such issue are to be used for the  
6                   purposes described in section 301 of the Re-  
7                   build America’s Schools Act of 2019,

8                   “(B) the interest on such obligation would  
9                   (but for this section) be excludable from gross  
10                  income under section 103,

11                  “(C) the issue meets the requirements of  
12                  paragraph (3), and

13                  “(D) the issuer designates such bond for  
14                  purposes of this section.

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

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

21                   “(B) for purposes of section 148, the yield  
22                   on a school infrastructure bond shall be deter-  
23                   mined without regard to the credit allowed  
24                   under subsection (a), and

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

7           “(3) 6-YEAR EXPENDITURE PERIOD.—

8           “(A) IN GENERAL.—An issue shall be  
9 treated as meeting the requirements of this  
10 paragraph if, as of the date of issuance, the  
11 issuer reasonably expects 100 percent of the  
12 available project proceeds to be spent for pur-  
13 poses described in section 301 of the Rebuild  
14 America’s Schools Act of 2019 within the 6-  
15 year period beginning on such date of issuance.

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

1           to be redeemed shall be determined in the same  
2           manner as under section 142.

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

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

12                 “(1) \$10,000,000,000 for 2020,

13                 “(2) \$10,000,000,000 for 2021, and

14                 “(3) \$10,000,000,000 for 2022.

15          “(g) ALLOCATION OF LIMITATION.—

16                 “(1) ALLOCATIONS.—

17                         “(A) STATES.—After application of sub-  
18                         paragraph (B) and paragraph (3)(A), the limi-  
19                         tation applicable under subsection (f) for any  
20                         calendar year shall be allocated by the Sec-  
21                         retary among the States in proportion to the re-  
22                         spective amounts received by all local edu-  
23                         cational agencies in each State under part A of  
24                         title I of the Elementary and Secondary Edu-  
25                         cation Act of 1965 (20 U.S.C. 6311 et seq.) for

1 the previous fiscal year relative to the total such  
2 amount received by all local educational agen-  
3 cies in for the most recent fiscal year ending  
4 before such calendar year.

5 “(B) CERTAIN POSSESSIONS.—One-half of  
6 1 percent of the amount of the limitation appli-  
7 cable under subsection (f) for any calendar year  
8 shall be allocated by the Secretary to posses-  
9 sions of the United States other than Puerto  
10 Rico for such calendar year shall be one-half of  
11 1 percent.

12 “(2) ALLOCATIONS TO SCHOOLS.—The limita-  
13 tion amount allocated to a State or possession under  
14 paragraph (1) shall be allocated by the State edu-  
15 cational agency (or such other agency as is author-  
16 ized under State law to make such allocation) to  
17 issuers within such State or possession in accord-  
18 ance with the priorities described in section 103(c)  
19 the of the Rebuild America’s Schools Act of 2019  
20 and the eligibility requirements described in section  
21 103(b) of such Act, except that paragraph (1)(C) of  
22 such section shall not apply to the determination of  
23 eligibility for such allocation.

24 “(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 301(b) of  
21          the Rebuild America’s Schools Act of 2019.

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 of such Code  
19 is amended by 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, 2019.

23 **SEC. 203. 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                   **TITLE III—GENERAL**  
2                   **PROVISIONS**

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

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

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

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

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

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

17                  (5) construct new public school facilities;

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

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

22                  (8) reduce current or anticipated overcrowding  
23                  in public school facilities;

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

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

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

9           (12) reduce or eliminate the presence of—

10           (A) toxins and chemicals, including mer-  
11 cury, radon, PCBs, lead, and asbestos;

12           (B) mold and mildew; or

13           (C) rodents and pests;

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

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

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

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

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

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

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

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

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

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

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

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

9 (3) vehicles; or

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

13 **SEC. 303. GREEN PRACTICES.**

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

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

25 (2) the Living Building Challenge developed by  
26 the International Living Future Institute;

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

5           (4) a program that—

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

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

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

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

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

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

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

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

19                   (5) for each of fiscal years 2024 through 2029,  
20           100 percent.

21 **SEC. 304. USE OF AMERICAN IRON, STEEL, AND MANUFAC-**  
22 **TURED PRODUCTS.**

23           (a) **IN GENERAL.**—A local educational agency that  
24           receives covered funds shall ensure that any iron, steel,

1 and manufactured products used in projects carried out  
2 with such funds are produced in the United States.

3 (b) WAIVER AUTHORITY.—

4 (1) IN GENERAL.—The Secretary may waive  
5 the requirement of subsection (a) if the Secretary  
6 determines that—

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

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

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

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

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

25 (d) DEFINITIONS.—In this section:

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

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

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

19           (i) steel or iron material or products  
20 manufactured abroad from semi-finished  
21 steel or iron from the United States; and

22           (ii) steel or iron material or products  
23 manufactured in the United States from  
24 semi-finished steel or iron of foreign origin.

1           (2) MANUFACTURED PRODUCT.—The term  
2           “manufactured product” means any construction  
3           material or end product (as such terms are defined  
4           in part 25.003 of the Federal Acquisition Regula-  
5           tion) that is not an iron or steel product, includ-  
6           ing—

7                   (A) electrical components; and

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

14 **SEC. 305. COMPTROLLER GENERAL REPORT.**

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

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

22                   (1) the types of projects carried out with cov-  
23           ered funds;

24                   (2) the geographic distribution of the projects;

1           (3) an assessment of the impact of the projects  
2           on the health and safety of school staff and stu-  
3           dents; and

4           (4) how the Secretary or States could make  
5           covered funds more accessible—

6                   (A) to schools with the highest numbers  
7                   and percentages of students counted under sec-  
8                   tion 1124(c) of the Elementary and Secondary  
9                   Education Act of 1965 (20 U.S.C. 6333(c));  
10                  and

11                   (B) to schools with fiscal challenges in  
12                   raising capital for school infrastructure  
13                   projects.

14           (c) UPDATES.—The Comptroller General shall up-  
15           date and resubmit the report to the appropriate congres-  
16           sional committees—

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

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

21 **SEC. 306. STUDY AND REPORT PHYSICAL CONDITION OF**  
22 **PUBLIC SCHOOLS.**

23           (a) STUDY AND REPORT.—Not less frequently than  
24           once in each 5-year period beginning after the date of the

1 enactment of this Act, the Secretary, acting through the  
2 Director of the Institute of Education Sciences, shall—

3           (1) carry out a comprehensive study of the  
4 physical conditions of all public schools in the  
5 United States; and

6           (2) submit a report to the appropriate congress-  
7 sional committees that includes that results of the  
8 study.

9           (b) ELEMENTS.—Each study and report under sub-  
10 section (a) shall include an assessment of—

11           (1) the effect of school facility conditions on  
12 student and staff health and safety;

13           (2) the effect of school facility conditions on  
14 student academic outcomes;

15           (3) the condition of school facilities, set forth  
16 separately by geographic region;

17           (4) the condition of school facilities for eco-  
18 nomically disadvantaged students as well as students  
19 from major racial and ethnic subgroups;

20           (5) the accessibility of school facilities for stu-  
21 dents and staff with disabilities; and

22           (6) an explanation of any differences observed  
23 with respect to the factors described in paragraphs

24 (1) through (5) between local educational agencies

1       that received covered funds and agencies that did  
2       not receive such funds.

3       **SEC. 307. DEVELOPMENT OF DATA STANDARDS.**

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

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

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

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

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

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

19             (2) the Secretary of Energy;

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

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

1 **SEC. 308. INFORMATION CLEARINGHOUSE.**

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

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

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

13 (1) consult with the officials described in sec-  
14 tion 307(b) to develop a list of Federal programs  
15 and financing mechanisms to be included in the  
16 clearinghouse; and

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

1 and use such Federal programs and financing mech-  
2 anisms.

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

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

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

10 “(d) CONSTRUCTION.—For the purpose of carrying  
11 out section 7007, there are authorized to be appro-  
12 priated—

13 “(1) \$18,756,765 for fiscal year 2020;

14 “(2) \$50,406,000 for each of fiscal years 2021

15 and 2022; and

16 “(3) \$52,756,765 for fiscal year 2023.”.

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