H.R. 2 – The Moving Forward Act – Invest in America

School Facilities and School Bus Sections

July 8, 2020

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

As of July 8, 2020, not taken up by the Senate

Section K: Reopen and Rebuild America’s Schools Section – State Grants - Page 2

Section on School Bonds – Page 56

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

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

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

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

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

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1 SEC. 70001. DEFINITIONS.

In this division:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate.

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

(3) COVERED FUNDS.—The term “covered funds” means funds received under title I of this division.

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

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

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

(7) **QUALIFIED LOCAL EDUCATIONAL AGENCY.**—The term “qualified local educational agency” means a local educational agency that receives funds under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

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

(9) **STATE.**—The term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.
(10) Zero energy school.—The term “zero energy school” means a public elementary school or public secondary school that—

(A) generates renewable energy on-site; and

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

Title I—Grants for the Long-Term Improvement of Public School Facilities

Subtitle A—Reservation and Allocation of Funds

Sec. 70101. Purpose and Reservation.

(a) Purpose.—Funds made available under this title shall be for the purpose of supporting long-term improvements to public school facilities in accordance with this division.

(b) Reservation for Outlying Areas and Bureau-Funded Schools.—

(1) In general.—For each of fiscal years 2020 through 2024, the Secretary shall reserve,
from the amount appropriated to carry out this

title—

(A) one-half of 1 percent, to make alloca-

tions to the outlying areas in accordance with

paragraph (3); and

(B) one-half of 1 percent, for payments to

the Secretary of the Interior to provide assist-

ance to Bureau-funded schools.

(2) USE OF RESERVED FUNDS.—

(A) IN GENERAL.—Funds reserved under

paragraph (1) shall be used in accordance with

sections 70112 through 70116.

(B) SPECIAL RULES FOR BUREAU-FUNDED

SCHOOLS.—

(i) APPLICABILITY.—Sections 70112

through 70116 shall apply to a Bureau-

funded school that receives assistance

under paragraph (1)(B) in the same man-

ner that such sections apply to a qualified

local educational agency that receives cov-

ered funds. The facilities of a Bureau-

funded school shall be treated as public

school facilities for purposes of the applica-

tion of such sections.
(ii) **Treatment of Tribally Operated Schools.**—The Secretary of the Interior shall provide assistance to Bureau-funded schools under paragraph (1)(B) without regard to whether such schools are operated by the Bureau of Indian Education or by an Indian Tribe. In the case of a Bureau-funded school that is a contract or grant school (as that term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)) operated by an Indian Tribe, the Secretary of the Interior shall provide assistance under such paragraph to the Indian Tribe concerned.

(3) **Allocation to Outlying Areas.**—From the amount reserved under paragraph (1)(A) for a fiscal year, the Secretary shall allocate to each outlying area an amount in proportion to the amount received by the outlying area under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the previous fiscal year relative to the total such amount received by all outlying areas for such previous fiscal year.
SEC. 70102. ALLOCATION TO STATES.

(a) Allocation to States.—

(1) State-by-state allocation.—

(A) In general.—Subject to subparagraph (B), of the amount appropriated to carry out this title for each fiscal year and not reserved under section 70101(b), each State that has a plan approved by the Secretary under subsection (b) shall be allocated an amount in proportion to the amount received by all local educational agencies in the 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 previous fiscal year relative to the total such amount received by all local educational agencies in every State that has a plan approved by the Secretary under subsection (b).

(B) Fiscal year 2020.—Of the amount appropriated to carry out this title for fiscal year 2020 and not reserved under section 70101(b), not later than 30 days after such funds are appropriated, each State that provides an assurance to the Secretary that the State will comply with the requirements of section 70111(c)(2) shall be allocated an amount in proportion to the amount received by all local
educational agencies in the 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 previous fiscal year relative to the total such amount received by all local educational agencies in every State that provides such an assurance to the Secretary.

(2) STATE RESERVATION.—A State may reserve not more than 1 percent of its allocation under paragraph (1) to carry out its responsibilities under this division, which—

(A) shall include—

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

(I) identifying which State agencies have programs, resources, and expertise relevant to the activities supported by the allocation under this section; and

(II) coordinating the provision of technical assistance across such agencies;

(ii) in accordance with the guidance issued by the Secretary under section 70203, developing an online, publicly
searchable database that contains an inventory of the infrastructure of all public school facilities in the State (including the facilities of Bureau-funded schools, as appropriate), including, with respect to each such facility, an identification of—

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

(II) the age (including an identification of the date of any retrofits or recent renovations) of—

(aa) the facility;

(bb) its roof;

(cc) its lighting system;

(dd) its windows;

(ee) its ceilings;

(ff) its plumbing; and

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

(III) fire safety inspection results;

(IV) the proximity of the facilities to toxic sites or the vulnerability of the facilities to natural disasters,
including the extent to which facilities
that are vulnerable to seismic natural
disasters are seismically retrofitted;

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

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

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

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

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

(II) is regularly distributed to
local educational agencies and Tribal
governments in the State;
(v) issuing and reviewing regulations to ensure the health and safety of students and staff during construction or renovation projects; and

(vi) issuing or reviewing regulations to ensure safe, healthy, and high-performing school buildings, including regulations governing—

(I) indoor environmental quality and ventilation, including exposure to carbon monoxide, carbon dioxide, lead-based paint, and other combustion by-products such as oxides of nitrogen;

(II) mold, mildew, and moisture control;

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

(aa) address the presence of lead and other contaminants in such water; and
(bb) require the regular testing of the potability of water at the tap;

(IV) energy and water efficiency;

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

(VI) the levels of maintenance work, operational spending, and capital investment needed to maintain the quality of public school facilities; and

(VII) the construction or renovation of such facilities, including applicable building codes; and

(vii) creating a plan to reduce or eliminate exposure to toxic substances, including mercury, radon, PCBs, lead, vapor intrusions, and asbestos; and

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

(b) STATE PLAN.—

(1) IN GENERAL.—To be eligible to receive an allocation under this section, a State shall submit to the Secretary a plan that—
(A) describes how the State will use the allocation to make long-term improvements to public school facilities;

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

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

(D) identifies how long, and at what levels, the State will maintain fiscal effort for the activities supported by the allocation after the State no longer receives the allocation; and

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

(2) APPROVAL AND DISAPPROVAL.—The Secretary shall have the authority to approve or disapprove a State plan submitted under paragraph (1).

(e) CONDITIONS.—As a condition of receiving an allocation under this section, a State shall agree to the following:

(1) MATCHING REQUIREMENT.—

(A) IN GENERAL.—The State shall contribute, from non-Federal sources, an amount
equal to 10 percent of the amount of the allocation received under this section to carry out the activities supported by the allocation.

(B) **Deadline.**—The State shall provide any contribution required under subparagraph (A) not later than September 30, 2029.

(C) **Certain Fiscal Years.**—With respect to a fiscal year for which more than $7,000,000,000 are appropriated to carry out this title, subparagraph (A) shall be applied as if “, from non-Federal sources,” were struck.

(2) **Maintenance of Effort.**—The State shall provide an assurance to the Secretary that the combined fiscal effort or the aggregate expenditures of the State with respect to the activities supported by the allocation under this section for fiscal years beginning with the fiscal year for which the allocation is received will be not less than 90 percent of the 5 year average for total capital outlay of the combined fiscal effort or aggregate expenditures by the State for the purposes for which the allocation is received.

(3) **Supplement Not Supplant.**—The State shall 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.

Subtitle B—Grants to Local Educational Agencies

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

(a) Grants to Local Educational Agencies.—

(1) In general.—Subject to paragraph (2), from the amounts allocated to a State under section 70102(a) and contributed by the State under section 70102(c)(1), the State shall award grants to qualified local educational agencies, on a competitive basis, to carry out the activities described in section 70112(a).

(2) Allowance for digital learning.—A State may use up to 10 percent of the amount described in paragraph (1) to make grants to qualified local educational agencies carry out activities to improve digital learning in accordance with section 70112(b).

(b) Eligibility.—

(1) In general.—To be eligible to receive a grant under this section a qualified local educational agency—
(A) shall be among the local educational agencies in the State with the highest numbers or percentages of students counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c));

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

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

(i) with the greatest need to improve public school facilities, as determined by the State, which may include consideration of threats posed by the proximity of the facilities to toxic sites or brownfield sites or the vulnerability of the facilities to natural disasters; and
(ii) with the most limited capacity to raise funds for the long-term improvement of public school facilities, as determined by an assessment of—

(I) the current and historic ability of the agency to raise funds for construction, renovation, modernization, and major repair projects for schools;

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

(III) the bond rating of the agency.

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

(3) STATEWIDE THRESHOLDS.—The State shall establish reasonable thresholds for determining whether a local educational agency is among agencies in the State with the highest numbers or percentages of students counted under section 1124(c) of the Elementary and Secondary Education Act of
1965 (20 U.S.C. 6333(c)) as required under paragraph (1)(A).

(c) **Priority of Grants.**—In awarding grants under this section, the State—

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

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

(i) the median age of facilities;

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

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

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

(v) other critical health and safety conditions; and

(B) will use the grant to improve the facilities of—
(i) elementary schools or middle schools that have an enrollment of students who are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) that constitutes not less than 40 percent of the total student enrollment at such schools; or
(ii) high schools that have an enrollment of students who are eligible for a free or reduced price lunch under such Act that constitutes not less than 30 percent of the total student enrollment at such schools (which may be calculated using comparable data from the schools that feed into the high school); and
(C) operate public school facilities that pose a severe health and safety threat to students and staff, which may include a threat posed by the proximity of the facilities to toxic sites or the vulnerability of the facilities to natural disasters;
(2) with respect to grants awarded for fiscal year 2020, shall give priority to local educational agencies described in paragraph (1) that will use the
grant to improve the facilities of schools described in paragraph (1)(B) to support indoor and outdoor social distancing, personal hygiene, and building hygiene (including with respect to HVAC usage and ventilation) in schools, consistent with guidance issued by the Centers for Disease Control and Prevention; and

(3) may give priority to qualified local educational agencies that—

(A) will use the grant to improve access to high-speed broadband sufficient to support digital learning accordance with section 70112(b);

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

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

(d) APPLICATION.—To be considered for a grant under this section, a qualified local educational agency shall submit an application to the State at such time, in such manner, and containing such information as the State may require. Such application shall include, at minimum—
(1) the information necessary for the State to make the determinations under subsections (b) and (c); 

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

(3) an explanation of how such projects will reduce risks to the health and safety of staff and students at schools served by the agency; and 

(4) in the case of a local educational agency that proposes to fund a repair, renovation, or construction project for a public charter school, the extent to which—

   (A) the public charter school lacks access to funding for school repair, renovation, and construction through the financing methods available to other public schools or local educational agencies in the State; and 

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

(e) FACILITIES MASTER PLAN.—

(1) PLAN REQUIRED.—Not later than 180 days after receiving a grant under this section, a qualified local educational agency shall submit to the State a comprehensive 10-year facilities master plan.
(2) **ELEMENTS.**—The facilities master plan required under paragraph (1) shall include, with respect to all public school facilities of the qualified local educational agency, a description of—

(A) the extent to which public school facilities meet students’ educational needs and support the agency’s educational mission and vision;

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

(C) the current health, safety, and environmental conditions of the public school facilities, including—

(i) indoor air quality;

(ii) the presence of toxic substances;

(iii) the safety of drinking water at the tap and water used for meal preparation, including the level of lead and other contaminants in such water;

(iv) energy and water efficiency;

(v) excessive classroom noise; and

(vi) other health, safety, and environmental conditions that would impact the health, safety, and learning ability of students;
(D) how the local educational agency will address any conditions identified under sub-
paragraph (C);

(E) the impact of current and future student enrollment levels (as of the date of appli-
cation) on the design of current and future public school facilities, as well as the financial im-
lications of such enrollment levels;

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

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

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

and

(G) the dollar amount and percentage of funds the local educational agency will dedicate to the maintenance and operation of public school facilities, including—
(i) any funds in the budget of the agency that will be dedicated to the maintenance and operation of such facilities; and

(ii) any funds not in the budget of the agency that will be dedicated to the maintenance and operation of such facilities.

(3) CONSULTATION.—In developing the facilities master plan required under paragraph (1)—

(A) a qualified local educational agency shall consult with teachers, principals and other school leaders, custodial and maintenance staff, emergency first responders, school facilities directors, students and families, community residents, and Indian Tribes; and

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

(f) SUPPLEMENT NOT SUPPLANT.—A qualified local educational agency shall use a grant received 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. 70112. ALLOWABLE USES OF FUNDS.

(a) In General.—Except as provided in section 70113, a local educational agency that receives covered funds may use such funds to—

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

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

(3) carry out major repairs of public school facilities;

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

(5) construct new public school facilities;

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

(7) extend the life of basic systems and components of public school facilities;

(8) ensure current or anticipated enrollment does not exceed the physical and instructional capacity of public school facilities;

(9) ensure the building envelopes and interiors of public school facilities protect occupants from natural elements and human threats, and are structurally sound and secure;
compose building design plans that strengthen the safety and security on school premises by utilizing design elements, principles, and technology that—

(A) guarantee layers of security throughout the school premises; and

(B) uphold the aesthetics of the school premises as a learning and teaching environment;

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

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

(13) reduce or eliminate the presence of—

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

(B) mold and mildew; or

(C) rodents and pests;

(14) ensure the safety of drinking water at the tap and water used for meal preparation in public school facilities, which may include testing of the potability of water at the tap for the presence of lead and other contaminants;
(15) bring public school facilities into compliance with applicable fire, health, and safety codes;

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

(17) provide instructional program space improvements (including through the construction of outdoor instructional space) for programs relating to early learning (including early learning programs operated by partners of the agency), special education, science, technology, career and technical education, physical education, music, the arts, and literacy (including library programs);

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

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

(20) reduce or eliminate excessive classroom noise due to activities allowable under this section.
(b) ALLOWANCE FOR DIGITAL LEARNING.—A local educational agency may use funds received under section 70111(a)(2) to leverage existing public programs or public-private partnerships to expand access to high-speed broadband sufficient for digital learning.

SEC. 70113. PROHIBITED USES.

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

(1) payment of routine and predictable maintenance costs and minor repairs;

(2) any facility that is primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public;

(3) vehicles; or

(4) central offices, operation centers, or other facilities that are not primarily used to educate students.

SEC. 70114. REQUIREMENTS FOR HAZARD-RESISTANCE, ENERGY AND WATER CONSERVATION, AND AIR QUALITY.

(a) REQUIREMENTS.—A local educational agency that receives covered funds shall ensure that any new construction, modernization, or renovation project carried out with such funds meets or exceeds the requirements of the following:
(1) Requirements for such projects set forth in
the most recent published edition of a nationally rec-
ognized, consensus-based model building code.

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

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

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

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

SEC. 70115. GREEN PRACTICES.

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

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

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

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

(4) a program that—

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

(B) is adopted by the State or another jurisdiction with authority over the agency; and

(C) includes a verifiable method to demonstrate compliance with such program.

(b) APPLICABLE PERCENTAGE.—The applicable percentage described in this subsection is—
(1) for fiscal year 2020, 60 percent;
(2) for fiscal year 2021, 70 percent;
(3) for fiscal year 2022, 80 percent;
(4) for fiscal year 2023, 90 percent; and
(5) for fiscal year 2024, 100 percent.

SEC. 70116. USE OF AMERICAN IRON, STEEL, AND MANUFACTURED PRODUCTS.

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

(b) WAIVER AUTHORITY.—

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

(A) applying subsection (a) would be inconsistent with the public interest;

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

(C) using iron, steel, and manufactured products produced in the United States will increase the cost of the overall project by more than 25 percent.
(2) Publication.—Before issuing a waiver under paragraph (1), the Secretary shall publish in the Federal Register a detailed written explanation of the waiver determination.

(c) Consistency with international agreements.—This section shall be applied in a manner consistent with the obligations of the United States under international agreements.

(d) Definitions.—In this section:

(1) Produced in the United States.—The term “produced in the United States” means the following:

(A) When used with respect to a manufactured product, the product was manufactured in the United States and the cost of the components of such product that were mined, produced, or manufactured in the United States exceeds 60 percent of the total cost of all components of the product.

(B) When used with respect to iron or steel products, or an individual component of a manufactured product, all manufacturing processes for such iron or steel products or components, from the initial melting stage through the application of coatings, occurred in the
United States, except that the term does not include—

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

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

(2) MANUFACTURED PRODUCT.—The term “manufactured product” means any construction material or end product (as such terms are defined in part 25.003 of the Federal Acquisition Regulation) that is not an iron or steel product, including—

(A) electrical components; and

(B) non-ferrous building materials, including, aluminum and polyvinylchloride (PVC), glass, fiber optics, plastic, wood, masonry, rubber, manufactured stone, any other non-ferrous metals, and any unmanufactured construction material.
SEC. 70117. PROHIBITION ON USE OF FUNDS FOR FACILITIES OF FOR-PROFIT CHARTER SCHOOLS.

No covered funds may be used for the facilities of a public charter school that is operated by a for-profit entity.

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

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

(1) the school leases the facilities from an individual or private sector entity; and

(2) such individual, or an individual with a direct or indirect financial interest in such entity, has a management or governance role in such school.

Subtitle C—Annual Report and Authorization of Appropriations

SEC. 70121. ANNUAL REPORT ON GRANT PROGRAM.

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

(b) ELEMENTS.—The report under subsection (a) shall include, with respect to the fiscal year preceding the year in which the report is submitted, the following:
(1) An identification of each local educational agency that received a grant under this title.

(2) With respect to each such agency, a description of—

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

(i) race;

(ii) the number and percentage of students counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); and

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

(B) the population density of the geographic area served by the agency;

(C) the projects for which the agency used the grant received under this title, described using measurements of school facility quality from the most recent available version of the Common Education Data Standards published by the National Center for Education Statistics;
(D) the demonstrable or expected benefits
of the projects; and

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

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

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

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

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

(3) submit the information to the State.

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

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

(2) make the information available to the pub-
lic, including by posting the information on a pub-
licly accessible State website; and
(3) regularly distribute the information to local educational agencies and Tribal governments in the State.

SEC. 70122. AUTHORIZATION OF APPROPRIATIONS.

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

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

SEC. 70201. COMPTROLLER GENERAL REPORT.

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

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

(1) State activities, including—

(A) the types of public school facilities data collected by each State, if any;
(B) technical assistance with respect to public school facilities provided by each State, if any;

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

(D) criteria used by each State to determine high-need students and facilities for purposes of the projects carried out with covered funds; and

(E) whether the State issued new regulations to ensure the health and safety of students and staff during construction or renovation projects or to ensure safe, healthy, and high-performing school buildings;

(2) the types of projects carried out with covered funds, including—

(A) the square footage of the improvements made with covered funds;

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

(C) the cost described in subparagraph (B), disaggregated by, with respect to such project, the cost of planning, design, construction, site purchase, and improvements;

(3) the geographic distribution of the projects;
(4) the demographic composition of the student population served by the projects, disaggregated by—

(A) race;

(B) the number and percentage of students counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); and

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

(5) an assessment of the impact of the projects on the health and safety of school staff and students; and

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

(A) to schools with the highest numbers and percentages of students counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); and

(B) to schools with fiscal challenges in raising capital for school infrastructure projects.
(c) **Updates.**—The Comptroller General shall update and resubmit the report to the appropriate congressional committees—

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

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

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

(a) **Study and Report.**—Not less frequently than once in each 5-year period beginning after the date of the enactment of this division, the Secretary, acting through the Director of the Institute of Education Sciences, shall—

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

(2) submit a report to the appropriate congressional committees that includes the results of the study.

(b) **Elements.**—Each study and report under subsection (a) shall include—
an assessment of—

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

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

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

(D) the condition of school facilities for economically disadvantaged students as well as students from major racial and ethnic subgroups;

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

(F) the prevalence of school facilities at which student enrollment exceeds the physical and instructional capacity of the facility and the effect of such excess enrollment on instructional quality and delivery of school wraparound services;

(G) the condition of school facilities affected by natural disasters;

(H) the effect that projects carried out with covered funds have on the communities in which such projects are conducted, including
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the vitality, jobs, population, and economy of
such communities; and
(I) the ability of building envelopes and in-
teriors of public school facilities to protect occu-
pants from natural elements and human
threats;
(2) an explanation of any differences observed
with respect to the factors described in subpar-
agraphs (A) through (H) of paragraph (1); and
(3) a cost estimate for bringing school facilities
to a state of good repair, as determined by the Sec-
retary.
SEC. 70203. DEVELOPMENT OF DATA STANDARDS.
(a) DATA STANDARDS.—Not later than 120 days
after the date of the enactment of this division, the Sec-
retary, in consultation with the officials described in sub-
section (b), shall—
(1) identify the data that States should collect
and include in the databases developed under section
70102(a)(2)(A)(ii);
(2) develop standards for the measurement of
such data; and
(3) issue guidance to States concerning the col-
lection and measurement of such data.
(b) Officials.—The officials described in this subsection are—

(1) the Administrator of the Environmental Protection Agency;

(2) the Secretary of Energy;

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

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

SEC. 70204. INFORMATION CLEARINGHOUSE.

(a) In General.—Not later than 120 days after the date of the enactment of this division, the Secretary shall establish a clearinghouse to disseminate information on Federal programs and financing mechanisms that may be used to assist schools in initiating, developing, and financing—

(1) energy efficiency projects;

(2) distributed generation projects; and

(3) energy retrofitting projects.

(b) Elements.—In carrying out subsection (a), the Secretary shall—

(1) consult with the officials described in section 70203(b) to develop a list of Federal programs and financing mechanisms to be included in the clearinghouse; and
(2) coordinate with such officials to develop a collaborative education and outreach effort to streamline communications and promote the Federal programs and financing mechanisms included in the clearinghouse, which may include the development and maintenance of a single online resource that includes contact information for relevant technical assistance that may be used by States, outlying areas, local educational agencies, and Bureau-funded schools effectively access and use such Federal programs and financing mechanisms.

SEC. 70205. SENSE OF CONGRESS ON OPPORTUNITY ZONES.

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

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

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

(3) Schools are integral parts of communities, and a key part of communities’ economic and work force development efforts could be modernizing school facilities.
(b) Sense of Congress.—It is the sense of the Congress that opportunity zones, when combined with public infrastructure investment, can provide an innovative approach to capital financing that has the potential to unleash creativity and help local communities rebuild schools, rebuild economies, and get people back to work.

TITLE III—IMPACT AID CONSTRUCTION

SEC. 70301. TEMPORARY INCREASE IN FUNDING FOR IMPACT AID CONSTRUCTION.

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

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

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

SEC. 70401. ALLOCATIONS TO STATES.

(a) In General.—Beginning not later than 180 days after the date of the enactment of this division, the Secretary shall carry out a program under which the Sec-
Secretary makes allocations to States to pay the Federal share of the costs of making grants to local educational agencies under section 70402.

(b) Website.—Not later than 180 days after the date of enactment of this division, the Secretary shall publish, on a publicly accessible website of the Department of Education, instructions describing how a State may receive an allocation under this section.

Sec. 70402. Grants to Local Educational Agencies.

(a) In General.—From the amounts allocated to a State under section 70401(a) and contributed by the State under subsection (e)(2), the State shall award grants to local educational agencies—

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

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

(b) Local Educational Agency Eligibility.—

(1) Eligibility for Grants for Future Repairs.—To be eligible to receive a grant under subsection (a)(1), a local educational agency shall—
(A) with respect to each school for which
the agency seeks to use grant funds, dem-
onstrate to the State that—

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

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

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

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

(B) provide an assurance that—

(i) the local educational agency will
use the grant only for the allowable uses
described in subsection (f)(1); and
(ii) all work funded with the grant will be conducted by a qualified contractor or architect licensed in the State.

(2) Eligibility for Reimbursement Grants.—To be eligible to receive a grant under subsection (a)(2), a local educational agency shall demonstrate that it met the requirements of paragraph (1) at the time it carried out the project for which the agency seeks reimbursement.

(c) Application.—

(1) In General.—A local educational agency that seeks a grant under this section shall submit to the State an application at such time, in such manner, and containing such information as the State may require, which upon approval by the State under subsection (d)(1)(A), the State shall submit to the Secretary for approval under subsection (d)(1)(B).

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

(A) information and documentation sufficient to enable the State to determine if the local educational agency meets the eligibility criteria under subsection (b);
(B) in the case of an agency seeking a grant under subsection (a)(1), an estimate of the costs of carrying out the activities described in subsection (f);

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

(i) an itemized explanation of—

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

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

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

and

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

(d) APPROVAL AND DISBURSEMENT.—

(1) APPROVAL.—

(A) STATE.—The State shall approve the application of each local educational agency for submission to the Secretary that—
(i) submits a complete and correct application under subsection (c); and

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

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

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

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

(2) DISBURSEMENT.—

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

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

(c) Federal and State Share.—

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

(2) State share.—

(A) In general.—Subject to subparagraph (B), the State share of each grant under this section shall be an amount that is not less than 40 percent of the total cost of the project for which the grant is awarded, which the State shall contribute from non-Federal sources.

(B) Special rule for reimbursement grants.—In the case of a reimbursement grant made to a local educational agency under subsection (a)(2) a State shall be treated as meeting the requirement of subparagraph (A) if the State demonstrates that it contributed, from non-Federal sources, not less than 40 percent of the total cost of the project for which the reimbursement grant is awarded.

(f) Uses of funds.—
(1) ALLOWABLE USES OF FUNDS.—A local educational agency that receives a grant under this section shall use such grant only for costs associated with—

(A) the repair or replacement of the concrete foundation or other affected areas of a pyrrhotite-affected school in the jurisdiction of such agency to the extent necessary—

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

(ii) to restore the school to the condition it was in before the school’s foundation was damaged due to the presence of pyrrhotite; and

(B) engineering reports, architectural design, core tests, and other activities directly related to the repair or replacement project.

(2) PROHIBITED USES OF FUNDS.—A local educational agency that receives a grant under this section may not use the grant for any costs associated with—
(A) work done to outbuildings, sheds, or barns, swimming pools (whether in-ground or above-ground), playgrounds or ballfields, or any ponds or water features;

(B) the purchase of items not directly associated with the repair or replacement of the school building or its systems, including items such as desks, chairs, electronics, sports equipment, or other school supplies; or

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

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

(1) this section; and

(2) title I.

SEC. 70403. DEFINITIONS.

In this title:

(1) PYRRHOTITE-AFFECTED SCHOOL.—The term “pyrrhotite-affected school” means an elementary school or a secondary school that meets the following criteria:

(A) The school has a concrete foundation.

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

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

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

(i) caused the school to become struc-

turally unsound; or

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

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

SEC. 70404. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out
this title such sums as may be necessary for fiscal year
2020 and each fiscal year thereafter.
proceeds of an issue described in subsection (a)(15).”.

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

Subtitle B—School Infrastructure Bonds

SEC. 90111. RESTORATION OF CERTAIN QUALIFIED TAX CREDIT BONDS.

(a) ALLOWANCE OF CREDIT.—

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

(2) CREDIT LIMITED TO CERTAIN BONDS.—Section 54A(d)(1), as restored by paragraph (1), is amended by striking subparagraphs (A), (B), and (C).

(b) CREDIT ALLOWED TO ISSUER.—

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

(2) SCHOOL INFRASTRUCTURE BONDS.—Section 6431(f)(3), as restored by paragraph (1), is amended by inserting “any school infrastructure
bond (as defined in section 54BB) or” before “any qualified tax credit bond”.

(c) QUALIFIED ZONE ACADEMY BONDS.—

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

(2) REMOVAL OF PRIVATE BUSINESS CONTRIBUTION REQUIREMENT.—Section 54E, as restored by paragraph (1), is amended—

(A) in subsection (a)(3), by inserting “and” at the end of subparagraph (A), by striking subparagraph (B), and by redesignating subparagraph (C) as subparagraph (B);

(B) by striking subsection (b); and

(C) in subsection (c)(1)—

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

(ii) by striking “and, except as provided” and all that follows through the period at the end and inserting “, and $1,400,000,000 for 2020 and each year thereafter.”.

(3) CONSTRUCTION OF A PUBLIC SCHOOL FACILITY.—Section 54E(d)(3)(A), as restored by paragraph (1), is amended by striking “rehabilitating or
repairing” and inserting “constructing, rehabilitating, retrofitting, or repairing”.

(d) CONFORMING AMENDMENTS.—

(1) So much of subpart I of part IV of subchapter A of chapter 1 as precedes section 54A, as in effect before repeal by Public Law 115-97, is restored as if such repeal had not taken effect.

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

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2020.

SEC. 90112. SCHOOL INFRASTRUCTURE BONDS.

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

“Subpart J—School Infrastructure Bonds

“Sec. 54BB. School infrastructure bonds.

“SEC. 54BB. SCHOOL INFRASTRUCTURE BONDS.

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

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

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

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

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

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

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

“(d) SCHOOL INFRASTRUCTURE BOND.—

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

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

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

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

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

“(2) APPLICABLE RULES.—For purposes of applying paragraph (1)—

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

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

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

“(3) 6-YEAR EXPENDITURE PERIOD.—

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

“(B) FAILURE TO SPEND REQUIRED
AMOUNT OF BOND PROCEEDS WITHIN 6
YEARS.—To the extent that less than 100 per-
cent of the available project proceeds of the
issue are expended at the close of the period de-
scribed in subparagraph (A) with respect to
such issue, the issuer shall redeem all of the
nonqualified bonds within 90 days after the end
of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

“(e) Limitation on Amount of Bonds Designated.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (d) by any issuer shall not exceed the limitation amount allocated under subsection (g) for such calendar year to such issuer.

“(f) National Limitation on Amount of Bonds Designated.—The national qualified school infrastructure bond limitation for each calendar year is—

“(1) $10,000,000,000 for 2021,

“(2) $10,000,000,000 for 2022, and

“(3) $10,000,000,000 for 2023.

“(g) Allocation of Limitation.—

“(1) Allocations.—

“(A) States.—After application of subparagraph (B) and paragraph (3)(A), the limitation applicable under subsection (f) for any calendar year shall be allocated by the Secretary among the States in proportion to the respective amounts received by all local educational agencies in each State under part A of
title I of the Elementary and Secondary Edu-
cation Act of 1965 (20 U.S.C. 6311 et seq.) for
the previous fiscal year relative to the total such
amount received by all local educational agen-
cies in for the most recent fiscal year ending
before such calendar year.

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

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

“(3) ALLOCATIONS FOR INDIAN SCHOOLS.—
“(A) IN GENERAL.—One-half of 1 percent of the amount of the limitation applicable under subsection (f) for any calendar year shall be allocated by the Secretary to the Secretary of the Interior for schools funded by the Bureau of Indian Affairs for such calendar year.

“(B) ALLOCATION TO SCHOOLS.—The limitation amount allocated to the Secretary of the Interior under paragraph (1) shall be allocated by such Secretary to issuers or schools funded as described in paragraph (2). In the case of amounts allocated under the preceding sentence, Indian tribal governments (as defined in section 7701(a)(40)) shall be treated as qualified issuers for purposes of this subchapter.

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

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

“(i) Special Rules.—

“(1) Interest on school infrastructure bonds includible in gross income for Federal income tax purposes.—For purposes of this title, interest on any school infrastructure bond shall be includible in gross income.

“(2) Application of certain rules.—Rules similar to the rules of subsections (f), (g), (h), and (i) of section 54A shall apply for purposes of the credit allowed under subsection (a).”.

(b) Transitional Coordination With State Law.—Except as otherwise provided by a State after the date of the enactment of this Act, the interest on any school infrastructure bond (as defined in section 54BB of the Internal Revenue Code of 1986, as added by this section) and the amount of any credit determined under such section with respect to such bond shall be treated for purposes of the income tax laws of such State as being exempt from Federal income tax.

(c) Application of Certain Labor Standards to Projects Financed With Certain Tax-Favored Bonds.—
IN GENERAL.—Subchapter IV of chapter 31 of the title 40, United States Code, shall apply to projects financed with the proceeds of—

(A) any school infrastructure bond (as defined in section 54BB of the Internal Revenue Code of 1986); and

(B) any qualified zone academy bond (as defined in section 54E of the Internal Revenue Code of 1986) issued after the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009.

(2) CONFORMING AMENDMENT.—Section 1601 of the American Recovery and Reinvestment Tax Act of 2009 is amended by striking paragraph (3) and redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

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

"SUBPART J—SCHOOL INFRASTRUCTURE BONDS".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2020.

SEC. 90113. ANNUAL REPORT ON BOND PROGRAM.

(a) IN GENERAL.—Not later than September 30 of each fiscal year beginning after the date of the enactment
of this Act, the Secretary of the Treasury shall submit to the appropriate congressional committees a report on the school infrastructure bond program.

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

(1) An identification of—

(A) each local educational agency that received funds from a school infrastructure bond; and

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

(i) but did not receive such funds; or

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

(2) With respect to each local educational agency described in paragraph (1)—

(A) an assessment of the capacity of the agency to raise funds for the long-term improvement of public school facilities, as determined by an assessment of—

(i) the current and historic ability of the agency to raise funds for construction, renovation, modernization, and major re-
pair projects for schools, including the ability of the agency to raise funds through imposition of property taxes;

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

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

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

(iii) the bond rating of the agency;

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

(i) race;

(ii) the number and percentage of students counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); and

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

(C) the population density of the geographic area served by the agency;

(D) a description of the projects carried out with funds received from school infrastructure bonds;

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

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

(3) The total dollar amount of all funds received by local educational agencies from school infrastructure bonds.

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

(c) INFORMATION COLLECTION.—A State or local educational agency that receives funds from a school infrastructure bond shall—

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

(2) report the information to the Secretary of the Treasury at such time and in such manner as the Secretary of the Treasury may require.
$1,000,000,000 for each of fiscal years 2021 through 2025, to remain available until expended.

(b) MAINTENANCE OF FUNDING.—Each State receiving Federal funds pursuant to this subchapter shall provide reasonable assurances to the Secretary that it has established policies and procedures designed to ensure that Federal funds provided under this subchapter will be used to supplement, and not to supplant, State and local funds.

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

Subchapter B—Public Buildings

SEC. 33211. ENERGY EFFICIENT PUBLIC BUILDINGS.

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

(1) in paragraph (1)—

(A) by inserting “Standard 90.1 of the American Society of Heating, Refrigerating, and Air-Conditioning Engineers,” after “the International Energy Conservation Code,”; and
(B) by striking “; or” and inserting a
semicolon;

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

(3) by adding at the end the following:

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

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

“(b) ASSURANCE OF IMPROVEMENT.—

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

“(2) GUIDANCE.—The Secretary may provide
guidance to State agencies to comply with paragraph
(1). In developing such guidance, the Secretary shall consider available third-party verification tools for high-performing buildings and available third-party verification tools for energy efficiency retrofits.”.

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

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

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

(3) by adding at the end the following:

“(3) ensure that all laborers and mechanics employed by contractors and subcontractors in the performance of construction, alteration, or repair work financed in whole or in part with assistance received pursuant to this section shall be paid wages at rates not less than those prevailing on projects of a similar character in the locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (and with respect to such labor standards, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14
of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code).”.

(d) Authorization of Appropriations.—Section 125(d) of the Energy Policy Act of 2005, as so redesignated, is amended by striking “$30,000,000 for each of fiscal years 2006 through 2010” and inserting “$100,000,000 for each of fiscal years 2021 through 2025”.

**Subchapter C—Schools**

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

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

“(e) Coordination of Energy Retrofitting Assistance for Schools.—

“(1) Definition of school.—Notwithstanding section 391(6), for the purposes of this subsection, the term ‘school’ means—

“(A) an elementary school or secondary school (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));
“(B) an institution of higher education (as defined in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)));

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

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

“(E) a tribally controlled school (as defined in section 5212 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2511)); and

“(F) a Tribal College or University (as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b))).

“(2) Establishment of clearinghouse.—

The Secretary, acting through the Office of Energy Efficiency and Renewable Energy, shall establish a clearinghouse to disseminate information regarding available Federal programs and financing mechanisms that may be used to help initiate, develop, and finance energy efficiency, distributed generation, and energy retrofitting projects for schools.
“(3) REQUIREMENTS.—In carrying out paragraph (2), the Secretary shall—

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

“(B) coordinate with appropriate Federal agencies to develop a collaborative education and outreach effort to streamline communications and promote available Federal programs and financing mechanisms described in subparagraph (A), which may include the development and maintenance of a single online resource that includes contact information for relevant technical assistance in the Office of Energy Efficiency and Renewable Energy that States, local education agencies, and schools may use to effectively access and use such Federal programs and financing mechanisms.”.

SEC. 33222. GRANTS FOR ENERGY EFFICIENCY IMPROVEMENTS AND RENEWABLE ENERGY IMPROVEMENTS AT PUBLIC SCHOOL FACILITIES.

(a) DEFINITIONS.—In this section:
(1) Eligible entity.—The term “eligible entity” means a consortium of—

(A) one local educational agency; and

(B) one or more—

(i) schools;

(ii) nonprofit organizations;

(iii) for-profit organizations; or

(iv) community partners that have the knowledge and capacity to partner and assist with energy improvements.

(2) Energy improvements.—The term “energy improvements” means—

(A) any improvement, repair, or renovation, to a school that will result in a direct reduction in school energy costs including but not limited to improvements to building envelope, air conditioning, ventilation, heating system, domestic hot water heating, compressed air systems, distribution systems, lighting, power systems and controls;

(B) any improvement, repair, renovation, or installation that leads to an improvement in teacher and student health including but not limited to indoor air quality, daylighting, ventilation, electrical lighting, and acoustics; and
(C) the installation of renewable energy technologies (such as wind power, photovoltaics, solar thermal systems, geothermal energy, hydrogen-fueled systems, biomass-based systems, biofuels, anaerobic digesters, and hydropower) involved in the improvement, repair, or renovation to a school.

(b) AUTHORITY.—From amounts made available for grants under this section, the Secretary of Energy shall provide competitive grants to eligible entities to make energy improvements authorized by this section.

(c) PRIORITY.—In making grants under this subsection, the Secretary shall give priority to eligible entities that have renovation, repair, and improvement funding needs and are—

(1) a high-need local educational agency, as defined in section 2102 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6602); or

(2) a local educational agency designated with a metrocentric locale code of 41, 42, or 43 as determined by the National Center for Education Statistics (NCES), in conjunction with the Bureau of the Census, using the NCES system for classifying local educational agencies.
(d) **COMPETITIVE CRITERIA.**—The competitive criteria used by the Secretary shall include the following:

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

2. The likelihood that the local educational agency or eligible entity will maintain, in good condition, any facility whose improvement is assisted.

3. The potential energy efficiency and safety benefits from the proposed energy improvements.

(e) **APPLICATIONS.**—To be eligible to receive a grant under this section, an applicant must submit to the Secretary an application that includes each of the following:

1. A needs assessment of the current condition of the school and facilities that are to receive the energy improvements.

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

3. A description of the applicant’s capacity to provide services and comprehensive support to make the energy improvements.
(4) An assessment of the applicant’s expected needs for operation and maintenance training funds, and a plan for use of those funds, if any.

(5) An assessment of the expected energy efficiency and safety benefits of the energy improvements.

(6) A cost estimate of the proposed energy improvements.

(7) An identification of other resources that are available to carry out the activities for which funds are requested under this section, including the availability of utility programs and public benefit funds.

(f) USE OF GRANT AMOUNTS.—

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

(2) OPERATION AND MAINTENANCE TRAINING.—The recipient may use up to 5 percent for operation and maintenance training for energy efficiency and renewable energy improvements (such as maintenance staff and teacher training, education, and preventative maintenance training).
(3) Audit.—The recipient may use funds for a third-party investigation and analysis for energy improvements (such as energy audits and existing building commissioning).

(4) Continuing Education.—The recipient may use up to 1 percent of the grant amounts to develop a continuing education curriculum relating to energy improvements.

(g) Contracting Requirements.—

(1) Davis-Bacon.—Any laborer or mechanic employed by any contractor or subcontractor in the performance of work on any energy improvements funded by a grant under this section shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor under subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the Davis-Bacon Act).

(2) Competition.—Each applicant that receives funds shall ensure that, if the applicant carries out repair or renovation through a contract, any such contract process—

(A) ensures the maximum number of qualified bidders, including small, minority, and
women-owned businesses, through full and open competition; and

(B) gives priority to businesses located in, or resources common to, the State or the geographical area in which the project is carried out.

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

(i) BEST PRACTICES.—The Secretary shall develop and publish guidelines and best practices for activities carried out under this section.

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

CHAPTER 2—WEATHERIZATION

SEC. 33231. WEATHERIZATION ASSISTANCE PROGRAM.

(a) REAUTHORIZATION OF WEATHERIZATION ASSISTANCE PROGRAM.—Section 422 of the Energy Con-
 Paragraph (3) of section 741(a) of the Energy Policy Act of 2005 (42 U.S.C. 16091(a)) is amended to read as follows:

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

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

“(i) is powered by a heavy duty engine; and

“(ii) is operated solely on an alternative fuel or ultra-low sulfur diesel fuel; or

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

“(i) complies with Federal motor vehicle safety standards for school buses; and

“(ii) meets or exceeds Federal vehicle emission standards for medium-duty passenger vehicles for model year 2016.”.

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

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

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

(i) in subsection (a)(4)(B), by striking “grant funds” and inserting “award funds”;  
(ii) in subsection (b)(1)(B), by striking “awarding grants” each place it appears and inserting “making awards”;  
(iii) in the heading of subsection (b)(2), by striking “GRANT APPLICATIONS” and inserting “AWARD APPLICATIONS”;  
(iv) in subsection (b)(2)(A), by striking “grant applications” and inserting “award applications”;  
(v) in subsection (b)(3)(A), by striking “grant” and insert “award”;  
(vi) and (b)(4)—
(I) in the paragraph heading, by striking “GRANTS” and inserting “AWARDS”;

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

(vii) in subsection (b)(7)— 

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

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

(viii) in subsection (b)(8)(A)(ii)— 

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

(II) in subclause (III)— 

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

(bb) by striking “grant recipients” and inserting “award recipients”; and 

(ix) in subsection (c)(3)— 

(I) in subparagraph (A)—
(aa) by striking “grant recipients” and inserting “award recipients”; and

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

(II) in subparagraph (C), by striking “grant program” and inserting “award program”.

(2) PRIORITY OF AWARD APPLICATIONS.—Section 741(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16091(b)(2)) is amended—

(A) in subparagraph (A)—

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

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

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

“(B) RETROFITTING.—In the case of award applications to retrofit school buses, the Administrator shall give highest priority to applicants that propose to retrofit school buses manufactured in or after model year 2010 to become clean school buses.”.

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

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

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

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

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

(A) by striking paragraph (6); and

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

(6) SCRAPPAGE.—Section 741(b) of the Energy Policy Act of 2005 (42 U.S.C. 16091(b)) is further amended by inserting after paragraph (6), as redesignated, the following new paragraph:
“(7) SCRAPPAGE.—In the case of an award under this section for the replacement of a school bus or a retrofit including installation of a new engine, the Administrator shall require the recipient of the award to verify that the replaced bus, or the engine of a retrofitted bus that was removed, was returned to the supplier for remanufacturing to a more stringent set of engine emissions standards or for scrappage.”.

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

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

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

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following new subsections:
“(d) Contract Programs.—

“(1) Authority.—In addition to the use of contracting authority otherwise available to the Administrator, the Administrator may enter into contracts with eligible contractors described in paragraph (2) for awarding rebates and low-cost revolving loans pursuant to subsection (b)(1).

“(2) Eligible Contractors.—A contractor is an eligible contractor described in this paragraph if the contractor is a for-profit, not-for-profit, or non-profit entity that has the capacity—

“(A) to sell clean school buses or equipment to, or to arrange financing for, individuals or entities that own a school bus or fleet of school buses; or

“(B) to upgrade school buses or their equipment with verified or Environmental Protection Agency-certified engines or technologies, or to arrange financing for such upgrades.

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

(d) Authorization of Appropriations.—Subsection (f), as redesignated, of section 741 of the Energy
Policy Act of 2005 (42 U.S.C. 16091) is amended to ready as follows:

“(d) Authorization of Appropriations.—

“(1) In general.—There is authorized to be appropriated to the Administrator to carry out this section, to remain available until expended, $65,000,000 for each of fiscal years 2021 through 2025, of which not less than $15,000,000 each such fiscal year shall be used for grants under this section to eligible recipients proposing to replace or retrofit school buses to serve an underserved or disadvantaged community.

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

“(A) a low-income community;

“(B) an urban community of color; or

“(C) any other urban community that the Administrator determines is disproportionately vulnerable to, or bears a disproportionate burden of, any combination of economic, social, and environmental stressors.”.