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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R.

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

IN THE HOUSE OF REPRESENTATIVES

Mr. SCOTT of Virginia (for himself and Mr. NORCROSS) introduced the fol-
lowing bill; which was referred to the Committee on

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 2023”.

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. Allocations to States.
- Sec. 103. Need-based grants to qualified local educational agencies.
- Sec. 104. Annual report on grant program.
- Sec. 105. Authorization of appropriations.

TITLE II—SCHOOL INFRASTRUCTURE BONDS

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

TITLE III—USES OF FUNDS

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

TITLE IV—REPORTS AND OTHER MATTERS

- Sec. 401. Comptroller General report.
- Sec. 402. Study and report on physical condition of public schools.
- Sec. 403. Office of School Infrastructure and Sustainability.
- Sec. 404. Development of data standards.
- Sec. 405. Information clearinghouse.
- Sec. 406. Sense of Congress on opportunity zones.

TITLE V—IMPACT AID CONSTRUCTION

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

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

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

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

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

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

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

9 (A) under title I of this Act;

10 (B) from a school infrastructure bond; or

11 (C) from a qualified zone academy bond

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

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

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

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

4 (A) generates renewable energy on-site;

5 and

6 (B) produces enough renewable energy to
7 meet its own annual energy consumption re-
8 quirements.

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

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

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

23 (10) SECRETARY.—The term “Secretary”
24 means the Secretary of Education.

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

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

8 **SEC. 101. PURPOSE AND RESERVATION.**

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

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

15 (1) IN GENERAL.—For each of fiscal years
16 2024 through 2028, the Secretary shall reserve,
17 from the amount appropriated to carry out this
18 title—

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

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

25 (2) USE OF RESERVED FUNDS.—

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

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

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

16 (ii) TREATMENT OF TRIBALLY OPER-
17 ATED SCHOOLS.—The Secretary of the In-
18 terior shall provide assistance to Bureau-
19 funded schools under paragraph (1)(B)
20 without regard to whether such schools are
21 operated by the Bureau of Indian Edu-
22 cation or by an Indian Tribe. In the case
23 of a Bureau-funded school that is a con-
24 tract or grant school (as that term is de-
25 fined in section 1141 of the Education

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

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

15 **SEC. 102. ALLOCATION TO STATES.**

16 (a) ALLOCATION TO STATES.—

17 (1) STATE-BY-STATE ALLOCATION.—

18 (A) FISCAL YEAR 2024.—Of the amount
19 appropriated to carry out this title for fiscal
20 year 2024 and not reserved under section
21 101(b), not later than 30 days after such funds
22 are appropriated, each State that provides an
23 assurance to the Secretary that the State will
24 comply with the requirements of section 103(c)
25 shall be allocated an amount in proportion to

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

9 (B) OTHER FISCAL YEARS.—Of the
10 amount appropriated to carry out this title for
11 each fiscal year other than fiscal year 2024 and
12 not reserved under section 101(b), each State
13 that has a plan approved by the Secretary
14 under subsection (b) shall be allocated an
15 amount in proportion to the amount received by
16 all local educational agencies in the State under
17 part A of title I of the Elementary and Sec-
18 ondary Education Act of 1965 (20 U.S.C. 6311
19 et seq.) for the previous fiscal year relative to
20 the total amount received under such part for
21 such fiscal year by all local educational agencies
22 in every State that has a plan approved by the
23 Secretary under subsection (b).

24 (2) STATE RESERVATION.—A State may reserve
25 not more than 5 percent of its allocation under para-

1 graph (1) to carry out its responsibilities under this
2 Act, which shall include—

3 (A) providing technical assistance to local
4 educational agencies, including by—

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

9 (ii) coordinating the provision of tech-
10 nical assistance across such agencies;

11 (B) in accordance with the guidance issued
12 by the Secretary under section 404, developing
13 an online, publicly searchable database that
14 contains an inventory of the infrastructure of
15 all public school facilities in the State (including
16 the facilities of Bureau-funded schools, as ap-
17 propriate), including, with respect to each such
18 facility, an identification of—

19 (i) the information described in
20 clauses (i) through (vii) of subparagraph
21 (F);

22 (ii) the age (including an identifica-
23 tion of the date of any retrofits or recent
24 renovations) of—

25 (I) the facility;

- 1 (II) its roof;
- 2 (III) its electrical panels and
3 lighting system;
- 4 (IV) its windows and any sky-
5 lights;
- 6 (V) its cooking equipment and
7 major appliances;
- 8 (VI) its plumbing; and
- 9 (VII) its heating, ventilation, and
10 air conditioning system, including any
11 energy management controls and sys-
12 tems;
- 13 (iii) fire safety inspection results;
- 14 (iv) the proximity of the facilities to
15 toxic sites, including sites contaminated by
16 per- and polyfluoroalkyl substances, or the
17 vulnerability of the facilities to natural dis-
18 asters, including the extent to which facili-
19 ties that are vulnerable to seismic natural
20 disasters are seismically retrofitted;
- 21 (v) any previous inspections showing
22 the presence of toxic substances, including
23 per- and polyfluoroalkyl substances;
- 24 (vi) any improvements that are needed
25 to support indoor and outdoor social

1 distancing, personal hygiene, and building
2 hygiene (including with respect to heating,
3 ventilation, and air conditioning usage) in
4 school facilities, consistent with guidance
5 issued by the Centers for Disease Control
6 and Prevention; and

7 (vii) any improvements that are need-
8 ed to support energy and water efficiency,
9 resilience, and climate mitigation;

10 (C) updating the database developed under
11 subparagraph (B) not less frequently than once
12 every 3 years;

13 (D) ensuring that the information in the
14 database developed under subparagraph (B)—

15 (i) is posted on a publicly accessible
16 State website; and

17 (ii) is regularly distributed to local
18 educational agencies and Tribal govern-
19 ments in the State;

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

23 (F) issuing or reviewing regulations to en-
24 sure safe, healthy, and high-performing school
25 buildings, including regulations governing—

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

6 (ii) mold, mildew, and moisture con-
7 trol;

8 (iii) the safety of drinking water at
9 the tap and water used for meal prepara-
10 tion, including regulations that—

11 (I) address the presence of lead
12 and other contaminants, including
13 per- and polyfluoroalkyl substances, in
14 such water; and

15 (II) require the regular testing of
16 the potability of water at the tap and
17 testing for contaminants, including
18 per- and polyfluoroalkyl substances;

19 (iv) energy and water efficiency;

20 (v) excessive classroom noise due to
21 activities allowable under section 301;

22 (vi) the levels of maintenance work,
23 operational spending, and capital invest-
24 ment needed to maintain the quality of
25 public school facilities; and

1 (vii) the construction or renovation of
2 such facilities, including applicable building
3 codes;

4 (G) creating a plan to reduce or eliminate
5 exposure to toxic substances, including mercury,
6 radon, PCBs, lead, vapor intrusions, per- and
7 polyfluoroalkyl substances, and asbestos; and

8 (H) creating a plan to increase the number
9 of net zero energy schools in the State, includ-
10 ing professional development opportunities for
11 State and local educational agency staff in-
12 volved in maintenance, operations, and school
13 facilities capital outlay projects related to en-
14 ergy and water efficiency, resilience, climate
15 mitigation, renewable energy, energy storage,
16 and building electrification.

17 (b) STATE PLAN.—

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

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

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

4 (C) explains how the State will make the
5 determinations under subsections (b) through
6 (d) of section 103, including how the State will
7 consider the impact that projects will have on
8 student diversity and racial and socioeconomic
9 isolation of students attending any current (as
10 of the time of the submission of the plan) or fu-
11 ture public school facilities supported by such
12 projects;

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

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

19 (2) EXPEDITED PROCESS FOR FISCAL YEAR
20 2024.—

21 (A) ASSURANCE TO SECRETARY.—To be
22 eligible to receive an allocation for fiscal year
23 2024 under subsection (a)(1)(A), a State shall
24 provide to the Secretary an assurance that the

1 State will comply with the requirements of sec-
2 tion 103(c).

3 (B) SUBMITTAL OF STATE PLAN.—A State
4 shall not be required to submit a State plan
5 under paragraph (1) before receiving an alloca-
6 tion for fiscal year 2024 under subsection
7 (a)(1)(A). A State that receives an allocation
8 under such subsection for such fiscal year shall
9 submit to the Secretary the State plan de-
10 scribed in paragraph (1) not later than 90 days
11 after the date on which such allocation is re-
12 ceived.

13 (3) APPROVAL AND DISAPPROVAL.—The Sec-
14 retary shall have the authority to approve or dis-
15 approve a State plan submitted under paragraph
16 (1).

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

20 (1) MATCHING REQUIREMENT.—

21 (A) IN GENERAL.—The State shall con-
22 tribute, from non-Federal sources, an amount
23 equal to 10 percent of the amount of the alloca-
24 tion received under this section to carry out the
25 activities supported by the allocation.

1 (B) DEADLINE.—The State shall provide
2 any contribution required under subparagraph
3 (A) not later than September 30, 2031.

4 (C) CERTAIN FISCAL YEARS.—With re-
5 spect to a fiscal year for which more than
6 \$7,000,000,000 are appropriated to carry out
7 this title, subparagraph (A) shall be applied as
8 if “, from non-Federal sources,” were struck.

9 (D) COMMITMENT TO PROPORTIONAL
10 STATE INVESTMENT IN SCHOOL FACILITIES.—

11 (i) IN GENERAL.—The State shall
12 provide an assurance to the Secretary that
13 for each fiscal year that the State receives
14 an allocation under this section, the State’s
15 share of school facilities capital outlay will
16 be not less than 90 percent of the average
17 of the State’s share of school facilities cap-
18 ital outlay for the 5 years preceding the
19 fiscal year for which the allocation is re-
20 ceived.

21 (ii) WAIVER.—Notwithstanding clause
22 (i), in response to a request from a State,
23 the Secretary may modify or waive, in
24 whole or in part, the requirement of clause
25 (i) if the Secretary determines that such

1 State demonstrates an exceptional or un-
2 controllable circumstance, such as a nat-
3 ural disaster, pandemic, or precipitous de-
4 cline in revenue.

5 (iii) STATE'S SHARE OF SCHOOL FA-
6 CILITIES CAPITAL OUTLAY.—In this sub-
7 paragraph, the term “State’s share of
8 school facilities capital outlay” means—

9 (I) the total State expenditures
10 on school facilities capital outlay
11 projects; divided by

12 (II) the total school facilities cap-
13 ital expenditures in the State on
14 school facilities capital outlay projects.

15 (iv) TOTAL STATE EXPENDITURES.—
16 In this subparagraph, the term “total
17 State expenditures” means the State’s
18 total expenditures (from funds other than
19 an allocation under this section) on school
20 facilities capital outlay projects, includ-
21 ing—

22 (I) any direct expenditures by the
23 State for the purpose of school facili-
24 ties capital outlay projects; and

1 (II) funds provided by the State
2 to local educational agencies for the
3 purpose of school facilities capital out-
4 lay projects.

5 (v) TOTAL SCHOOL FACILITIES CAP-
6 ITAL EXPENDITURES IN THE STATE.—In
7 this subparagraph, the term “total school
8 facilities capital expenditures in the State”,
9 means the sum of—

10 (I) the total State expenditures
11 calculated under clause (iv); plus

12 (II) all additional expenditures
13 (from funds other than an allocation
14 under this section) on school facilities
15 capital outlay projects by local edu-
16 cational agencies in the State that
17 were not included in the calculation of
18 total State expenditures under clause
19 (iv).

20 (2) SUPPLEMENT NOT SUPPLANT.—The State
21 shall use an allocation under this section only to
22 supplement the level of State public funds that
23 would, in absence of the receipt of Federal funds
24 under this section, be made available for the State’s

1 contribution to school facilities capital outlays, and
2 not to supplant such State public funds.

3 **SEC. 103. NEED-BASED GRANTS TO QUALIFIED LOCAL EDU-**
4 **CATIONAL AGENCIES.**

5 (a) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—

6 (1) IN GENERAL.—Subject to paragraph (2),
7 from the amounts allocated to a State under section
8 102(a) and contributed by the State under section
9 102(c)(1), the State shall award grants to qualified
10 local educational agencies, on a competitive basis, to
11 carry out the activities described in section 301(a).

12 (2) ALLOWANCE FOR DIGITAL LEARNING.—A
13 State may use up to 10 percent of the amount de-
14 scribed in paragraph (1) to make grants to qualified
15 local educational agencies to carry out activities to
16 improve digital learning in accordance with section
17 301(b).

18 (b) ELIGIBILITY.—

19 (1) IN GENERAL.—To be eligible to receive a
20 grant under this section, a qualified local edu-
21 cational agency—

22 (A) shall be among the local educational
23 agencies in the State with the highest numbers
24 or percentages of students counted under sec-

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

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

14 (C) shall be among the local educational
15 agencies in the State with the most limited ca-
16 pacity to raise funds for the long-term improve-
17 ment of public school facilities, as determined
18 by an assessment of—

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

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

1 (iii) the bond rating of the agency.

2 (2) EQUITABLE DISTRIBUTION.—

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

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

13 (ii) qualified local educational agencies
14 in the State with the highest percentages
15 of students counted under such section.

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

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

1 of the Elementary and Secondary Education Act of
2 1965 (20 U.S.C. 6333(c)) as required under para-
3 graph (1)(A).

4 (c) PRIORITY OF GRANTS.—In awarding grants
5 under this section, the State shall give priority to qualified
6 local educational agencies that—

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

12 (i) the median age of facilities;

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

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

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

20 (v) other critical health and safety condi-
21 tions;

22 (B) will use the grant to improve the facilities
23 of—

24 (i) elementary schools or middle schools
25 that have an enrollment of students who are eli-

1 gible for a free or reduced price lunch under the
2 Richard B. Russell National School Lunch Act
3 (42 U.S.C. 1751 et seq.) that constitutes not
4 less than 40 percent of the total student enroll-
5 ment at such schools; or

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

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

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

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

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

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

10 (1) the information necessary for the State to
11 make the determinations under subsections (b) and
12 (c);

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

15 (3) an explanation of how such projects will—

16 (A) improve conditions for the health and
17 safety of staff and students at schools served by
18 the agency;

19 (B) improve learning and reduce inequity
20 for such students; and

21 (C) improve school facilities' performance
22 with respect to energy and water efficiency, re-
23 siliance, and climate mitigation;

24 (4) in the case of a local educational agency
25 that proposes to fund a repair, renovation, or con-

1 construction project for a public charter school, the ex-
2 tent to which—

3 (A) the public charter school lacks access
4 to funding for school repair, renovation, and
5 construction through the financing methods
6 available to other public schools or local edu-
7 cational agencies in the State; and

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

11 (5) an explanation of how the local educational
12 agency plans to increase the number of contracts
13 such agency has with certified small businesses, mi-
14 nority-owned businesses, veteran-owned businesses,
15 or women-owned businesses as of the date of sub-
16 mission of the application by awarding such con-
17 tracts under projects supported by the grant.

18 (e) FACILITIES MASTER PLAN.—

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

23 (2) ELEMENTS.—The facilities master plan re-
24 quired under paragraph (1) shall include, with re-

1 spect to all public school facilities of the qualified
2 local educational agency, a description of—

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

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

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

12 (i) indoor air quality;

13 (ii) the presence of toxic substances;

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

18 (iv) energy and water efficiency, resil-
19 ience, and climate mitigation;

20 (v) excessive classroom noise; and

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

1 (D) how the local educational agency will
2 address the conditions identified under subpara-
3 graph (C), including identifying performance
4 targets where applicable;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (i) race;

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

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

21 (B) the population density of the geo-
22 graphic area served by the agency;

23 (C) the projects for which the agency used
24 the grant received under this title, described
25 using measurements of school facility quality

1 from the most recent available version of the
2 Common Education Data Standards published
3 by the National Center for Education Statistics;

4 (D) the demonstrable or expected benefits
5 of the projects, including any improvements—

6 (i) to conditions for health, safety,
7 and learning; and

8 (ii) to school facilities with respect to
9 energy and water efficiency, resilience, re-
10 duced carbon emissions, and climate miti-
11 gation;

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

14 (F) the total cost of each such project—

15 (i) in total; and

16 (ii) disaggregated by the costs of plan-
17 ning, design, construction, site purchase,
18 and improvements;

19 (G) the estimated number of jobs created
20 by the projects;

21 (H) of the total number of contracts
22 awarded under the project, the percentage of
23 such contracts that were awarded to certified
24 small businesses, minority-owned businesses,

1 veteran-owned businesses, and women-owned
2 businesses; and

3 (I)(i) the total dollar value of contracts
4 awarded under the project to certified small
5 businesses, minority-owned businesses, veteran-
6 owned businesses, and women-owned busi-
7 nesses, respectively; and

8 (ii) the total dollar value of contracts
9 awarded under the project to all such busi-
10 nesses combined.

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

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

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

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

21 (3) submit the information to the State.

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

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

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

7 (3) regularly distribute the information to local
8 educational agencies and Tribal governments in the
9 State.

10 **SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

11 There are authorized to be appropriated
12 \$20,000,000,000 for each of fiscal years 2024 through
13 2028 to carry out this title. Amounts so appropriated are
14 authorized to remain available through fiscal year 2033.

15 **TITLE II—SCHOOL**
16 **INFRASTRUCTURE BONDS**

17 **SEC. 201. RESTORATION OF CERTAIN QUALIFIED TAX**
18 **CREDIT BONDS.**

19 (a) ALLOWANCE OF CREDIT.—

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

23 (2) CREDIT LIMITED TO CERTAIN BONDS.—

24 (A) IN GENERAL.—Section 54A(d)(1) of
25 such Code, as revived by paragraph (1), is

1 amended by striking “means—” and all that
 2 follows through “which is part” and inserting
 3 “means a qualified zone academy bond which is
 4 part”.

5 (B) CONFORMING AMENDMENT.—Section
 6 54A(c)(2)(C) of such Code, as revived by para-
 7 graph (1), is amended by striking “means—”
 8 and all that follows and inserting “a purpose
 9 specified in section 54E(a)(1)”.

10 (3) CONFORMING AMENDMENTS.—

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

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

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

15 (B) Section 6401(b)(1) of such Code is
 16 amended by striking “and G” and inserting “G,
 17 and I”.

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

“SUBPART I—QUALIFIED TAX CREDIT BONDS”.

21 (b) CREDIT ALLOWED TO ISSUER.—

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

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

4 (c) QUALIFIED ZONE ACADEMY BONDS.—

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

8 (2) EXTENSION OF LIMITATION.—Section
9 54(E)(c)(1) of such Code is amended—

10 (A) by striking “and \$400,000,000” and
11 inserting “\$400,000,000”, and

12 (B) by striking “and, except as provided”
13 and all that follows through the period at the
14 end and inserting “, and \$1,400,000,000 for
15 2023 and each calendar year thereafter.”.

16 (3) REMOVAL OF PRIVATE BUSINESS CON-
17 TRIBUTION REQUIREMENT.—Section 54E of the In-
18 ternal Revenue Code of 1986, as revived by para-
19 graph (1) and amended by paragraph (2), is amend-
20 ed—

21 (A) in subsection (a)(3), by inserting
22 “and” at the end of subparagraph (A), by strik-
23 ing subparagraph (B), and by redesignating
24 subparagraph (C) as subparagraph (B),

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

1 (C) by redesignating subsections (e) and
2 (d) as subsections (b) and (c), respectively.

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

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

12 (1) IN GENERAL.—Subchapter IV of chapter 31
13 of the title 40, United States Code, shall apply to
14 projects financed with the proceeds of any qualified
15 zone academy bond (as defined in section 54E of the
16 Internal Revenue Code of 1986) issued after the
17 date of the enactment of the American Recovery and
18 Reinvestment Tax Act of 2009.

19 (2) CONFORMING AMENDMENT.—Section 1601
20 of the American Recovery and Reinvestment Tax
21 Act of 2009 is amended by striking paragraph (3)
22 and redesignating paragraphs (4) and (5) as para-
23 graphs (3) and (4), respectively.

1 (e) EFFECTIVE DATE.—The amendments made by
 2 this section shall apply to obligations issued after Decem-
 3 ber 31, 2023.

4 **SEC. 202. SCHOOL INFRASTRUCTURE BONDS.**

5 (a) IN GENERAL.—The Internal Revenue Code of
 6 1986 is amended by inserting after subpart I (as revived
 7 by section 201) of part IV of subchapter A of chapter 1
 8 the following new subpart:

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

“Sec. 54BB. School infrastructure bonds.

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

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

18 “(b) AMOUNT OF CREDIT.—The amount of the credit
 19 determined under this subsection with respect to any in-
 20 terest payment date for a school infrastructure bond is
 21 100 percent of the amount of interest payable by the
 22 issuer with respect to such date.

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

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

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

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

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

18 “(d) SCHOOL INFRASTRUCTURE BOND.—

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

22 “(A) 100 percent of the available project
23 proceeds of such issue are to be used for the
24 purposes described in section 301 of the Re-
25 build America’s Schools Act of 2023,

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

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

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

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

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

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

18 “(C) a bond shall not be treated as a
19 school infrastructure bond if the issue price has
20 more than a de minimis amount (determined
21 under rules similar to the rules of section
22 1273(a)(3)) of premium over the stated prin-
23 cipal amount of the bond.

24 “(3) 6-YEAR EXPENDITURE PERIOD.—

1 “(A) IN GENERAL.—An issue shall be
2 treated as meeting the requirements of this
3 paragraph if, as of the date of issuance, the
4 issuer reasonably expects 100 percent of the
5 available project proceeds to be spent for pur-
6 poses described in section 301 of the Rebuild
7 America’s Schools Act of 2023 within the 6-
8 year period beginning on such date of issuance.

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

21 “(e) LIMITATION ON AMOUNT OF BONDS DES-
22 IGNATED.—The maximum aggregate face amount of
23 bonds issued during any calendar year which may be des-
24 ignated under subsection (d)(1)(D) by any issuer shall not

1 exceed the limitation amount allocated under subsection
2 (g) for such calendar year to such issuer.

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

6 “(1) \$10,000,000,000 for 2023,

7 “(2) \$10,000,000,000 for 2024, and

8 “(3) \$10,000,000,000 for 2025.

9 “(g) ALLOCATION OF LIMITATION.—

10 “(1) ALLOCATIONS.—

11 “(A) STATES.—After application of sub-
12 paragraph (B) and paragraph (3)(A), the limi-
13 tation applicable under subsection (f) for a cal-
14 endar year shall be allocated by the Secretary
15 among the States in proportion to the respec-
16 tive amounts received by all local educational
17 agencies in each State under part A of title I
18 of the Elementary and Secondary Education
19 Act of 1965 (20 U.S.C. 6311 et seq.) for the
20 previous fiscal year relative to the total such
21 amount received by all local educational agen-
22 cies for the most recent fiscal year ending be-
23 fore such calendar year.

24 “(B) CERTAIN POSSESSIONS.—One-half of
25 1 percent of the amount of the limitation appli-

1 cable under subsection (f) for a calendar year
2 shall be allocated by the Secretary to posses-
3 sions of the United States other than Puerto
4 Rico for such calendar year.

5 “(2) ALLOCATIONS TO SCHOOLS.—The limita-
6 tion amount allocated to a State or possession under
7 paragraph (1) shall be allocated by the State edu-
8 cational agency (or such other agency as is author-
9 ized under State law to make such allocation) to
10 issuers within such State or possession in accord-
11 ance with the priorities described in subsections (c)
12 and (d) of section 103 of the Rebuild America’s
13 Schools Act of 2023 and the eligibility requirements
14 described in section 103(b) of such Act, except that
15 paragraph (1)(C) of such section shall not apply to
16 the determination of eligibility for such allocation.

17 “(3) ALLOCATIONS FOR INDIAN SCHOOLS.—

18 “(A) IN GENERAL.—One-half of 1 percent
19 of the amount of the limitation applicable under
20 subsection (f) for any calendar year shall be al-
21 located by the Secretary to the Secretary of the
22 Interior for schools funded by the Bureau of In-
23 dian Affairs for such calendar year.

24 “(B) ALLOCATION TO SCHOOLS.—The lim-
25 itation amount allocated to the Secretary of the

1 Interior under paragraph (1) shall be allocated
2 by such Secretary to issuers or schools funded
3 as described in paragraph (2). In the case of
4 amounts allocated under the preceding sen-
5 tence, Indian tribal governments shall be treat-
6 ed as qualified issuers for purposes of this sub-
7 chapter.

8 “(4) DIGITAL LEARNING.—Up to 10 percent of
9 the limitation amount allocated under paragraph (1)
10 or (3)(A) may be allocated by the State to issuers
11 within such State (in the case of an amount allo-
12 cated under paragraph (1)) or by the Secretary of
13 the Interior to issuers or schools funded by the Bu-
14 reau of Indian Affairs (in the case of an amount al-
15 located under paragraph (3)(A)) to carry out activi-
16 ties to improve digital learning in accordance with
17 section 301(b) of the Rebuild America’s Schools Act
18 of 2023.

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

24 “(i) SPECIAL RULES.—

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

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

10 (b) CREDIT ALLOWED TO ISSUER.—Section
11 6431(f)(3)(A) of such Code, as revived by section
12 201(b)(1), is amended by striking “means any qualified
13 tax credit bond” and all that follows through the end of
14 subparagraph (A) and inserting “means any bond if—

15 “(A) such bond is—

16 “(i) a qualified tax credit bond which
17 is a qualified zone academy bond (as de-
18 fined in section 54E) determined without
19 regard to any allocation relating to the na-
20 tional zone academy bond limitation for
21 years after 2010 or any carryforward of
22 any such allocation, or

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

1 (c) APPLICATION OF CERTAIN LABOR STANDARDS.—
2 Subchapter IV of chapter 31 of title 40, United States
3 Code, shall apply to projects financed with the proceeds
4 of any qualified zone academy bond (as defined in section
5 54E of the Internal Revenue Code of 1986) issued after
6 the date of the enactment of this Act.

7 (d) CONFORMING AMENDMENTS.—

8 (1) Section 6401(b)(1) of the Internal Revenue
9 Code of 1986, as amended by section 201(a), is
10 amended by striking “and I” and inserting “I, and
11 J”.

12 (2) The table of subparts for part IV of sub-
13 chapter A of chapter 1 of such Code, as amended by
14 section 201(a), is amended by adding at the end the
15 following:

“SUBPART J—SCHOOL INFRASTRUCTURE BONDS”.

16 (e) EFFECTIVE DATE.—The amendments made by
17 this section shall apply to obligations issued after Decem-
18 ber 31, 2023.

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

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

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

4 (1) An identification of—

5 (A) each local educational agency (if any)
6 that received an allocation under section
7 54E(b)(2) or 54BB(g) of the Internal Revenue
8 Code of 1986, and

9 (B) each local educational agency (if any)
10 that was eligible to receive such funds but did
11 not receive such funds.

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

14 (A) an assessment of the capacity of the
15 agency to raise funds for the long-term im-
16 provement of public school facilities, as deter-
17 mined by an assessment of—

18 (i) the current and historic ability of
19 the agency to raise funds for construction,
20 renovation, modernization, and major re-
21 pair projects for schools, including the abil-
22 ity of the agency to raise funds through
23 imposition of property taxes,

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

4 (I) qualified zone academy bonds
5 under section 54E of the Internal
6 Revenue Code of 1986, and

7 (II) school infrastructure bonds
8 under section 54BB of the Internal
9 Revenue Code of 1986, and

10 (iii) the bond rating of the agency,

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

14 (i) race,

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

19 (iii) the number and percentage of
20 students who are eligible for a free or re-
21 duced price lunch under the Richard B.
22 Russell National School Lunch Act (42
23 U.S.C. 1751 et seq.),

24 (C) the population density of the geo-
25 graphic area served by the agency,

1 (D) a description of the projects carried
2 out with funds received from school infrastruc-
3 ture bonds,

4 (E) a description of the demonstrable or
5 expected benefits of the projects, and

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

8 (3) The total dollar amount of all funds re-
9 ceived by local educational agencies from school in-
10 frastructure bonds.

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

13 (c) INFORMATION COLLECTION.—A State or local
14 educational agency that receives an allocation under sec-
15 tion 54E(b)(2) or 54BB(g) of the Internal Revenue Code
16 of 1986 shall—

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

20 (2) report the information to the Secretary of
21 the Treasury at such time and in such manner as
22 the Secretary of the Treasury may require.

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

1 **TITLE III—USES OF FUNDS**

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

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

6 (1) develop, maintain, and update (as nec-
7 essary) the facilities master plan required under sec-
8 tion 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) decarbonize public school facilities through
14 the adoption of all-electric space and water heating
15 systems and cooking equipment, including other effi-
16 ciency improvements and on-site renewable energy
17 installation;

18 (4) carry out major repairs of public school fa-
19 cilities, including deferred maintenance projects;

20 (5) install furniture or fixtures with at least a
21 10-year life in public school facilities;

22 (6) construct new public school facilities;

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

1 (8) extend the life of basic systems and compo-
2 nents of public school facilities;

3 (9) ensure current or anticipated enrollment
4 does not exceed the physical and instructional capaci-
5 ty of public school facilities;

6 (10) ensure the building envelopes and interiors
7 of public school facilities protect occupants from nat-
8 ural elements and human threats, and are struc-
9 turally sound and secure;

10 (11) compose building design plans that
11 strengthen the safety and security on school prem-
12 ises by utilizing design elements, principles, and
13 technology that—

14 (A) guarantee layers of security through-
15 out the school premises; and

16 (B) uphold the aesthetics of the school
17 premises as a learning and teaching environ-
18 ment;

19 (12) improve energy and water efficiency to
20 lower the costs of energy and water consumption in
21 public school facilities;

22 (13) improve indoor air quality in public school
23 facilities;

24 (14) reduce or eliminate the presence of—

1 (A) toxic substances, including mercury,
2 radon, PCBs, lead, per- and polyfluoroalkyl
3 substances, and asbestos;

4 (B) mold and mildew; or

5 (C) rodents and pests;

6 (15) ensure the safety of drinking water at the
7 tap and water used for meal preparation in public
8 school facilities, which may include testing of the po-
9 tability of water at the tap for the presence of lead
10 and other contaminants, including per- and
11 polyfluoroalkyl substances;

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

14 (17) make public school facilities accessible to
15 people with disabilities through compliance with the
16 Americans with Disabilities Act of 1990 (42 U.S.C.
17 12101 et seq.) and section 504 of the Rehabilitation
18 Act of 1973 (29 U.S.C. 794);

19 (18) provide instructional program space im-
20 provements for programs relating to early learning
21 (including early learning programs operated by part-
22 ners of the agency), special education, science, tech-
23 nology, career and technical education, physical edu-
24 cation, music, the arts, and literacy (including li-
25 brary programs);

1 (19) improving the public school facilities of
2 magnet schools, or other instructional programs, de-
3 signed to increase student diversity and decrease ra-
4 cial or socioeconomic isolation;

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

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

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

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

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

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

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

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

4 (3) vehicles; or

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

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

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

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

15 (A) the school leases the facilities from an
 16 individual or for-profit entity; and

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

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

23 A local educational agency that receives covered
 24 funds shall ensure that any new construction, moderniza-

1 tion, or renovation project carried out with such funds
2 meets or exceeds the requirements of the following:

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

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

10 (3) Performance criteria under the WaterSense
11 program, established under section 324B of the of
12 the Energy Policy and Conservation Act (42 U.S.C.
13 6294b), applicable to such projects within a nation-
14 ally recognized, consensus-based model code.

15 (4) Indoor environmental air quality require-
16 ments applicable to such projects as set forth in the
17 most recent published edition of a nationally recog-
18 nized, consensus-based code or standard.

19 **SEC. 304. GREEN PRACTICES.**

20 (a) IN GENERAL.—A local educational agency that
21 uses covered funds for a new construction, modernization,
22 or renovation project shall ensure that such project for
23 new construction is certified, verified, or consistent with
24 the applicable provisions of—

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

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

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

11 (4) the Green Building Initiative Green Globes
12 rating system; or

13 (5) a program that—

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

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

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

21 **SEC. 305. 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) nonferrous building materials, includ-
9 ing, aluminum and polyvinylchloride (PVC),
10 glass, fiber optics, plastic, wood, masonry, rub-
11 ber, manufactured stone, any other nonferrous
12 metals, and any unmanufactured construction
13 material.

14 **TITLE IV—REPORTS AND OTHER** 15 **MATTERS**

16 **SEC. 401. COMPTROLLER GENERAL REPORT.**

17 (a) IN GENERAL.—Not later than 2 years after the
18 date on which the majority of States receiving allocations
19 under section 102 have made grants to local educational
20 agencies under section 103, the Comptroller General of
21 the United States shall submit to the appropriate congres-
22 sional committees a report on the projects carried out with
23 covered funds.

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

1 (1) State activities, including—

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

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

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

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

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

16 (C) the costs of the project disaggregated
17 by the costs for planning, design, construction,
18 site purchase, and improvements;

19 (3) the geographic distribution of the projects;

20 (4) an assessment of the impact of selected
21 projects (as identified by the Secretary) on the
22 health and safety of school staff and students; and

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

1 (A) to schools with the highest numbers
2 and percentages of students counted under sec-
3 tion 1124(c) of the Elementary and Secondary
4 Education Act of 1965 (20 U.S.C. 6333(c));
5 and

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

9 (c) UPDATES.—The Comptroller General shall up-
10 date and resubmit the report under this section to the ap-
11 propriate congressional committees—

12 (1) on a date that is between 5 and 6 years
13 after the date of the submittal of the first report
14 under this section; and

15 (2) on a date that is between 10 and 11 years
16 after the date of the submittal of such first report.

17 **SEC. 402. STUDY AND REPORT ON PHYSICAL CONDITION OF**
18 **PUBLIC SCHOOLS.**

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

23 (1) carry out a comprehensive study of the
24 physical conditions of all public schools in each State
25 and outlying area; and

1 (2) submit a report to the appropriate congress-
2 sional committees that includes the results of the
3 study.

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

6 (1) an assessment of—

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

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

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

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

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

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

1 (G) the condition of school facilities af-
2 fected by natural disasters;

3 (H) the effect that projects carried out
4 with covered funds have on the communities in
5 which such projects are conducted, including
6 the vitality, jobs, population, and economy of
7 such communities;

8 (I) the ability of building envelopes and in-
9 teriors of public school facilities to protect occu-
10 pants from natural elements and human
11 threats; and

12 (J) the performance of school facilities
13 projects with respect to energy and water effi-
14 ciency and climate mitigation and resilience;

15 (2) an explanation of any differences observed
16 with respect to the factors described in subpara-
17 graphs (A) through (J) of paragraph (1); and

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

21 **SEC. 403. OFFICE OF SCHOOL INFRASTRUCTURE AND SUS-**
22 **TAINABILITY.**

23 (a) ESTABLISHMENT.—Not later than 90 days after
24 the date of enactment of this Act, the Secretary shall es-
25 tablish within the Department of Education an office to

1 be known as the “Office of School Infrastructure and Sus-
2 tainability” (referred to in this section as the “Office”).

3 (b) HEAD OF OFFICE.—The head of the Office shall
4 be an individual designated by the Secretary.

5 (c) DUTIES.—The duties of the Office shall be—

6 (1) to advise the Secretary on State plans
7 under section 102;

8 (2) to serve as a liaison with other departments
9 and agencies of the Federal Government on matters
10 relating to public school facilities, including the De-
11 partment of Energy, the Department of Health and
12 Human Services, the Department of the Treasury,
13 the Federal Emergency Management Agency, and
14 the Environmental Protection Agency;

15 (3) to ensure the Department of Education is
16 prepared to meet the requirements of this Act in a
17 timely manner; and

18 (4) to manage such other programs or initia-
19 tives affecting public school facilities as the Sec-
20 retary determines appropriate.

21 **SEC. 404. DEVELOPMENT OF DATA STANDARDS.**

22 (a) DATA STANDARDS.—Not later than 120 days
23 after the date of the enactment of this Act, the Secretary,
24 in consultation with the officials described in subsection

25 (b), shall—

1 (1) identify the data that States should collect
2 and include in the databases developed under section
3 102(a)(2)(B);

4 (2) develop standards for the measurement of
5 such data; and

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

8 (b) OFFICIALS.—The officials described in this sub-
9 section are—

10 (1) the Administrator of the Environmental
11 Protection Agency;

12 (2) the Secretary of Energy;

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

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

17 **SEC. 405. INFORMATION CLEARINGHOUSE.**

18 (a) IN GENERAL.—Not later than 120 days after the
19 date of the enactment of this Act, the Secretary shall es-
20 tablish a clearinghouse to disseminate information on Fed-
21 eral programs and financing mechanisms that may be
22 used to assist schools in initiating, developing, and financ-
23 ing—

24 (1) energy efficiency projects;

25 (2) distributed generation projects; and

1 (3) energy retrofitting projects.

2 (b) ELEMENTS.—In carrying out subsection (a), the
3 Secretary shall—

4 (1) consult with the officials described in sec-
5 tion 404(b) to develop a list of Federal programs
6 and financing mechanisms to be included in the
7 clearinghouse; and

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

19 **SEC. 406. SENSE OF CONGRESS ON OPPORTUNITY ZONES.**

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

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

24 (2) As of December 2018, 8,763 low-income
25 communities had been designated as Opportunity

1 Zones, representing all 50 States, the District of Co-
2 lumbia, Puerto Rico, the United States Virgin Is-
3 lands, and American Samoa.

4 (3) Schools are integral parts of communities,
5 and a key part of communities' economic and work-
6 force development efforts could be modernizing
7 school facilities.

8 (b) SENSE OF CONGRESS.—It is the sense of the
9 Congress that opportunity zones, when combined with
10 public infrastructure investment, can provide an innova-
11 tive approach to capital financing that has the potential
12 to unleash creativity and help local communities rebuild
13 schools, rebuild economics, and get people back to work.

14 **TITLE V—IMPACT AID**
15 **CONSTRUCTION**

16 **SEC. 501. TEMPORARY INCREASE IN FUNDING FOR IMPACT**
17 **AID CONSTRUCTION.**

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

21 “(d) CONSTRUCTION.—For the purpose of carrying
22 out section 7007, there are authorized to be appropriated
23 \$100,000,000 for each of fiscal years 2024 through
24 2028.”.

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

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

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

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

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

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

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

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

5 (b) LOCAL EDUCATIONAL AGENCY ELIGIBILITY.—

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

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

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

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

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

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

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

4 (B) provide an assurance that—

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

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

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

17 (c) APPLICATION.—

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

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

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

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

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

13 (i) an itemized explanation of—

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

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

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

22 and

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

1 (d) APPROVAL AND DISBURSEMENT.—

2 (1) APPROVAL.—

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

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

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

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

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

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

21 (2) DISBURSEMENT.—

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

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

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

8 (e) FEDERAL AND STATE SHARE.—

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

13 (2) STATE SHARE.—

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

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

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

4 (f) USES OF FUNDS.—

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

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

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

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

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

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

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

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

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

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

18 (1) this section; and

19 (2) title I.

20 **SEC. 603. DEFINITIONS.**

21 In this title:

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

1 (A) The school has a concrete foundation.

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

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

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

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

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

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

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

2 There are authorized to be appropriated to carry out
3 this title such sums as may be necessary for fiscal year
4 2024 and each fiscal year thereafter.