

**AMENDMENT TO THE RULES COMMITTEE PRINT
TO H.R. 5**

OFFERED BY MR. MULLIN OF OKLAHOMA

Page 373, lines 11 through 22, strike paragraph (1), and redesignate the succeeding paragraphs accordingly.

Page 391, beginning on line 12, strike “agencies” and all that follows through page 392, line 20, and insert “agencies).”

Page 394, beginning on line 17, amend section 406 to read as follows:

1 SEC. 406. CONSTRUCTION.

2 Section 8007 (20 U.S.C. 7707) is amended to read
3 as follows:

4 “SEC. 8007. CONSTRUCTION.

5 “(a) SCHOOL FACILITY EMERGENCY AND MOD-
6 ERNIZATION GRANTS AUTHORIZED.—

7 “(1) IN GENERAL.—From 100 percent of the
8 amount appropriated for each fiscal year under sec-
9 tion 8014(e), the Secretary—

10 “(A) shall award emergency grants in ac-
11 cordance with this subsection to eligible local
12 educational agencies to enable the agencies to

1 carry out emergency repairs of school facilities;
2 and

3 “(B) shall award modernization grants in
4 accordance with this subsection to eligible local
5 educational agencies to enable the agencies to
6 carry out the modernization of school facilities.

7 “(2) PRIORITY.—In approving applications
8 from local educational agencies for emergency grants
9 and modernization grants under this subsection, the
10 Secretary shall give priority to applications in ac-
11 cordance with the following:

12 “(A) The Secretary shall first give priority
13 to applications for emergency grants from local
14 educational agencies that meet the requirements
15 of paragraph (3)(A) and, among such applica-
16 tions for emergency grants, shall give priority
17 to those applications from local educational
18 agencies based on the severity of the emer-
19 gency, as determined by the Secretary.

20 “(B) The Secretary shall next give priority
21 to applications for modernization grants from
22 local educational agencies that meet the re-
23 quirements of paragraph (3)(B) and, among
24 such applications for modernization grants,
25 shall give priority to those applications from

1 local educational agencies based on the severity
2 of the need for modernization, as determined by
3 the Secretary.

4 “(3) ELIGIBILITY REQUIREMENTS.—

5 “(A) EMERGENCY GRANTS.—A local edu-
6 cational agency is eligible to receive an emer-
7 gency grant under paragraph (2)(A) if—

8 “(i) the agency (or in the case of a
9 local educational agency that does not have
10 the authority to tax or issue bonds, the
11 agency’s fiscal agent)—

12 “(I) has no practical capacity to
13 issue bonds; or

14 “(II) has minimal capacity to
15 issue bonds and is at not less than 75
16 percent of the agency’s limit of bond-
17 ed indebtedness; or

18 “(ii) the agency is eligible to receive
19 assistance under subsection (a) for the fis-
20 cal year and has a school facility emer-
21 gency, as determined by the Secretary,
22 that poses a health or safety hazard to the
23 students and school personnel assigned to
24 the school facility.

1 “(B) MODERNIZATION GRANTS.—A local
2 educational agency is eligible to receive a mod-
3 ernization grant under paragraph (2)(B) if—

4 “(i) the agency receives a basic sup-
5 port payment under section 8003(b) for
6 the fiscal year; or

7 “(ii) the agency receives a Federal
8 properties payment under section 8002 for
9 the fiscal year.

10 “(C) RULE OF CONSTRUCTION.—For pur-
11 poses of subparagraph (A)(i), a local edu-
12 cational agency—

13 “(i) has no practical capacity to issue
14 bonds if the total assessed value of real
15 property that may be taxed for school pur-
16 poses is less than \$25,000,000; and

17 “(ii) has minimal capacity to issue
18 bonds if the total assessed value of real
19 property that may be taxed for school pur-
20 poses is at least \$25,000,000 but not more
21 than \$50,000,000.

22 “(4) AWARD CRITERIA.—In awarding emer-
23 gency grants and modernization grants under this
24 subsection, the Secretary shall consider the following
25 factors:

1 “(A) The ability of the local educational
2 agency to respond to the emergency, or to pay
3 for the modernization project, as the case may
4 be, as measured by—

5 “(i) the agency’s level of bonded in-
6 debtedness;

7 “(ii) the assessed value of real prop-
8 erty per student that may be taxed for
9 school purposes compared to the average of
10 the assessed value of real property per stu-
11 dent that may be taxed for school purposes
12 in the State in which the agency is located;

13 “(iii) the agency’s total tax rate for
14 school purposes (or for capital expendi-
15 tures, if applicable) compared to the aver-
16 age total tax rate for school purposes (or
17 the average capital expenditure tax rate, if
18 applicable) in the State in which the agen-
19 cy is located; and

20 “(iv) funds that are available to the
21 agency, from any other source, including
22 subsection (a), that may be used for cap-
23 ital expenditures.

1 “(B) The percentage of property in the
2 agency that is nontaxable due to the presence
3 of the Federal Government.

4 “(C) The number and percentages of chil-
5 dren described in subparagraphs (A), (B), (C),
6 and (D) of section 8003(a)(1) served in the
7 school facility with the emergency or served in
8 the school facility proposed for modernization,
9 as the case may be.

10 “(D) In the case of an emergency grant,
11 the severity of the emergency, as measured by
12 the threat that the condition of the school facil-
13 ity poses to the health, safety, and well-being of
14 students.

15 “(E) In the case of a modernization
16 grant—

17 “(i) the severity of the need for mod-
18 ernization, as measured by such factors
19 as—

20 “(I) overcrowding, as evidenced
21 by the use of portable classrooms, or
22 the potential for future overcrowding
23 because of increased enrollment; or

24 “(II) the agency’s inability to uti-
25 lize technology or offer a curriculum

1 in accordance with contemporary
2 State standards due to the physical
3 limitations of the current school facil-
4 ity; and

5 “(ii) the age of the school facility pro-
6 posed for modernization.

7 “(5) OTHER AWARD PROVISIONS.—

8 “(A) GENERAL PROVISIONS.—

9 “(i) LIMITATIONS ON AMOUNT OF
10 FUNDS.—

11 “(I) IN GENERAL.—The amount
12 of funds provided under an emergency
13 grant or a modernization grant
14 awarded under this subsection to a
15 local educational agency that meets
16 the requirements of subclause (II) of
17 paragraph (3)(A)(i) for purposes of
18 eligibility under subparagraph (A) or
19 (B) of paragraph (3)—

20 “(aa) shall not exceed 50
21 percent of the total cost of the
22 project to be assisted under this
23 subsection; and

1 “(bb) shall not exceed
2 \$4,000,000 during any 4-year pe-
3 riod.

4 “(II) IN-KIND CONTRIBUTIONS.—
5 A local educational agency may use
6 in-kind contributions to meet the
7 matching requirement of subclause
8 (I)(aa).

9 “(ii) PROHIBITIONS ON USE OF
10 FUNDS.—A local educational agency may
11 not use funds provided under an emer-
12 gency grant or modernization grant award-
13 ed under this subsection for—

14 “(I) a project for a school facility
15 for which the agency does not have
16 full title or other interest;

17 “(II) stadiums or other school fa-
18 cilities that are primarily used for
19 athletic contests, exhibitions, or other
20 events for which admission is charged
21 to the general public; or

22 “(III) the acquisition of real
23 property.

24 “(iii) SUPPLEMENT, NOT SUP-
25 PLANT.—A local educational agency shall

1 use funds provided under an emergency
2 grant or modernization grant awarded
3 under this subsection only to supplement
4 the amount of funds that would, in the ab-
5 sence of the Federal funds provided under
6 the grant, be made available from non-
7 Federal sources to carry out emergency re-
8 pairs of school facilities or to carry out the
9 modernization of school facilities, as the
10 case may be, and not to supplant such
11 funds.

12 “(iv) MAINTENANCE COSTS.—Nothing
13 in this subsection shall be construed to au-
14 thorize the payment of maintenance costs
15 in connection with any school facility mod-
16 ernized in whole or in part with Federal
17 funds provided under this subsection.

18 “(v) ENVIRONMENTAL SAFE-
19 GUARDS.—All projects carried out with
20 Federal funds provided under this sub-
21 section shall comply with all relevant Fed-
22 eral, State, and local environmental laws
23 and regulations.

24 “(vi) CARRY-OVER OF CERTAIN APPLI-
25 CATIONS.—A local educational agency that

1 applies for an emergency grant or a mod-
2 ernization grant under this subsection for
3 a fiscal year and does not receive the grant
4 for the fiscal year shall have the applica-
5 tion for the grant considered for the fol-
6 lowing fiscal year, subject to the priority
7 requirements of paragraph (2) and the
8 award criteria requirements of paragraph
9 (4).

10 “(B) EMERGENCY GRANTS; PROHIBITION
11 ON USE OF FUNDS.—A local educational agency
12 that is awarded an emergency grant under this
13 subsection may not use amounts under the
14 grant for the complete or partial replacement of
15 an existing school facility unless such replace-
16 ment is less expensive or more cost-effective
17 than correcting the identified emergency.

18 “(6) APPLICATION.—A local educational agency
19 that desires to receive an emergency grant or a mod-
20 ernization grant under this subsection shall submit
21 an application to the Secretary at such time, in such
22 manner, and accompanied by such information as
23 the Secretary may require. Each application shall
24 contain the following:

1 “(A) A description of how the local edu-
2 cational agency meets the award criteria under
3 paragraph (4), including the information de-
4 scribed in clauses (i) through (iv) of paragraph
5 (4)(A) and subparagraphs (B) and (C) of para-
6 graph (4).

7 “(B) In the case of an application for an
8 emergency grant—

9 “(i) a description of the school facility
10 deficiency that poses a health or safety
11 hazard to the occupants of the facility and
12 a description of how the deficiency will be
13 repaired; and

14 “(ii) a signed statement from an ap-
15 propriate local official certifying that a de-
16 ficiency in the school facility threatens the
17 health or safety of the occupants of the fa-
18 cility or that prevents the use of all or a
19 portion of the building.

20 “(C) In the case of an application for a
21 modernization grant—

22 “(i) an explanation of the need for the
23 school facility modernization project;

1 “(ii) the date on which original con-
2 struction of the facility to be modernized
3 was completed;

4 “(iii) a listing of the school facilities
5 to be modernized, including the number
6 and percentage of children determined
7 under section 8003(a)(1) in average daily
8 attendance in each school facility; and

9 “(iv) a description of the ownership of
10 the property on which the current school
11 facility is located or on which the planned
12 school facility will be located.

13 “(D) A description of the project for which
14 a grant under this subsection will be used, in-
15 cluding a cost estimate for the project.

16 “(E) A description of the interest in, or
17 authority over, the school facility involved, such
18 as an ownership interest or a lease arrange-
19 ment.

20 “(F) Such other information and assur-
21 ances as the Secretary may reasonably require.

22 “(7) REPORT.—

23 “(A) IN GENERAL.—Not later than Janu-
24 ary 1 of each year, the Secretary shall prepare
25 and submit to the appropriate congressional

1 committees a report that contains a justifica-
2 tion for each grant awarded under this sub-
3 section for the prior fiscal year.

4 “(B) DEFINITION.—In this paragraph, the
5 term ‘appropriate congressional committees’
6 means—

7 “(i) the Committee on Appropriations
8 and the Committee on Education and the
9 Workforce of the House of Representa-
10 tives; and

11 “(ii) the Committee on Appropriations
12 and the Committee on Health, Education,
13 Labor, and Pensions of the Senate.”.

