

117TH CONGRESS
1ST SESSION

S. 2660

To amend the Toxic Substances Control Act to authorize grants for toxic substances remediation in schools, to reauthorize healthy high-performance schools, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 5, 2021

Mr. MARKEY (for himself, Ms. SMITH, Mr. LEAHY, Mr. BOOKER, Mr. VAN HOLLEN, Mr. SANDERS, Mr. BLUMENTHAL, Ms. WARREN, and Mr. MERKLEY) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Toxic Substances Control Act to authorize grants for toxic substances remediation in schools, to reauthorize healthy high-performance schools, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Get Toxic Substances
5 Out of Schools Act of 2021”.

1 **SEC. 2. GRANTS FOR TOXIC SUBSTANCES REMEDIATION IN**
 2 **SCHOOLS.**

3 (a) IN GENERAL.—Section 28 of the Toxic Sub-
 4 stances Control Act (15 U.S.C. 2627) is amended—

5 (1) in the section heading, by inserting “**AND**
 6 **TRIBAL**” after “**STATE**”;

7 (2) in subsection (a)—

8 (A) by striking the subsection heading and
 9 inserting “GRANTS FOR STATE AND TRIBAL
 10 PROGRAMS.—”;

11 (B) in the first sentence—

12 (i) by inserting “and Indian Tribes”
 13 after “grants to States”; and

14 (ii) by inserting “during the 24-month
 15 period beginning on the date on which the
 16 grant is made” after “elimination”; and

17 (C) in the second sentence, by inserting
 18 “or Tribal” after “State”;

19 (3) in subsection (b)(1)—

20 (A) by striking “subsection (a)” each place
 21 it appears and inserting “subsection (b) or
 22 (d)”; and

23 (B) in subparagraph (B), by inserting “or
 24 Indian Tribe” after “State”;

25 (4) by redesignating subsections (a) and (b) as
 26 subsections (b) and (c), respectively;

1 (5) by inserting before subsection (b) (as so re-
2 designated) the following:

3 “(a) DEFINITION OF INDIAN TRIBE.—In this section,
4 the term ‘Indian Tribe’ means any Indian Tribe, band,
5 nation, or other organized group or community, including
6 any Alaska Native village.”; and

7 (6) by adding at the end the following:

8 “(d) GRANTS FOR TOXIC SUBSTANCES REMEDI-
9 ATION IN SCHOOLS.—

10 “(1) DEFINITIONS.—In this subsection:

11 “(A) EARLY CHILDHOOD EDUCATION PRO-
12 GRAM.—The term ‘early childhood education
13 program’ has the meaning given the term in
14 section 103 of the Higher Education Act of
15 1965 (20 U.S.C. 1003).

16 “(B) ELIGIBLE CHILD CARE PROVIDER.—
17 The term ‘eligible child care provider’ means a
18 center-based child care provider described in
19 section 658P(6)(A) of the Child Care and De-
20 velopment Block Grant Act of 1990 (42 U.S.C.
21 9858n(6)(A)).

22 “(C) ELIGIBLE FACILITY.—The term ‘eli-
23 gible facility’ means—

24 “(i) a public school facility operated
25 by a local educational agency;

“(ii) a facility operated by an early childhood education program; and

“(iii) a center-based child care facility operated by an eligible child care provider.

“(D) ENVIRONMENTAL CONCERN.—

“(i) IN GENERAL.—The term ‘environmental concern’ means environmental problems, contaminants, hazardous substances, and pollutant emissions, as described in section 504(a)(3)(A).

“(ii) INCLUSION.—The term ‘environmental concern’ includes poor indoor air quality.

“(E) LOCAL EDUCATIONAL AGENCY; STATE EDUCATIONAL AGENCY.—The terms ‘local educational agency’ and ‘State educational agency’ have the meanings given those terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(2) AUTHORIZATION OF GRANTS.—

“(A) IN GENERAL.—Without regard to the ability or likelihood of the Administrator to take action under any other provision of this Act as described in subsection (b), the Administrator, in consultation with the Secretary of Education

1 and the Secretary of Health and Human Serv-
2 ices and in partnership with the Secretary of
3 Labor with respect to the enforcement of appli-
4 cable labor standards, may provide grants in
5 accordance with this subsection to States and
6 Indian Tribes for the purpose of identifying,
7 preventing, or eliminating risks associated with
8 the presence of a chemical substance or mixture
9 in eligible facilities.

10 “(B) USE OF GRANTS.—A State or Indian
11 Tribe that receives a grant under this sub-
12 section shall use the grant funds directly, or
13 provide the grant funds to a local educational
14 agency, for use in—

15 “(i) performing inspections, testing,
16 and monitoring for environmental concerns
17 in eligible facilities, including high-hazard
18 chemical products stored or used in the fa-
19 cilities for maintenance or instruction; and

20 “(ii) carrying out remediation meas-
21 ures in the eligible facilities, including re-
22 moval and disposal of environmental con-
23 cerns and high-hazard chemical products
24 described in clause (i), and improving in-
25 door air quality.

1 “(C) NATIONAL GUIDANCE.—The Adminis-
2 trator shall allocate and award grant funds
3 under this subsection to States and Indian
4 Tribes based on national guidance, which the
5 Administrator shall issue.

6 “(D) ADMINISTRATIVE RESERVATION.—

7 “(i) IN GENERAL.—Subject to clause
8 (ii), the Administrator may reserve not
9 more than 4 percent of the amounts made
10 available for grants under this subsection
11 to provide administrative support for the
12 grants and technical assistance to States
13 and Indian Tribes.

14 “(ii) HIGHER PERCENTAGE.—If the
15 amounts made available to provide grants
16 under this subsection are less than
17 \$500,000,000, then the Administrator may
18 reserve more than 4 percent of those
19 amounts to provide administrative support
20 for grants and technical assistance to
21 States and Indian Tribes, as determined
22 necessary by the Administrator.

23 “(E) DISTRIBUTION OF GRANT
24 AMOUNTS.—

1 “(i) GEOGRAPHICAL DISTRIBUTION.—

2 To the extent practicable, the Adminis-
3 trator shall ensure that amounts are dis-
4 tributed under this subsection to geo-
5 graphically diverse locations.

6 “(ii) HIGH-POVERTY SCHOOLS.—The
7 Administrator shall take measures to en-
8 sure that not less than 50 percent of the
9 amounts distributed under this subsection
10 are used to benefit local educational agen-
11 cies, early childhood education programs,
12 and eligible child care providers with the
13 highest numbers or percentages of stu-
14 dents counted under section 1124(c) of the
15 Elementary and Secondary Education Act
16 of 1965 (20 U.S.C. 6333(c)).

17 “(iii) TRIBAL SET-ASIDE.—Of the
18 amount made available to provide grants
19 under this subsection for a fiscal year, the
20 Administrator shall reserve 3 percent for
21 purposes of awarding grants under this
22 subsection, in consultation with the Direc-
23 tor of the Bureau of Indian Education, to
24 Indian Tribes for use at tribally operated
25 schools.

1 “(3) STATE PLANS.—As part of an application
2 to receive a grant under this subsection, a State
3 shall include a description of the means by which the
4 State plans—

5 “(A) to ensure coordinated programmatic
6 and funding efforts across relevant State-level
7 agencies, including State educational agencies
8 and other agencies with expertise in environ-
9 ment, health, and energy;

10 “(B) to use the grant funds for the reme-
11 diation of any toxic substances in—

12 “(i) eligible facilities; and

13 “(ii) if applicable, educational facili-
14 ties where juveniles are incarcerated or live
15 as wards of the State;

16 “(C) to ensure the health and safety of
17 students and staff during the renovation or
18 modernization of eligible facilities; and

19 “(D) to give priority to using the grant
20 funds to improve—

21 “(i) eligible facilities of local edu-
22 cational agencies, early childhood education
23 programs, and eligible child care providers
24 with—

1 “(I) the highest numbers or per-
 2 centages of students counted under
 3 section 1124(c) of the Elementary and
 4 Secondary Education Act of 1965 (20
 5 U.S.C. 6333(c)) in each State; or

6 “(II) if applicable, majority In-
 7 digenous students; and

8 “(ii) eligible facilities that are in
 9 areas—

10 “(I) adjacent to brownfield sites
 11 (as defined in section 101 of the Com-
 12 prehensive Environmental Response,
 13 Compensation, and Liability Act of
 14 1980 (42 U.S.C. 9601)); or

15 “(II) with poor outdoor air qual-
 16 ity.

17 “(4) PROJECT LABOR AGREEMENTS.—

18 “(A) DEFINITION OF PROJECT LABOR
 19 AGREEMENT.—In this paragraph, the term
 20 ‘project labor agreement’ means a pre-hire col-
 21 lective bargaining agreement with 1 or more
 22 labor organizations that—

23 “(i) establishes the terms and condi-
 24 tions of employment for a specific con-
 25 struction project; and

1 “(ii) is an agreement described in sec-
2 tion 8(f) of the National Labor Relations
3 Act (29 U.S.C. 158(f)).

4 “(B) REQUIREMENT.—A contractor or
5 subcontractor engaging in a construction or re-
6 mediation project assisted in whole or in part
7 with a grant provided to a State under this sub-
8 section and the total cost of which is not less
9 than \$25,000,000 shall negotiate or become a
10 party to a project labor agreement for that
11 project with 1 or more labor organizations.

12 “(5) WAGE RATE REQUIREMENTS.—

13 “(A) IN GENERAL.—Notwithstanding any
14 other provision of law, all laborers and mechan-
15 ics employed by contractors and subcontractors
16 on projects funded in whole or in part by a
17 grant provided to a State under this subsection
18 shall be paid wages at rates not less than those
19 prevailing on projects of a similar character in
20 the locality, as determined by the Secretary of
21 Labor in accordance with subchapter IV of
22 chapter 31 of title 40, United States Code
23 (commonly referred to as the ‘Davis-Bacon
24 Act’).

“(B) AUTHORITY.—With respect to the labor standards specified in subparagraph (A), 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.

“(6) OCCUPATIONAL HEALTH AND SAFETY.—Any work performed using a grant provided to a State under this subsection shall be governed by a written job-specific abatement plan—

“(A) containing provisions relating to—

“(i) environmental compliance;

“(ii) a health and safety plan; and

“(iii) health and safety training requirements; and

“(B) that is stamped by a certified industrial hygienist or similar accredited occupational health and safety professional.

“(7) USE OF AMERICAN IRON, STEEL, AND MANUFACTURED PRODUCTS.—

“(A) DEFINITIONS.—In this paragraph:

“(i) MANUFACTURED PRODUCT.—The term ‘manufactured product’ means any construction material or end product (as

1 those terms are defined in part 25.003 of
2 the Federal Acquisition Regulation) that is
3 not an iron or steel product, including—

4 “(I) electrical components; and

5 “(II) non-ferrous building mate-
6 rials, including aluminum,
7 polyvinylchloride, glass, fiber optics,
8 plastic, wood, masonry, rubber, manu-
9 factured stone, any other non-ferrous
10 metals, and any unmanufactured con-
11 struction material.

12 “(ii) PRODUCED IN THE UNITED
13 STATES.—The term ‘produced in the
14 United States’ means the following:

15 “(I) When used with respect to a
16 manufactured product, the product
17 was manufactured in the United
18 States and the cost of the components
19 of that product that were mined, pro-
20 duced, or manufactured in the United
21 States exceeds 60 percent of the total
22 cost of all components of the product.

23 “(II) When used with respect to
24 iron or steel products, or an individual
25 component of a manufactured prod-

uct, all manufacturing processes for those 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—

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

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

“(B) REQUIREMENTS.—A State that receives funds under this subsection shall ensure that any iron, steel, and manufactured products used in a project carried out with those funds by a State or local educational agency are produced in the United States.

“(C) WAIVER AUTHORITY.—

“(i) IN GENERAL.—The Administrator may waive the requirement under subparagraph (B) if the Administrator determines that—

1 “(I) applying the requirement
2 would be inconsistent with the public
3 interest;

4 “(II) iron, steel, and manufac-
5 tured products produced in the United
6 States are not produced in a sufficient
7 and reasonably available quantity or
8 are not of a satisfactory quality; or

9 “(III) using iron, steel, and man-
10 ufactured products produced in the
11 United States will increase the cost of
12 the applicable overall project by more
13 than 25 percent.

14 “(ii) PUBLICATION.—Before issuing a
15 waiver under clause (i), the Administrator
16 shall publish in the Federal Register a de-
17 tailed written explanation of the waiver de-
18 termination.

19 “(D) CONSISTENCY WITH INTERNATIONAL
20 AGREEMENTS.—This paragraph shall be applied
21 in a manner consistent with the obligations of
22 the United States under international agree-
23 ments.

24 “(8) WORKFORCE DEVELOPMENT.—

25 “(A) DEFINITIONS.—In this paragraph:

1 “(i) APPRENTICESHIP UTILIZATION
2 REQUIREMENT.—The term ‘apprenticeship
3 utilization requirement’ means the use of
4 qualified apprentices in accordance with
5 the following:

6 “(I) In the case of a project ad-
7 vertised for bid during the period be-
8 ginning on October 1, 2021, and end-
9 ing on September 30, 2022, all speci-
10 fications shall require that not less
11 than 10 percent of the labor hours be
12 performed by qualified apprentices.

13 “(II) In the case of a project ad-
14 vertised for bid during the period be-
15 ginning on October 1, 2022, and end-
16 ing on September 30, 2023, all speci-
17 fications shall require that not less
18 than 12 percent of the labor hours be
19 performed by qualified apprentices.

20 “(III) In the case of a project ad-
21 vertised for bid on or after October 1,
22 2023, all specifications shall require
23 that not less than 15 percent of the
24 labor hours be performed by qualified
25 apprentices.

1 “(ii) CONTRACTOR.—The term ‘con-
2 tractor’ means a general contractor or
3 other lead or prime contractor on a con-
4 struction project carried out using a grant
5 under this subsection.

6 “(iii) LABOR HOURS.—

7 “(I) IN GENERAL.—The term
8 ‘labor hours’ means the total number
9 of hours devoted to the performance
10 of construction activities (as defined
11 in sector 23 of the North American
12 Industry Classification System) with
13 respect to a construction project car-
14 ried out using a grant under this sub-
15 section by employees of the contractor
16 and subcontractors.

17 “(II) EXCLUSIONS.—The term
18 ‘labor hours’ excludes hours worked
19 by a foreman, superintendent, owner,
20 or other person who is—

21 “(aa) an employee employed
22 in a bona fide executive capacity
23 (as defined in section 541.100 of
24 title 29, Code of Federal Regula-

1 tions (as in effect on the date of
2 enactment of this subsection));

3 “(bb) an employee employed
4 in a bona fide administrative ca-
5 pacity (as defined in section
6 541.200 of that title); or

7 “(cc) an employee employed
8 in a bona fide professional capac-
9 ity (as defined in section 541.300
10 of that title).

11 “(iv) QUALIFIED APPRENTICE.—The
12 term ‘qualified apprentice’ means an em-
13 ployee participating in a registered appren-
14 ticeship program (as defined under the Act
15 of August 16, 1937 (50 Stat. 664, chapter
16 663; 29 U.S.C. 50 et seq.) (commonly
17 known as the ‘National Apprenticeship
18 Act’)), that meets the standards of subpart
19 A of part 29 and part 30 of title 29, Code
20 of Federal Regulations (or successor regu-
21 lations).

22 “(v) SUBCONTRACTOR.—The term
23 ‘subcontractor’ means any person or com-
24 pany, at any tier, that performs some or
25 all of the obligations of the contractor.

1 “(B) REQUIREMENT.—Each contractor
2 and subcontractor engaged in the performance
3 of construction, alteration, or repair work on a
4 project funded in whole or in part by a grant
5 under this subsection shall, collectively, meet or
6 exceed the apprenticeship utilization require-
7 ment applicable to the project, subject to the
8 condition that the apprenticeship utilization re-
9 quirement shall comply with the apprentice to
10 journeyworker ratios established by the Sec-
11 retary of Labor or the applicable State appren-
12 ticeship agency.

13 “(C) PARTICIPATION.—Each contractor
14 and subcontractor who employs 4 or more
15 workers to perform construction activities (as
16 defined in sector 23 of the North American In-
17 dustry Classification System) on a project fund-
18 ed in whole or in part by a grant under this
19 subsection shall employ 1 or more qualified ap-
20 prentices for the purpose of meeting the ap-
21 prenticeship utilization requirement applicable
22 to that project.

23 “(D) WAIVERS.—

24 “(i) IN GENERAL.—The Secretary of
25 Labor, in consultation with the Adminis-

1 trator, may, on request of a State that re-
2 ceives a grant under this subsection, waive
3 or adjust any requirements of subpara-
4 graphs (B) and (C) for a specific project,
5 if the State provides documentary evidence
6 of—

7 “(I) a demonstrated lack of avail-
8 ability of qualified apprentices in the
9 applicable geographic area in which
10 the project is carried out; and

11 “(II) a good faith effort on the
12 part of the State and the contractor
13 and subcontractors carrying out the
14 project to comply with the require-
15 ments.

16 “(ii) DISCLOSURE.—A waiver or an
17 adjustment under clause (i) and the ration-
18 ale of the Administrator for granting the
19 waiver or adjustment—

20 “(I) shall be publicly available;
21 and

22 “(II) shall not be exempt from
23 disclosure under section 552(b) of
24 title 5, United States Code.

25 “(E) REPORTING.—

1 “(i) INFORMATION RELATING TO
2 QUALIFIED APPRENTICES.—

3 “(I) IN GENERAL.—During the
4 period in which a project carried out
5 using a grant under this subsection is
6 ongoing, the contractor shall include
7 with each payment application to the
8 State a report containing a descrip-
9 tion of—

10 “(aa) the name and appren-
11 tice registration or identification
12 number of each qualified appren-
13 tice employed on the project;

14 “(bb) the number of quali-
15 fied apprentices and labor hours
16 worked by those qualified appren-
17 tices on the project, categorized
18 by trade or craft; and

19 “(cc) the number of journey
20 level workers and labor hours
21 worked by those journey level
22 workers on the project, cat-
23 egorized by trade or craft.

24 “(II) SUBMISSION TO SECRETARY
25 OF LABOR AND ADMINISTRATOR.—

1 Each report described in subclause (I)
2 shall be submitted to the Secretary of
3 Labor and the Administrator at such
4 time and in such manner as the Sec-
5 retary of Labor or the Administrator
6 may prescribe by guidance.

7 “(ii) MAINTENANCE OF REPORTS AND
8 RECORDS.—A State that receives a grant
9 under this subsection and each contractor
10 and subcontractor carrying out a project
11 using the grant shall maintain all reports
12 and personnel records relating to the re-
13 quirements of this paragraph for a period
14 of at least 3 years after final completion of
15 the work for the project.

16 “(iii) SUBMISSION TO ADMINIS-
17 TRATOR.—

18 “(I) IN GENERAL.—A State that
19 receives a grant under this subsection
20 and each contractor and subcontractor
21 carrying out a project using the grant
22 shall immediately submit, on request
23 of the Administrator, any information,
24 report, or record described in clauses
25 (i) and (ii).

1 “(II) ENFORCEMENT.—If the
2 Administrator determines that a
3 State, contractor, or subcontractor
4 has failed to submit any information,
5 report, or record under subclause (I),
6 the State shall repay to the Adminis-
7 trator the amount of the applicable
8 grant under this subsection.

9 “(F) PREEMPTION.—Nothing in this para-
10 graph preempts any applicable State or local
11 law or policy that provides for additional skilled
12 and trained workforce requirements on con-
13 struction projects.

14 “(9) FEDERAL SHARE.—

15 “(A) IN GENERAL.—Subject to subpara-
16 graph (B), the Federal share of the cost of ac-
17 tivities funded by a grant under this subsection
18 shall be not more than 75 percent of the total
19 project costs during the period for which the
20 grant is made.

21 “(B) WAIVER.—The Administrator may
22 increase the Federal share under subparagraph
23 (A) to not more than 100 percent if the Admin-
24 istrator determines that a recipient of the grant
25 funds is unable to pay, or would experience sig-

1 nificant financial hardship if required to pay,
2 the non-Federal share.

3 “(10) ELIGIBILITY FOR PERFORMANCE PART-
4 NERSHIP GRANTS.—Funds awarded under this sub-
5 section may be included in a performance partner-
6 ship grant in lieu of a grant under this subsection,
7 as the Administrator determines to be appropriate.

8 “(11) GRANTEE DATA COLLECTION AND RE-
9 PORTING.—A State or Indian Tribe that receives a
10 grant under this subsection shall submit to the Ad-
11 ministrators an annual report describing—

12 “(A) the amount of the grant funds that
13 were used for the activities described in clauses
14 (i) and (ii) of paragraph (2)(B) during the pre-
15 vious year;

16 “(B) the amount of the grant funds that
17 were used for projects at high-poverty schools;
18 and

19 “(C) any inspections, testing, and moni-
20 toring performed, and remediation measures
21 carried out, during the previous year using the
22 grant, including the number of schools and the
23 number of students that were directly served.

24 “(12) REPORTS.—

1 “(A) IN GENERAL.—Not later than 2 years
2 after the date of enactment of this subsection,
3 and every 2 years thereafter, the Administrator
4 shall—

5 “(i) prepare a report, based on data
6 submitted to the Administrator under
7 paragraph (11), describing the results of
8 the grant program under this subsection,
9 including a description of—

10 “(I) the States and Indian Tribes
11 that were awarded a grant under this
12 subsection; and

13 “(II) the activities for which the
14 States and Indian Tribes described in
15 subclause (I) used the grant;

16 “(ii) submit the report to—

17 “(I) the Committee on Environ-
18 ment and Public Works of the Senate;

19 “(II) the Committee on Health,
20 Education, Labor, and Pensions of
21 the Senate;

22 “(III) the Committee on Energy
23 and Commerce of the House of Rep-
24 resentatives; and

1 “(IV) the Committee on Edu-
2 cation and Labor of the House of
3 Representatives; and

4 “(iii) make the report publicly avail-
5 able on the website of the Environmental
6 Protection Agency in each major language
7 spoken in each school district that has ben-
8 efitting from grant funding under this sub-
9 section.

10 “(B) PERIOD COVERED.—A report pre-
11 pared under subparagraph (A) shall cover—

12 “(i) in the case of the initial report,
13 the period beginning on the date of enact-
14 ment of this subsection and ending on the
15 date of submission of the report; and

16 “(ii) in the case of each report there-
17 after, the 2-year period preceding the date
18 of submission of the report.

19 “(13) SAVINGS CLAUSE.—The ability of an In-
20 dian Tribe to receive a grant under this subsection
21 does not limit or affect the authority of the Adminis-
22 trator under this title to establish other opportuni-
23 ties for Indian Tribes to apply for and receive pro-
24 gram authorization or funding.

1 “(14) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated to carry out
3 this subsection \$5,200,000,000 for each of fiscal
4 years 2022 through 2032.”.

5 (b) CLERICAL AMENDMENT.—The table of contents
6 for the Toxic Substances Control Act (Public Law 94–
7 469; 90 Stat. 2003) is amended by striking the item relat-
8 ing to section 28 and inserting the following:

“Sec. 28. State and Tribal programs.”.

9 **SEC. 3. REAUTHORIZATION OF HEALTHY HIGH-PERFORM-**
10 **ANCE SCHOOLS.**

11 (a) GRANTS FOR HEALTHY SCHOOL ENVIRON-
12 MENTS.—Section 501 of the Toxic Substances Control Act
13 (15 U.S.C. 2695) is amended to read as follows:

14 **“SEC. 501. GRANTS FOR HEALTHY SCHOOL ENVIRONMENTS.**

15 “(a) DEFINITIONS.—In this section:

16 “(1) EARLY CHILDHOOD EDUCATION PRO-
17 GRAM.—The term ‘early childhood education pro-
18 gram’ has the meaning given the term in section 103
19 of the Higher Education Act of 1965 (20 U.S.C.
20 1003).

21 “(2) ELIGIBLE CHILD CARE PROVIDER.—The
22 term ‘eligible child care provider’ means a center-
23 based child care provider described in section
24 658P(6)(A) of the Child Care and Development
25 Block Grant Act of 1990 (42 U.S.C. 9858n(6)(A)).

1 “(3) ELIGIBLE FACILITY.—The term ‘eligible
2 facility’ means—

3 “(A) a public school facility operated by a
4 local educational agency;

5 “(B) a facility operated by an early child-
6 hood education program; and

7 “(C) a center-based child care facility oper-
8 ated by an eligible child care provider.

9 “(4) ENVIRONMENTAL CONCERN.—

10 “(A) IN GENERAL.—The term ‘environ-
11 mental concern’ means environmental problems,
12 contaminants, hazardous substances, and pol-
13 lutant emissions, as described in section
14 504(a)(3)(A).

15 “(B) INCLUSION.—The term ‘environ-
16 mental concern’ includes poor indoor air qual-
17 ity.

18 “(5) INDIAN TRIBE.—The term ‘Indian Tribe’
19 has the meaning given the term in section 28(a).

20 “(6) LOCAL EDUCATIONAL AGENCY.—The term
21 ‘local educational agency’ has the meaning given the
22 term in section 8101 of the Elementary and Sec-
23 ondary Education Act of 1965 (20 U.S.C. 7801).

24 “(b) AUTHORIZATION OF GRANTS.—The Adminis-
25 trator, in consultation with the Secretary of Education

1 and the Secretary of Health and Human Services, may
2 provide grants to States and Indian Tribes for use in—

3 “(1) providing technical assistance to local edu-
4 cational agencies, early childhood education pro-
5 grams, and eligible child care providers in address-
6 ing environmental concerns in eligible facilities; and

7 “(2) the development of State and Tribal pro-
8 grams to support the remediation of toxic substances
9 in eligible facilities that include—

10 “(A) standards for the planning, design,
11 construction, management, and renovation of
12 the eligible facilities;

13 “(B) the identification of—

14 “(i) ongoing environmental problems,
15 including environmental concerns, in the
16 eligible facilities; and

17 “(ii) recommended solutions to ad-
18 dress those problems, including assessment
19 of information on the exposure of children
20 to environmental hazards in eligible facili-
21 ties; and

22 “(C) the development of State-level or
23 Tribal interagency memoranda of under-
24 standing for the implementation of programs
25 described in this paragraph.

1 “(c) SAVINGS CLAUSE.—The ability of an Indian
 2 Tribe to receive a grant under this section does not limit
 3 or affect the authority of the Administrator under this
 4 title to establish other opportunities for Indian Tribes to
 5 apply for and receive program authorization or funding.”.

6 (b) PUBLIC OUTREACH.—Section 503 of the Toxic
 7 Substances Control Act (15 U.S.C. 2695b) is amended—

8 (1) in subsection (a), by striking “, until the ex-
 9 piration of authority described in section 501(b)”;
 10 and

11 (2) by adding at the end the following:

12 “(c) OUTREACH TO STATES AND INDIAN TRIBES.—

13 “(1) DEFINITIONS.—In this section, the terms
 14 ‘eligible facility’, ‘environmental concern’, and ‘In-
 15 dian Tribe’ have the meanings given those terms in
 16 section 501(a).

17 “(2) OUTREACH.—The Administrator shall—

18 “(A) carry out periodic outreach to States
 19 and Indian Tribes to make available informa-
 20 tion relating to—

21 “(i) the exposure of children to envi-
 22 ronmental hazards in eligible facilities;

23 “(ii) regulations and guidelines appli-
 24 cable to identifying, remediating, and mon-

1 itoring environmental hazards in eligible
2 facilities; and

3 “(iii) other materials that may assist
4 States and Indian Tribes in addressing en-
5 vironmental concerns, including high-haz-
6 ard chemical products stored or used by el-
7 igible facilities for maintenance or instruc-
8 tion; and

9 “(B) facilitate the biannual convening at
10 the regional or national level of school stake-
11 holders, including parents, child health experts,
12 researchers, nonprofit organizations, child care
13 providers, States, and Indian Tribes that re-
14 ceive grants under sections 28(d) and 501 to
15 meet with employees of the Environmental Pro-
16 tection Agency and other Federal agencies to
17 discuss topics relating to—

18 “(i) the environmental health of chil-
19 dren at eligible facilities; and

20 “(ii) the prevention, identification, re-
21 mediation, and monitoring of contaminants
22 in indoor air and other environmental
23 health risks and threats relating to build-
24 ings and grounds of eligible facilities.”.

1 (c) ENVIRONMENTAL HEALTH PROGRAM.—Section
2 504 of the Toxic Substances Control Act (15 U.S.C.
3 2695c) is amended—

4 (1) in subsection (a)—

5 (A) in the matter preceding paragraph (1),
6 by inserting “and not less frequently than once
7 every 10 years thereafter,” after “section,”;

8 (B) in paragraph (3)(A)—

9 (i) by redesignating clauses (v)
10 through (vii) as clauses (vii) through (ix),
11 respectively; and

12 (ii) by inserting after clause (iv) the
13 following:

14 “ (v) polychlorinated biphenyls;

15 “ (vi) perfluoroalkyl and
16 polyfluoroalkyl substances;”;

17 (C) in paragraph (6), by striking “and” at
18 the end;

19 (D) in paragraph (7), by striking the pe-
20 riod at the end and inserting a semicolon; and

21 (E) by adding at the end the following:

22 “(8) provides technical assistance on best prac-
23 tices for the removal, remediation, and disposal of
24 lead, asbestos, polychlorinated biphenyls, and other
25 hazardous substances; and

1 “(9) collects an inventory of schools affected by
 2 lead, asbestos, polychlorinated biphenyls, and other
 3 hazardous substances.”; and

4 (2) by striking subsection (b) and inserting the
 5 following:

6 “(b) PUBLIC AVAILABILITY OF INFORMATION.—To
 7 the maximum extent practicable, based on data submitted
 8 to the Administrator under section 28(d)(11) and any ad-
 9 ditional data reported under section 503(a), the Adminis-
 10 trator shall make publicly available—

11 “(1) information relating to the exposure of
 12 children to environmental hazards in school facili-
 13 ties, including relating to indoor air quality; and

14 “(2) an inventory of schools in which hazardous
 15 substances have been found, particularly hazardous
 16 substances with the highest prevalence and harm,
 17 such as lead, asbestos, and polychlorinated
 18 biphenyls.”.

19 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
 20 505 of the Toxic Substances Control Act (15 U.S.C.
 21 2695d) is amended by striking “There are authorized”
 22 and all that follows through “2013” and inserting “There
 23 is authorized to be appropriated to carry out this title
 24 \$10,000,000 for each of fiscal years 2022 through 2032”.

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