

117TH CONGRESS
1ST SESSION

H. R. 1410

To provide emergency relief for schools, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 26, 2021

Mr. FITZPATRICK introduced the following bill; which was referred to the
Committee on Education and Labor

A BILL

To provide emergency relief for 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 “Support Our Schools
5 Act”.

6 **SEC. 2. ELEMENTARY AND SECONDARY SCHOOL EMER-**
7 **GENCY RELIEF FUND.**

8 (a) IN GENERAL.—In addition to amounts otherwise
9 available, there is appropriated to the Department of Edu-
10 cation for fiscal year 2021, out of any money in the Treas-
11 ury not otherwise appropriated, \$128,554,800,000, to re-

1 main available through September 30, 2023, for providing
2 grants to States in accordance with the same terms and
3 conditions that apply to the Elementary and Secondary
4 School Emergency Relief Fund of the Education Stabiliza-
5 tion Fund for funding appropriated for fiscal year 2021,
6 except that—

7 (1) a State that receives a grant under this sec-
8 tion shall use—

9 (A) not less than 90 percent of such grant
10 for subgrants to local educational agencies; and

11 (B) not less than 5 percent of such grant
12 to carry out, directly or through grants or con-
13 tracts, activities to address learning loss by sup-
14 porting the implementation of evidence-based
15 interventions, such as summer learning, ex-
16 tended day comprehensive afterschool pro-
17 grams, or extended school year programs, and
18 ensure such interventions respond to students'
19 academic, social, and emotional needs and ad-
20 dress the disproportionate impact of the
21 coronavirus on the student populations de-
22 scribed in section 1111(h)(1)(C)(ii) of the Ele-
23 mentary and Secondary Education Act of 1965
24 (20 U.S.C. 6311(h)(1)(C)(ii)); and

1 (2) each local educational agency that receives
2 funds from a subgrant under paragraph (1)(A)
3 shall—

4 (A) reserve not less than 20 percent of
5 such funds to address learning loss through the
6 implementation of evidence-based interventions,
7 such as summer learning, extended day com-
8 prehensive afterschool programs, or extended
9 school year programs, and ensure such inter-
10 ventions respond to students' academic, social,
11 and emotional needs and address the dispropor-
12 tionate impact of the coronavirus on the stu-
13 dent populations described in section
14 1111(h)(1)(C)(ii) of the Elementary and Sec-
15 ondary Education Act of 1965 (20 U.S.C.
16 6311(h)(1)(C)(ii)); and

17 (B) using funds reserved under subpara-
18 graph (A), provide equitable services in the
19 same manner as provided under section 1117 of
20 the Elementary and Secondary Education Act
21 of 1965 (20 U.S.C. 6320) to students and
22 teachers in non-public schools, as determined in
23 consultation with representatives of non-public
24 schools.

1 (b) PUBLIC CONTROL OF FUNDS.—Control of funds
2 provided under subsection (a)(2)(B), and title to mate-
3 rials, equipment, and property purchased with such funds,
4 shall be in a public agency, and a public agency shall ad-
5 minister such funds, materials, equipment, and property
6 and shall provide such services (or may contract for the
7 provision of such services with a public or private entity).

8 **SEC. 3. HIGHER EDUCATION EMERGENCY RELIEF FUND.**

9 In addition to amounts otherwise available, there is
10 appropriated to the Department of Education for fiscal
11 year 2021, out of any money in the Treasury not otherwise
12 appropriated, \$39,584,570,000, to remain available
13 through September 30, 2023, for making allocations to in-
14 stitutions of higher education in accordance with the same
15 terms and conditions that apply to the Higher Education
16 Emergency Relief Fund of the Education Stabilization
17 Fund for funding appropriated for fiscal year 2021, except
18 that—

19 (1) 91 percent of such funds shall be allocated
20 to each institution of higher education as defined in
21 section 101 or section 102(c) of the Higher Edu-
22 cation Act of 1965 (20 U.S.C. 1001, 1002(c)), and
23 shall be apportioned using the same formula used to
24 apportion funds to each such institution under such
25 Higher Education Emergency Relief Fund;

1 (2) 1 percent of such funds shall be allocated
2 to institutions of higher education as defined in sec-
3 tion 102(b) of the Higher Education Act of 1965
4 (20 U.S.C. 1002(b)), and shall be apportioned using
5 the same formula used to apportion funds to each
6 such institution under such Higher Education Emer-
7 gency Relief Fund;

8 (3) an institution shall solely determine which
9 students receive emergency financial aid grants
10 under this section;

11 (4) an institution receiving an allocation—

12 (A) under paragraph (1) shall use not less
13 than 50 percent of such allocation to provide
14 emergency financial aid grants to students; and

15 (B) under paragraph (2) shall use 100 per-
16 cent of such allocation to provide emergency fi-
17 nancial aid grants to students;

18 (5) an institution receiving an allocation under
19 paragraph (1) shall use a portion of such allocation
20 to—

21 (A) implement evidence-based practices to
22 monitor and suppress coronavirus in accordance
23 with public health guidelines; and

24 (B) conduct direct outreach to financial
25 aid applicants about the opportunity to receive

1 a financial aid adjustment due to the recent un-
2 employment of a family member or independent
3 student, or other circumstances, described in
4 section 479A of the Higher Education Act of
5 1965 (20 U.S.C. 1087tt);

6 (6) notwithstanding paragraph (4)(A) or para-
7 graph (5), an institution receiving an allocation
8 under paragraph (1) a portion of which is appor-
9 tioned according to a relative share (based on full-
10 time equivalent enrollment or total number) of stu-
11 dents who were Pell grant recipients and who were
12 exclusively enrolled in distance education courses
13 prior to the qualifying emergency shall use 100 per-
14 cent of such portion to provide emergency financial
15 aid grants to students; and

16 (7) institutions required to remit payment to
17 the Internal Revenue Service for the excise tax based
18 on investment income of private colleges and univer-
19 sities under section 4968 of the Internal Revenue
20 Code of 1986 for tax year 2019 shall not be subject
21 to restrictions related to the amount of allocations or
22 uses of funds applicable to such institutions under
23 such Higher Education Emergency Relief Fund.

1 **SEC. 4. MAINTENANCE OF EFFORT AND MAINTENANCE OF**
2 **EQUITY.**

3 (a) STATE MAINTENANCE OF EFFORT.—

4 (1) IN GENERAL.—As a condition of receiving
5 funds under section 2, a State shall maintain sup-
6 port for elementary and secondary education, and
7 for higher education (which shall include State fund-
8 ing to institutions of higher education and State
9 need-based financial aid, and shall not include sup-
10 port for capital projects or for research and develop-
11 ment or tuition and fees paid by students), in each
12 of fiscal years 2022 and 2023 at least at the propor-
13 tional levels of such State’s support for elementary
14 and secondary education and for higher education
15 relative to such State’s overall spending, averaged
16 over fiscal years 2017, 2018, and 2019.

17 (2) WAIVER.—For the purpose of relieving fis-
18 cal burdens incurred by States in preventing, pre-
19 paring for, and responding to the coronavirus, the
20 Secretary of Education may waive any maintenance
21 of effort requirements associated with the Education
22 Stabilization Fund.

23 (b) STATE MAINTENANCE OF EQUITY.—

24 (1) HIGH-POVERTY LOCAL EDUCATIONAL AGEN-
25 CIES.—As a condition of receiving funds under sec-
26 tion 2, a State educational agency shall not, in fiscal

1 year 2022 or 2023, reduce State funding (calculated
2 on a per-pupil basis) for any high-poverty local edu-
3 cational agency in the State by an amount that ex-
4 ceeds the overall per-pupil reduction in State funds,
5 if any, across all local educational agencies in such
6 State in such fiscal year.

7 (2) LOCAL EDUCATIONAL AGENCIES WITH
8 HIGHEST SHARE OF ECONOMICALLY DISADVAN-
9 TAGED STUDENT.—Notwithstanding paragraph (1),
10 as a condition of receiving funds under section 2, a
11 State educational agency shall not, in fiscal year
12 2022 or 2023, reduce State funding for any local
13 educational agency that is part of the 20 percent of
14 local educational agencies in the State with the high-
15 est percentage of economically disadvantaged stu-
16 dents (based on the percentages of economically dis-
17 advantaged students served by all local educational
18 agencies in the State on the basis of the most recent
19 satisfactory data available from the Department of
20 Commerce) below the level of funding provided to
21 such local educational agencies in fiscal year 2019.

22 (c) LOCAL EDUCATIONAL AGENCY MAINTENANCE OF
23 EQUITY FOR HIGH-POVERTY SCHOOLS.—As a condition
24 of receiving funds under section 2, a local educational
25 agency shall not, in fiscal year 2022 or 2023—

1 (1) reduce per-pupil funding (from combined
2 State and local funding) for any high-poverty school
3 served by such local educational agency by an
4 amount that exceeds—

5 (A) the total reduction in local educational
6 agency funding (from combined State and local
7 funding) for all schools served by the local edu-
8 cational agency in such fiscal year (if any); di-
9 vided by

10 (B) the number of children enrolled in all
11 schools served by the local educational agency
12 in such fiscal year; or

13 (2) reduce per-pupil, full-time equivalent staff
14 in any high-poverty school by an amount that ex-
15 ceeds—

16 (A) the total reduction in full-time equiva-
17 lent staff in all schools served by such local
18 educational agency in such fiscal year (if any);
19 divided by

20 (B) the number of children enrolled in all
21 schools served by the local educational agency
22 in such fiscal year.

23 (d) DEFINITIONS.—In this section:

24 (1) The term “high-poverty local educational
25 agency” means, with respect to a local educational

1 agency in a State, a local educational agency that
2 serves a higher percentage of economically disadvan-
3 tagged students than the local educational agency
4 that serves the median percentage of economically
5 disadvantaged students, based on the percentages of
6 economically disadvantaged students served by all
7 local educational agencies in such State, on the basis
8 of the most recent satisfactory data available from
9 the Department of Commerce.

10 (2) The term “high-poverty school” means, with
11 respect to a school served by a local educational
12 agency, a school that serves a higher percentage of
13 economically disadvantaged students, as determined
14 by any of the measures of poverty in section 1113
15 of the Elementary and Secondary Education Act of
16 1965 (20 U.S.C. 6313) than the school that serves
17 the median percentage of economically disadvan-
18 tagged students based on the percentages of economi-
19 cally disadvantaged students—

20 (A) at all schools served by such local edu-
21 cational agency; or

22 (B) at all schools within each grade-span
23 of such local educational agency.

24 (3) The term “overall per-pupil reduction in
25 State funds” means, with respect to a fiscal year—

1 (A) the amount of any reduction in the
2 total amount of State funds provided to all local
3 educational agencies in the State in such fiscal
4 year compared to the total amount of such
5 funds provided to all local educational agencies
6 in the State in the previous fiscal year; divided
7 by

8 (B) the aggregate number of children en-
9 rolled in all schools served by all local edu-
10 cational agencies in the State in the fiscal year
11 for which the determination is being made.

12 **SEC. 5. OUTLYING AREAS.**

13 In addition to amounts otherwise available, there is
14 appropriated to the Department of Education for fiscal
15 year 2021, out of any money in the Treasury not otherwise
16 appropriated, \$850,000,000, to remain available through
17 September 30, 2023, for the Secretary of Education to
18 allocate awards to the outlying areas on the basis of their
19 respective needs, as determined by the Secretary, to be
20 allocated not more than 30 calendar days after the date
21 of enactment of this Act.

22 **SEC. 6. BUREAU OF INDIAN EDUCATION.**

23 In addition to amounts otherwise available, there is
24 appropriated to the Department of Education for fiscal
25 year 2021, out of any money in the Treasury not otherwise

1 appropriated, \$850,000,000, to remain available until ex-
2 pended, for the Secretary of Education to allocate to the
3 Secretary of the Interior for awards, which awards shall
4 be determined and funds for such awards allocated by the
5 Secretary of the Interior not more than 30 calendar days
6 after the date of enactment of this Act, for programs oper-
7 ated or funded by the Bureau of Indian Education, for
8 Bureau-funded schools (as defined in section 1141(3) of
9 the Education Amendments of 1978 (25 U.S.C.
10 2021(3))), and for Tribal Colleges or Universities (as de-
11 fined in section 316(b)(3) of the Higher Education Act
12 of 1965 (20 U.S.C. 1059c(b)(3))).

13 **SEC. 7. GALLAUDET UNIVERSITY.**

14 In addition to amounts otherwise available, there is
15 appropriated to the Department of Education for fiscal
16 year 2021, out of any money in the Treasury not otherwise
17 appropriated, \$19,250,000, to remain available through
18 September 30, 2023, for the Kendall Demonstration Ele-
19 mentary School, the Model Secondary School for the Deaf,
20 and Gallaudet University under titles I and II of the Edu-
21 cation of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.)
22 to prevent, prepare for, and respond to coronavirus, do-
23 mestically or internationally, including to defray expenses
24 associated with coronavirus (including lost revenue, reim-
25 bursement for expenses already incurred, technology costs

1 associated with a transition to distance education, faculty
2 and staff trainings, and payroll) and to provide financial
3 aid grants to students, which may be used for any compo-
4 nent of the student's cost of attendance.

5 **SEC. 8. STUDENT AID ADMINISTRATION.**

6 In addition to amounts otherwise available, there is
7 appropriated to the Department of Education for fiscal
8 year 2021, out of any money in the Treasury not otherwise
9 appropriated, \$91,130,000, to remain available through
10 September 30, 2023, for Student Aid Administration with-
11 in the Department of Education to prevent, prepare for,
12 and respond to coronavirus, domestically or internation-
13 ally, including direct outreach to students and borrowers
14 about financial aid, economic impact payments, means-
15 tested benefits, and tax benefits for which they may be
16 eligible.

17 **SEC. 9. HOWARD UNIVERSITY.**

18 In addition to amounts otherwise available, there is
19 appropriated to the Department of Education for fiscal
20 year 2021, out of any money in the Treasury not otherwise
21 appropriated, \$35,000,000, to remain available through
22 September 30, 2023, for Howard University to prevent,
23 prepare for, and respond to coronavirus, domestically or
24 internationally, including to defray expenses associated
25 with coronavirus (including lost revenue, reimbursement

1 for expenses already incurred, technology costs associated
2 with a transition to distance education, faculty and staff
3 trainings, and payroll) and to provide financial aid grants
4 to students, which may be used for any component of the
5 student's cost of attendance.

6 **SEC. 10. NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.**

7 In addition to amounts otherwise available, there is
8 appropriated to the Department of Education for fiscal
9 year 2021, out of any money in the Treasury not otherwise
10 appropriated, \$19,250,000, to remain available through
11 September 30, 2023, for the National Technical Institute
12 for the Deaf under titles I and II of the Education of the
13 Deaf Act of 1986 (20 U.S.C. 4301 et seq.) to prevent,
14 prepare for, and respond to coronavirus, domestically or
15 internationally, including to defray expenses associated
16 with coronavirus (including lost revenue, reimbursement
17 for expenses already incurred, technology costs associated
18 with a transition to distance education, faculty and staff
19 training, and payroll) and to provide financial aid grants
20 to students, which may be used for any component of the
21 student's cost of attendance.

22 **SEC. 11. INSTITUTE OF EDUCATION SCIENCES.**

23 In addition to amounts otherwise available, there is
24 appropriated to the Department of Education for fiscal
25 year 2021, out of any money in the Treasury not otherwise

1 appropriated, \$100,000,000, to remain available through
2 September 30, 2023, for the Institute of Education
3 Sciences established under part A of title I of the Edu-
4 cation Sciences Reform Act of 2002 (20 U.S.C. 9511 et
5 seq.) to carry out research related to addressing learning
6 loss caused by the coronavirus among the student popu-
7 lations described in section 1111(h)(1)(C)(ii) of the Ele-
8 mentary and Secondary Education Act of 1965 (20 U.S.C.
9 6311(h)(1)(C)(ii)) and to disseminate such findings to
10 State educational agencies and local educational agencies
11 and other appropriate entities.

12 **SEC. 12. PROGRAM ADMINISTRATION.**

13 In addition to amounts otherwise available, there is
14 appropriated to the Department of Education for fiscal
15 year 2021, out of any money in the Treasury not otherwise
16 appropriated, \$15,000,000, to remain available through
17 September 30, 2024, for Program Administration within
18 the Department of Education to prevent, prepare for, and
19 respond to coronavirus, domestically or internationally,
20 and for salaries and expenses necessary to implement this
21 Act.

22 **SEC. 13. OFFICE OF INSPECTOR GENERAL.**

23 In addition to amounts otherwise available, there is
24 appropriated to the Department of Education for fiscal
25 year 2021, out of any money in the Treasury not otherwise

1 appropriated, \$5,000,000, to remain available until ex-
 2 pended, for the Office of Inspector General of the Depart-
 3 ment of Education, as authorized by section 211 of the
 4 Department of Education Organization Act (20 U.S.C.
 5 3422), to prevent, prepare for, and respond to
 6 coronavirus, domestically or internationally, including for
 7 salaries and expenses necessary for oversight, investiga-
 8 tions, and audits of programs, grants, and projects funded
 9 under this Act to respond to coronavirus.

10 **SEC. 14. MODIFICATION OF REVENUE REQUIREMENTS FOR**
 11 **PROPRIETARY INSTITUTIONS OF HIGHER**
 12 **EDUCATION.**

13 (a) IN GENERAL.—Section 487(a)(24) of the Higher
 14 Education Act of 1965 (20 U.S.C. 1094(a)(24)) is amend-
 15 ed by striking “funds provided under this title” and insert-
 16 ing “Federal funds that are disbursed or delivered to or
 17 on behalf of a student to be used to attend such institution
 18 (referred to in this paragraph and subsection (d) as ‘Fed-
 19 eral education assistance funds’)”.

20 (b) IMPLEMENTATION OF NON-FEDERAL REVENUE
 21 REQUIREMENT.—Section 487(d) of the Higher Education
 22 Act of 1965 (20 U.S.C. 1094(d)) is amended—

23 (1) in the subsection heading, by striking “Non-
 24 title IV” and inserting “Non-Federal”; and

1 (2) in paragraph (1)(C), by striking “funds for
2 a program under this title” and inserting “Federal
3 education assistance funds”.

4 **SEC. 15. NATIONAL ENDOWMENT FOR THE ARTS.**

5 In addition to amounts otherwise available, there is
6 appropriated for fiscal year 2021, out of any money in
7 the Treasury not otherwise appropriated, \$135,000,000,
8 to remain available until expended, under the National
9 Foundation on the Arts and the Humanities Act of 1965
10 (20 U.S.C. 951 et seq.), as follows:

11 (1) Forty percent shall be for grants, and rel-
12 evant administrative expenses, to State arts agencies
13 and regional arts organizations that support organi-
14 zations’ programming and general operating ex-
15 penses to cover up to 100 percent of the costs of the
16 programs which the grants support, to prevent, pre-
17 pare for, respond to, and recover from the
18 coronavirus.

19 (2) Sixty percent shall be for direct grants, and
20 relevant administrative expenses, that support orga-
21 nizations’ programming and general operating ex-
22 penses to cover up to 100 percent of the costs of the
23 programs which the grants support, to prevent, pre-
24 pare for, respond to, and recover from the
25 coronavirus.

1 **SEC. 16. NATIONAL ENDOWMENT FOR THE HUMANITIES.**

2 In addition to amounts otherwise available, there is
3 appropriated for fiscal year 2021, out of any money in
4 the Treasury not otherwise appropriated, \$135,000,000,
5 to remain available until expended, under the National
6 Foundation on the Arts and the Humanities Act of 1965
7 (20 U.S.C. 951 et seq.), as follows:

8 (1) Forty percent shall be for grants, and rel-
9 evant administrative expenses, to State humanities
10 councils that support humanities organizations' pro-
11 gramming and general operating expenses to cover
12 up to 100 percent of the costs of the programs
13 which the grants support, to prevent, prepare for,
14 respond to, and recover from the coronavirus.

15 (2) Sixty percent shall be for direct grants, and
16 relevant administrative expenses, that support hu-
17 manities organizations' programming and general
18 operating expenses to cover up to 100 percent of the
19 costs of the programs which the grants support, to
20 prevent, prepare for, respond to, and recover from
21 the coronavirus.

22 **SEC. 17. INSTITUTE OF MUSEUM AND LIBRARY SERVICES.**

23 In addition to amounts otherwise available, there is
24 appropriated for fiscal year 2021, out of any money in
25 the Treasury not otherwise appropriated, \$200,000,000,
26 to remain available until expended, to carry out the Li-

1 brary Services and Technology Act (20 U.S.C. 9121 et
 2 seq.) as authorized under subtitle B of the Museum and
 3 Library Services Act (20 U.S.C. 9121 et seq.), including
 4 for administrative costs authorized under section 210C of
 5 such Act (20 U.S.C. 9111), except that—

6 (1) section 221(b)(3)(A) of the Library Services
 7 and Technology Act shall be applied by substituting
 8 “\$2,000,000” for “\$680,000” and by substituting
 9 “\$200,000” for “\$60,000”; and

10 (2) section 221(b)(3)(C) and subsections (b)
 11 and (c) of section 223 of such Act shall not apply
 12 to funds provided under this section.

13 **SEC. 18. COVID-19 RESPONSE RESOURCES FOR THE PRES-**
 14 **ERVATION AND MAINTENANCE OF NATIVE**
 15 **AMERICAN LANGUAGES.**

16 (a) Section 816 of the Native American Programs
 17 Act of 1974 (42 U.S.C. 2992d) is amended by adding at
 18 the end the following:

19 “(f) In addition to amounts otherwise available, there
 20 is appropriated for fiscal year 2021, out of any money in
 21 the Treasury not otherwise appropriated, \$10,000,000 to
 22 remain available until expended, to carry out section
 23 803C(g) of this Act.”.

1 (b) Section 803C of the Native American Programs
2 Act of 1974 (42 U.S.C. 2991b–3) is amended by adding
3 at the end the following:

4 “(g) EMERGENCY GRANTS FOR NATIVE AMERICAN
5 LANGUAGE PRESERVATION AND MAINTENANCE.—Not
6 later than 180 days after the effective date of this sub-
7 section, the Secretary shall award grants to entities eligi-
8 ble to receive assistance under subsection (a) to ensure
9 the survival and continuing vitality of Native American
10 languages during and after the public health emergency
11 declared by the Secretary pursuant to section 319 of the
12 Public Health Service Act (42 U.S.C. 247d) with respect
13 to the COVID–19 pandemic.”.

○