

116TH CONGRESS  
2D SESSION

# H. R. 7746

To direct the Secretary of Education to establish a formula grant program to provide funds to assist educational agencies with expenses related to resuming educational activities during the 2020–2021 school year arising from the COVID–19 pandemic, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 23, 2020

Mr. HILL of Arkansas (for himself and Mr. GONZALEZ of Ohio) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To direct the Secretary of Education to establish a formula grant program to provide funds to assist educational agencies with expenses related to resuming educational activities during the 2020–2021 school year arising from the COVID–19 pandemic, 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 “Helping Educators  
5 with Learning Preparation Act” or the “HELP Act”.

1 **SEC. 2. PROVIDING FUNDS TO AID SCHOOLS IN REOPENING**  
2 **AND RESUMING INSTRUCTION IN RESPONSE**  
3 **TO THE COVID-19 PANDEMIC.**

4 (a) **IN GENERAL.**—Not later than 30 days after the  
5 date of enactment of this section, the Secretary of Edu-  
6 cation shall establish a grant program (in this section re-  
7 ferred to as the “Program”) to provide funds to States  
8 to assist local educational agencies with expenses related  
9 to reopening and resuming instruction during school year  
10 2020–2021 arising from the COVID–19 pandemic.

11 (b) **STATE ALLOCATIONS.**—From the funds made  
12 available under subsection (h) for a fiscal year, the Sec-  
13 retary shall—

14 (1) reserve three-quarters of 1 percent for allot-  
15 ments for the outlying areas, to be distributed  
16 among such outlying areas on the basis of their rel-  
17 ative need, as determined by the Secretary, in ac-  
18 cordance with the purpose of the Program;

19 (2) reserve one-half of 1 percent for the Sec-  
20 retary of the Interior for schools operated or funded  
21 by the Bureau of Indian Education, to be distributed  
22 among such schools on the basis of their relative  
23 need, as determined by the Secretary of the Interior,  
24 in accordance with the purpose of the Program; and

25 (3) from the remaining funds, allocate to each  
26 eligible State an amount equal to the sum of—

1 (A) an amount that bears the same rela-  
2 tionship to 20 percent of such funds as the  
3 number of individuals aged 5 through 17 in the  
4 State, as determined by the Secretary on the  
5 basis of the most recent satisfactory data, bears  
6 to the number of those individuals in all such  
7 States, as so determined; and

8 (B) an amount that bears the same rela-  
9 tionship to 80 percent of such funds as the  
10 number of individuals aged 5 through 17 from  
11 families with incomes below the poverty line in  
12 the State, as determined by the Secretary on  
13 the basis of the most recent satisfactory data,  
14 bears to the number of those individuals in all  
15 such States, as so determined.

16 (c) USE OF FUNDS.—

17 (1) STATE USE OF FUNDS.—

18 (A) SUBGRANTS TO LOCAL EDUCATIONAL  
19 AGENCIES.—Each State shall use not less than  
20 90 percent of funds allocated to such State  
21 under subsection (b) to make subgrants to local  
22 educational agencies.

23 (B) ALLOCATION OF FUNDS TO LOCAL  
24 EDUCATIONAL AGENCIES.—The amount of a

1           subgrant under subparagraph (A) shall be equal  
2           to the sum of—

3                   (i) an amount that bears the same re-  
4                   lationship to 20 percent of the funds to be  
5                   used by a State for such subgrants as the  
6                   number of individuals aged 5 through 17  
7                   in the geographic area served by the local  
8                   education agency, as determined by the  
9                   Secretary on the basis of the most recent  
10                  satisfactory data, bears to the number of  
11                  those individuals in the geographic areas  
12                  served by all eligible local educational  
13                  agencies in the State, as so determined;  
14                  and

15                  (ii) an amount that bears the same re-  
16                  lationship to 80 percent of such funds as  
17                  the number of individuals aged 5 through  
18                  17 from families with incomes below the  
19                  poverty line in the geographic area served  
20                  by the local educational agency, as deter-  
21                  mined by the Secretary on the basis of the  
22                  most recent satisfactory data, bears to the  
23                  number of those individuals in the geo-  
24                  graphic areas served by all eligible local

1 educational agencies in the State, as so de-  
2 termined.

3 (C) STATE EXPENSES.—From funds not  
4 otherwise allocated under this paragraph, a  
5 State may reserve not more than 30 percent for  
6 administrative costs associated with the Pro-  
7 gram and the remainder for providing technical  
8 assistance and other emergency services to local  
9 educational agencies in response to the  
10 COVID–19 pandemic, as the State determines  
11 appropriate, including making grants or enter-  
12 ing into contracts.

13 (2) LOCAL EDUCATIONAL AGENCY USE OF  
14 FUNDS.—A local educational agency shall use funds  
15 received under the Program to cover expenses re-  
16 lated to reopening and resuming instruction during  
17 school year 2020–2021, including the following:

18 (A) Educational technology (including  
19 hardware, software, and connectivity) for stu-  
20 dents that aids in regular and substantive edu-  
21 cational interaction between students and their  
22 classroom instructors, including low-income stu-  
23 dents and students with disabilities, which may  
24 include assistive technology or adaptive equip-  
25 ment.

1 (B) Facility sanitization.

2 (C) Personal protective equipment.

3 (D) School supplies.

4 (E) Staffing.

5 (F) Student transportation.

6 (G) Other expenses necessary to maintain  
7 operations and continue services.

8 (d) ELIGIBILITY.—A State is eligible for funds under  
9 the Program if such State submits an application not later  
10 than 60 days after the date of enactment of this section  
11 in such form and containing such information and assur-  
12 ances (including that such State shall submit a report on  
13 how subgrants made in accordance with the Program were  
14 used) as the Secretary determines appropriate.

15 (e) REPORTS.—

16 (1) REPORT TO CONGRESS.—Not later than 14  
17 months after the date on which each State receiving  
18 funds under the Program has obligated such funds,  
19 the Secretary shall submit to Congress a report de-  
20 tailing—

21 (A) the amount of funds awarded to each  
22 State, and how such funds were used;

23 (B) the amount of each subgrant made by  
24 a State to a local educational agency, and how  
25 such subgrant was used;

1 (C) the amount of funds reserved for each  
2 of the outlying areas, and how such funds were  
3 used; and

4 (D) the amount of funds reserved for the  
5 Bureau of Indian Affairs, and how such funds  
6 were used, on the basis of information reported  
7 by the Secretary of the Interior.

8 (2) PUBLIC AVAILABILITY OF REPORTS.—The  
9 Secretary shall make the report required under this  
10 subsection publicly available.

11 (f) TIMING REQUIREMENTS FOR GRANT ADMINIS-  
12 TRATION.—

13 (1) APPLICATION REVIEW.—Not later than 30  
14 days after the receipt of an application required  
15 under subsection (d), the Secretary shall make a  
16 final determination regarding the acceptance or re-  
17 jection of such application.

18 (2) AWARD OF FUNDS.—Not later than 90 days  
19 after the date of enactment of this section, the Sec-  
20 retary shall allocate, in accordance with subsection  
21 (b), all funds made available under subsection (h).

22 (g) LIMITATIONS ON FUNDS.—

23 (1) TERMINATION OF FUNDS AVAILABILITY.—A  
24 State receiving funds under the Program may obli-  
25 gate and spend such funds until 1 year after the

1 date of receipt or until September 30, 2021, which-  
2 ever comes last.

3 (2) SUPPLEMENT, NOT SUPPLANT.—Funds  
4 made available under the Program shall be used to  
5 supplement, and not supplant, other Federal, State,  
6 and local funds that would otherwise be expended to  
7 carry out activities under the Program.

8 (h) PROGRAM FUNDING.—

9 (1) AUTHORIZATION OF APPROPRIATIONS.—To  
10 carry out the Program, there is authorized to be ap-  
11 propriated \$25,000,000,000 for fiscal year 2021.

12 (2) USE OF AVAILABLE FUNDS.—Notwith-  
13 standing any other provision of law, and in addition  
14 to amounts made available pursuant to paragraph  
15 (1), the Secretary shall use all funds made available  
16 to the Secretary for any program or activity that re-  
17 main unobligated as of September 30, 2020, to carry  
18 out the Program, except that the Secretary may not  
19 use funds appropriated pursuant to the Coronavirus  
20 Aid, Relief, and Economic Security Act.

21 (i) DEFINITIONS.—In this section, the following defi-  
22 nitions apply:

23 (1) LOCAL EDUCATIONAL AGENCY.—The term  
24 “local educational agency” has the meaning given  
25 such term in section 8101 of the Elementary and



1 Secondary Education Act of 1965 (20 U.S.C. 7801),  
2 including the limitation in such section on receipt of  
3 funds under special programs for elementary or sec-  
4 ondary schools funded by the Bureau of Indian Edu-  
5 cation.

6 (2) OUTLYING AREA.—The term “outlying  
7 area” means—

8 (A) American Samoa, the Commonwealth  
9 of the Northern Mariana Islands, Guam, and  
10 the United States Virgin Islands; and

11 (B) notwithstanding section  
12 105(f)(1)(B)(v) of the Compact of Free Asso-  
13 ciation Amendments Act of 2003 (48 U.S.C.  
14 1921d(f)(1)(B)(v)) and any other law, the Fed-  
15 erated States of Micronesia, the Republic of the  
16 Marshall Islands, and the Republic of Palau.

17 (3) POVERTY LINE.—The term “poverty line”  
18 has the meaning given such term in such section  
19 8101.

20 (4) SECRETARY.—The term “Secretary” means  
21 the Secretary of Education.

22 (5) STATE.—The term “State” means each of  
23 the several States, the District of Columbia, and the  
24 Commonwealth of Puerto Rico.

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