



# IN THE CONGRESS OF THE UNITED STATES

JULY 6TH, 2021

Mr. LIGHTWOOD-TOWARD (for himself, Mr. HARRIS on behalf of the BERRY ADMINISTRATION) introduced the following bill;

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## A BILL

To strengthen and empower the United States Department of Education with respect to emergency school aid.

*Be it enacted by the Senate and the House of Representatives of the United States of America in Congress Assembled,*

### **SECTION 1. SHORT TITLE.**

This Act may be cited as the “Aiding Students and Staff in Supplementary Terms Act of 2021, or the ASSIST Act of 2021”

### **SEC. 2. FINDINGS.**

Congress finds that—

- (a) Over 90 percent of public school funding comes from state and local sources, such as fees, sales taxes, income taxes, and property taxes;
- (b) In their authority, states have different tax rates for income and sales tax, if any apply;
- (c) Cities take in different amounts of property taxes due to differing calculations to appropriately levy taxes;
- (d) Property values fluctuate city to city, and oftentimes throughout a city, and;

- (e) School districts are chronically underfunded across the country, with certain districts no longer being able to afford to maintain facilities, programs, or materials necessary to their operation.

### **SEC. 3. DEFINITIONS.**

In this Act—

- (a) **SCHOOL DISTRICT.**— The term “school district” refers to an entity that is responsible for the operation and maintenance of public schools in a prescribed geographic area in the United States.
- (b) **SCHOOL BOARD.**— The term “school board” refers to an entity that is responsible for the oversight and direction of a school district.
- (c) **EDUCATIONAL MATERIALS.**— The term “educational materials” refers to, but is not limited to: educational books, pamphlets, posters, dry erase boards and associated materials, interactive boards and associated materials, tactile learning materials, videos, and teaching aids used to support an educator during the course of instruction.
- (d) **APPLICANT.**— The term “applicant” refers to an individual affiliated with and authorized by a school district to apply for grant funds from the federal government for the purposes of procuring supplies, personnel, facility improvements, or educational materials to promote a better learning environment.
- (e) **DEPARTMENT.**— The term “department” refers to the United States Department of Education, unless otherwise noted.
- (f) **SECRETARY.**— The term “secretary” refers to the secretary of the department (typically the United States Department of Education), unless otherwise noted.

### **SEC. 4. AMENDING UNITED STATES CODE.**

- (a) **IN GENERAL.**— United States Code, Title 20, shall be amended according to the provisions in this section to allow the Secretary of Education to establish grant programs to provide financial assistance to school districts in need of aid, compared to nearby districts.
- (b) **GRANT PROGRAMS.**— To assist school districts in need of financial aid to create an education of equivalent quality as compared to its counterparts, the following amendments are made to strengthen the Department—

(1) CHAPTER 34: EMERGENCY SCHOOL AID (§ 1601 et seq.) shall have the following language inserted to supersede the repealed language, starting with § 1601, and numbering the following paragraphs as individual sections below accordingly—

(A) The purpose of this chapter is to:

- i) Grant the Secretary of the Department of Education the authority to set the stage for grant programs.
- ii) Assist public school districts in their quest to close the gap in areas where they find themselves lacking
- iii) Financially assist individuals looking to obtain higher education.

(B) No grant program formed under this subchapter shall usurp funds from the Department of the Treasury. All grant programs created under this subchapter shall be considered a request to Congress for funding.

(C) The Secretary of the Department shall be empowered to—

- i) Issue a secretarial order to establish a grant program for public schools, pending appropriations from Congress.
- ii) Transmit a copy of the order along with copies of letters from school boards petitioning for aid, if any, to the Secretary of the Treasury, Speaker of the House, the President pro tempore of the Senate, and the Majority and Minority Leaders of the respective chambers.

(D) The Department may begin accepting applications for the established program, but shall not disburse funds until appropriations are received. The Department must notify all applicants that the grant program is provisional and is contingent on appropriations from Congress, and provide a date in which a response must be given on the status of the funding.

- i) If no funding is received within 30 days, the grant program shall be considered insolvent and must terminate, with all applicants being notified that funding was not appropriated to disburse the grants.

- (E) The Secretary of the Department shall be empowered to—
- i) Issue a secretarial order to establish a grant program for students pursuing higher education, pending appropriations from Congress.
  - ii) Transmit a copy of the order to the Secretary of the Treasury, Speaker of the House, the President pro tempore of the Senate, and the Majority and Minority Leaders of the respective chambers.
- (F) The Department is prohibited from applying grants for higher education to a student's federal financial aid package.
- i) If no funding is received within 30 days, the grant program shall be considered insolvent and terminate.

## **SEC. 5. SEVERABILITY.**

- (a) IN GENERAL.— If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

## **SEC. 6. ENACTMENT.**

- (a) EFFECTIVE DATE.— The provisions of this Act shall come into force immediately upon passage.
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