

117TH CONGRESS
2D SESSION

S. 3849

To amend the Elementary and Secondary Education Act to expand the
Magnet Schools Assistance Program.

IN THE SENATE OF THE UNITED STATES

MARCH 16, 2022

Mr. MURPHY (for himself, Mr. BLUMENTHAL, and Mr. BOOKER) introduced
the following bill; which was read twice and referred to the Committee
on Health, Education, Labor, and Pensions

A BILL

To amend the Elementary and Secondary Education Act
to expand the Magnet Schools Assistance Program.

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 “Magnet Schools Acces-
5 sibility, Growth, and Nonexclusionary Enrollment Trans-
6 formation Act of 2022” or the “MAGNET Act of 2022”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

1 (1) Studies have found that the academic bene-
2 fits of attending integrated schools for students of
3 color include—

4 (A) higher achievement in mathematics,
5 science, language, and reading;

6 (B) school climates supportive of learning
7 and studying;

8 (C) increased likelihood of graduating from
9 high school and entering and graduating from
10 college;

11 (D) higher income and educational attain-
12 ment; and

13 (E) increased access to highly qualified
14 teachers and leaders who are less likely to
15 transfer to other schools.

16 (2) The benefits of integrated schools extend to
17 all students regardless of race or socioeconomic
18 background. On average, students in
19 socioeconomically and racially diverse schools have
20 stronger academic outcomes than students in schools
21 with concentrated poverty. Students in diverse
22 schools have higher test scores, are more likely to
23 enroll in college, and are less likely to drop out. Inte-
24 grated schools help reduce racial bias and counter
25 stereotypes, as well as foster friendships across di-

verse groups, improve students' satisfaction and self-confidence, and enhance leadership skills.

(3) Students of color attending schools that are highly segregated by race and poverty are deprived of the benefits of integrated education. These schools are characterized by resource inequities that translate into large proportions of inexperienced and underprepared educators and a lack of rigorous coursework, which have negative consequences for students' academic outcomes as measured by performance on standardized achievement tests and high school graduation rates.

(4) A 2019 study of every school district in the United States found that higher racial segregation contributes to a greater magnitude of achievement gaps in 3rd grade, and increases the rate at which gaps grow from 3rd to 8th grade, for students of color.

(5) A 2016 Government Accountability Office analysis found that a growing percentage of public elementary schools and secondary schools in the Nation are hypersegregated, with 90 percent or more Black and Latino student populations and students from low-income families.

1 (6) A study reviewing 8 years of data from all
2 United States school districts found that racial seg-
3 regation appears to undermine achievement, in part,
4 because it concentrates minority students in high-
5 poverty schools, which are, on average, less effective
6 than lower-poverty schools and tend to be under-
7 resourced.

8 (7) Research shows that students' exposure to
9 other students from different backgrounds and the
10 new ideas and opportunities that such exposure
11 brings leads to improved critical thinking and prob-
12 lem-solving skills. Other benefits of attending diverse
13 schools include increased civic participation in a di-
14 verse global economy and increased likelihood of liv-
15 ing in integrated neighborhoods and holding jobs in
16 integrated workplaces as adults.

17 (8) Magnet schools have been effective in pro-
18 moting school diversity, especially when district de-
19 mographics along with magnet school design, struc-
20 ture, and focus (particularly the centering of school
21 integration in the school mission and the design for
22 family outreach) are a priority.

23 **SEC. 3. PURPOSE.**

24 The purpose of this Act is to amend the Magnet
25 Schools Assistance Program under part D of title IV of

1 the Elementary and Secondary Education Act of 1965 (20
2 U.S.C. 7231 et seq.)—

3 (1) to create a supplemental diversity grant for
4 aspiring magnet school programs to adopt effective
5 practices designed to further desegregation aims and
6 promote diversity; and

7 (2) to supplement voluntary State efforts to
8 promote inter-district diversity.

9 **SEC. 4. AMENDMENTS TO MAGNET SCHOOLS ASSISTANCE**
10 **PROGRAM.**

11 Part D of title IV of the Elementary and Secondary
12 Education Act of 1965 (20 U.S.C. 7231 et seq.) is amend-
13 ed—

14 (1) in section 4404, in the matter preceding
15 paragraph (1), by inserting “(except as provided
16 under section 4408A)” after “under this part”;

17 (2) in section 4405, in subsection (a), by insert-
18 ing “(except as provided under section 4408A)”
19 after “under this part”;

20 (3) in section 4406—

21 (A) in the matter preceding paragraph

22 (1)—

23 (i) by striking “In awarding” and in-
24 serting the following:

25 “(a) IN GENERAL.—In awarding”; and

1 (ii) by inserting “(except as provided
 2 under section 4408A)” after “under this
 3 part”;

4 (B) by striking (3);

5 (C) by redesignating paragraph (4) as
 6 paragraph (3);

7 (D) in paragraph (3), as redesignated by
 8 subparagraph (C), by striking the period at the
 9 end and inserting “; and”; and

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

11 “(4) propose to establish whole-school magnet
 12 schools through proposing to design and implement
 13 schools that incorporate integration into school de-
 14 sign, mission, structure, focus, and goals, over the
 15 placement of a specialized magnet program in a non-
 16 magnet public school;

17 “(5) propose to newly implement or continue
 18 the implementation of inter-district public school
 19 choice programs, and propose magnet schools con-
 20 structed or placed in a location that optimizes diver-
 21 sity and accessibility to transportation for low-in-
 22 come students;

23 “(6) propose to improve the diversity and per-
 24 formance of the local educational agency, consortium
 25 of local educational agencies, or State as a whole

1 versus focusing on improvements confined to an in-
 2 dividual school; or

3 “(7) propose to design and implement inclusive
 4 enrollment practices, such as utilizing weighted lot-
 5 teries and other inclusive and accessible practices
 6 that are consistent with the latest research and evi-
 7 dence-based practices identified by the Secretary.

8 “(b) PRIORITY FOR MEETING MULTIPLE CRI-
 9 TERIA.—In awarding grants under this part, the Secretary
 10 shall give additional priority to applicants that meet more
 11 than 1 criterion under subsection (a).”;

12 (4) in section 4407—

13 (A) in subsection (a), in the matter pre-
 14 ceding paragraph (1), by inserting “(except as
 15 provided under section 4408A)” after “under
 16 this part”;

17 (B) in subsection (b), by inserting “(except
 18 as provided under section 4408A)” after “under
 19 this part”; and

20 (C) by adding at the end the following:

21 “(c) TECHNICAL ASSISTANCE FOR NOVICE OR FIRST-
 22 TIME APPLICANTS.—

23 “(1) IN GENERAL.—An eligible local edu-
 24 cational agency, or consortium of such agencies, that
 25 is a novice or first-time applicant for a grant under

1 this part and receives a grant under this part may
 2 use not more than 1 percent of the grant funds for
 3 technical assistance in implementing the magnet
 4 school plan.

5 “(2) DEFINITION OF NOVICE.—In this sub-
 6 section, the term ‘novice’, when used with respect to
 7 an applicant, means as applicant that applied for a
 8 grant under this part previously but did not receive
 9 such a grant.”;

10 (5) in section 4408—

11 (A) in subsection (b), by inserting “(except
 12 as provided under section 4408A)” after “under
 13 this part”;

14 (B) in subsection (c), by inserting “(except
 15 as provided under section 4408A)” after “under
 16 this part”; and

17 (C) in subsection (d), by inserting “(except
 18 as provided under section 4408A)” after “under
 19 this part”; and

20 (6) by striking section 4409 and inserting the
 21 following:

1 **“SEC. 4409. AUTHORIZATION OF APPROPRIATIONS; RES-**
2 **ERVATION.**

3 “(a) AUTHORIZATION.—There are authorized to be
4 appropriated to carry out this part such sums as may be
5 necessary for fiscal years 2022 through 2025.

6 “(b) USE OF FUNDING.—From the total amount ap-
7 propriated under subsection (a) for any fiscal year, the
8 Secretary shall expend not less than \$109,000,000 to
9 carry out this part, except for section 4408A. The Sec-
10 retary may use any amounts appropriated under sub-
11 section (a) for a fiscal year that are in excess of
12 \$109,000,000 to carry out section 4408A.

13 “(c) RESERVATION FOR TECHNICAL ASSISTANCE.—
14 The Secretary may reserve not more than 1 percent of
15 the funds appropriated under subsection (a) for any fiscal
16 year to provide technical assistance and share best prac-
17 tices with respect to magnet school programs assisted
18 under this part.

19 “(d) AVAILABILITY OF FUNDS FOR GRANTS TO
20 AGENCIES NOT PREVIOUSLY ASSISTED.—In any fiscal
21 year for which the amount appropriated pursuant to sub-
22 section (a) exceeds \$75,000,000, the Secretary shall give
23 priority in using such amounts in excess of \$75,000,000
24 to awarding grants to local educational agencies or con-
25 sortia of such agencies that did not receive a grant under
26 this part in the preceding fiscal year.”.

1 **SEC. 5. MAGNET SCHOOLS ASSISTANCE PROGRAM SUPPLE-**
 2 **MENTAL DIVERSITY GRANT.**

3 Part D of title IV of the Elementary and Secondary
 4 Education Act of 1965 (20 U.S.C. 7231 et seq.) is amend-
 5 ed by inserting after section 4408 the following:

6 **“SEC. 4408A. SUPPLEMENTAL DIVERSITY GRANTS.**

7 “(a) IN GENERAL.—The Secretary, in accordance
 8 with this section, is authorized to award grants to eligible
 9 entities—

10 “(1) that have not received a grant under this
 11 part during the 3-year period preceding the date of
 12 the grant award under this section; and

13 “(2) that are looking to adopt additional effec-
 14 tive, evidence-based practices designed to further de-
 15 segregation aims and promote diversity.

16 “(b) ELIGIBILITY, APPLICATION, AND OTHER RE-
 17 QUIREMENTS.—

18 “(1) ELIGIBILITY.—For the purposes of this
 19 section, the term ‘eligible entity’ means a local edu-
 20 cational agency, consortium of such agencies, or
 21 State educational agency, including an agency or
 22 consortium that is described in paragraph (1) or (2)
 23 of section 4404.

24 “(2) APPLICATIONS.—An eligible entity desiring
 25 to receive a grant under this section shall submit an
 26 application to the Secretary at such time, in such

1 manner, and containing such information and assur-
2 ances as the Secretary may reasonably require.

3 “(3) INFORMATION AND ASSURANCES.—Each
4 application submitted under paragraph (1) shall in-
5 clude—

6 “(A) a description of—

7 “(i) how a grant awarded under this
8 section will be used to promote socio-
9 economic and racial integration, and imple-
10 ment evidence-based practices, including
11 any evidence, or if such evidence is not
12 available, a rationale based upon current
13 research findings, to support the grant
14 promoting socioeconomic and racial inte-
15 gration;

16 “(ii) how the applicant will construct
17 inclusive enrollment practices, such as uti-
18 lizing weighted lotteries and other inclusive
19 and accessible practices that are consistent
20 with the latest research and evidence-based
21 practices identified by the Secretary;

22 “(iii) whether the applicant—

23 “(I) has ever engaged in any vol-
24 untary desegregation effort, and to
25 what extent such efforts have in-

1 creased student diversity and de-
2 creased racial or socioeconomic isola-
3 tion in schools served by such appli-
4 cant; and

5 “(II) is engaged in any voluntary
6 desegregation effort on the date of
7 submitting the application, and to
8 what extent;

9 “(iv) how the applicant will ensure
10 that families from a multitude of racial,
11 ethnic, socioeconomic, and linguistic back-
12 grounds are aware of magnet schools and
13 the application process, including a de-
14 scription of—

15 “(I) the variety of platforms
16 (such as social media, print, tele-
17 vision, and radio) the applicant will
18 use to make families aware of magnet
19 schools and the application process;

20 “(II) the language spoken by stu-
21 dents and families in the region the
22 applicant covers and how the appli-
23 cant will make information on magnet
24 schools and the application process
25 available in these languages; and

1 “(III) how to enter a lottery or
2 other inclusive enrollment pool for
3 magnet schools;

4 “(v) the manner and extent to which
5 the proposed activities will increase student
6 academic achievement in the instructional
7 area offered by the school, including any
8 evidence, or if such evidence is not avail-
9 able, a rationale based on current research
10 findings, to support the activities increas-
11 ing student academic achievement;

12 “(vi) how the applicant will support
13 the social and emotional learning of stu-
14 dents;

15 “(vii) how the applicant will imple-
16 ment restorative school discipline policies
17 that reduce the use of suspension and ex-
18 pulsion and improve overall school climate;

19 “(viii) how the applicant will assess,
20 monitor, and evaluate the impact of the ac-
21 tivities funded under this section on stu-
22 dent achievement, integration, and overall
23 school climate by developing a data plan
24 that—

1 “(I) is aligned to a clear vision
2 for equity, with specific criteria for
3 determining racial or socioeconomic
4 segregation and a target for reducing
5 these conditions;

6 “(II) monitors the goal of reduc-
7 ing racial segregation by tracking
8 multiple measures of success (includ-
9 ing by enrollment, graduation rates,
10 academic achievement, academic
11 growth, and social-emotional out-
12 comes);

13 “(III) disaggregates data across
14 subgroups of students, as defined in
15 section 1111(c)(2); and

16 “(IV) ensures data collected are
17 accessible, with opportunities to in-
18 clude stakeholder feedback in a timely
19 manner;

20 “(ix) how grant funds under this sec-
21 tion will be used to—

22 “(I) improve student academic
23 achievement for all students attending
24 the magnet school programs;

1 “(II) close historic opportunity
 2 and achievement gaps between each of
 3 the subgroups of students, defined in
 4 section 1111(c)(2), attending the
 5 magnet school programs; and

6 “(III) implement services and ac-
 7 tivities that are consistent with other
 8 programs under this Act, as appro-
 9 priate; and

10 “(x) how the magnet program funded
 11 by the grant will improve the overall qual-
 12 ity of the school district the program is
 13 housed within; and

14 “(B) the same assurances described in sec-
 15 tion 4405(b)(2).

16 “(4) APPLICATIONS FROM STATE EDUCATIONAL
 17 AGENCIES.—A State educational agency that sub-
 18 mits an application under paragraph (1) shall de-
 19 scribe how, specifically, the State views magnet
 20 schools as a solution to promote integration in the
 21 State.

22 “(c) PRIORITY.—

23 “(1) IN GENERAL.—In awarding grants under
 24 this section, the Secretary shall give priority to ap-
 25 plicants that—

1 “(A) have integration embedded into
2 school design, mission, structure, focus, and
3 goals;

4 “(B) propose to design and implement in-
5 clusive enrollment practices, such as utilizing
6 weighted lotteries and other inclusive and acces-
7 sible practices that are consistent with the lat-
8 est research and evidence-based practices iden-
9 tified by the Secretary;

10 “(C) continue to experience pronounced
11 disparities in educational opportunities between
12 each of the subgroups of students, defined in
13 section 1111(c)(2), and propose to use funds to
14 carry out evidence-based practices to reduce
15 such disparities;

16 “(D) demonstrate a commitment to fur-
17 thering inter-district diversity through partner-
18 ships with neighboring local educational agen-
19 cies in States that allow for these types of part-
20 nerships;

21 “(E) demonstrate the provision of free and
22 accessible transportation for students to attend
23 the magnet school programs served by such
24 grant funds; or

1 “(F) demonstrate a commitment to au-
 2 thetically engaging families and community
 3 members from a multitude of racial, ethnic, so-
 4 cioeconomic, and linguistic backgrounds at all
 5 stages in the magnet program’s development
 6 and operations.

7 “(2) PRIORITY FOR MEETING MULTIPLE CRI-
 8 TERIA.—In awarding grants under this section, the
 9 Secretary shall give additional priority to applicants
 10 that meet more than 1 criterion under paragraph
 11 (1).

12 “(d) USE OF FUNDS.—Grant funds made available
 13 under this section may be used by an eligible entity to
 14 support any of the following:

15 “(1) Activities that promote socioeconomic and
 16 racial integration in schools, including evidence-
 17 based practices to increase student diversity and de-
 18 crease racial or socioeconomic isolation in schools,
 19 such as—

20 “(A) providing for ongoing data collection
 21 and evaluation activities to promote continuous
 22 improvement that ensures fidelity of magnet
 23 implementation;

24 “(B) developing and refining diversity
 25 goals for magnet school enrollment; and

1 “(C) ensuring student recruitment for
2 magnet schools includes students in public
3 housing within the boundaries of the school dis-
4 trict, if it exists.

5 “(2) Activities that increase the capacity of ex-
6 isting facilities to house specialized magnet pro-
7 grams or convert entirely to magnet schools, such
8 as—

9 “(A) providing not more than 15 percent
10 of the grant funds for making infrastructure
11 improvements and necessary equipment pur-
12 chases to enable an existing public school facil-
13 ity to effectively develop, implement, and oper-
14 ate a thematic magnet school program; and

15 “(B) allowing existing facilities or schools
16 to transition entirely to a magnet school rather
17 than a traditional school housing a magnet pro-
18 gram.

19 “(3) Enrollment management activities that
20 promote a more diverse classroom and safe learning
21 environment, such as—

22 “(A) supporting enhanced selection and re-
23 cruitment materials and activities (including
24 parent tours, open houses, and revised mar-
25 keting materials);

1 “(B) providing free and accessible trans-
2 portation for students to attend the magnet
3 school; and

4 “(C) funding an individual employed by
5 the eligible entity to devote at least a majority
6 of the employee’s time to enrollment activities,
7 including reaching underserved communities to
8 support the school’s diversity goals.

9 “(4) Activities that strengthen the educator
10 pipeline for magnet school programs, such as—

11 “(A) forging partnerships with nearby in-
12 stitutions of higher education with comprehen-
13 sive educator preparation programs that incor-
14 porate extensive clinical practice and experi-
15 ence, including historically Black colleges and
16 universities, Tribal Colleges and Universities,
17 and other minority-serving institutions, to re-
18 cruit educators with a stated desire to work in
19 a magnet program served by the eligible entity;
20 and

21 “(B) hiring prospective educators who are
22 instructional area specialists, defined as edu-
23 cators with a specialized knowledge of an in-
24 structional area that is gained over not less
25 than 10 years of work experience in a relevant

1 field, to teach at magnet programs served by
2 the eligible entity.

3 “(5) Activities that support a rigorous, well-
4 rounded curriculum and high-quality instruction,
5 such as—

6 “(A) providing ongoing professional devel-
7 opment to educators, principals, other school
8 leaders, specialized instructional support per-
9 sonnel, and other staff (such as cultural com-
10 petency training, job-embedded coaching, social
11 and emotional learning, activities that support
12 college, career, and life readiness, and other ac-
13 tivities);

14 “(B) creating culturally responsive teach-
15 ing and learning environments;

16 “(C) offering school staff members oppor-
17 tunities for networking and attending con-
18 ferences;

19 “(D) encouraging theme integration
20 throughout the curriculum and curriculum writ-
21 ing;

22 “(E) updating equipment and resources,
23 such as by utilizing supplemental materials to
24 enhance and enrich the magnet theme and de-

1 veloping multiple assessments to engage dif-
2 ferent types of learners; and

3 “(F) developing and implementing oppor-
4 tunities for students to participate in experien-
5 tial learning, including through field trips and
6 meaningful project-based learning.

7 “(6) Activities that support family engagement,
8 such as—

9 “(A) planning community events specifi-
10 cally geared toward supporting low-income fam-
11 ilies, such as through purchasing food, pro-
12 viding subsidies or passes for local public trans-
13 portation services, and providing subsidies for
14 child care services while parents are engaging
15 with the magnet school;

16 “(B) establishing schools housing magnet
17 programs as centerpieces of their community
18 through outreach and wraparound services;

19 “(C) creating a community advisory board,
20 demographically reflective of both the local com-
21 munity where the magnet school is located and
22 the broader community of students planning to
23 attend the magnet school, to assist the magnet
24 school in providing support and guidance in the

1 selection and implementation of their respective
2 theme;

3 “(D) providing opportunities for families to
4 participate in exploration of the magnet theme,
5 guest speaker presentations, and author visits;
6 and

7 “(E) inviting parents to be a part of the
8 recruitment team that helps promote the mag-
9 net program.

10 “(7) Strengthening partnerships in the commu-
11 nity, such as developing community partnerships
12 with businesses, health and human services agencies,
13 and other entities that enhance and support the
14 magnet theme and provide rich learning and edu-
15 cational experiences for students.

16 “(8) Activities that support inter-district or re-
17 gional integration, such as—

18 “(A) collaborating with urban and subur-
19 ban districts in a comprehensive regional plan;

20 “(B) providing financial incentives to help
21 receiving schools cover the cost of transferring
22 students;

23 “(C) creating a clear vision for equity that
24 includes a set of goals and benchmarks, which
25 are responsive to realistic timelines and local

1 factors, for achieving greater diversity, edu-
 2 cational quality, and equity for targeted student
 3 subgroups that are specific to the region;

4 “(D) establishing a measurable definition
 5 of and means to reduce racial isolation at
 6 school and classroom levels;

7 “(E) investing in regional magnet pro-
 8 grams, capital improvements, and educator pro-
 9 fessional development that raise the quality of
 10 schooling options available in all districts;

11 “(F) developing marketing campaigns that
 12 build strong and accessible systems of public in-
 13 formation around schooling options; and

14 “(G) offering services for transfer students
 15 and families that include transportation, school
 16 counseling, and family liaisons.

17 “(9) Activities that support the implementation
 18 of restorative discipline policies that reduce the use
 19 of suspension and expulsion and improve overall
 20 school climate.

21 “(e) PROHIBITION.—The Secretary shall not award
 22 a grant under this section to an eligible entity that plans
 23 to establish, or has in place, application fees or admissions
 24 criteria related to fees.

25 “(f) LIMITATIONS.—

1 “(1) DURATION OF AWARDS.—A grant under
2 this section shall be awarded for a period that shall
3 not exceed 5 fiscal years.

4 “(2) AMOUNT.—No grant awarded under this
5 section to an eligible entity shall exceed \$7,500,000
6 for the grant period.

7 “(g) REPORTING AND ACCOUNTABILITY.—

8 “(1) REPORTS.—Each eligible entity that re-
9 ceives a grant under this section shall, on an annual
10 basis, prepare and submit a report to the Secretary
11 containing information about—

12 “(A) how the grant funds were used;

13 “(B) how the grant recipient widely dis-
14 tributed information about the magnet school
15 funded by the grant in an accessible manner;

16 “(C) the immediate and projected near-
17 term impact, over the remaining period of the
18 grant, that the grant funds had and will have
19 on increasing socioeconomic or racial diversity,
20 or both, in schools served by the eligible entity,
21 or in magnet school programs served by such
22 entity, or both;

23 “(D) how, if applicable, the grant funds
24 fostered inter-district diversity;

1 “(E) how the grant funds increased stu-
2 dent academic achievement in the instructional
3 area offered by the magnet school or local edu-
4 cational agency, or both;

5 “(F) how the grant funds improved aca-
6 demic achievement of all students across all
7 subjects in schools served by the eligible entity;

8 “(G) how the grant funds improved stu-
9 dents’ access to well-rounded curriculum and
10 prepared, qualified educators; and

11 “(H) how the grant funds improved the
12 quality of education for students attending the
13 magnet school program or schools served by the
14 eligible entity, or both, measured by a tangible
15 increase in access to other opportunities out-
16 lined in subsection (b)(2).

17 “(2) MAKING REPORTS PUBLIC.—The Secretary
18 shall, on an annual basis, make public the reports
19 received under paragraph (1).

20 “(3) ACCOUNTABILITY.—

21 “(A) IN GENERAL.—The Secretary shall
22 pursue enforcement actions against a grant re-
23 cipient under this section that fails to dem-
24 onstrate the improvements described in sub-
25 paragraphs (C) through (H) of paragraph (1).

1 “(B) WRITTEN NOTICE OF CONCERNS.—

2 “(i) IN GENERAL.—In a case in which
3 the Secretary determines that it is not
4 clear that grant funds awarded under this
5 section to a grant recipient are making a
6 tangible and noticeable improvement in the
7 areas described in subparagraphs (C)
8 through (H) of paragraph (1), the Sec-
9 retary shall, after 2 fiscal years, provide a
10 written notice to the grant recipient con-
11 taining the Secretary’s concerns regarding
12 the recipient’s use of grant funds.

13 “(ii) RESPONSE.—A grant recipient
14 that receives a written notice under clause
15 (i) shall, not later than 90 days after the
16 date of receipt of the notice, submit to the
17 Secretary a plan for addressing the Sec-
18 retary’s concerns not later than 1 year
19 after the date of receipt of the notice.

20 “(C) FAILURE TO DEMONSTRATE IM-
21 PROVEMENTS.—In a case in which the Sec-
22 retary determines that a grant recipient has not
23 addressed the Secretary’s concerns in accord-
24 ance with subparagraph (B)(ii), the Secretary

1 shall provide a written notice to the grant re-
2 cipient—

3 “(i) to return the remainder of the
4 grant funds not later than 90 days after
5 the date of receipt of the written notice; or

6 “(ii) if the grant awarded to the re-
7 cipient is disbursed on an annual basis,
8 that the recipient will no longer receive a
9 grant under this section.”.

○